SUDAN: U.S. POLICY AND IMPLEMENTATION OF THE COMPREHENSIVE PEACE AGREEMENT

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SUDAN: U.S. POLICY AND IMPLEMENTATION OF THE COMPREHENSIVE PEACE AGREEMENT

WEDNESDAY, JULY 29, 2009

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA AND GLOBAL HEALTH,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 6:20 p.m., in room 2200, Rayburn House Office Building, Hon. Donald Payne (chairman of the subcommittee) presiding.

Mr. PAYNE. Let me first of all express my appreciation for all of you who have so patiently waited. It shows how important and how much interest there is in Sudan and the United States policy implementations of the Comprehensive Peace Agreement, which is the subject for this hearing today.

As you know, there was a chemical situation in the Longworth Building and, therefore, not allowing you to go in. So we fortunately were able to get here, but we don't have everything that we would normally have.

However, we will move forward. Let me first of all, welcome all of you here to this very important and timely hearing on Sudan. Let me also express my deep appreciation to the witnesses, who are certainly among the most knowledgeable people on Sudan. Friends of Sudan, this coming Friday marks the fourth anniversary of the untimely death our good friend, the late der John Garang.

Let us also remember a number of other good friends who died on that crash, including a Commander Ali.

Despite the many efforts made over the years to bring about a just and lasting peace in Sudan, the people of Sudan continue to suffer under the brutal dictatorship of the NCP government. The people of Sudan and the international community sincerely hoped that the signing of the Comprehensive Peace Agreement would bring about the much desired goal of peace and security. The hope and expectations of the Sudanese have been crushed repeatedly by a regime at war with its own people. It was just 1 year ago that the NCP militia burned the town of Abyei.

For some observers and U.S. policy critics, the U.S. policy is too focused on punitive measures they say. The fact of the matter is if one looks closely at our policy over the past two decades, the U.S. has never disengaged in its activities. That is why we have had more special envoys appointed to Sudan than any other country in

Africa. In the last 5 years alone we have had five different special envoys to Sudan.

For those who pushed for a policy of appeasement, believing that there are some moderates within the NIF government, it has been proven wrong many times. It is important that we don't confuse a policy of appeasement with that of engagement. Moreover, a policy of engagement without pressure will not work.

During the 21-year civil war in South Sudan, the United States provided humanitarian assistance but also maintained a relationship with successive governments in Sudan. We are helping the people of Darfur, yet we have failed to end their suffering. We continue to push for a peace agreement in Darfur, yet we have ignored the plight of the 2 million displaced. In fact, the United Nations officials and some U.S. officials are saying that, since fewer people are being killed now, conditions have improved; there is no longer genocide.

In Rwanda, an estimated 1 million people died in less than 100 days, 15 years ago. We did not even want to call that genocide by its rightful name, let alone intervene to end it. And we all remember that and those of us—Mr. Smith and others that were on the committee—agonized during that period. I said a few years ago, if Rwanda was a black mark on our conscious, Darfur is a cancer that will destroy the moral fiber of our society.

Unfortunately, we have some people ready to embrace the same criminals and killers who committed these atrocities in Darfur, South Sudan and other parts of the country. In fact, a man who led the NCP delegation to the CPA conference here in Washington last month is the same man who was not allowed to enter the United States for many years for security reasons. He is also the same man who engaged and helped transport the terrorists who were engaged in the assassination attempt of Egyptian President Hosni Mubarak. He had the privilege to come to the United States last month.

The current regime only responds to real pressure. The Clinton and Bush administrations imposed comprehensive economic and trade sanctions over the past decade. The impact of these sanctions are mixed. But the Government of Sudan has survived years of sanctions imposed by the United States and the United Nations.

However, this does not mean the sanctions did not yield positive results. I strongly believe that the NCP is incapable of changing its ideology and behavior. A regime change in Khartoum could bring a swift end to the crisis in Darfur, help implement the North-South Agreement and then the regime support to extremist terrorist groups.

Another important measure we should take is the strengthening of the Sudanese People's Liberation Army, the SPLA. The Government of South Sudan is a staunch ally of the United States. The SPLA is a formidable force. Strengthening the SPLA could serve as a guarantor for peace in Sudan and the region. The SPLA is strong but requires support, an air defense system, and air power.

Moreover, we should help and strengthen other democratic forces in Sudan. Most important, we must not ignore the importance of accountability to a just and lasting peace. Without justice, there is no peace.

I welcome our distinguished panel, Roger Winter, Richard Williamson, John Prendergast and Pa'gan Amum Okiech, and thank them for joining us today, especially Mr. Okeich for travelling all the way from Sudan to be at this hearing.

I will dispense from reading of the bios because of time, and secondly, they are not here. They are at the other site. So, with that, I will now turn it over to our ranking member, Mr. Smith, for an opening statement.

Mr. SMITH. Thank you, Mr. Chairman, for calling this very important hearing on the critical and timely issue of the Sudan Comprehensive Peace Agreement. We are again at a very sensitive period in the implementation of this agreement of peace. Not only in the north and south of the country, but also in Darfur and throughout the region depends on this success. The stakes in having a clear and coordinated U.S. policy with respect to Sudan could not be higher.

We are dealing with a regime that has been in power following a coup d'état in Khartoum now for 20 years. And we are threatened with the possible unraveling of the CPA signed in 2005 in a war in which some 2 million Sudanese were brutally killed and 4 million displaced in the south.

Following that aggression, General Omar Hassan Bashir turned his wrath on the innocent people of Darfur and has inflicted some 300,000 to 450,000 deaths and displaced another 3 million from their homes. Just last evening, I am happy to say, the House unanimously passed a resolution recognizing the 5th year since the declaration by the United States Congress of genocide in Darfur. And, of course, it was bipartisan, and it was unanimous.

Mr. Chairman, as you know, I met with President Bashir personally in Khartoum. His attitude was incredibly cold, harsh, and calculating. And his only concern, only concern in an almost 2-hour meeting, was in pressuring the United States to lift the sanctions.

I asked him, Mr. President, when was the last time—let me correct that—when was the first time you visited the camps in Darfur and saw the unspeakable suffering that people were enduring as a result of your enabling of the Janjaweed?

I have also met the deeply grieved refugees in Mukjar and Kalma camps. And they desperately need the United States to play a leadership role in rescuing them from their tragic situation. Therefore, we urgently need an informed coherent strategy to motivate the parties to honor their respective obligations and to implement the CPA. That strategy must be in the context of a border policy with respect to increasing the capacity of the Government of South Sudan in anticipation of the 2011 referendum.

I and others here in Congress are actually awaiting that strategy from the administration, and hopefully soon they will be here to testify in open meeting to give us that information. It is also apparent that we cannot resolve the complex situation of the Sudan alone. China is recognized as the only government capable of exerting meaningful influence over the regime in Khartoum. Beijing has invested more than $10 billion in Sudan and imports between 60 and 70 percent of Sudan's total oil production, is engaging oil exploration in Sudan, and is Sudan's most prominent and most important economic trading power. And yet China has failed to use

its economic and diplomatic leverage with Sudan to compel the regime to abandon its genocidal policy in Darfur or to take meaningful steps to implement the CPA.

As a matter of fact, it has been complicit; it has been the enabler in chief of genocide. And this week, I am sorry to say, at least it was in public if they did, as U.S. officials met with the Beijing representatives discussing monetary issues and economic issues, where was the discussion on Darfur and what China ought to be doing and could be doing, even this late in the game, if it wanted to mitigate some of the misery that they have had a hand in fomenting?

Other countries and China in particular must receive a clear signal from the United States, however, that peace in Sudan is a priority. And again, I think we missed an opportunity again this week to clearly and unambiguously lay that before them.

The views of our distinguished witnesses with us today, and they are truly distinguished witnesses, all of whom who know intimately the problems and have very viable solutions to recommend; they hopefully will be listened to not just by this committee but also by State Department and all players as they are involved with this important issue.

So I thank you again, Mr. Chairman. I join you in apologizing to our distinguished panel and all here for this delay, but delay is not denial in this hearing, and I thank for your leadership, and we will go on.

Mr. PAYNE. Thank you very much.

Because of the lateness of the hour, I would ask other members who have opening statements if they would submit it for the record, without objection.

And because of the lateness of the hour, we could then move into our first witness, who we would ask if, under the Rules of the House, foreign participants in many instances or representatives of another government or U.N. technically are briefing us. So the only difference is that this is—we are being briefed so that we are in the Rules of the House. Everything else will be the same.

So at this time, I would ask our first witness, Pa'gan Amum Okiech if he would come forward and we will hear his testimony.

Mr. Okiech, I get better as the meeting goes on.[Discussion off record.]

Mr. PAYNE. Now the hearing will officially come to order. Remember, that was a briefing, just for the record again.

And we will call the witnesses, please: Mr. Roger Winter, Mr. John Prendergast, and Mr. Ambassador Williamson.

As they come forward, and they are taking their seats, I will just give you a little background about each one.

Our first witness will be Mr. Roger Winter. Mr. Winter began work in Sudan in 1981. He served as a special representative on Sudan. He was a Deputy Secretary of State negotiator in Abuja on the failed Darfur peace agreement. He did work hard on that, though.

Mr. Winter is also former assistant administrator of USAID, where he was a negotiator on the Comprehensive Peace Agreement. For over 20 years, Mr. Winter served as an executive director of the nonprofit U.S. Committee for Refugee Work in Sudan.

And Mr. Winter certainly was one of the most renowned and admired experts on work with refugees. And the work that he did with the NGOs for those 20 years helped save the lives of many, many people even before he entered the government.

So we appreciate you and all that you have done.

Our second witness will be Ambassador Richard S. Williamson, who is a partner in the international law firm of Winston & Strawn LLP. Ambassador Williamson has a wide range of government experience. He recently completed an assignment as the President's special envoy to Sudan. Earlier, he served in the Reagan White House as a special assistant to the President and deputy to the chief of staff and then on the White House senior staff as assistant to the President for intergovernmental affairs.

His many diplomatic posts have included serving as Ambassador to the United Nations office in Vienna, Assistant Secretary of State for International Organization Affairs, Ambassador to the United Nations for Special Political Affairs, and Ambassador to the United Nations Commission on Human Rights.

Ambassador Williamson received his B.A. cum laude from Princeton University and his JD from the University of Virginia School of Law.

