

Sudan Hearing - Transcript

UNITED STATES COMMISSION ON

INTERNATIONAL RELIGIOUS FREEDOM

SUDAN'S UNRAVELING PEACE AND THE
CHALLENGE TO U.S.
POLICY

WELCOME:

FELICE D. GAER,

CHAIR, USCIRF

REPRESENTATIVE MICHAEL CAPUANO (D-MA)

PANEL I:

AMBASSADOR RICHARD WILLIAMSON,

SPECIAL ENVOY TO SUDAN,
U.S.
STATE DEPARTMENT

EARL W. GAST,

SENIOR DEPUTY ASSISTANT ADMINISTRATOR FOR
AFRICA, USAID

PANEL II:

SUSAN D. PAGE,

REGIONAL DIRECTOR FOR SOUTHERN AND EAST AFRICA, NDI

KHATAZA GONDWE,

RESEARCH AND ADVOCACY OFFICER FOR SUB-SAHARAN
AFRICA,

CHRISTIAN SOLIDARITY WORLDWIDE

KENNETH BACON,

PRESIDENT, REFUGEES INTERNATIONAL

PANEL III:

JOHN PRENDERGAST,

CO-CHAIR, ENOUGH PROJECT AGAINST GENOCIDE

TED DAGNE,

AFRICA SPECIALIST, CONGRESSIONAL RESEARCH SERVICE

DOUGLAS JOHNSON,

FORMER INTERNATIONAL EXPERT

TO THE ABYEI BOUNDARIES COMMISSION

ELISEO NEUMAN,

DIRECTOR, AFRICA INSTITUTE, AMERICAN JEWISH
COMMITTEE

WEDNESDAY,
SEPTEMBER 24, 2008

Transcript by

Federal News Service

Washington, D.C.

FELICE GAER: Ladies and gentlemen, thank you all for coming today. I'm Felice Gaer. I'm the chair of the Commission on International Religious Freedom - which is convening this hearing today - and I'd like to thank you all for coming. The hearing is entitled "Sudan's Unraveling Peace and the Challenge to U.S. Policy." So you may think there is a point of view, but in fact we hope to have information from our witnesses today to clarify what is and isn't unraveling, and what is and isn't the challenge.

This Commission has monitored events in Sudan since being established by federal law 10 years ago, and we're concerned that the substantial efforts made to bring peace to Sudan through the Comprehensive Peace Agreement of 2005 are in jeopardy, and that Sudan all too easily could slip into its third North-South civil war since independence. American diplomacy played a crucial role in bringing about the CPA, which ended the last longstanding civil war. During the conflict, religion was used as a means of inflaming and mobilizing Sudanese against their fellow citizens, and the Commission called Sudan the world's most-violent abuser of religious freedom. The CPA charted the paths that Sudanese leaders and international mediators alike would have to travel to bring the country from a tenuous cease-fire to a lasting peace. The CPA provides democratic accountability through free and fair elections at all levels of government, for rule of law,

for the sharing of Sudan's oil wealth, and for respect for internationally-recognized human rights, including freedom of religion or belief.

The CPA is the key to Sudan's viability as a country. If the CPA fails, then Sudan will fail. The consequences would reverberate across Africa. The United States carefully shepherded the negotiations leading to the CPA. The prospect of a new civil war in Sudan should awaken in all of us Americans a new resolve, a new commitment, to overcome the obstacles to lasting peace.

It is our understanding that key provisions of the CPA have not been enacted, due mostly to the intransigence and duplicity of President Omar al Bashir. In the government-controlled areas of the North, religious freedom and other human rights protections agreed to in the CPA and enshrined in Sudan's interim national constitution have not brought significant changes in the government's practice of enforcing its interpretation of Islam to the detriment of those holding other views. The brutal Northern assault against the contested oil-rich region of Abyei this past spring was an urgent reminder of the fragility of the CPA, and highlighted that its implementation must be a higher priority of the administration and international community. The United States has to reinvigorate its involvement in ensuring implementation of the CPA, and the U.S. Commission on International Religious Freedom has demanded that the U.S. special envoy, Ambassador Richard Williamson, who we are honored to have with us here today - that the U.S. special envoy has adequate personnel and other support across the government that is needed to fulfill his mandate.

The current schedule for elections in 2009 and a referendum in 2011 on the political future of the South cannot be delayed. They should ensure that the balloting represents a true expression of popular will, and that the results are accepted and implemented. New strategies to reach these goals are desperately needed, a re-commitment of American leadership and a realistic assessment of the challenge are required. Some of the urgent questions we must frankly address, and which we hope to address today, are the following.

Has U.S. policy done all it could to ensure implementation of the CPA, as some critics have claimed? Or as some critics have claimed, has it been consistently inconsistent? How can the U.S. government, up to now the leader in efforts to bring peace to Sudan, work most effectively with

other countries to encourage full compliance with the CPA? Where are the pressure points? What more can be done on implementation and effective monitoring? And how do we reclaim the promise of the CPA, and of a resolution throughout all Sudan, despite the crumbling environment, manipulation of the process, international distractions and limited attention? We think this is a challenge to U.S. policy, and we look forward to hearing our distinguished witnesses' views of what must be done.

We will hear from three panels, the first with Ambassador Richard Williamson and Earl Gast, who is senior deputy administrator for Africa of USAID, and they will focus on the efficacy of recent U.S. policy. That will be followed by two panels of experts. The first, looking at new policy directions, features Susan Page of the National Democratic Institute. It also includes Khataza Gondwe, Research and Advocacy Officer for Sub-Saharan Africa of Christian Solidarity Worldwide, and Kenneth Bacon of Refugees International. The third panel will concentrate on alternative U.S. policy directions for the future. It's made up of John Prendergast, co-chair of the ENOUGH Project to end genocide, who I saw on line outside, very far back, Ted Dagne, specialist in African affairs at the Congressional Research Service, Douglas Johnson, a former international expert to the Abyei boundaries commission, and Eliseo Neuman of the American Jewish Committee.

Before we introduce our first witness, Ambassador Richard Williamson, I would like to note that we are expecting several members of Congress to take part in this hearing. Senator Russ Feingold, chairman of the Senate Foreign Relations Subcommittee on Africa, was hoping to be here, but he is chairing a subcommittee meeting of his own right at this moment, and he asked that his statement be included in today's proceedings and in the record, and it will be - and it's available to you. I also need to point out our time constraints here, and ask each witness to summarize their prepared remarks so that we'll have enough time for questioning.

Before turning the floor over to Ambassador Williamson, I'd like to introduce the Commissioners, and then Congressman Michael Capuano is here, and I'll turn the floor over to him. Commissioners from that side to this side are Commissioner Don Argue, Commissioner Preeti Bansal, Commissioner Michael Cromartie, who is Vice Chair of the Commission, and on the other side of me, continuing across, is Commissioner Elizabeth Prodromou, another Vice-Chair of the Commission, Commissioner Nina Shea, and our new Executive Director of the Commission, James Standish. And now, Congressman Capuano, a member of the House Financial Services Committee, who is a founder and co-chair of the Sudan caucus, and a member of what until last night was called the Congressional Human Rights Caucus, and now I understand is the Tom Lantos Human Rights Commission. Congressman Capuano.

REPRESENTATIVE

MICHAEL CAPUANO (D-MA): Thank you, Madame Chair. I think you summarized the issues very well. So I won't take very long, except to say thank you to all of your Commission members, and to the many people here today that have continued to work on this issue. I'm not at all convinced that we can actually accomplish much in the Sudan area, but I know one thing - we must try. And if all good people remain silent, nothing good will ever happen. I've been working on this issue for many years. It comes and goes in the public's mind, but it will certainly come in a very, very, very strong way if the CPA is not adhered to. And - and the one word in that title that I think is most important is the last one, and it's the word agreement. This was an agreement. This was signed by the parties. This is not something that was forced on anyone. If anything, the party that is probably most responsible for not implementing it was, I guess depending on how you measure, at least a partial victor. So they weren't forced to do anything. They agreed to this.

Again, I'm not convinced that the U.S. can do anything on its own, but we can certainly do whatever we can do and we should do, and certainly we must keep a spotlight on the issue to make sure, as best we can, that the rest of the world pays as much attention as possible. And I also want to say a special thank you to Ambassador Williamson. I think you have one of the most difficult jobs in the department. Maybe between you and Chris Hill, it's a tossup. But nonetheless, I do want to say thank you for your efforts, and wish you the best of luck, and again thank the Commission for keeping an attention on this particularly important matter.

MS.

GAER: Ambassador Williamson, we're delighted that you're here. We're looking forward to your remarks, and then once we follow with Mr. Gast's remarks, we'll have a series of questions. It'll be our turn. Thank you.

AMBASSADOR

RICHARD WILLIAMSON: First let me thank the congressman. One thing on this issue which is heartening and necessary is the bipartisan, deep interest in Congress on the tragedies of Sudan. Last week I met with both Senator Feingold and Menendez, because of their leadership on the other side of the hill, but I also know from Don Payne and others who are providing leadership here. I think it's important it remain a bipartisan issue, and as we come up to impending change of Administrations, whoever wins,

I think that bipartisanship is necessary.
So thank you, sir, for your involvement.