And, finally, we will have as our witness Mr. John Prendergast. Mr. Prendergast is co-founder of the Enough Project, an initiative to end genocide and crimes against humanity. During the Clinton administration, Mr. Prendergast was involved in a number of peace processes in Africa, while he directed African Affairs at the National Security Council and special envoy at the Department of State.

He has authored eight books on Africa, including "Not on My Watch," a New York Times bestseller that he co-authored with Don Cheadle. The co-authored work was named the NAACP nonfiction book of the year.

With NBA stars Tracy McGrady and Derek Fisher, he co-founded the Darfur Dream Team Sisters Schools Program, which connects schools in the United States with schools in Darfur and refugee camps. And these NBA stars are the prime movers of that movement.

He also helped create the Raise Hope for Congo campaign aimed at ending violence against women and girls in the Congo.

Mr. Prendergast travels regularly to African war zones on fact-finding missions, peace-making initiatives, and awareness-raising trips. And he has been in Vogue—what was that magazine? Vanity Fair. But will soon be seen, I believe, on "60 Minutes," is it, Mr. Prendergast? Doing a "60 Minutes," which will—he might mention to us when it will air.

So he certainly is a person that we have a lot of respect for. He has done fantastic work involving high-profile people to help to raise awareness, which is always very helpful in issues like this.

Mr. Winter?

STATEMENT OF MR. ROGER P. WINTER (FORMER UNITED STATES SPECIAL REPRESENTATIVE ON SUDAN TO DEPUTY SECRETARY OF STATE)

Mr. WINTER. Yes, sir. Thank you both for having me here today. Since the statement has been submitted for the record, I won't go through it all. I would like to make about five points, primarily about the South.

First, I want to point out, although I think both of you know, who it is we are negotiating with when we negotiate with this National Congress Party team.

All of these men have worked for Bashir since the coup in 1989. All of them have had dealings with American special envoys, however many that total of envoys has been. They know us very well. They are used to getting away with murder, because they have been able to do it with us over a long period of time.

The team that was coming here was going to be led by Salah Gosh, at one point. And then it was decided that he is too much of a character, problematic, and he was set aside. The next one that was going to lead the team was Nafie Ali Nafie. Nafie Ali Nafie was the intelligence and security chief for the government in Khartoum at the time that Osama bin Laden got his start in Sudan. And we know what the consequences of that are. Well, they set him aside, and he didn't come as the leader of that team.

So we wound up with Ghazi, Ghazi Saladeen. Now, Ghazi Saladeen is a very slick character. I know him quite well because we dealt with him a great deal during the Nivasha negotiations. He has a terrible record that wasn't sufficient to bounce him from leading the team that came here.

I want to tell you just a quick story of my personal experience with him. When we were, at the behest of former Senator Jack Danforth, who was then the special envoy, in the fall of 2001 I was, in October and November and December, along with another gentleman from the State Department, left behind to work out the beginnings of what was going to be the process the U.S. engaged in that became the CPA. And, at a certain point, we got reports about a substantial number of killings within the Nuba Mountains in which we had negotiated a cease-fire agreement.

So the two of us Americans went to see Ghazi, because he was the point person for President Bashir at the time. We went to Ghazi and we explained to him that we had reports that 22 men had been executed in the Nuba Mountains because of suspected sympathies with the SPLM.

We presented the information we had to Ghazi. He sat there for a moment. He stroked his beard. And he said, "It is not a problem." We said, "What do you mean it is not a problem? There are 22 dead men." He said, "It is not a problem. We have agreed with the Americans that we will have a cease-fire with the SPLA in the Nuba Mountains. That hasn't changed. What has been killed are 22 civilians. So it is not a problem."

This is the kind of splitting and misuse of words that these guys engage in with regularity. I say they are used to getting away with murder, and they continue to do so.

The point I want to make is, with the kind of track record of people that the NCP has in its leadership, it is important to keep in

mind that nobody in Pa'gan Amum's SPLM has such a track record. There is no track record of killing people like that, executing people like that. There have been things that have happened during the war, but that is not the kind of thing that the SPLM leadership tolerates or agrees with in any way, shape, or form.

Now, the problem I think we all see right now with the process that is going on under our special envoy is not engagement per se. We have to engage with Khartoum. It is the only way to at least try to make progress. The problem is we seem to be making love to Khartoum. That is the problem.

What we see is an uneven process, an unequal process, in which we focus most of our attention on the National Congress Party. And there are very short times in which we actually engage with the SPLM or the Government of Southern Sudan in Juba. And so it is a very unequal thing.

And the problem is that we seem to have a proliferation of carrots and potential carrots that we are prepared to offer to Khartoum, but where are the sticks? Where are the sticks?

What we know and what you have heard a little earlier in this testimony is my belief that I can document that the National Congress Party, since this whole peace process began, has a perfect record: They have violated consistently 100 percent of the time the agreements that they have agreed to.

And so, carrots are fine when there is proof of actual change of behavior. But sticks are also called for when they make an agreement with us or they make an agreement with the SPLM or any other reputable party and then they violate it. If there are no sticks, there will be no successful peace process. And I think that is a flaw that we are seeing in the process as it is moving forward right now.

It is also the case that the way that the process is moving forward, it is under wraps. It is almost secretive. We don't actually know clearly what is happening, what agreements are being made. It is not in the public view.

And so, I think these are the kinds of problems that I see with the process right now.

Now, there is a lot of talk about what the future of South Sudan would be. And there is, in the CPA itself, the issue of unity and the issue of possible separation. I think it is totally clear that there is no possibility any longer for unity if, in fact, the people of South Sudan actually get their choice, as they have been promised.

I think Bashir and the National Congress Party have killed any possibility of unity. And the fact is, we only have perhaps 18 months left before the referendum, and there isn't time to make up for the misbehavior that they have already engaged in.

So there are, in my view, only two options that are acceptable to the people of South Sudan.

One is, by a free and fair referendum, they opt to become an independent state. If Khartoum continues to obstruct, as, for example, the National Congress Party in the national legislature has done, saying they will not enact a referendum law to empower and enable a referendum to actually happen, if they continue to do that kind of obstruction, I think what we are likely to see as the alter-

native to a free and fair election is a unilateral declaration of independence by the South.

I hope it doesn't come to that. I hope the process actually works. But I don't think we have any reason to believe the NCP will follow through on the referendum process.

I would like to speak to the issue of the problems that are often cited and discussed in diplomatic circles, the problems of the possibility that if, in fact, the South chooses, by whatever means, for separation, that it will constitute a failed state.

And that is put before us as a sort of threat, a reason to not pursue with vigor a free and fair referendum. But who really is the failed state? I want to talk about that for a moment.

Now, in the case of the South, we have a government that has existed Pa'gan said 4 years, I count 55 months or so. In the 20 years I was the head of the U.S. Committee for Refugees, I was involved in every human rights and humanitarian disaster in the world. I did the same thing as the Humanitarian Assistant Administrator for USAID.

There was, coming into 2004 and 2005, no more destroyed place in the entire world, I am telling you—that is what my job was for 25 years or so, is to know and understand—South Sudan was the most destroyed place in the world. And what you have in the South right now is terribly imperfect, but it is an improvement drastically of services to people, health services, education services, and a whole variety of things that they desperately need to reconstruct Southern society.

So, if you have a government that genuinely intends to develop its population, then it seems to me, when we look at issues of weak governance, issues of corruption, issues of civil violence, and we contrast that with 3 million dead between the South and Darfur in war caused by Khartoum, we look at the corruption that Khartoum itself has engaged in—it controls virtually the entire economy in northern Sudan, at this point. And if we look at the issue of civil violence and recognize that much of the civil violence that occurs in the South, as Pa'gan Amum has indicated, is actually fostered and stimulated by Khartoum, then what, really, are we worrying about in terms of the South being a failed state?

Yes, it has some corruption. Yes, it has some weaknesses in governments. Yes, there is some civil violence. None of those things are things that they desire. But the deaths of large numbers of people are something Khartoum has done. The corruption that has given them control of the economy of the north—all of those kinds of things are the policy of the National Congress Party.

So there is a major difference. There is no comparison whatsoever between the weaknesses that there may exist in the Government of Southern Sudan and the policy of destruction and death that has been the way Khartoum has actually functioned. That is very important.

They have come a long way in the South in 55 months from being the most destroyed country in the world. So don't let people sell you a bill of goods that this is a government and a society that can't make it. It can, and it is already better than the government that exists in Khartoum.

Lastly, I would like to say that the SPLM, the people of the SPLM are democrats. I don't mean Democrats versus Republicans. I mean democrats in the sense that they wish to have a democratic country. They respect the kind of approach to governance that is taken in the United States of America.

And so, the point I want to make is that the kind of weaknesses that exist in the Government of South Sudan are weaknesses that can be overcome. And, therefore, what I would suggest—and I really suggest this Congress push on this—that, in the 18 months remaining, that what we do is embrace the South, we partner with them, we come alongside them, we help them overcome the weaknesses that do exist in the government.

They want that to happen, and I am suggesting that we should want to have that to happen, too. Because, ultimately, fostering democracy and fostering the development of the civil population are in our interests. That is what we should do, and not worry too much about the phony stories that we hear about with regularity.

Thank you.

[The prepared statement of Mr. Winter follows:]

Statement of
Roger P. Winter
Former Special Representative on Sudan
Before the House Committee on Foreign Affairs
Subcommittee on Africa and Global Health
July 29, 2009

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 honesty 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 31st 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 31st 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.

Mr. PAYNE. Thank you very much.

Ambassador Williamson?

STATEMENT OF THE HONORABLE RICHARD S. WILLIAMSON, PARTNER, WINSTON & STRAWN LLP (FORMER SPECIAL ENVOY TO SUDAN AND AMBASSADOR TO THE U.N. COMMISSION ON HUMAN RIGHTS)

Ambassador WILLIAMSON. Thank you, Mr. Chairman and the other members of the committee. I also want to thank Chairman Payne and Congressman Smith for your deep interest in this issue and your support for me during my tenure as the special envoy.

I also want to take this opportunity to thank Pa'gan Amum, Roger, and John for what they have done; and note, since this doesn't seem to be necessarily the view of the government at all times, that during my tenure the fact that the advocacy community, the human rights community, the humanitarian community were deeply involved, knowledgeable, and sometimes, to my regret, critical of me was a good thing. And the administration should be open to a full dialogue with these communities, who are knowledgeable, who bring different perspectives and different experiences, because it improves the process, just like a free and open dialogue with Members of Congress.