Secondly, I want to thank Chairman Gaer, who I've had the pleasure of knowing and worked with for many years, for her work for human rights around the world, and her leadership of the U.S. Commission on International Religious Freedom. The Commission's sustained interest in this issue has been helpful, and indeed whether it's the creation of the Special Envoy

position or other things, the Commission deserves some of the credit for these initiatives, and I thank you. And I also note that there are plans for a trip to Sudan next month, and I think high delegation meetings like that that demonstrate the broad concerns and interests of the American people are important.

Third, let me just note that there are disturbing elements, as you have pointed out, the disturbing elements of religious, ethnic, and racial division that are played upon both in the North-South, as well as in Darfur. But I would argue, as Professor Valentino of Dartmouth has said, that most mass killing and genocide of the last 100 years have not been driven principally

by ethnic groups' or religious groups' hatreds, but by powerful men and women in power willing to do desperate things to stay in power, to feed those divisions that exist, to inflame hatred, and to manipulate that in a way that causes mass misery and murder.

With respect to the North-South civil war, as this Commission well knows, it was the longest civil war in African history, claiming two million lives and four million displaced. Richard Holbrooke commented about the Dayton accords that to end a bad war, you end up with an imperfect peace, and clearly the CPA is imperfect in some ways. But I do think that the United States, and President Bush personally, and Senator Jack Danforth deserve credit for their significant contribution and facilitation of the CPA, as do Norway, the United Kingdom, and others who participated in that in the IGAD process.

Among the most imperfect elements is it take six years to implement some of its most difficult elements. And the result is that both sides try to renegotiate those steps in ways that are advantageous, and most destructively and most violently have been trespassed by the North, in efforts to change facts on the ground, which have perpetuated misery. We saw this in Abyei. I was there in June a few days after the

terrible violence. It's my opinion that it's started by local actors making bad local decisions. There was a tit for tat escalation, but after a few days, when over 50,000 people had their lives shattered and had fled, there was a decision at a higher level that the Sudan armed forces' 31st brigade would stay in its garrison to allow the Misseriya to engage in massive looting and destruction.

When I was there in late May, a week or so later, it was worse than anything I ever saw in Bosnia or Kosovo. As far as you could see, there were churches that had been burnt to the ground, markets that had been destroyed, and 98 percent of the homes burned to the ground, plastic bottles everywhere, clothes everywhere, a few vehicles that were burnt on the ground. They don't have many vehicles to burn. I even saw, symbolically and tragically, a child's bicycle that had been contorted nearly out of recognition that lie by one of the paths.

In early June, there was an Abyei road map, finally, where the North and South agreed to a way forward. This was encouraging. The U.S. had played a significant role in trying to get the parties to agree on the basic elements. But as so often happens in Sudan, there's a declaration of principle or there's an announcement of an agreement, or there's a ribbon cutting, but the follow-through is partial performance, delay, diversion, denial. So despite the calling, for example, that immediately they move forward with a civil administration of North and South, it took until early August - almost two months later - to get an agreement on the chief administrator and deputy chief administrator. The South proposed their slate of commissioners within 24 hours. We're still waiting for them to be approved, and for the Northern commissioners to be announced. There is a joint integrated army unit there, which is the first truly joint integrated unit, but there's not progress on a joint integrated police force, and until there's security, people cannot return to start to pick up their lives.

Last month, I traveled not only to Abyei, but back to Agok, which is where those 50,000 to 70,000 people fled, a couple days' walk away. It's the rainy season. They're living under plastic. It's miserable conditions. The international humanitarian community is doing a heroic job to help supply the food and shelter they need. But the fact that 50,000-plus people's lives could be shattered and Khartoum is not acting more expeditiously to give them some possibility to reclaim their life speaks volumes of both the fragility of the CPA, but the ways in which it's in danger on a constant basis.

The census,

which is critical both for the election that is scheduled to take place in 2009 and the referendum scheduled for 2011, was delayed past the stipulated date. The census documents were printed by the government in Khartoum, and then shared with others before the census began and - no one should be surprised - two of the stipulated questions had been deleted, your ethnicity and your religion. One can only speculate that the reason those questions were deleted is that there were those in the North who didn't want the answer.

Salva Kiir, the first Vice President of the government of National Unity and the President of the Government of Southern Sudan, reluctantly agreed that the census could go forward anyway, because the result would've been another six-month delay or so. The census is taking place. We'll be hearing the results. But it's noteworthy that this key component has become an article of impediment and difficulty.

The election is scheduled for next year, as Chairman Gaer referred. The election is endangered because the census is not done. It's endangered because of the limited capacity and capability of the parties to conduct an election. It's endangered because the necessary elements for a free and fair election do not exist, whether it's media intimidation, religious intimidation, intimidation for the right of assembly, not to mention the great challenge of Darfur, where you have over 300,000 living as refugees in Chad, another 180,000 living as refugees in the Central African republic, and 2.1 to 2.2 million living in internally displaced persons' camps in Darfur.

The election is important not only because it will allow this diverse country, which has over 400 languages and over 550 different ethnic tribes, to start a process of seeking a new identity in which people are stakeholders. But also it's critical because it is a predicate for the referendum in which the South will have an opportunity to make a decision on its self-determination. And therefore, if the election does not happen, I'd suggest to you it greatly endangers the possibility of that referendum, which is the final and most important plank of the Comprehensive Peace Agreement.

Finally let me just note in passing on the North-South issue, the question of oil is a dominant consideration. When the current regime came to power in 1989, the exports from Sudan were less than a half billion dollars a year. Last year, they were over 9 billion. The growth is almost solely as a result of oil. The bulk of that oil would be in the South. Some of it is in contested areas between the North and South, such as where Abyei border would be, where there is more than \$600 million dollars a year in oil, feeding the difficulties. And while

there is an arbitration going on for oil revenue sharing in Abyei currently in the Hague, I'm afraid its likelihood of implementation is the same as the Abyei border commission, because once the decision's made the party that likes the result will accept it, the party that doesn't like will ignore it, and there's no enforcing mechanism.

Madame

Chairman, if I could just - I'll try to be quite quick about this, on Darfur. The mayhem, murder and misery continues. The Darfur peace agreement has failed. Recent violence in Kalma camp on August 25, where 90 to 100 government Sudan armed forces vehicles circled the camp and shot in, and there were reportedly from 30 to 89 killed, a couple of hundred wounded. There have been photos from the Nyala emergency room of children, women, and men with bullet holes in their foreheads. There have been pictures of victims who have been wounded with larger-gauged weapons that have torn off legs, etc. Zam Zam is another camp that was raided recently. Bear Village was attacked, where some died. And a week ago, Saturday, the SLM camp of Minni Minnawi was attacked as well. Minni Minnawi is the leader of the SLM, which is the only party that signed the Darfur peace agreement. He is - I'm not saying he's an angel, but he had not violated the cease-fire. Yet the government of Khartoum attacked him. They reached an agreement for a framework to go forward. We don't know all the details yet. Time will tell. Skepticism is never a wrong starting position in Sudan.

Humanitarian

convoys are being hindered. The area of access for humanitarian convoys have decreased, not increased, every one of the last few years. Just yesterday, there were reports that the international rescue committee has been denied its continued operations by the Humanitarian Affairs Commission of the government of Sudan. This year, there have been over a hundred humanitarian vehicles that have been hijacked and taken. More than 30 international humanitarian workers have been kidnapped. A handful have been killed. The result was for a period of time, a cut of 50 percent of the rations provided by the World Food Program, for which the U.S. provides 50 percent of its budget. So the humanitarian situation has not gotten better.

UNAMID

deployment, the peacekeepers, have been glacially slow, in part because of the difficulties of a joint African Union/U.N. mission, in part because of bureaucratic challenges with the U.N., but also in large part because of impediments of the government of Sudan. The peace process is moribund. There's a new joint African Union/U.N. mediator, Mr. Bassole, who the U.S and others are supporting. He was trying to get an inclusive dialogue going. Time will tell.

Finally,
let me just note briefly the decision of the chief prosecutor of the International Criminal Court to make an official referral requesting an arrest warrant on a dozen counts of war crimes, crimes against humanity, and genocide against President Omar al-Bashir. That July 4 referral has complicated the situation. The pre-trial chamber of the ICC is now considering it. No one can be sure when their decision will be made - probably not for another two months. There are those who suggest this provides an opportunity, because that puts more pressure on Khartoum to make progress - real progress - on the ground. It also is a danger, because it stresses fault lines within the regime, and if the arrest warrant goes forward, there are many nightmare scenarios that might result.

There is
under the Rome Statute, Article 16, the capacity of the U.N. Security Council to pass a resolution suspending jurisdiction of the ICC on the matter if they determine it is a threat to international peace and security to proceed. There has been a diplomatic offensive by Khartoum in which they have gotten the support of the African Union Peace and Security Commission in support of an Article 16. The OIC, the Islamic community, has come out in support of an Article 16. The non-aligned movement has come out in behalf of an Article 16. I've been in New York the last couple of days at the opening of the U.N. General Assembly, and great diplomatic effort is being made on that. Let me just comment briefly, because I suspect Felice someone, if not you, may have a question or two on this issue.