The long North-South war was horrific. I will not go through the details of my written statement, which will be accepted in the record. But let me just touch on a few points.

The North-South war was a great tragedy, and it was prosecuted with brutality. The United States worked with focus to try to advance the Comprehensive Peace Agreement. Roger Winter and Charlie Snyder and others, with Special Envoy Danforth, did a heroic job, and it is a great achievement.

But, like all agreements to end long, brutal, messy wars, it is imperfect. The 6-year implementation stage meant that both sides have plenty of opportunity to try to change facts on the ground to renegotiate aspects of it. And we have seen work that has been done, especially by the north, that has been destructive in that regard.

The U.S. also has an interest in Darfur, and these are linked. If the CPA collapses, it is my opinion that there will be no opportunity for progress in Darfur. The CPA has several stress points, and the fundamental question is, does Khartoum intend to implement it?

We recently had the Permanent Arbitration Tribunal in The Hague's decision on the Abyei border. This was required because Khartoum did not live up to its commitment to accept the decision of the Abyei Border Commission. That being what it is, it is progress that an Abyei board of demarcation has been made, and

both Khartoum and Juba have expressed their willingness to follow it.

But there are problems that have not been fulfilled with respect to CPA implementation dealing with disarming militia, redeploying Sudan Armed Forces, the final border beyond Abyei, laws for the environment to be such that you can have a free and fair election in 2010, including laws to protect the right to assemble, and media protection laws for the referendum.

The show-stopper, however, I would suggest, is the election, and we should be gravely concerned. That election was to take place in 2009. It has already been postponed to April 2010. And the preparations are not proceeding apace to be able to have a free and fair election by that time. Most notably, the census, which was delayed and delayed and delayed again, came out with results that are questionable and have not been accepted by all the parties.

We also should be concerned about the increase in South-South ethnic violence. And there are reasons to believe that some of this is being encouraged by forces in the north. This can make not only an election impossible, but further progress, which is needed for the people of Southern Sudan.

Let me note that the Government of Southern Sudan is not blameless. They should work harder to spread the oil benefits by improving education and health, and certainly should take more steps on anti-corruption. Both sides should deal with the pipeline and refinery fee issues for post-2009.

But these concerns, to me, just emphasize the need for the United States to show greater effectiveness and commitment to increase the capacity of the South. A stronger Southern Sudan will help the likelihood of CPA full implementation. And this means assisting in developing management capacity; economic development, including agricultural development; infrastructure; and, yes, also military.

I believed while I was special envoy and continue to believe that assisting Southern Sudan to neutralize the aerial advantage of the north would be an appropriate and beneficial step.

Again, the big issue is Khartoum's intent. And we must accept that, for whatever reason, the actions of the U.S. Government in recent months have strengthened Omar Bashir.

Engagement for engagement's sake will not work. The NCP knows what it needs to do. It has made the conscious decision not to fully follow up on commitments. And the questions I would urge the committee to consider or to press the administration on: Is there a strategy? Is there contingency planning? What of our moral and political commitment to the people of Southern Sudan and Darfur? What is the return of our investment?

I would mention to the committee that the U.S. taxpayers pay almost $1 billion a year in humanitarian assistance. The Government of Sudan is a wealthy government because of oil. Close to $9 billion of oil exports a year. And one humanitarian expert estimated to me in Darfur, while we are giving $1 billion a year, the American taxpayers, the Government of Khartoum has given approximately $30 million, total, to help their own people. As one cynic said to me, how can they do this to their own people? They don't consider them "their own people."

What about our national interest of regional stability? I think it was most shameful that, when the 13 humanitarian organizations were kicked out, we did not raise our voice louder or take actions against that breach of international humanitarian law; that we signed a two-page agreement that can be interpreted as accepting their right to do that.

No one who knows what is going on in Darfur would make the assertion today that they have the same level of humanitarian assistance that they did before the March 5th action to expel those humanitarian groups. Yet that was the promise when we signed that agreement. What are we doing to make some accountability?

I believe the President, the Vice President, the U.N. Ambassador care deeply and are committed. But the time is fast approaching where those who believe in helping the Darfuris and helping the Southern Sudanese cannot in good conscience remain silent. Like others, I hope and pray for progress, but real progress is required, not just talking the talk.

Thank you.

[The prepared statement of Mr. Williamson follows:]

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

Ambassador Richard S. Williamson
Hearing
African and Global Health Subcommittee of the
House Committee on Foreign Affairs
Washington, DC
July 29, 2009

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 Nilostic 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 Souther 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.

Mr. PAYNE. Thank you very much.
Mr. Prendergast?

STATEMENT OF MR. JOHN PRENDERGAST, CO-FOUNDER, ENOUGH PROJECT

Mr. PRENDERGAST. Thank you, Congressmen Payne and Smith and Royce, for your unyielding commitment to peace and democracy in Sudan. And, unfortunately, my colleagues are clearly unwilling to speak their mind so that responsibility falls to me.

It is interesting, here on this panel, that we have, I think, around 60 years of combined experience working on Sudan, negotiating with the Sudanese Government. Of course, I am the baby of the bunch. And up on the dais there, you three have 50 to 60 years of dealing with this regime in Sudan and experience with that. So I hope people will listen, you know, to us dinosaurs. Because, strangely, from many different directions all six of us have come to very similar conclusions about what needs to be done, and it is at great variance to the existing path that the current administration is taking.

So I want to reinforce the consensus that I think exists in this room by saying very clearly that sustained pressure, leveraged by meaningful and focused sticks, is the principal tool that has moved the National Congress Party over the last 20 years to change its behavior during these long years of its authoritarian rule. So this substantial track record of empirical evidence of the value of real pressure makes the direction of U.S. diplomacy presently all the more questionable.

In fact, Special Envoy Gration has stated on the record that "right now we are looking at carrots and looking proactively to use them." That is the wrong message to be sending to the NCP today. They will eat these carrots and continue with the deadly status quo.

The voices of Darfurians, parenthetically, couldn't be represented in this room today up on the table, but we have received some very interesting feedback from Darfurians in the camps, in the refugee camps that Congressman Royce and Congressman Payne and I both have been able to visit together, and Congressman Smith has been to himself. And they were uniformly alarmed at Special Envoy Gration's visit and his message.

He lectured them to be more positive about the future and stop complaining about the past. He lectured them about why they won't handle or don't handle the land tenure issue themselves. You know, most of them have lost their land, as Khartoum has pushed settlers into these villages that have been burned and destroyed and ethnically cleansed. So he strangely was telling them, why don't they deal with these problems themselves. He lectured them that they should start going home to their villages now without any security. And he said that they shouldn't wait to be saved, which was, of course, more of a jab to the coalition efforts back here in the United States, who has made repeated comments about the unhelpful nature of the anti-genocide movement here in the United States.

These are disturbing messages, I think, to be sending people who have been on the receiving end of a genocide that continues by

other means. So that is the critique, you know. And any one of us six people could go on all afternoon, but we need a constructive alternative, you know, to present to this present path.

And I think in the context of the policy review that is very contentiously unfolding now today within the administration, the U.S. should spell out very clear goals. I think we need to be clear about five things.

First, we need U.S. leadership in constructing a more effective Darfur peace process, using as a model the process that the previous administration was able to craft, and lead an international effort in bringing those peace talks, those long and protracted and difficult peace talks, complicated peace talks, to a conclusion.

And the U.S. needs to play a lead role in this. We cannot continue to defer to a process that has clearly ground to a halt. And we need to lead in a way that not only puts us in the forefront of acting, but also acting multilaterally, with a support structure that involves and includes and builds international leverage and expertise and support—again, the same thing that Roger and company did in 2003, 2004, and 2005 to get the CPA negotiated.

Secondly, we need U.S. leadership in supporting the implementation of the CPA. Now, it is very encouraging that this special envoy has refocused the interest of the United States Government on implementing the agreement that it helped to negotiate. But negotiating the implementation of a deal that has already been struck is different than what we ought to be doing, which is constructing an international coalition to pressure the parties to implement what they have already agreed. That is a very different paradigm. And I think we have gone down the wrong road by trying to negotiate every aspect of implementing an agreement that has already been reached.

We need to structure clear penalties for non-implementation and then rally international support even if, yes, China and Russia will be opposed to us in the Security Council, but we need to rally international support for some consequence for non-implementation. That is how we lead, that is how this agreement might have a chance of being implemented.

Third, we need U.S. leadership in supporting the democratic transformation of Sudan, by supporting the electoral process of course, but also by providing institutional support to opposition parties, building their capacity, and to civil society organizations and to the Government of Southern Sudan in building its abilities and capacities to govern people effectively in the South.

Fourth, we need U.S. leadership, of course, as just to reinforce all my colleagues and everything anyone has said, and particularly what Pa'gan Amum said. We need U.S. leadership in preparation for the South's referendum in 2011, which will be a make-or-break process for the future, not just in the South but in the entire country.

And, fifth, we need U.S. leadership in support of accountability. The ICC indictment of President Bashir is a crucial opportunity to begin the process of ending this cycle of impunity that has fueled the crimes against humanity that we have seen throughout the South and in Darfur repeated over and over again.

There is a very troubling tendency, I believe, of our current special envoy to focus on the future to the exclusion of the past. That is a code word that is heard very clearly in Khartoum, quite frankly. And ignoring what has happened in Darfur and what has happened in the South and sweeping it under the rug will ensure the return of these kinds of crimes.

The essential word that I would repeat throughout these goals is U.S. leadership—multilaterally and, when necessary, unilaterally. That will be the enormously influential ingredient in a successful transformation, I think, to peace and democracy in Sudan.

But here is the bottom line, and I want to reinforce it. Success will require greater leverage that what presently exists in Sudan today and the international community. The debate that is going on now within the U.S. Government rests in part, in large part, on the degree to which incentives or pressures ought to be favored instruments for changing the behavior of the regime in Khartoum, the Darfur rebels, and the GOSS and SPLM.

It is the view, I think, unanimously of this panel and you three congressmen and the activist organizations that we stay all in close contact with and, in some cases, represent that the way forward should involve deeper diplomatic engagement. No one disagrees with that. So it isn't like those that are supporting pressure are against engagement. We all want deeper U.S. diplomatic engagement in Sudan. But it is engagement that is rooted in multilateral pressures and the credible threat of significant consequences for policies or actions by the Sudanese parties that undermine peace efforts and lead to worsening humanitarian conditions.

I think if the U.S. appears more interested in negotiating the implementation of the CPA, again, to reinforce that point, instead of marshalling the international coalition to pressure the parties to implement the agreement, that will send a dangerous signal that it is all for sale, that it can all be rewritten, like the Ethiopia-Eritrea agreement.

So, ultimately, success will require the construction of credible and effective processes that allow for the achievement of U.S. goals, that requires us to get out in front of this glaring failure of building a process in Darfur, and construct, out of the existing elements, a new revitalized process that has a real chance of ending Darfur's crisis.

And we need to intensify these efforts on the CPA and back these efforts with the construction of a clear, multilateral consequence for violations or non-implementations of the deal. That is my message; I think that is all of our messages. There must be consequences for committing atrocities like genocide and what kinds of crimes occurred in the South and for anyone who undermines peace. An incentive-only strategy, like the one that is being envisioned, will guarantee failure.

Thank you.

[The prepared statement of Mr. Prendergast follows:]

House Committee on Foreign Affairs
Subcommittee on Africa and Global Health

"Sudan: U.S. Policy and Implementation of the CPA"
July 29, 2009

Testimony by John Prendergast
Co-Founder, Enough Project

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 towards 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 towards 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 twenty 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 two and a half 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 non-implementation 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 non-implementation 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 and by

- **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 two 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 by a

- **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 stabile 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, command 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 non-offensive 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.

Mr. PAYNE. Let me thank the three of you very much for very thorough testimony.

And I understand that Ambassador Williamson will have to leave in 5 or 10 minutes or so. So what I might do is direct maybe a question to him and then ask our other two members if they have a question specifically for him, and then we will ask questions to the other witnesses.

But I just would certainly like to make clear that it is an attitudinal problem of the Government of Khartoum. I have heard people say, "Well, Congressman Payne, you bring race in, and members of the Government of Khartoum are blacker than you in complexion, and therefore how can you say race is an issue?" And it is certainly not race, it is attitude, a feeling of superiority. It is sort of, "We are the chosen people in Khartoum, and those Darfurians came up from central Africa some time. And they are different, of course. We are certainly different from the ethnic groups in the South."

And so the problem, as I said to the chairman of the League of Arab States, is that there happens to be a feeling of superiority that, to me, really drives this deformed government in Khartoum. Because if you feel that you are better than your subjects, so to speak, then you will never feel that they have a right to justice. It is just that simple. And until that situation changes, the government's attitude won't change, so we will just have to do things, maybe, to change the government.

The other thing—I do agree that it is convenient for the government to allow the world to feed their people, as it has been mentioned. Year-in and year-out, billions of dollars go. What is the incentive for bringing the Sudanese back to their lands and having to rebuild and having to support the people in Darfur and in other areas in dispute? And so, there is very little incentive for the Government of Sudan to come up with a solution. And that is sad, because we really have a tough job in front of us.

But let me just ask, Ambassador at this point in time, what suggestions would you make—not saying if you were still the ambassador or the special envoy, but let me just say, what would you do at this time? What would be your major points?

And, secondly, I would like to say that I really appreciated the cooperation that you showed and afforded me on my travels in Sudan when we were in places at the same time, where the administration didn't want me and felt you shouldn't be there with me, but we just happened to be there. And you welcomed me just in open arms, which I really appreciated.

And also, let me say, Mr. Winter, when you gave truthful testimony, in spite of your position that, you know, there was a feeling that maybe you shouldn't have told the whole truth and nothing but the truth. So I really commend both of you.

So, Ambassador, could you just maybe give us some points before you have to leave? And then I will turn it over to my colleagues.

Ambassador WILLIAMSON. Thank you. And I apologize. Based on the earlier timing, I made commitments back home in Chicago tomorrow morning, and the last flight will require me to leave. So, my apologies.

Second, I would just like to comment, if I could, Mr. Chairman, on your analysis, which I think has truth to it, with respect to a feeling of superiority.

However, I would subscribe to the views expressed by Professor Benjamin Valentino from Dartmouth in his book, "Mass Murder and Genocide in the 20th Century," in which he concludes that, while often there have been arenas of ethnic clashes and ethnic differences, ultimately those differences had been exploited in the 20th century by powerful people dealing with their most difficult problem: To stay in power. And that at least one perspective about the tragedies in the South and in Darfur would reflect on Professor Valentino's views.

Second, look, special envoy is a very difficult job. There is no simple answer. There is not a simple white hat/black hat situation, et cetera. Second, I, based on my exposure, I have confidence that the current special envoy is a very decent man. So I preface that because it is easier to be a critic on the sidelines, as I have seen from when both Roger and John would criticize me from time to time.

Mr. PAYNE. I did, too.

Ambassador WILLIAMSON. Yes, you did, too, Mr. Chairman. I will give you credit, yes. I don't want to leave you out. But, as I said earlier, I think that is good for the process, and it helped me do a better job.

I do think the concern is that President Bashir has been strengthened, and that will perhaps embolden Khartoum not to fully live up to commitments, which has been a pattern in the past.

My view is not dissimilar to the prescription laid out by John Prendergast, that you have to accept that change is not going to happen just because you are talking. Engagement is not a strategy; it is a tactic. And the strategy has to be to change the game, because the party knows its self-interests and has decided to act in a particular way.

And experience shows that the offer of incentives alone is insufficient to change the incentives. So you must be prepared to take other sorts of steps, not only yourself but the others who say they care and are committed and concerned, and cannot let one or two countries thwart you because their agenda might be driven by oil or something else.

Then I would just go back to the list of items I mentioned that I think we can more robust in helping strengthening the South. Economically, in management capability, there are some very talented people in the South, but it is a relatively small group that are trying to do anything. In my written testimony, I say take one, two, three, four dozen of the talented people and have the United States bring them to our management and business schools for 12 months. Help them build systems.

And, on economic development, while humanitarian aid is important, Ameerah Haq, the coordinator of humanitarian assistance for the U.N. In Sudan, has said, "You know, you could cut back on that. Let's start to develop their capacity for themselves."

And, finally, Mr. Chairman, a strong SPLA, a strong Southern army, will both help deter abuse from the north now and, after 2011, allow the South to be a full partner with the north if the de-

cision is unity, and, if it is not unity, allow them to prosper as an independent country.

Thank you, Mr. Chairman.

Mr. PAYNE. Thank you very much.

Mr. Smith?

Mr. SMITH. Thank you very much, Mr. Chairman.

Ambassador Williamson—and let me say, all of you, tremendous testimonies. And, you know, George Santayana once said that those who don't learn the lessons from the past are condemned to repeat them. And all three of you, we have three gentlemen who have learned lessons that, if are not heeded by the administration and by our new special envoy, I think could be, and I think you would agree, absolutely catastrophic in terms of what will happen.

And, you know, Mr. Winter, when you mentioned that 100 percent of the time the National Congress has not honored its commitment—and you certainly were right there. You were part of that negotiating team. You received me so well when I went there, and I do thank you for that.

Now, I know you have to leave, Ambassador Williamson, so let me just say a couple of things, questions.

And I just would say for the panel, when Ambassador Williamson headed up our delegation to the U.N. Human Rights Commission in Geneva, I joined him there for approximately a week. And he worked overtime, night and day, to get our European friends, some of our African Union friends, and others to join in on the resolution. And the pushback, as people were being slaughtered, of not doing anything, of looking askance was appalling.

And I am concerned, Mr. Chairman, that there—you know, it is almost like compassion fatigue or empathy fatigue that sets in. I remember when Mengistu was doing his hard, horrific deeds, the second time around, when the second famine occurred, people were saying, "Oh, we have been there. Wasn't that resolved? Let's move on, turn the page." And we can't have that, obviously.

And I think Pa'gan Amum made some very chilling suggestions or observations. He admonished us not to reward the National Congress for nothing. But he also said there is an escalation, the alarming situation, and actually put a number on it, 79,000 AK–47s. And we have heard numbers, but I hadn't heard that number. Perhaps you all had, but I had not.

That sounds to me—and when Mr. Winter talks about, you know, the free and fair ballot will probably lead to an independent state or a declaration, it sounds to me like Khartoum is getting ready to begin or initiate new hostilities. You know, it seems to me we are asleep at the switch.

And you put it in a way that couldn't be more dramatic. I think our policy is one of making nice with dictatorships, whether it be Tehran, Havana, Hanoi, Beijing, name the area, even Pyongyang. We talk tough. What are we really doing? But here you said we are making love with the Khartoum Government. That takes it to a new level, in terms of accommodation and appeasement, which I think will have catastrophic results.

Is it your view on this escalation, Ambassador Williamson—are you hearing the same things in terms of an arming that could very

quickly become open hostilities over and above what we already see, obviously, in places like Darfur?

Mr. WILLIAMSON. I think there are contingencies being planned that, if they are forced into corners, violence could be spread that would be devastating.

And let me also, if I could, sir, comment on your reference to the concern of possible empathy fatigue or compassion fatigue. I visited refugee camps in Latin America, Asia, Africa—not as many as Roger Winter. But I guarantee that most people, if they visit those camps today, will not come back and say, "It is not as bad as I thought it would be." They would say it is horrific, unacceptable, and we must act.

Mr. SMITH. Do I have time for another question or do you have to leave?

Mr. PAYNE. I need to leave. And we want to give Mr. Royce a chance.

Mr. ROYCE. I am going to let Ambassador Williamson catch his flight. He is going to miss his flight if he doesn't leave. And I will just have one question for Mr. Prendergast.

Ambassador WILLIAMSON. Okay, thank you very much.

Mr. PAYNE. Thank you.

Mr. ROYCE. There was hope that the international arrest warrant against the Sudanese President, against Bashir, would be the first step toward a pretty aggressive stance against Khartoum. That has not happened. And we heard Scott Gration's remarks, or at least read them, of his Oslo speech, in which he said that Bashir would be held accountable in due time.