The United States,
as you know, is not a member of the International Criminal Court. We have not, and do not intend to make comments on either the machinery or deliberations of the ICC. At the same time, when restorative justice was a backwater of some activists and academics but not something government worked on, from Nuremburg all the way to the 1990s, notwithstanding the killing fields of Cambodia, notwithstanding genocide in Rwanda - finally, Rwanda sparked a reemergence - the United States played a central role in the creation of the ICTR in Arusha and the ICTY. It provided more than half of the budget for the Sierra Leone special court in Freetown. The United States believes in justice. The United States does not support impunity, and for those who suggest that the ICC is targeted after one continent, let me point out that the re-emergence of transitional justice included indictments of many from the Balkans who were not from Africa.

If asked,
if forced to vote today, the United States, even if it was 191 countries against one, would veto an Article 16. The United States would like to see progress on the ground to provide alleviation of humanitarian suffering. We would like to see sustainable security on the ground in Darfur,

in the South. Every discussion I have with Sudanese and other officials, I make clear that that is our priority. We have not seen a response by the officials in Sudan to approach the sort of meaningful steps in those areas that are noteworthy. We will continue to demand and work with our international allies and with parties on the ground and heroic NGO humanitarians and advocacy groups to advance those objectives. Thanks very much for giving me this chance to visit.

MS.

GAER: Thank you very much, Ambassador. Mr. Gast.

EARL

GAST: Good morning, Madame Chairperson, members of the Commission, and Congressman Capuano. Thank you for the opportunity to discuss Sudan's fragile Comprehensive Peace Agreement, and our path ahead. As this Commission has noted, the collapse of Sudan's Comprehensive Peace Agreement would likely result in a return to a bloody North-South civil war. Sudan is facing the overwhelming challenges of securing a fragile peace, halting persistent violence, overcoming a lack of resources, and parsing delicate regional relations.

For the people of Sudan, the stakes are enormous, which is why the U.S. government, led by Ambassador Williamson, is providing assistance that comprehensively addresses the political, economic, and social injustices that are tearing Sudan apart. Since 2005, the U.S. government has provided Sudan more than \$5 billion dollars in assistance, most of which is in the form of humanitarian assistance and peacekeeping support. It has been, and will continue to be, our highest priority in Africa. USAID's carefully targeted and integrated approach to bolster the CPA is the most important investment we can make in Sudan's future.

Since it was signed in 2005, USAID has focused on mitigating threats to Sudan's fragile peace in three ways - by providing visible dividends to the people of Southern Sudan, by strengthening the capacity of the government of Southern Sudan to implement the peace agreement, and by supporting the achievement of key milestones in the CPA road map. Public support for the CPA can be secured only through legitimate democratic governance that delivers the benefits of peace to the Sudanese citizens. Without improved governance, social services, and infrastructure, disenfranchisement and feelings of alienation could return, thus dampening support for the peace agreement and opening the Southern government to criticism. This is why USAID's programs specifically focus on improving access to healthcare and education, on increasing economic opportunity and the infrastructure to support it, and on strengthening the capacity of the Southern government to respond to the needs of its people transparently and effectively.

The government of South Sudan did not exist before the CPA created it in 2005. Since that time, USAID has launched assistance programs to bolster the capacity of 11 Southern ministries, and substantial progress has been made in establishing functioning institutions where there once were none. Ministries are becoming more functional, revenues are coming in, and payments are being made, yet development gains have been slow, and many fundamentals need to be improved. In the government of Southern Sudan itself, stronger and more consistent linkages among policy priorities, policy development legislation, budget and implementation need to be forged. In the states and counties, the capacity needs to be reinforced through planned development and managed service delivery.

USAID is working with the government to address these challenges by assisting in the establishment of core institutions and systems, transparent financial management, and civil service payroll and pension systems. USAID will also facilitate the adoption of a government-wide anti-corruption strategy to improve transparency and oversight. At the same time, we have been providing extensive logistical and technical support toward the achievement of the CPA's three main political milestones - a nationwide census, national and regional elections, and a referendum in Southern Sudan on unity.

As Ambassador Williamson has noted, in addition to being an enormous logistical challenge, the census was an exercise in political brinksmanship, salvaged only after 11th-hour negotiations and sustained U.S. and international pressure. We expect to have the initial results by December for the census, but given widespread skepticism about the validity of the data by some parties and concerns about manipulation by government, those results may be rejected or discounted by the Southern Sudanese. That outcome would complicate USAID and other donor initiatives to facilitate the CPA's second key milestone, the national elections.

USAID has invested heavily in laying the groundwork that will contribute toward an informed and active electorate raising awareness of the CPA, building peace, and promoting reconciliation. Our civic education and radio programs encourage group discussion and help Sudanese understand important issues such as the CPA, census, and elections. USAID is also helping grass roots civil society organizations promote reconciliation and mitigate conflict among diverse ethnic and religious communities by arranging meetings between Northern and Southern Sudanese that seek to break down stereotypes and suspicion, and to identify common interests and goals.

But in spite of our investments, preparation for the national elections are at an impasse, and we are nearing a crossroads. Unless and until we see an empowered national elections commission appointed, as mandated by the CPA, neither USAID nor the international donor community will be able to support the complex and costly logistics operations needed to conduct a credible election in a country so divided and inaccessible. We are rapidly approaching a crisis point beyond which the CPA-mandated timeline for elections and the referendum to follow would be very difficult, if not impossible, to achieve.

We are ready to provide technical support for the national elections commission when it is fully operational. We are prepared to fund ballot production and other logistic support requirements when our Sudanese counterparts have devised and shared a logistics plan with donors for support. We are prepared to provide support for oversight of the election process, through funding international and domestic election monitors, and we will continue to expand our elections-related assistance in the North and in Darfur in support of a credible election process when our staff and partners can conduct their work in a permissive environment, free from government-sanctioned harassment.

Despite these challenges, or because of them, it's important now more than ever to remind ourselves that the goalposts have not moved. While fragile, the CPA is still the key to North-South peace, and to the safety and security of millions. USAID is strongly committed to supporting its implementation and its promise of stability, but in the end the impact of our assistance will hang on the willingness of the Sudanese to follow this road map to a peaceful future. Thank you, Madame Chairperson and members of the Commission for your time and continued interest in Sudan.

MS.
GAER: Thank you very much. We're now going to have a brief question and answer period, and then we'll be following with two other panels. I'm going to take the prerogative of asking the first question, and then our Commissioners will join me. And I'm going to go back to my point, which was that we are told that the Administration has been consistently inconsistent, and this has to do with the focus. The focus at one point on the CPA produced a CPA. Almost immediately thereafter, the focus on Darfur seemed to be what was dominant, and there's been a shifting back and forth. How are the two related? Is the Administration in your judgment, Ambassador, inconsistent? Has it found a way forward?

AMB.

WILLIAMSON: I think the challenges are inconsistent, and I've held this position since January, so I wouldn't be the best informed to comment on my predecessors. I would say the following. If the CPA collapses, there can be no progress in Darfur. I think there's a recognition of that, which is manifest in the sort of sustained involvement that USAID and others have had, that Mr. Gast has outlined.

With

respect to the time I've put in with the government of Southern Sudan and dealing with their issues, the linkage between the South and Darfur, and the east in the Nuba Mountains have marginalized people who frankly have been marginalized for 200 years, under the Ottoman occupation, under the British occupation. During the British, over 50 years in the early part of the 20th century - I don't know if these are exact, but they're pretty close - there were a couple of hospitals built in the South, and over a hundred in the North. There was one school built in the South, and over a hundred in the North. So the marginalization was passed on, when after independence it was given to those in Khartoum who tended to be Arab and Islamic. So this is a deep history.

So the

common concerns and complaints in Darfur and in the South and in the east are not unrelated. But going back directly to your point, Chairman Gaer. I believe if we cannot keep the CPA on track to full implementation, and a vote eventually in 2011, a credible referendum in which the people of the South are able to determine whether or not they want to stay part of a unified Sudan or independent, the possibility for a sustainable peace in Darfur will continue to be elusive, and the suffering will go on.

MS.

GAER: Ambassador, you said that, with regard to the Commission and other developments, the South was ready to appoint people immediately, the North was delaying. There's evidence on many other issues - the same thing. Could you comment on if there's to be implementation, is there adequate buy-in both from the North and the South?

AMB.

WILLIAMSON: I'd say all parties are wary in Sudan. There aren't a lot of white hats. There are brown hats, and then there are some very, very black hats. I can't criticize those who are trying to re-calibrate and sustain their interests, and they've been more forthcoming in the South. The Election Commission is another good example. Efforts to get a national election law languished for a long period of time. Miraculously, it was passed so it could be signed on July 14, the same day the chief prosecutor made his referral. The South tendered their names

for the commission almost simultaneously.
The commission has not been appointed.

Until there's
an official request to the U.N., the ability of the international donor
community to deliver the bulk of the assistance required, which is estimated as
being as high as a half billion dollars, can't begin. So Madam Chairman, nobody has perfectly clean
hands. It's a tough neighborhood with
tough people, where one judges how to protect their interest cautiously. But clearly we have not seen the forthright
delivery from the government of national unity that was hoped for when the CPA
was signed, that the international community and the people of Sudan have a
right to expect, and that will be required if this process can successfully go
forward.

MS.

GAER: Thank you very much. I now turn to questions from the Commissioners,
although I wanted to recognize - I see Congressman Payne has joined us. Delighted to have you with us,
Congressman. Commissioner Shea?