And we have heard that same principle-versus-pragmatism arguments when Charles Taylor was escaping his indictment. He was living in cushy luxury in Nigeria at the time. And I remember those of us that pushed that indictment against the countervailing strategy that, basically, it would make a political settlement more difficult.

Now, in point of fact, by getting Charles Taylor in front of The Hague, it seems to me that we have gotten stability, much more stability in Liberia than we ever would have had had we not made an example of him. But, you know, in this case, the political settlement argument would seem to be, on the face of it, bankrupt just by the fact that there isn't any Darfur peace process to protect in this case. So it sort of removes that argument.

But I was just going to ask you—you know, the administration has decided it will not make Bashir's arrest warrant a priority. In their view, an arrest strategy mode will lock them out of negotiations.

So, talk a little bit about the principle-versus-pragmatism argument. Are justice and the end of violence in Sudan mutually exclusive, in your view?

Mr. PRENDERGAST. Yeah, thank you for that thoughtful question, Congressman Royce.

I think we see over and over again people advance the argument that justice and peace somehow are incompatible. And I have taken now eight trips to Darfur since the genocide began, and I cannot recall a single conversation that I have had with the Darfuri displaced by the violence either in the IDP camps or living in rebel-

held towns or living in refugee camps in Chad who do not believe that peace is not possible without justice. In other words, justice is an essential element of peace, because if we don't break this cycle of impunity that we always talk about with some measure, some consequence, some cost to the commission of genocide, we are going to get more of it. It is just human nature. The river will flow in that direction.

So I think we need to maintain that focus on the arrest warrant. Congress can be very helpful in enunciating that as a very important objective of U.S. policy, accountability and justice for what has happened and what is happening in Sudan. And we need to, at a minimum, as a step toward seeing that arrest warrant executed, at least, at the very least, isolate the person who has been indicted by the ICC, President Bashir.

And remember, before someone can argue to you, "Well, we need to meet with him to be able to forward the peace process," he was not materially involved in the peace process related to the Comprehensive Peace Agreement, the North-South peace deal. That was a Vice President Taha-led negotiation with a number of people in Khartoum that were instrumental in eventually making the decision to sign on the dotted line.

So I think that, again, using a rigorous study of empirical evidence of what this regime moves in response to—and this is one heck of a sword of Damocles that we can hold over their head to get some modification or moderation in their behavior. It is foolish, in fact, diplomatically foolish, to take it off the table, as we seem to have taken it off the table rhetorically.

I would simply footnote all that by saying, at the end of the day, the Sudan policy review has not yet been finalized. So Congress and the activists have a tremendous chance now, at this moment, to weigh in with Secretary Clinton, to weigh in with Vice President Biden, with Ambassador Rice, all of these people who—and the President himself—all these people who, during the campaign and in their previous jobs, were strident advocates in support of this accountability, were strident advocates even in support of military action in Darfur, which isn't even what the activists or anyone is asking for.

We are just asking for principled engagement and pressure on this regime. We just want people who have made their careers in part on principle to live up to the rhetoric that they enunciated during their campaigns, during their tenures in the Senate, during their previous positions. And if they did so, I think we would get substantial movement in Sudan forward, as we all hoped the day after—well, some of us hoped—the day after the election in November we would see come to fruition in Sudan.

Mr. ROYCE. Thank you, John.

I will yield back, Mr. Chairman.

Mr. PAYNE. Thank you.

Ms. Jackson Lee?

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

And I thank Ambassador Williamson in his absence. We were in two different meetings on health reform, and I know the chairman has been in some of those meetings as well. So thank you for your indulgence.

I just have two quick questions.

Ambassador Winter, what is your estimation of how many people were killed in Sudan over the period of time when the genocide was declared?

Mr. WINTER. If you are talking about just Darfur, I think the accepted number now is in the range of 400,000.

Ms. JACKSON LEE. And then overall?

Mr. WINTER. We did in 1998 and then updated it subsequently using demographers who had retired from USAID, a very careful study and a publication that documents about 2½ million people who died during the course of the Southern war. You take 2½ million, add 400,000, you are talking about 3 million people who didn't need to die but did under the auspices of the Khartoum government.

Ms. JACKSON LEE. Mr. Prendergast, do you agree with those numbers?

Mr. PRENDERGAST. Without any question.

Ms. JACKSON LEE. Is the CPA, at this time, July 29, 2009, hanging in the balance? And is there any future for the CPA? Mr. Winter and then Mr. Prendergast.

Mr. WINTER. I think there is a future for the CPA. The question is, what is that future?

And, from my perspective, the key to everything at this point—you weren't here when I said before—is the issue of the referendum. There are all kinds of other aspects, and I am not making light of them. But, ultimately, at this point in time, the difference between future war and future peace, to me, is producing and implementing a viable, free and fair referendum.

It is my view that Khartoum has killed the possibility of unity in a free and fair referendum by their behavior. And there isn't enough time over the next 18 months to suddenly make unity attractive when they have made it so horribly unattractive.

And so, from my perspective, if, in fact, Khartoum frustrates the timely implementation of a free and fair election, it is very possible that the South will declare independence. They would be justified to do it, in my view, because they have been following and pursuing the full implementation of the CPA, and it is Khartoum that has not.

Ms. JACKSON LEE. I believe that opportunities lost may be lost forever. So let me ask this question of both Mr. Prendergast—and you were eloquently speaking to Mr. Royce's question. I think you partly answered it.

What can the administration, the United Nations, and maybe separately this Congress, since we are one of the three branches of government and have been able to characterize over the years and act sometimes unilaterally in terms of actions that Congress can take, what can we take as we sit here today?

I will start with Mr. Prendergast first.

Mr. PRENDERGAST. Well, the big question mark in getting to where Roger is talking about getting, to the referendum in 2011, is what the result will be of the now 6-month long policy review of the current administration. And I think if the result is that the administration pursues an incentives-only strategy with this gov-

ernment in trying to achieve our policy objectives, we guarantee failure.

And so, what the Congress urgently can do now—and we don't really even need a 12- or 24- or 36-month plan because there is a 1-month plan, there is a 2-week plan, which is weighing in very constructively with the principals in the administration who will sit around the table at some point in the very near future in a National Security Council meeting, and they will arbitrate and deliberate over the memo in front of them about what U.S. policy should be.

Ms. JACKSON LEE. At the United Nations?

Mr. PRENDERGAST. At the National Security Council of the United States Government. So, James Jones will be there——

Ms. JACKSON LEE. Oh, the National Security Council of the U.S.——

Mr. PRENDERGAST. Exactly. Vice President Biden will be there, Secretary Clinton will be there, and Ambassador Rice will be there. It hasn't yet risen to that level yet. They have been debating this policy now strenuously at the deputies level.

And so we need the people who have been champions of Darfur, champions of Southern Sudan throughout their Senate careers, throughout their private-sector careers in the case of Susan Rice, to be front and center in that meeting, representing a policy that I think will potentially be the game-changer in whether or not we see peace and stability come to Sudan. And that would be a policy that focuses on using a balanced collection of carrots and sticks, not an incentives-only policy, but a collection of carrots and sticks with credible, significant consequences for the obstruction of peace and for the destruction of human life.

Ms. JACKSON LEE. Mr. Winter?

Thank you very much, Mr. Prendergast.

Mr. WINTER. I would say that we need to recognize that there are significant problems in the South that relate to the issues of corruption and weakness in governance and civil violence.

It is time for us to surge, in terms of our involvement in the South. I think by increasing, escalating our presence, coming side by side with people in the Government of South Sudan, for example, to bolster their capacity—I wouldn't send them out, like Rich suggested, send them to the United States. That is not the point. We need to send our people there so they get the on-the-job training, they have an American sitting next to them that helps them in terms of improving their financial management skills and those kinds of things.

That surge on our part is something that I think this Congress could play a key role in precipitating and, if necessary, financing to some degree. I think if we did that, it would be a big stabilizer of the situation in the South and will actually prevent violence in the long run, and it will make them successful.

This SPLM and this GOSS are fundamentally democrats. They want a democratic government. Khartoum is disinterested in any such thing. In the South, they want the development of their population. That is what we should want. And we should capture the next 18 months and after that to help them strengthen their capacity to manage the petroleum sector, for example, to increase their

ability to detect corruption and fraud and such things and prosecute that, to bolster the policing capacity of the government so it can intervene properly, appropriately in terms of communal violence, which is a significant problem.

There are many issues like that that we could assist with which would help stabilize the South, show Khartoum that this referendum, this new future for the South is actually going to happen. We are the only ones that can come alongside them with enough "oomph" to actually make that kind of difference. We should not worry so much about appeasing the North, but make a major effort in strengthening the South.

Ms. JACKSON LEE. So every step they make, we make a step with them?

Mr. WINTER. Absolutely.

Ms. JACKSON LEE. Thank you, Mr. Chairman.

Mr. PAYNE. Thank you.

We have been joined by Mr. Ellison, and I yield to him at this time.

Mr. ELLISON. Thank you, Mr. Chair.

And let me thank the panelists, as well. It is good to see you all.

A few questions. First of all, I have a trip planned to Darfur on August 4th, and so this hearing comes at an extremely timely moment.

Could you, Mr. Prendergast, give the committee—and, again, I know you have already talked about this. Forgive me for getting here late. We had double hearings going on.

Can you give us the latest on the humanitarian condition of people in Darfur? What are we looking at right now?

Mr. PRENDERGAST. I think what we are seeing is a very slow and steady deterioration. You know, we saw—and this gets to the heart of this big debate about whether or not it is genocide. You know, we saw the mass ethnic cleansing campaigns in 2003 to 2005 where most of the villages of the particular groups that were targeted—the Fur and the Zaghawa and the Masalit—were burned. So they were gone. Those villages had been destroyed, and those people are now in camps.

So, in those camps—and part of what some of us believe and have contended is genocide by attrition, or genocide by other means, is then the turning on and off of the tap of the humanitarian aid tap in many different ways. It is not just expelling NGOs. It is also, "Oh, this area, by the way, is a red zone for the next 2 weeks." So there is no delivery of humanitarian assistance to these areas for a while, and then suddenly people's nutritional level goes down. You see the beginnings of outbreaks of particular diseases, et cetera, et cetera. Then suddenly it is not a red zone anymore and the agencies can rush back in. So you get that tactic and a number of other approaches to undermining the nutritional and health status of people in the camps and breaking their spirit.