NINA

SHEA: Yes. Thank you, Felice, and thank you, Ambassador. Congressman Payne, if you'd like to say
something? Congressman Payne, I know you've
been following this issue and dedicated and devoted to this issue for decades,
and I would yield to you if you would like to come forward now and say
something. Or you could wait. Okay.
Thank you.

Ambassador

and Mr. Gast, you paint a very dismal picture, and I think that your
frustration is apparent even in your tone.
I have also been following this issue for a decade, and there's not a
lot of recent developments that would cause encouragement. There was a lot of hope put on the CPA, and
it's very, very discouraging to hear that it's at a crisis point, as you put
it. I do take issue with any notion that
there is a moral equivalency, though, even though there may be no white hats or
that there are problems on both sides and culpabilities on both sides. After all, it was the government of Sudan that is
being charged with genocide in Darfur, and in my view should've been charged with
genocide in the South as well. There was
violence and skirmishes and tribal violence for a long time, but the Khartoum - in the midst of those ordinary, for Sudan,
skirmishes, there was it seemed a policy of genocide with deliberate forcible
starvation on a massive, massive scale at the same time that international
relief flights were prevented from landing.

Is there
action by the U.S. government to build up Southern Sudan at this point, apart

from the CPA? I recently spoke with the head at my office, the director of curriculum, for example, of the University of Juba in South Sudan. That's the only university in South Sudan. They have one grade there right now. It was completely destroyed during the war. An entire generation lost its higher education in Southern Sudan. I think the university was moved to Khartoum, and they're bringing back grades year by year, so there's about one or two years there now. He said that there's no books in the library that date more recently than 1989, that most of the books and reference books are from the '60s and '70s, that there are three laptops in the whole place. There are no other computers.

One of the Christian groups has found computers, I'm told, for this school now, and wants to ship it to them, but there's sanctions in place by the U.S. And OFAC has a lot of red tape, making it impossible to actually ship those computers. Do you want to comment about that at all? And also, sort of the preventiveness. Any preventions that are in place for situations like Abyei? There were signs before it occurred that there were military bands going around destroying villages in the area, and that Abyei, the city, was in line, and it was predicted by some to be imminent. Can the U.S. do anything about this kind of situation?

MS.

GAER: Ambassador?

AMB.

WILLIAMSON: Host of questions. I'll try to be responsive. First, I thank you for the opportunity to clarify. I certainly don't mean to suggest there's moral equivalency. But I am trying to suggest, and I'd like this opportunity to state, that it is not as simple as many concerned and decent and committed people would like it to be. There's not just a force of lightness and a force of darkness. There are bad things being committed by various sides. All nine neighbors play in this playground, many without a helpful contribution. So whether you - so I think it's important to acknowledge that even those that we see as our best friends in the area, there's some complications, and they too have made mistakes. For example, Commissioner Shea, who was the first one to get killed, to spark the violence? It was a Northern troop, by Southern guards, at a checkpoint. I'm not saying I'm absolutely convinced it wasn't because of some decision in Juba or Khartoum. It was local actors, making a mistake. My point is, in this difficult situation, there are not hands as clean as trying to say good guys, bad guys, etc.

Having said that, there's no question that in the east, and in the South, in the west, there have been victims of terrible atrocities, that I agree with President Bush when he became the first head of state to call this genocide. And this genocide, in slow motion in Darfur, continues. That as I described it, I do think the decision was made in Khartoum for the 31st brigade of the SAF to stay in its garrison, which allowed the Misseriya to do the looting and burning. So if I was not clear enough, I appreciate the opportunity to give more clarity.

Second, it's my opinion that the stronger the South is, the more effective it is, the better the chance of a successful CPA. Chairman Payne has been a leader in Congress in trying to help that happen. You correctly identify that there are many elements. One, economic, which Mr. Gast can address better than I, but we've had deep involvement that goes beyond the humanitarian assistance to develop economic capacity. Second, political - NDI, IRI, NED have been deeply involved. Frankly, I think it's a miracle that the SPLM conventions, both local in April and national in May, were able to take place and be effective. It's a testament to the leadership of Salva Kiir and others that they did it. They had not done this sort of exercise before, but also I'd suggest to you it could not have been done without this type of support that the U.S. provided, the type of support that Chairman Payne has pushed for, the type of support that NDI and IRI provided.

Government capacity is a huge problem in the South. There is literally only a handful of people that try to do everything, and it is extremely complicated, given the challenges of the South, and area the size of Texas with less than three kilometers of paved road. And I believe you also have to strengthen the South's military capability, of which there's been some contribution by the U.S. in developing a military white paper. The U.S. built the headquarters to provide some command and professionalism for the Southern SPLA, etc. So those are all elements of the same.

Let me comment on two other things. UNMIS - have your staff pull out the statements I made after I was at Nambia. Pull out the response of this special representative to the Secretary-General to my harsh criticism. Yesterday, I repeated the same comments directly to the under-secretary-general of the U.N. for political affairs, and the under-secretary-general of the U.N. for peacekeeping field operations. As you may have noticed, the fact that the U.S. is the largest contributor doesn't mean necessarily the U.N. is as responsive as the U.S. would like. We're disappointed that UNMIS has budget of \$1 billion dollars a year, \$250 million of it from the U.S., had only 300 people posted in Abyei, the single most dangerous area in the region. And on the day of the violence, there were only 125 there, only 90 with arms. These things we - I can assure you these points are made in the Security Council, in private conversations. You're welcome to reiterate them. If you can have more success than I to try to get them responsive, I would be delighted.

And with UNAMID, the United States this year spent \$100 million to train African troops in Rwanda, Ghana, Senegal, so that more African troops could be ready to go there. All 30 of the camps that are currently used by the joint African Union-U.N. troops were built by the United States at a cost of over \$300 million. There is no question that we are the most forward-leaning. We've recently committed to airlift Rwandan troops. We're looking at ways to help airlift their containers. And we're disappointed that the 80 percent deployment we sought for this year has been recalibrated to 60 percent, but I will say the new under-secretary general for peacekeeping and the new under-secretary general for field operations have brought a breath of fresh air, a pragmatic flexibility, and progress is finally being made. And I think it's a commitment that Ban Ki-moon shares with President Bush to do that. I guess my bottom line? I wish it was simple. I haven't found it to be that.

MS.

SHEA: Okay. Thank you for your answer. I would like -

MS.

GAER: Nina, I'm sorry. Commissioner Shea, we have to -

MS.

SHEA: I didn't get the answer -

MS.

GAER: - break for the moment.

MS. SHEA: - regarding the OFAC.

MS.

GAER: We're going to break for the -

MS.

SHEA: I'd like to get -

MS.

GAER: I'm sorry. I can't give you the floor at this time, Ms. Shea.

MS.

SHEA: If I could ask for your help in getting the OFAC barriers lifted -

MS.

GAER: We have two Congressmen that are waiting for the floor.

MS.

SHEA: - for the computers. Thank you very much.

MS.

GAER: And I'd like you to please desist. We're really honored to have Congressman Payne, who's waited patiently for the floor. He's chair of the Foreign Affairs Subcommittee on Africa and Global Health, and he's going to make some comments. And he'll be followed by Congressman James McGovern, vice chair of the House Rules Committee, who is also co-chair of the new Tom Lantos Human Rights Commission in the House, and formerly of the caucus. Congressman Payne, thank you. The floor is yours.

REPRESENTATIVE

DONALD M. PAYNE (D-NJ): Thank you very much. I'll be very brief because I just prefer to hear testimony and - and Commissioners' interaction. But I first of all am very pleased that you've having this very important hearing today. There is no question that Sudan is very important on the future of Africa, primarily because first of all so many countries border Sudan; and secondly because, as we all know, not only is there the problem with the CPA but we also experiencing problems that continue in Darfur. The east is not getting any better. The - the unstable condition in Sudan impacts Chad. And so there is so much at stake that there must be, I think, more focus on - on this problem.

I think,
just briefly, we were very pleased that there finally was the signing of the CPA and of course we were all surprised as the implementation was beginning at about the same time the Darfur situation arose, which is certainly very troubling. The - it's difficult to evaluate what the U.S.'s policy is because on one hand the president - as we've mentioned - has spoken out about genocide and the fact that the Congress, of course, did pass a resolution declaring genocide for the first time in the history of Congress that genocide has ever been declared, especially when it was going on. We still can't get a resolution on whether genocide occurred in 1915 in Armenia. However, we were very pleased that we were able to have this genocide declared. Secondly, Secretary of State Colin Powell at the time also did declare it and then President Bush mentioned genocide was occurring in one of his addresses at the U.N.

So I say
that on one hand we - we have unanimously declared that there were - that Sudan is violating human rights, whether it's the CPA lack of implementation or what's happened in Darfur. But then on the other hand we find that the United States government quietly, they thought, invited Salah Gosh who's head of the intelligence - the - the architect of the North-South struggle for 20 years and - and the genocide in Darfur by a U.S. military brought to Virginia for discussions and wine and dinner. So it's difficult to figure out what is the policy? On one hand we say genocide is going on. On hand we are criticizing Bashir, then on the other hand we bring in the architect of genocide to the United States of America, taking pictures at the Central Intelligence Agency's office and proudly, I understand, displaying it on his desk.