And the biggest spirit-breaker and attempted spirit-breaker is a policy, I think, which is—and the ICC clearly agrees, in the indictment of President Bashir—is a policy of support for security elements, both official and unofficial, in other words military and paramilitary, of rape as a tool of war, rape as a tool of social control.

It is clearly in every empirical effort to collect evidence or data about rapes, and often NGOs that do that are expelled. So we don't know, in a lot of places, what is going on, but we have an anecdotal evidence that it is one of the highest rates of sexual violence in the world.

So with all of these factors, we are seeing, I think, the very slow, steady deterioration of people's capacities to cope with the conditions in these camps in long-term displaced environments.

Mr. WINTER. Could I——

Mr. ELLISON. Yes, sir.

Mr. WINTER [continuing]. Suggest that some of the approaches being taken by the special envoy could take us in precisely the wrong direction. We have the minutes of meetings that he had with various groups of NGOs and U.N. and other international officials in which he is saying very forcefully: Substantial returns of displaced Darfuris must begin before the end of this year.

NGOs and others are unitedly saying the conditions are not right for that, to actually force them out of camps or do whatever you need to do to pressure them to return. So this is an artificial goal line that he is setting when the realities on the ground cannot properly cater for that. We could actually make the situation worse if we went down that track.

Mr. ELLISON. Yeah. And I may need to get with you gentlemen more after the hearing, because I don't think the chairman is going to let me talk forever. But I do want to see if you could offer some views on just two more topics, which I will state right up front.

I have been hearing and reading about greater levels of violence in the South. I am interested in hearing about that.

And I am also curious to know, what about the political solution? Ultimately, you know, the solution is not more aid, it is not more aid workers. Ultimately, the solution is a political resolution in which the Sudanese people come to an agreement about how to solve their problems and live together. Could you talk about the North-South agreement and then the Khartoum Darfuri agreement?

Mr. PRENDERGAST. You were just there. Do you want to talk about the levels of violence?

Mr. WINTER. Yeah, let me tell you how this kind of stuff comes about. Khartoum fosters instability. Their policies foster it. The most violent or, I should say, volatile place in all of Sudan, in my view, is this place called Abyei, which was burned to the ground in May of last year. All right? These people remarkably come back, the civilians. They all ran away. Now the largest number of them are back.

How do they destabilize the population? There are lots of ways. Some of it is pure violence. The very people who burned the place down in May of last year, the officers of that 31st Brigade that did that, they almost all got promoted. They are right up the street from Abyei now, hundreds and hundreds of those same guys that did that. So there is an ever-present threat that this is going to happen again, for example.

Or let's take a less directly violent kind of approach that Khartoum uses. After the arbitration process began, there was supposed to be a budget. It is provided for in the CPA that there be an Abyei

administration that is supposed to provide services to the people, because, for the last 3 years, President Bashir wouldn't advance the requirements of the Abyei protocol, and there was no governance there at all. So there is supposed to be a government there.

That government was supposed to operate on a fiscal year that began last October. They never got an appropriation. To this day, there is not an approved budget for that government to function. They did get a little bit of an advance from the government, but fundamentally none of the employees of the Abyei administration have been paid since January.

This is the kind of, by presence and by dereliction of duty in terms of supporting the government structures in the South and in Abyei, this is the kind of way Khartoum destabilize the population.

Mr. PRENDERGAST. And I will take the second question about political solutions.

I think that the CPA, this Comprehensive Peace Agreement, and the North-South deal demonstrates beyond a shadow of a doubt that a political solution in Sudan is possible if we pursue it diligently in a sustained basis, using the leverage of the United States, working with other countries around the world as partners, to bring about a peace for particular areas of the country. We need an all-Sudan solution focused on peace and stability.

But to speak to the two biggest conflict zones of the country, Darfur and the South, very quickly—first, Darfur. We talked a little bit about this throughout the hearing, but to really kind of focus it, it requires a more effective peace process than there presently exits.

The thing that has been going on in Doha has bled along now for quite some time, and it is a continuation of other processes that have really yielded no fruit. And, strangely, the United States, after having led the North-South peace process, having built an international coalition to bring about one of the great achievements, I think, of the Bush administration in foreign policy, we then didn't do the same thing for Darfur.

And now the Obama administration hasn't begun with that kind of an objective. We basically deferred to the Arab League and deferred to other actors who are in the driver's seat right now and allowed for this process to continue. And there is no reason why we shouldn't be working intensively with all those partners, but the current process will not yield a deal, and everyone believes it, especially Darfuris.

So the U.S., very respectfully—and everyone is pretty much waiting for us to do this anyway, just like they waited for us to do it in the North-South deal, is to get involved and lead the construction of a more effective process that involves all of the current players but arranges it in a way, just like we did in the North-South deal, where everyone has a particular role to play. Someone has to quarterback this; someone has to grab the ball under the center and diagram the play and make sure we can march downfield to get to the goal line.

That is just the way peace processes work. When I worked in the previous administration and the Clinton administration, that is how you do it. You build a strategy, you get the partners together, and you move the ball down the field, one play at a time. And you

are thinking five plays ahead, but you have to play out the existing one.

So the U.S. needs to lead the construction of that process. I don't know why the last administration and this administration hasn't decided to do that.

With the CPA, I think it is very clear to all of us in this room, up there on your dais and down here, those that are testifying, that it is one thing—and the U.S. has gone down a road now in the last few months of attempting to negotiate the implementation of the provisions of the North-South deal. And that is, I think, a problematic approach.

They have already made a deal. Everyone has agreed to respecting that deal, as we saw with the latest example of the Abyei report on the drawing of the boundary, which the SPLM and the Government of Southern Sudan accepted even though it had altered the original judgment. But the U.S. rather should be leading an international effort to build clear consequences for non-implementation.

We have 1½ years left. It is literally the sprint to the finish line of this marathon. And if there are going to be additional major diversions away from that course that is set now by the agreement that both parties have signed and committed over and over to, if there is not a consequence for diverting from that path, by whoever it is, whether it is the SPLM or the National Congress Party, whether it is the Government of Southern Sudan or the regime in Khartoum, then we will fail. Then that agreement will not be implemented, and we will see a return to war between the North and the South.

There needs to be international multilateral consequences for the obstruction of implementation of that deal. That is the role of the United States Government right now.

Mr. ELLISON. Is the work that General Gration is doing now helping to provide a basis for the kind of structure that you have just identified? Or are we heading in the wrong direction? I am not asking you to comment on him professionally, because everybody——

Mr. PRENDERGAST. Yeah, I understand.

Mr. PAYNE. Oh, you can comment like you have been. You can feel free to comment.

Mr. PRENDERGAST. Okay. He goaded me. Look at him.

Mr. PAYNE. Call it unprofessional.

Mr. PRENDERGAST. Well, I think that—first of all, I think what General Gration has brought is quite a significant energy. He has direct access to the President and to the key actors in the White House. And he is absolutely committed to seeing a solution in Sudan.

I believe, after extensive discussions with him—and we have had it out in his office many times—that he has just made an incorrect policy analysis and, thus, a direction for U.S. Government policy in Sudan.

And that is why I believe we ought to be and Congress ought to be investing in attempting to influence the Sudan policy review that the United States Government is currently engaged in, because that, then, will be the marching orders for General Gration.

And it is up to Secretary Clinton and Ambassador Rice and Vice President Biden and the President himself to weigh in on the basis of their principles and what they have said throughout the last 10 years of their careers about issues related to Sudan in different fora over and over again, so that we can see a policy that is rooted in what I think is a very different view than General Gration has of what will influence the parties to actually make the compromises necessary to bring about peace in Sudan.

Mr. WINTER. Let me just say, I think he is on a very steep learning curve. He has been here, what, 5 months? The guys that he is dealing with in Khartoum have all been together with each other for 20 years. They know us very well. They don't have a steep learning curve. They read us very well.

Mr. ELLISON. You know, as I am trying to put my hands around the issue, I am sort of analogizing it to the work that you see Senator Mitchell doing in the Israel-Palestine conflict. It appears as though he is, sort of, putting foundation blocks in place so that he can get to a point of negotiation. And it sounds to me as though this same—there may not be a parallel structure going on. Do you understand what I am—yeah.

Mr. PRENDERGAST. What I am concerned about, at least in these first few months, George Mitchell had a running start there from 3 days after, I think, the inauguration. So he has been in there longer. However, I don't believe that the United States has made a decision—which, again, back to the policy review, what is the U.S. policy? And that is what Congress can influence. I don't believe the United States has made a decision to take the lead in constructing a revitalized peace process in Darfur.

General Gration can't make that call. The United States Government has to decide that is our role. We have failed up till now for 7 years or 6 years, since 2003, to do anything of any meaning or consequence for those people in Darfur on the political front. This is now time for us to lead. Now go ahead, General Gration, and do it. That has to be done.

And then on the other side, on the CPA thing, I really do think it is a—I am not sure if you think I am on the right track here, Roger. Again, I think it is very laudable that General Gration has taken a great interest in CPA implementation. He brought the parties here to Washington, to his credit. He is indefatigable. He works all the time. He is traveling everywhere.

But he has made a decision to attempt to go down—there are two paths you can choose, I think, in this regard, very simplistically and crudely. One path is you negotiate the terms of implementation. The other path is you build a coalition to demand that the parties implement the deal they signed. That is two different ways of going about business.

And I believe that he is going down the prior road, even though we still have the chance to address that through the Sudan policy review. So I just think he has made an incorrect choice, but on the basis of goodwill.

Mr. ELLISON. Can I ask a separate question off the subject? Again, I want to give full appreciation for the circumstances within Sudan. I know that there are real problems there, and I am confident of that. But Sudan is a country that is on the United States

list of state sponsors of terrorism. And I just want to ask you, if you know, do you know if Sudan is engaged in activity that could legally be defined as terrorism beyond its own borders?

Do you understand my question? And "I don't know" is a perfectly acceptable answer. But if you do know, I would be happy to hear what your thoughts are.

Mr. WINTER. I don't know.

I would say that we have a number of sanction-like mechanisms in place. Some of them—for example, the idea that we don't have an Ambassador and we don't have a fully functioning Embassy in Khartoum—are really fraudulent. There are sanctions that we can speak to. I don't know how to speak to the issue of the state sponsors of terrorism.