So I'm
confused about what is our real policy. A country that hosted Osama bin Laden for five years, and the same persons who were in charge when Osama bin Laden was there are still in charge. And we talk about maybe opening embassies and we talk about maybe we should possibly reduce the sanctions and we talk about moral equivalency. I heard that in the North-South struggle too, you know? How does a country bomb villages - and if you can all go back to those initial pictures that were shown of the bombing of all of those villages, burnt out. Now, where's the moral equivalency that because there have been some - some acts of violence by the GEM or the SLA or perhaps even SLMA, some question. There's no moral equivalency. And once we start equating behavior of some of the rebel groups and saying that's equivalent to the government of Sudan, then we are really, I think, going down the wrong slope - side of the mountain.

And so I,
like I said, would just prefer to listen because I am very disappointed in the lack of progress in Sudan. I continually think Dr. Garang's statement that the government is too deformed to be reformed. And I guess the more I deal with Sudan the more I believe that statement is - is still true.

And so I could talk on an on about this issue but I first of all appreciate the opportunity to - to say a few words. I hope it's clear where I stand and I'll just yield back my time so my colleague might be able to - Mr. McGovern - say some words. Thank you.

MS. GAER: Thank you, Congressman.

REPRESENTATIVE

JAMES MCGOVERN (D-MA): Thank you very much. And I want to thank the U.S. Commission on International Religious Freedom for hosting this important briefing. And I want to thank the Commissioners for your incredible work and I want you to know that we follow what you do very closely and we appreciate your commitment to - to issues of human rights.

I do have to be brief because I just got notified that I'm handling the rule on the continuing resolution, which means if I don't go there the government ceases to exist. (Laughter.) So I do have to be brief. But let me - let me - let me just say that I -

REP. PAYNE: Might be a good thing.

REP. MCGOVERN: I know. I have a big - I admire what Congressman Payne has done on these issues and I have followed his lead, as have many of us in this Congress. I mean, he is - he is the expert on this stuff and the success of the CPA - as has been, I'm sure, talked about - is not only - is critical not only for the people of Southern Sudan, but to provide hope that the conflict in Darfur and other African conflicts can indeed be - find negotiated solutions and - that are meaningful to the people involved and that are affected by the war. I share the frustration of my colleague from New Jersey over just the continued turmoil, chaos and killing that is going on in Sudan.

And I appreciate all the efforts of everybody here but, you know, at the end of the day we're not doing enough because it's going on. And I - a year ago I visited the refugee

camp in Chad along the border of Sudan and interviewed, you know, scores and scores of refugees and I tell people it is a life-changing experience and none of us can possibly imagine what it is like to be somebody who has experienced the violence and the turmoil that so many in Sudan have gone through.

And I guess

my view is that in addition to all that we're doing maybe the time has come to put a little bit extra - extra pressure on some of our friends in the region, some of our allies - China in particular - to work with us in a more constructive way because I think - I think much more needs to be done. And again, that's not a criticism to anybody here; it's just - it is - it's frustrating that, as my colleague has said, that we talk about genocide and we talk about the need for ending the violence in Sudan and here we are and the genocide continues. And we need to find maybe different approaches here and -

But anyway,

I want to apologize because my - my phone is now vibrating off my - my hip, so I need to go to the floor. But I want to thank everybody, but especially the Commission. I appreciate the work that you're doing. It's important work on behalf of human rights and you need to know that we follow your work very closely. So thank you very much.

MS. GAER: Thank you, Congressman. Now we have a bit of a time problem right now. I'm going to very briefly - there are three Commissioners who wanted to raise questions and they've been sitting patiently. I'm going to ask them to express their views as succinctly as possible. We'll have one set of responses. We'll group the three questions and then we have to move to the next panel. We have two more panels and we have eight more witnesses. So Commissioner Prodromou?

ELIZABETH

PRODROMOU: Thank you. And thank you, too, both Ambassador Williamson and Mr. Gast. I actually was quite struck by the eloquence and the precision with which both of you presented a very dismal picture about it seems a quite comprehensive lack of capacity to provide really the fundamental kinds of services that we associate with a sustainable state. And yet both of you also emphasized this linkage between the need to conclude the census by the end of the year, the need to move then towards national elections, and then finally the need to move to the referendum; so in other words, to forge ahead at all costs.

And here I think Ambassador Holbrook's comments were apocryphal. You quoted him at the beginning as saying, "To end a bad war you end up with an imperfect peace." And in that respect I think perhaps there's something to be learned there. And I guess my basic question, a not very elegant one, is what are we actually trying to facilitate in Sudan? Because if we assume that we forge ahead, get the census accepted, a census which by all accounts is grossly flawed; move towards elections, which I believe you said we will provide everything from ballots to ballot boxes, hopefully no chads or hanging chads; the Darfur problem remains unresolved, et cetera, we move through these elections and then we go to a referendum. And we may move indeed from a model of two systems one state.

In order to avoid that outcome - I'm assuming we'd like to avoid that outcome - could you tell us where you see the greatest capacity gains? In what sectors in particular? And here I'm thinking about policing. I'm thinking about the provision of healthcare and I'm thinking about a market that's not oil-based. Have we seen any measurable and meaningful capacity gains in those sectors? And if so, are there ways to build on what we've learned there and transfer it to other sectors of either the North or the South in order to avoid - anyway - Ambassador Holbrook's apocryphal comment becoming a reality perhaps there?

MS. GAER: Thank you very much. Commissioner Argue?

DON

ARGUE: I have two items. First of all, thank you Ambassador Williamson and Mr. Gast. It would be very important if we get a copy of your text and what you presented at the U.N. yesterday if that would be possible, please. Again, I join my fellow Commissioners in thanking you for your candid remarks.

Cut to the quick. What have we done that has worked and what do we need to do, from your judgment, to move the CPA forward? Has anything worked?

MS. GAER: And finally, Commissioner Bansal.

PREETA

BANSAL: Just a quick comment. Ambassador Williamson, you said that most mass killings in history - I think you said - were driven not by religious,

ethnic or racial divisions, but by people in power wanting to stay in power who try and exploit those divisions. And I guess my question or - was just to what extent to you think United States policy, in so far as it's necessarily as focusing on anti-terrorism, is propping up certain people in power that are exploiting those divisions? And I'm thinking particularly of the Sudanese state security agencies who are providing us with information but are also involved, arguably, in prosecuting the war in Darfur and coordinating some of the resistance to the CPA.

MR. GAST: Thank you for your questions. I have spent my entire career until the last few months overseas working in developing countries - 18-plus years. And I can say in all honesty, and this is probably an understatement, that there is extremely weak capacity in the South; and that is an understatement.

So what will it take? It will take a lot of resources and it will take a sustained commitment over a long period of time to build institutions of governance, institutions of education, of health in the South. I can tell you that a majority of our development assistance - setting aside the humanitarian assistance - the majority of our assistance goes into supporting health systems, educational systems, infrastructure, governance in the South, because as Ambassador Williamson said, that the way of supporting the CPA is to make sure that there is a credible and strong partner in government in the South. And that is what we're trying to do. It will take a lot of resources.

We have advisors posted within the government ministries actually performing government functions, but at the same time providing OJT - on-the-job training, if you will - to government officials there.

So I can say that there has been progress. It's not enough and it will take a lot of years. There is - at least among our higher level partners in government and civil society organizations in the South - there is a desire to transform the system there to become a government with democratic principles. But again, it will take a long period of time.

MS. GAER: Ambassador?

AMB. WILLIAMSON: Thank you, Madame Chairman. A couple things. Thanks for the questions.

What we're trying to facilitate first and foremost is humanitarian suffering - trying to alleviate that in very difficult conditions. As I noted, in Darfur tremendous risk to which some 16,000 humanitarian workers expose themselves every day. A thousand of them are international workers, the rest Sudanese citizens. The cases of retribution against them personally, against their families, it's highly difficult. As I noted, there's 100-plus vehicles that have been hijacked this year, over 30 kidnapped, et cetera. But our first objective is trying to alleviate humanitarian suffering and, as we say in - as you see in Agok if you travel there, as Chairman Payne and I did. In fact, we saw each other there last month when we were making independent visits. There's incredible suffering and distress in the South as well and we still have over two million displaced persons that have not returned to their homes in the South now, these three years after the CPA was signed.

So our policy is first and foremost to alleviate humanitarian suffering. We do that through the good work and substantial resources provided by USAID. We do that in partnership with international NGOs as well as international organizations like the World Food Programme that does a superior job. We do that directly.

Second is to try to develop a capacity so there can be some sustainability and that is more difficult. It's difficult because so much resource is drained away for humanitarian assistance. The vast bulk of the \$5 million that's been spent are to keep people alive day to day. But we need to develop their capacity and we need to develop partnerships with other countries to do more capacity building.

There was a meeting in Oslo on the Sudan Consortium in May. We try to coordinate and help Kate Almquist from USAID who lived in Juba for a year directing these programs and is now head of the African program, certainly has that as a focus and priority.

What has worked? What has worked is when you've had a united international community focusing on problems both political with one voice and humanitarian. As was pointed out - I think it may have been Chairman Payne - we don't have that, China being the most notable challenge. But we need to do a better job of trying to enlist other countries to help with their

shoulder to the rock to try to move it up the hill.