Mr. ELLISON. Well, the Sudan is on that list, the United States list. And what I am just trying to ascertain is, you know, I mean, if a country, any country in the world, has certain problem, let's address those problems. If it does not have other problems, let's not address those problems. I mean, do you understand? I am just trying to be precise.

Mr. PRENDERGAST. Very, very good point. I get it. And it is a crucially important element of the strategy debate that is ongoing within the Obama administration. And I personally witnessed it when I worked in the National Security Council, even 15 or whatever it has been now, 10 years ago, that this was a live, hot-wire issue.

It is clear that, after September 11, after some very significant representations were made publicly and privately by the United States and the Sudanese Government, the NCP, watching what was going on in Afghanistan, that they made some substantial alterations in their behavior. It had followed a number of years where bin Laden had been kicked out and a number of al-Qaeda operatives had been dismantled and taken out.

But they have retained relationships with some of the organizations that remain of great interest to the United States and have dismantled and severed their relationships with others. And you can get, I think, a more pointed briefing from the State Department's counterterrorism person before you leave, just so you can get the specifics. I mean, I would be glad to talk to you afterwards about it.

But, secondly and more importantly, there is a relevant, actionable consequence for this strange evolving relationship between the United States and Sudan on the terrorism front. Because, 10 years ago, we were locked in this quite difficult relationship with Sudan with respect to terrorism, where we were actively monitoring their direct involvement in operations that led to all kinds of different actions, including the assassination attempt of President Mubarak and many other things around the world.

Today it is a very different relationship, as you know. There is a great deal of cooperation between the United States and the intelligence services within the Sudanese Government, overseen by Salah Gosh, the architect of the John Dewey policy in Darfur. And so, it complicates, I think—it has complicated the Bush administration's policies. It is complicating the Obama administration's debate over its policy.

And I had the fortune to be in a meeting with President Obama and a few Senators on the day that he rolled out General Gration as his special envoy before the press came in. And it was a robust discussion about where the policy ought to go, and I thought President Obama got it completely right. It just hasn't been implemented the way he said it yet, because the policy hasn't been made yet.

But there was an interesting exchange between a couple of the Senators who are on the Intelligence Committee in the Senate, and they said to President Obama very clearly, "The level to which the Government of Sudan is offering the United States Government actionable and important intelligence for our counterterrorism efforts globally is overstated. And please do not allow that line of reasoning to pollute your decision-making with respect to what we ought to be doing in Sudan. Don't let the counterterrorism imperative undermine the moral imperative of the United States Government's need to engage, again, with the kind of instruments that will actually influence behavior, that will bring about peace in that country." And I thought that was quite interesting.

So there are a lot of things that Roger and I, as civilians now, wouldn't have access to, in terms of intelligence. But we have been around the block enough times to know where things are and where the bodies are buried, particularly. And it is an extremely complicating factor, because on the one hand the Sudanese Government is cooperating with the United States on counterterrorism, but on the other hand they retain relationships with certain groups which we are much more concerned about globally with respect to our counterterrorism imperatives.

So that is why they remain on the list. And they remain on the list because Congress has been very strong in saying, don't remove these very specific penalties or pressures until we see real changes in behavior across the board.

Mr. ELLISON. And, you know, I don't know what my opinion is on this thing; I am still thinking about it. But I do think that it is legitimate for a country to say, "Because of your human rights record, we are going to take this particular posture with you." But let's do it for the reason that we are doing it and not have a bunch of other stuff hanging out there.

So, I guess, it was just a question. You answered it pretty well. Thank you very much.

Mr. PAYNE. Thank you.

Yeah, I think it is pretty clear that the same characters that are in place now were in place when they had a cozy relationship with Osama bin Laden. I mean, anyone who has followed this, Ghazi Salah al-Addin was the one who took the perpetrators of the murder attempt on Mubarak to Addis and, when the plan was foiled, personally escorted them by plane to Iran, or got them out of Sudan. And so he is the same guy that led and has cooperated with the person who is responsible for 9/11, the most dastardly act on our country. Those people are murderers, no doubt about it. Salah Gosh was head of security.

And you tell me that, all of a sudden, they love America? You tell me they are giving you information that is going to nail Osama

bin Laden? You know, they are bad, but they are not that bad. And so, anyone who buys that, you know, is certainly being deceived.

But it takes time, as you have mentioned. You know, our special envoy has been on the job for 5 months. And I agree with you, he has more energy and he is meeting and he is doing all that. However, those guys have been in place for 20, 30 years. They made Turabi sound like he was the worst guy in the world, so they said, "Look, we are saving the world. We are going to put Turabi in jail." Right? So he is in jail, and Bashir still reigns, because he says—you know, and we bought it. Well, Bashir has to be better than Turabi.

So it is a learning curve, and I just hope that we don't have our pockets totally picked while this curve is being learned. Because we are losing in Sudan every day, there is no question about it, there is no doubt about it.

Not one person has been brought up on charges who participated in these acts in Sudan. They are still in the same positions. And when people go to Khartoum, they are going to meet them, and they are going to have some wine with them, and they will have champagne in the nice hotels, and they will sell them a bill of goods because that is what they do. And they do it well.

And we tried to caution—I was at that meeting with the new envoy before he left—"Be careful, they are slick." Right. So what happened? Zoom. You know.

And even with the negotiations—four times in Khartoum, a half a day in Juba once, maybe a couple more days there at another point in time. But how are you going to have negotiations with the South, Darfur, and the Government of Khartoum when you spend all your time in Khartoum? And then you leave Khartoum, come to the States, and then go to China. What is that all about? I wonder what kind of concessions—because China is the big guy on the block. If they want to see changes, China will make the changes. They can push Bashir, and they really refuse to do so.

And so, I think that my question is, have either of you had the opportunity to dialogue with the Senate? Senator Kerry heads up this issue in the Senate. What is your assessment of what is going on over there?

Mr. PRENDERGAST. I think Senator Kerry is faithfully supporting the Obama administration's direction in Sudan. And he has been a very strong supporter of General Gration. And there will be a hearing tomorrow morning, which will be very, very different than the hearing we had today.

Mr. PAYNE. Well, you know, we couldn't get the General to testify because we are only a subcommittee, and therefore he was not allowed to testify. Of course, the Assistant Secretary can't testify, because you have a special envoy; therefore, he can't testify. Not that there is anything wrong you two.

Go ahead, John.

Mr. PRENDERGAST. Well, I think, you know, the good news is that there are some very strong voices on Sudan in the Senate, just like there are here, on body sides of the aisle. And I think that the chairman and the ranking member of the Subcommittee on Africa, your counterparts in the Senate, Feingold and Isakson, are fan-

tastic on these issues. They are very, very committed, just like you two are.

And I really think that, you know, again, if anything is going to work, just like it did with the Clinton administration, just like it did with the Bush administration—unfortunately, here we are again—Congress is going to have to weigh in with principle in pressing and pushing another new administration to not be fooled again, to not make the kind of mistakes that people keep making with respect to this regime in Khartoum.

So, I mean, that is the hope, is that the subcommittees of these two International Relations and Foreign Relations Committees will lead the charge and muster enough of a coalition on both sides of the aisle. Because this remains a bipartisan issue, fantastically. I mean, you saw it today, two Republicans and one Democrat sitting here. You don't even know which one is which, because we are all saying pretty much—we are reinforcing each other's messages. And you guys up there are reinforcing each other's messages.

And that is our hope for these U.S. policies. We are going to have to take that hopefully accumulated experience and deliver it, at least let it be heard by Secretary Clinton, let it be heard by Ambassador Rice, let it be heard especially by Vice President Biden who was so strident in his Senate career and in his campaign and has disappeared on this issue. And he needs to show up at that principals' committee meeting when they have it on Sudan, and he needs to be a voice at the table for a principled policy.

Mr. WINTER. Yeah, I would just add that I think we have some erosion in the Senate, because now we have at least two Republican Senators who also, as did Kerry, go simply to Khartoum and Darfur and never approach the South. And that is the kind of pattern that I would not like to see expanded in any way.

Ms. JACKSON LEE. Would you yield?

Mr. PAYNE. Mr. Smith and then——

Ms. JACKSON LEE. I am not going to ask any—if he would just yield for just a moment, I just want to reaffirm that the South is very important. And many of us, Mr. Chairman, are going to try and go back to Sudan and never leave out any part of the country. I think we should go everywhere.

And I will yield back, Mr. Chairman. Thank you.

Mr. PAYNE. Mr. Smith?

Mr. SMITH. Thank you very much, Mr. Chairman.

Let me say, we are joined at the hip on this. And I think it is important that we say this: There is no politics in this, absolutely none. There is no separation, Republican or Democrat. And that is the way it was when I was chairman of this committee and chair of the Human Rights Committee for 6 years before that. We always spoke out. And Mr. Payne was on that committee and was ranking, and now I am ranking on this.

So I hope everyone here understands that, that we—I wish, frankly, that the three of you, four counting the Secretary General, could present your testimony. Because in the written form it is powerful, but the way you have conveyed it here today, the NSC needs to hear it.

So my hope is that—I mean, we will convey your testimonies to all of the principals and say, you have got to look at this and take

the time to understand that the collective wisdom of the four of you cannot go unheeded.

You know, I have been in Congress 29 years, and I am shocked—shocked—how, so often, some of the best and the brightest, executive branch and congressional, miss by a mile all of the alarms and the warning signals, early warning signals, that are out there.

I will never forget when General Dallaire—and we knew about that soon after he made his, you know, the so-called fax that went to the United Nations, that there was something that could have been mitigated and maybe stopped completely, and that was the terrible genocide against the Rwandan people. That was under the Clinton administration.

And while under the Bush administration, Bush I, we had early warning information that when the declaration of independence occurred in the former Yugoslavia, of Slovenia, Bosnia, and Croatia, that Serbia, Milosevic would quickly turn his guns and his hate toward those countries.

And Larry Eagleburger, you know, number two at the State Department, former Ambassador to Yugoslavia, spent time in Belgrade. Never thought it would escalate to the killing fields and the genocide in Srebrenica and elsewhere that occurred.

And Mr. Winter mentioned earlier two possible outcomes: A vote, a plebiscite that leads to independence; or a unilateral declaration. I am very concerned that, if we are not careful, that will trigger a whole new renewed fighting, and we will have the best and the brightest here on Capitol Hill saying, "Now, how did that happen?"