Finally,
anti-terror there's no question. And it's
been stated by DNI, et cetera, that there is some intelligence sharing on terror
issues. I'm not part of that information
flow. I think it's not irrelevant to U.S. policies but I think the president's
principle concern is alleviation of humanitarian assistance and there is some
different emphasis depending on where you sit on that within the U.S. government.

Finally, it
is a difficult, disturbing and dismal picture about what's happening to too
many people on the ground. It is an
incredible challenge to try to get political progress or sustainable peace. But as Chairman Payne knows who, like I, have
visited Otash IDP camp, Agok or other - in a world where they have no
immediately possibilities. The spirit of
those who have been displaced, who have been victimized, who have lost loved
ones, who have been beaten and worse, their spirit of trying to find a better
life for their children is there and the United States and the international
obligation has an opportunity and a responsibility to try to help.

Thanks very
much.

MS. GAER: I want to thank the panelists for joining us
and ask the next set of panelists to step forward. This has been extremely valuable, so much so
that we are more than half an hour behind our schedule. I'd like to invite Susan Page, Khataza Gondwe
and Kenneth Bacon to the witness table and thank Ambassador Williamson and Mr. Gast
for their presence and observations.

I
understand that Susan Page - oh, there we are.
Good. We'll change the cards and
we'll begin right away. I'd like to ask
each of you if at all possible - we do have your testimony and if you could
limit your remarks to five minutes. We
told you originally 10 which was too little; we'll ask you to do it in five so
that we can have some question and answer - and response. Thank you very much.

We'll begin
with Ms. Page. I've already done the

introductions I think before you arrived.

We'll begin with Ms. Page who is now with the National Democratic Institute and former director of the Rule of Law program in Sudan and the United Nations mission.

SUSAN

PAGE: Thank you very much, Madame Chairperson, Congressman Payne, members of the Commission. I'll speak very briefly. A lot of the challenges have already been raised this morning.

Let me just

try to stress a little bit from the perspective of having sat in the mediation. I was a member of the mediation team that helped to negotiate this peace agreement.

The basic tenets of the CPA are actually quite different from previous peace agreements for Sudan. The Addis Ababa agreement - the CPA is quite different because it stipulates participation by Southerners at the national level and it creates a power sharing government at all levels with stipulated percentages that are meant to be confirmed upon the basis of the census results. So that's one of the reasons why the census results are so important.

It's also

clear that in terms of the splits in both the national congress party as well as the SPLM, upon the death of Dr. Garang the situation really changed quite a bit. The focus during the CPA negotiations was on unity, making unity attractive to the people of the South. Of course, that was Dr. Garang's vision was a new Sudan that was united, that was based on citizenship, that was based on human rights and fundamental freedoms.

That

changed with the death of Dr. Garang and you see the splits quite openly now where most Southerners, it's very clear how they will vote in the referendum. Even if that was how they were going to vote in the past - or earlier on before the death - they still - it's actually reinforced now because what they did after his death is essentially decide to focus exclusively on the South, really at the expense of their participation at the national level. Although, as Mr. Gast and Ambassador Williamson clearly elucidated, there are huge capacity problems in the South, but it's also exacerbated by a re-thinking and a different strategy that they're taking.

Let me just

talk very briefly on the elections. The

elections are not actually scheduled for July of 2009. According to the CPA they are scheduled to be held not later than July of 2009, so not later than the end of the fourth year of the interim period. These elections are going to be extremely complicated. These elections are really meant and - although IGAD led the negotiations, the involvement of the U.S. government, as well as Norway the United Kingdom, Italy and other friends of IGAD was crucial and they insisted on legitimizing this peace agreement through elections.

And this is what these elections are meant to be. It's not to change the CPA. The CPA is meant to stay in place for the entire six year interim period and it will end with the simultaneous referenda, the referendum for the people of the South as well as the referenda in Abyei. This is a mixed system for elections. They'll be voting for the president of the Republic of Sudan, the president of the government of Southern Sudan, for representatives of the national assembly, for representatives of the Southern Sudan legislative assembly, for representatives of all 25 state legislatures, and for all governors of the 25 states. Of course, Abyei is not actually a state.

Some of the other challenges that I didn't hear mentioned this morning, the Political Parties Act was passed in January of 2007 but the Political Parties Council has yet to be established, meaning that political parties have not yet been registered formally. This includes the SPLM.

The National Elections Act, as has been mentioned, was signed into law by President Bashir on the 14th of July, but the National Elections Commission has yet to be established. One of the reasons that they are having trouble is that there seems to be a debate over the names of the people proposed for the nine-member commission. One of the issues has been that in previous commissions that have been established it has been on a co-chair basis. So that's how the NCRC - the National Constitutional Review Commission - was established with two co-chairs, the former second vice president Abel Alier and Abdullah Idris who are the co-chairs of the NCRC; they were recommended to become co-chairs of the National Elections Commission. However, the law actually stipulates that it shall be a chair and a deputy. So now this is causing some controversy over whether or not they would want to take a role that's sort of lesser than the role that they're currently in. And then political parties who have either put forward names on the list are in disagreement about who should be the other members of the commission.

The National Elections Commission is responsible for setting the date for the elections, assuring the organization of the elections and will serve as the primary interlocutor for international donors. However, the CPA also stipulates that the parties shall review the feasibility of the election dates six months before the end of the scheduled period. However, the interim national constitution only provides for a 60-day delay in presidential elections but is silent on a delay for elections at any other levels except for in the case of emergencies.

Let me just touch very briefly on - people have already mentioned Abyei so I won't highlight that issue except to mention that with this going now to international arbitration one of the issues is that this could be seen as a delaying tactic because if the arbitration results aren't out for another six months or nine months or a year, everything also could get pushed back. This will have ramifications on the boundaries, obviously.

There are a couple of other issues that I wanted to touch on particularly for your Commission, and this is just the special commission that was established to protect the rights of non-Muslims in the national capital. There has not been a whole lot of progress. I just came back from Khartoum a week ago. There doesn't seem to have been a lot of progress on the judicial circulars that are meant to go out to guide how the courts would observe the provisions of this to ensure that the rights of non-Muslims are protected or not adversely affected by the application of Sharia law. They're supposed to establish specialized courts and to establish specialized attorney general circuits to conduct investigations and pre-trial proceedings related to offenses involving these same principles. There was a conference recently in August that has sort of reasserted the need to establish those specialized courts. So it looks like it's moving, but not overly fast.

And then lastly, they have several acts that have not been passed that will have an impact upon the elections, notably the National Security Act and the Press and Publications Act. However, just lastly I would say that they have signed a joint cooperation accord which was signed between the government of National Unity and the government of Southern Sudan on September 19th to enhance cooperation and coordination on federal issues. Some of these issues that they signed were on taxes, customs, passports, and most notably for your purposes on the official Sudan News Agency - or SUNA - as well as national radio and television. So although it's untested - obviously this was only signed a few days ago - this could hopefully provide some motivation for the new Press and Publications Act as well as hopefully some free sharing of the media spoils.

Thank you
very much.

KHATAZA

GONDWE: Thank you. Worldwide.
Thank you. Unfortunately the 2005
peace accord more or less left unfettered power in the North in the hands of
the NCP, whose actions in Darfur actually
illustrate that it has not necessarily departed from some of its more
disconcerting founding doctrines. So in
the North, while on a day-to-day basis there is religious tolerance in a
general sense on the part of ordinary Muslims towards ordinary Christians, NCP
dominance has meant that despite provisions for religious liberty within the
national constitution non-Muslims in Northern Sudan have yet to see a
qualitative change in their circumstances.

Although

the constitution recognizes Sudan as a multi-religious state, the preservation
of the rule of Sharia as a source of law in the North by definition places
Christians and followers of traditional beliefs at a disadvantage. Local sources speak of a definite
anti-Christian sentiment at governmental level and this can take the form of
discrimination in jobs, education, et cetera, and mistreatment by securities
services, as occurred towards the end of last year when a Christian worker was
detained on two separate occasions.

Sharia

strictures continue to impact negatively on non-Muslim women in particular. They can be penalized for wearing clothes
deemed inappropriate and with recent reports of unveiled women being - refused
entry into Khartoum
University and public
places like parks. However, at the same
time, there are reports that some educated women are pushing the boundaries on
this situation. There are also still
reports of Christian and other women - followers of traditional beliefs - being
subjected to harassment, arrest, beatings and extortion for brewing traditional
brews.

So while

the granting of permission, which has been much larded, for the construction of
three churches in Khartoum
is a welcome development, the majority of church-owned property confiscated
under previous regimes and at previous times has yet to be returned. Of particular note is Khartoum's only Christian
cemetery. Half was commandeered as a livestock market,
but following much protest it is now being used to test drive and sell cars.

Violence

against - or threats of violence against - Christians in particular often ensures following events either at home or abroad that are deemed offensive to Islam. The Teddygate affair of November 2007 illustrates this phenomenon quite clearly and the worst part of it all was that as the anger brewed even the head of the Sudan Interreligious Council - an organization created for interreligious harmony and peace building - joined in the condemnation and called it a deliberate act designed to disturb the minds of Sudan's young generation. Protesters not only vowed to harm the teacher but also to destroy local churches and Christian schools. And as we've heard already, the request by the ICC is another warring factor in terms of a possible backlash against Northern Christians.