You have given us, I think, the early warning that we need to more robustly be engaging the 79,000 AK–47s that are being strategically placed among people who could use them to great harm. And that may be an underestimation; who knows? And I would be interested in knowing what you know about that. That sounds like an order of battle that is being placed for, you know, a terrible bloodletting. So I would appreciate your thoughts on that.

And in terms of a referendum, 2010, which is now the date that slipped—I guess no one has a month.

Mr. WINTER. January 2011.

Mr. SMITH. Say it again?

Mr. WINTER. The referendum is scheduled for January 2011.

Mr. SMITH. 2011, okay. Now, can the logistics be accomplished? You know, the IDPs, the census that would be required, all of that, is that enough time to get it together?

And if you would talk about the early warning. How do we prevent what would be an unmitigated disaster if we don't heed your warnings and tell the people in our own Government, all carrots, no sticks—and all three of you have said that—you know, is the path to disaster?

Mr. WINTER. I think we have the time to put in place the architecture we need to do a referendum. The question is, will the enabling legislation be adopted in the Parliament in Khartoum? Which they already say they refuse to do. All right?

So the pattern, just as with regular elections and every other thing that they really don't want to do, is ultimately not to decline it absolutely, but just to delay and then delay further and delay further. That is, I would suspect, a likely thing, which, of course,

raises ultimately that possibility of a unilateral declaration if they don't get the opportunity do what the CPA guarantees them.

Mr. PRENDERGAST. Plan A is delay. Because that is the easiest and that is the one that, you know, diplomats buy into because then maybe we can work this and maybe we can negotiate that.

Plan B is the 79,000 AK–47s. Plan B is what I think we just need to understand the empirical evidence of the last 20 years demonstrates, and that is that this regime has used a policy of supporting paramilitary units, of supporting militias to fight its conflicts in the periphery of the country, in the South and the Southwest and in the West in Darfur.

Whether it is called Murahaleen, as Pa'gan was talking about earlier, or whether it is call the Janjaweed today in Darfur, whether it is the Nuer militia in Southeast Sudan in the early 1990s that led to what may have been the bloodiest period of conflict in Sudan's history, they consistently use the same approach, which is—and it is a very effective one—of, if it ain't broken, don't fix it, keep doing it.

And so, what is the upshot? If there is no consequence for that, if the Government of Sudan can go ahead and just distribute these kinds of weapons and then throw the match on the gasoline and say, "Look at those Southerners, they can't govern themselves; we had better not have that referendum now, let's delay it," if we allow that to happen, as they increasingly—and it is the same thing as the first month of the genocide we saw. People were like, "Wait a minute, isn't this ancient interethnic tribal violence?" No, it is a government strategy aimed at dividing and destroying opposition for a political objective: Maintaining power by any means necessary. That is what it is.

So we just need to understand it, get in front of it. And then what to do about it? Because I don't want to just make the critique and then not say it. There has to be consequences for this kind of behavior at the end of the day. And that requires difficult diplomatic engagement with a number of countries, including Beijing and Moscow, to talk about, "Okay, what are these consequences going to be?"

And if we can't do it through the United Nations Security Council, if two-fifths of the permanent members of the Security Council will refuse and veto anything we do or obstruct—which I don't believe they will; I think they will stand down and abstain—then we need to build the disgraced phrase, "coalition of the willing," who are willing to say, "Okay, if the Government of Southern Sudan, if the Darfur rebel movement, if the Government of Sudan—whoever it is—undermines peace and security in the country, they will be on the receiving end of the following set of escalating consequences."

That is the way we are going to get some measure of progress toward peace and democracy in Sudan, I think.

Mr. PAYNE. Ms. Jackson Lee?

Ms. JACKSON LEE. I am fine, sir.

Mr. PAYNE. Okay.

Well, let me certainly thank the witnesses for this very interesting hearing. Always the passion that you have has been really

a breath of fresh air, to know that we still have people on the fighting line.

Let me also thank the audience, who—you know, this hearing was supposed to be at 3:30, and with all of the problems that we had, it shows the interest that you have to be here after 8 o'clock. No cameras, no Voice of America, no C–SPAN, simply interest. And so I know we are on the right side.

Ms. JACKSON LEE. Members, too.

Mr. PAYNE. Members, too. Oh, no question about it, which—I am going to bring that up in the CBC next week to say, "There were no cameras, and she came back."

Ms. JACKSON LEE. And came back.

Mr. PAYNE. And came back. I know we are on the right track now.

But it shows the interest. It certainly is very difficult—if there were solutions, there would not have been a special envoy. Ever since I have been in Congress, I remember at least 1995 was the first one, when my former colleague became a special envoy, Congressman Harry Johnson. Maybe it was later than that. But we went through Johnson and Natsios and Danforth and the head of the World Bank, Zoellick.

And, I mean, the difference in Sudan, when my colleague asked the question about special envoys, there has been a base for the new special envoy to open up to see where the last one left off, because we have consistently, for a decade or 15 years, have had a special envoy dealing with Sudan, which, I mean, believe it or not, is as important an issue as the Israel-Palestinian effort is.

This is the first special envoy that has been appointed in 7, 8, or 10 years. Bush II had no special envoy to deal with the issue. But during that whole time, every President has had a special envoy since I can remember, from Clinton to Bush, on Sudan, whether it is Darfur or the CPA. And so there is no excuse, you are not reinventing the wheel with our new special envoy. You have volumes of information to review, and so you don't have to recreate the will Senator George Mitchell was recreating. He was starting from scratch. The envoys are here.

And so I just hope that the administration can get on the same page. As we mentioned, President Obama said that the decision on the expelling of the 13 international workers and three NGOs should be reversed. Secretary Clinton said it should be reversed. The U.S. Ambassador to the U.N. said it should be reversed. Yet the special envoy went and, in direct contradiction to all of that, signed an agreement that said it doesn't have to be reversed.

So one thing, for sure, is that there has to be one page as it relates to the other one, because those guys will pick one off against the other. Nontheless, you have Vice President Joe Biden, who supported my resolution of a no-fly zone. He was the only one in the Senate who said, if a plane went in to bomb with those drones again, take the planes in, he is with them. Now, you can't be any stronger than that. But, now, again, where is the beef?

The meeting is the adjourned.

[Whereupon, at 8:12 p.m., the subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

SUBCOMMITTEE ON AFRICA AND GLOBAL HEALTH
Donald M. Payne (D-NJ), Chairman

July 28, 2009

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend the following OPEN hearing of the Subcommittee on Africa and Global Health to be held in room **1100 of the Longworth House Office Building.**

DATE:	Wednesday, July 29, 2009
TIME:	3:30 p.m.
SUBJECT:	Sudan: U.S. Policy and Implementation of the Comprehensive Peace Agreement
WITNESSES:	Mr. Roger P. Winter *(Former United States Special Representative on Sudan to Deputy Secretary of State)* Mr. John Prendergast Co-founder Enough Project The Honorable Richard S. Williamson Partner Winston & Strawn LLP *(Former Special Envoy to Sudan and Ambassador to the U.N. Commission on Human Rights)*

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee as noted above.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *Africa and Global Health* MEETING

Day *Wednesday* Date *7/29/2009* Room *2200 RHOB*

Starting Time *6:20 p.m.* Ending Time *8:12 p.m.*

Recesses [ ] (to)

Presiding Member(s) *Donald M. Payne*

CHECK ALL OF THE FOLLOWING THAT APPLY:

Open Session [✓]
Executive (closed) Session [ ]
Televised [ ]

Electronically Recorded (taped) [ ]
Stenographic Record [✓]

TITLE OF HEARING or BILLS FOR MARKUP: *(Include bill number(s) and title(s) of legislation.)*
SUDAN: U.S. POLICY AND IMPLEMENTATION

SUBCOMMITTEE MEMBERS PRESENT:
Payne; Smith of NJ; Jackson Lee; Watson

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not Members of HIRC.)*
Royce; Ellison;

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] No [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*

RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

Subject	Yeas	Nays	Present	Not Voting

TIME SCHEDULED TO RECONVENE
or
TIME ADJOURNED *8:12 p.m.*

Subcommittee Staff Director

Statement
Congresswoman Diane E. Watson
Subcommittee on Africa and Global Health
Thursday, June 25, 2009
3:30 p.m.

"Sudan: U.S. Policy and Implementation of the Comprehensive Peace Agreement"

Thank you, Mr. Chairman for holding this timely hearing on the situation in Sudan. The upcoming elections in Sudan will be a test for the Comprehensive Peace Agreement (CPA) between Northern and Southern Sudan. It is imperative that we do all that we can to uphold this critical agreement.

Though we have focused on the divisions between the North and South, we need to remember that the people of Sudan are as varied as its climate and topography. The issues are complicated and require a holistic solution. Ensuring a legitimate election is a necessary step towards this solution.

The 2010 election, twice re-scheduled, has many bridges to cross. The Government of Sudan has contested the recently completed census, displaying concern about the counting of Southern Sudanese in the North among other issues. The head of the UN Peacekeeping Force, Alain (Le Roy, has stated voters in Darfur would likely be disenfranchised. Combined with the volatility of the North/South border, fair elections seem difficult to achieve.

Some of the dispute stems from the oil rich region in Abyei (*Ah bee Ay*) that both the North and the South claim. The recent Hague decision on the oil border ruling that divided the region is monumental, and the initial reaction of the inhabitants seems positive. The now much smaller Abyei (*Ah Bee Ay*) will have the

choice in the 2011 referendum to join either the North or the South, but it will likely join the South. It remains to be seen whether this assigned border will be upheld or whether the border will become another reason for dispute in the future.

The ongoing strife has displaced approximately 2 million Sudanese. The majority of the displaced persons are dependent on food aid. They are passively losing agricultural skills. The children do not have access to steady schooling. Additionally, the displacement camps act as an incubator for disease, such as cholera.

In addition to the displaced, this civil war has claimed 1.6 million lives. The UN has performed admirably in Sudan. However, the Sudan issue has not

seen the strong leadership it requires. Energy starved nations have used the strife to their advantage. We should not let this cloud our vision of the atrocities that have occurred for many years. It is necessary to ensure the CPA remains intact so Sudan can work to finally end its civil war.

Mr. Chairman, thank you, and I yield back the remainder of my time.

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