Conversion

from Islam remains problematic in the North, as apostasy is still seen as a crime that can be punishable by death. So there's also the great societal opposition to this and during 2008 we learned that a Muslim man reportedly lost his job once his conversion became known.

Several

sources also report delays or denials in visas, particularly to church leaders and others as well, while Western Christians seeking entry into Sudan have reported delays and denials in what many consider might be retaliation against pressure on Sudan for Darfur.

On an

encouraging note, however, more significantly, churches, while they must still register with the government, they can do so as legal entities in their own rights rather than under the name of the most senior clergyman. And this lessens the chances for fraud which caused some problems for the Episcopal church last year.

All in all,

Northern Christians feel they are being barely tolerated by the Northern government and many now worry, should a referendum take place, about their future in a Northern dominated Sudan.

In the South,

however, religious liberty is generally upheld. There is no registration requirement. The government of the South emphasizes the separation of state and religion, perhaps cognizant of the decisive role played by religion in inviting the last war. It is at pains to uphold religious liberty and harmony in the area and sometimes this has been almost -

not offensive, but to some Christians who had thought they were to get more support from a Southern government.

However, during a visit soon after the signing of the CPA a CSW team detected a general unease in the area about the activities of Northerners - increasing activities. One reason for this unease, the NCP had reportedly encouraged the relocation of Arab people groups deeper into particularly the Abyei area and this is one of the decisive factors behind the fighting that happened recently.

However, barring urgent intervention, events in Abyei may yet pale into insignificance compared to possible events in the Nuba Mountains, an area that remains under an unrescinded declaration of Jihad. Credible reports state that the NCP is encouraging the relocation not just of Arab tribes to the area, but also of Arab militias, including supremacist ones. This may actually explain why an atmosphere developed where an ECS church in Shatt Damam has been burnt down twice since it was created in July 2005 and members of the congregation have been so threatened that they have decided to leave the church half built to avoid further violence.

More alarmingly, in 2007 an Egyptian missionary and three local Christians died in an attack near Turasia (ph). Since the area - such raids were rare in that area, there are strong indications that this is from religious motivations also.

An additional worry in both the Nuba Mountains and Southern Sudan is the religious affiliation of certain international peacekeepers and the closeness of their governments to the NCP, with local people claiming that this often takes precedence over their humanitarian mission and renders the troops either ineffective or half-hearted in their interpretation of their mandate.

I'll conclude just by pointing out that the growing presence in the Nuba Mountains also have troops and police cadre who were recently in action in Darfur may indicate that the regime in the North now to some extent sees Darfur as manageable, hence the diversion of resources to another arena.

I would therefore like to appeal for a holistic international approach to Sudan. Issues are interlinked. Actions taken in one region are directly correlated to and often dictated by the course of events in another. The key actor is the same in each arena and the aim is the same as it has always been: advancing long-held doctrines, regardless of the consequences, for non-Muslims and for Muslims of alternative persuasions. Thank you.

MS. GAER: Thank you very much for this detailed and very moving testimony. Our next witness is Kenneth Bacon, the president of Refugees International. Thank you, Mr. Bacon.

KENNETH

BACON: I want to - is this on? I want to thank the Commission for holding this hearing. When people think of Sudan today they mainly think of Darfur, but the conditions in the South deserve our full attention in part because the fate of the Comprehensive Peace Agreement will determine the fate of Sudan. For instance, is it possible to imagine peace in Darfur if the CPA does not hold?

The CPA ended 21 years of civil war and one of the costs of that war was the displacement of four million people internally and 600,000 people who fled the country as refugees. Starting months before the CPA was signed in 2005, some two million Southerners have returned home. Most were internally displaced at camps around Khartoum, but several thousand refugees also returned from camps in Ethiopia, Egypt, Kenya, Uganda and elsewhere.

There have been setbacks, of course. For example, the violence in Abyei earlier this year displaced between 50,000 and 100,000 people. But in general, the peace is held and returns are continuing, even though the parties to the agreement are failing to meet many of the important milestones set in the CPA.

What are people returning to, though? Unfortunately, when they get back to their villages they often find a woeful lack of basic services, including clean water, healthcare and schools. Refugees International visited Northern Bahr El Ghazal earlier this year to see firsthand the difficulties returnees face. The volume of returns has far outstripped predictions and preparations.

Last year the U.N. High Commissioner for Refugees and the International Organization for Migration and Local Authorities anticipated 8,000 returnees and 80,000 people returned. Since 2004 more than 400,000 people have returned to this area, comprising one-third of the state's population. The returnees are overwhelming the minimal services devastated by two decades of war. We found a distinct lack of wells, medication, qualified medical personnel and schools. Aweil Town, the state capital, has no drainage system. In Malualkon only 3 percent of the population has access to a latrine. People are desperate to return home so the bad conditions don't seem to be discouraging them, but the lack of water, sanitation, medical care and other infrastructure is delaying the rebuilding of Southern Sudan and leading to a whole new set of tensions between returnees and those who never left.

There are several things donor countries can do to accelerate the integration of returnees and improve conditions in South Sudan. First, the government of South Sudan needs help in building the capacity to help its own people. Last year, for example, the ministries of Water Resources and Irrigation, Agriculture and Forestry, Health and Civil Service, and Cooperation and Rural Development under spent their budgets because they didn't have the capacity to carry out their work. So at a time when these crucial ministries of health, rural development, et cetera, are supposed to do more, they can't even spend the budgets that have been allocated to them.

Second, donors need to work better together in more cooperation to get help out to the ministries and help down to the rural areas. We have to think in terms of community development. And community development is going to be crucial to rebuilding the strength of South Sudan, so we need to think in terms of cooperative programs for rural development.

And finally, the money currently available for recovery funding is inadequate, particularly in light of the large volume of spontaneous returns. The U.N. Commissioner for Refugees needs \$12 million more just to meet its budget for returns and reintegration this year in South Sudan and the U.S. should help meet that shortfall.

The CPA gives the people of South Sudan a choice. In 2011 they can vote to remain part of greater Sudan or to secede and establish their own nation. No matter what future they choose the people of South Sudan will face many challenges as they try to build a peaceful, unified, democratic and free society.

When he received the Nobel Peace Prize Elie Wiesel said, "Mankind must remember that peace is not God's gift to his creatures. Peace is our gift to each other." The CPA was a great accomplishment but we must continue to nurture it and the people who were trying to realize its promise. Thank you.

MS. GAER: Thank you very much. This is quite a panel and I thank you all and I apologize that we had to limit your initial remarks. But we have quite a few questions; we have about 10, 12 minutes for questions before the last panel. And our first question is from Vice Chair of the Commission, Michael Cromartie.

MICHAEL

CROMARTIE: Thank you. For Dr. Gondwe, are you familiar with the government-sponsored Sudan Interreligious Council?

DR. GONDWE: Yes, I'm familiar with it and it was - but my disappointment with it was that - how easily the leader of that council fitted into the government flow of criticizing the teacher in - particularly in the Teddygate situation. But he came out with a pretty inflammatory statement when all evidence showed that this woman actually did not want to name this teddy bear Mohammed; she wanted to name it after her son and she was really being used as a scapegoat. So it -

MR. CROMARTIE: But you've anticipated my follow-up question which is -

DR. GONDWE: Yeah.

MR. CROMARTIE: - whether you think the body has been effectively promoting interfaith dialogue and respect for others to believe differently? In other words, is it genuine or is it just a government front?

DR. GONDWE: That's what worries me. I'm sure there's some genuine people there; however, just the ease with which the leader could toe the government line or be carried away with the flow was a worrying indication about whether this organization can really genuinely promote the peace that it's been created to promote. I think it's the same problem that you have in every aspect of Sudan, that you have people coming on board to something genuinely and yet you're not quite sure who you're speaking with, whether that person is real or not. So it's just I think - I can't really condemn it completely, but that statement to me was a worrying indication.

MR. CROMARTIE: Thank you for your honest and nuanced answer.

DR. GONDWE:
Thank you.

MS. GAER: I'll take the opportunity - no Commissioners are asking for the floor. I wanted to ask Ms. Page, you've worked for both the U.S. government and the U.N. in the Sudan. You were here and heard Ambassador Williamson and he was extremely critical of the United Nations' presence there. Could you comment on his remarks in that regard?

MS. PAGE: Sure. At the risk of never getting a job in this town again - (laughter) - one of the reasons I left UNMIS was because of my deep frustration. It's a big bureaucracy, as these missions tend to be. It was my first time working in a peacekeeping mission. I felt personally as if I had something to offer, having been in the peace process, and that I would be able to assist. But really UNMIS has turned into something that internally they create work for themselves so that constantly have a job, but it doesn't seem to be really assisting the people of the Sudan, be it North or South.

I had offices - as the head of the Rule of Law unit I had an office based in Khartoum with offices in Juba, and one person sort of just in Darfur. And there was just very little that could be accomplished and some of that's the leadership of UNMIS.

MS. GAER: Was there a role with regard to the drafting of the constitution that you thought was value added?

MS. PAGE: Yeah. I mean - but the U.N. didn't really assist with that. So, I mean, that was still under the auspices of IGAD and then some of the other organizations were involved on the margins assisting the parties in developing their drafts.

MS. GAER: Thank you very much. Vice-chair Prodromou.

DR. PRODRMOU:
A question going back to the census.
When you discussed the structure of the government, and the building in of particular numerical levels for participation in the government by North and South, at least by all accounts from what we've heard today and other sources it appears that the census will be very flawed.
And yet - and that will then have repercussions for the kind of power-sharing government that we may see.
And yet you both - all of you really talked about really how the end game for the South is pretty much already a foregone conclusion.

So - sorry
if I'm sounding like a cynic. I may be mishearing what you said. But if indeed that's the case, then why is so much being made of the census? I mean, does it then become a straw man for the South to say that the census is flawed, the levels are not what they're meant to be and therefore eventually we have no choice in 2011 but to withdraw? And if that's the case, all the capacity building that we're talking about, are we really talking about capacity building for a new state?

MS. PAGE: Yes. I mean, I think that both sides will use the census preparation and conduct as well as the results for their own benefit.
I mean, this is a political agreement between two parties that from many accounts don't have wide support either in the North or in the South. They were put there as a holding place to guarantee that the CPA would be allowed to get to the end of its life, the two referenda.

So of course, if the census results which we're already hearing have vastly underrepresented the Southerners, for instance, and barely counted Darfur is, well, then everyone is going to say, well, yes, we need to have more representation or we're going to - or the opposite could be the case for the NCP; well, if your numbers didn't result and so we have to follow what the CPA says, that percentages will be confirmed on the basis of the census results. So I think both sides are going to use it for their own political gain.

In terms of capacity building, of course - I mean, it's been no secret that - I mean, Congressman Payne and others have already said the U.S. has largely supported the SPLM in terms of building up its capacity, supporting the government of Southern Sudan. If that ultimately threw the peace agreement results in a new state, then it has been capacity building for this new state of New Sudan, or whatever it's going to be called.

MS. GAER: Mr. Cromartie has a question for Mr. Bacon.

MR. CROMARTIE: Yes. Mr. Bacon, I was a member of a small delegation of Commissioners who went to Khartoum in January 2006 and we visited an IDP camp outside of Khartoum; and of course we were very impressed with the courage and the fortitude of the camp's inhabitants in those appalling conditions. How can protection for these IDPs and camps around Khartoum and elsewhere in government-controlled areas be improved? Is it more than just resources?

MR. BACON: Well, I've visited those camps as well and, as you know, there's been a fairly determined effort by the government of Sudan to force people out of the camps and to force them to go back, actually, to the South or just get out of the Khartoum area. This in part reflects the land grab that's been going on around Khartoum with their oil wealth. They're now expanding the city and building commercial and residential centers on -

MR. CROMARTIE: Remind our audience how far it would be for them to have to leave to get back to the South.

MR. BACON: Well, it's about 800 to 1,000 miles down to get to parts of the South where they might want to return to. So this is actually a very underappreciated problem, the discrimination and the pressure that the millions of IDPs are

facing around Khartoum, the lack of protection they're getting from the government, and the harassment that they're facing on a regular basis. It's also not something that - I do not believe from my own experience that the U.N. is paying much attention to this now. They're paying much more attention to getting the people out and trying to facilitate orderly return. But even there, as I pointed out, the returns have far outstripped the capacity of the U.N. and the International Organization of Migration to help these people. So there really needs to be more international and NGO attention on protecting those who remain.

Some will not want to go back, in part because their children are getting an education in the North that they weren't getting in the South. Some have integrated. It's hard to know what numbers have done this, but most people believe that at the end of the day most will want to return to the South but not all of them. There's been a lot of intermarriage. I mean, some of these IDPs have been there for 20 years.

MR. GAER: Thank you very much. I want to thank the panelists for your written testimony, your oral testimony and your enormously important work. We look forward to being in touch with you in the future.

I'm now going to invite the next panel to come to the witness table. I've already introduced them as well in the following order. We'll hear John Prendergast, co-chair of the ENOUGH Project, Ted Dagne from the Congressional Research Service, Dr. Douglas Johnson, and Mr. Eliseo Newman.

So even though it says Susan Page if you, John, if you would begin?

JOHN
PRENDERGAST: A dream come true, to be Susan Page for a day.

Well, thank you very much, Madame Chairperson. I'd like to enter this nicely typed and photocopied written testimony into the record and diverge from it with some handwritten testimony that literally woke me up in the middle of the night.

I'd like to zero in on one crucial imperative at this moment in Sudan's history: that is the need for a peace surge in Sudan. Five and a half years into Darfur's crisis and three and a half years after the CPA was signed, the most damning indictment, I think, of U.S. and international efforts with respect to Sudan is that there are no effective peace or peace implementation processes anywhere on the horizon. Ambassador Williamson has personally pushed to do something but he, I believe, is doomed to be the Bush administration's Sisyphus; pushing rocks up the hill only to have them thrown back down by senior State Department officials, who will remain nameless.

In the absence of a real investment - total investment in peacemaking and peace implementation, the crisis in Darfur will deepen and the CPA will collapse. But there is an answer to this, and it comes from within Sudan. The 20-year war that was led by the SPLM was resolved not with a hybrid observer forces and not by billions of dollars in humanitarian aid. It was resolved by a good old-fashioned investment in diplomacy, led very much by the United States and backed by significant incentives and pressures. That is how things get done in response to crises. It will remain one of the great mysteries of my professional lifetime why the Bush administration did not immediately replicate the success of the CPA in Darfur.

But we are where we are. So now we're really talking about what the next president should do January 21st, 2009. My strong recommendation, based on my own 25 years working in Africa's war zones, is that President McCain or President Obama should announce a peace surge for Sudan. His transition team could have already identified a senior special envoy - an FOB or an FOJ, a friend of Barack or a friend of John, with real gravitas to lead the effort. The transition team should identify senior and junior foreign service officers to staff a diplomatic cell that could be deployed in late January 2009 to the region to work the issues in coordination with our allies and friends in Europe and Africa and elsewhere - around the clock in the manner that this issue deserves.

The transition team, perhaps most importantly, could reach out to China and make the compelling case that Chinese oil assets are at risk if the CPA collapses. And this is a real opportunity for the United States and for China, the two countries with the most influence, to work together at a time when other issues will divide our two countries across the globe. And the transition team could begin identifying the sources of real leverage that must be cultivated to give the peace surge a chance. We sometimes forget that leverage does not grow on trees. It must be created and nurtured through strong endeavors and through endless diplomacy.

Now, leverage for peace in Sudan can come in many forms. I'd like to mention three. The first is the ICC. Any premature surrender - I think you'll get across the board agreement on this from the various panelists - a premature surrender to the regime's charm offensive and deferral of President Bashir's case would be a grave mistake for the Americans, the Brits, and the French. Article 16 is clear. It was conceived by its founding fathers and founding mothers to be used only in support of international peace and justice. Nothing less than a peace deal in Darfur and real evidence of implementation of the CPA should be allowed to trigger Article 16 - which by the way we all know is one year deferral, and therefore implementation of any of these things that are agreed to can then - or non-implementation, then, can trigger removal of the use of Article 16. Otherwise, the U.S. should use the veto - not just today, which Ambassador Williamson very clearly stated if it was today - because tomorrow is another day when we wake up.

But don't trade it for band-aids; for incremental additional support for humanitarian assistance, a helicopter here or there, some other compromise with respect to UNAMID. This is not going to resolve anything in Darfur. This is not going to protect any civilians in Darfur and this certainly isn't going to promote solutions. But we can use the vehicle of an Article 16 to promote actual solutions. Let's do it.

Second point of leverage, I think, is in the multilateral non-military toolbox. The Bush administration's preference for unilateral sanctions left the U.S. isolated, not Sudan. The new president, I think, should work through or around, if necessary, the United Nations Security Council to multilateralize the targeted sanctions against those who are most responsible for violence, whoever they are. Along with the ICC, then, these instruments can begin to create a legal and financial and political cost to committing crimes against humanity, just like we are building such a cost for support for terrorism.

Third point of leverage, I think, are the military options. On this very sensitive question we have to ask when is enough, enough? How much death and destruction can be tolerated before we stir ourselves to respond? Would 2.5 million deaths be the number that needs to be hit before we actually act? Now, my co-panelist Ted Dagne will likely discuss some of the ideas in this arena. But I would simply like to counsel that military action in support of solutions in Sudan should not be taken off the table by the next president.

Mark my words, if we show weakness to this regime early on - if Darfur continues to burn, if the CPA is allowed to collapse in advance of that referendum, then we may as well just start digging new graves, because 2.5 million will just have been the warm-up and the opening salvo for one of the deadliest wars in the world in the last century. And because we know - because we have choices, and if we still do nothing in response to this, than we will ultimately share in the responsibility for the result. Thank you very much.

MS. GAER: Mr. Gagne.

TED

GAGNE: Thank you very much for organizing this hearing, but I should also say that for all the work that you have done over the years, I remember a time where nobody paid attention. You know, some of you are very actively engaged; Dave and Steve and Nina. And that helped expose, I think, the atrocities and the brutality of this regime.

You know, what's interesting about this whole thing is we've been meeting over the years and repeating the same thing again and again. What has not changed is the reality on the ground and the suffering of the people. Despite most people's efforts to bring peace and stability in Sudan, the suffering continues, not just in Darfur but in the South and in other places. Many believed and hoped that the signing of the CPA or the Darfur Agreement will bring peace and stability. The hopes and expectations of many Sudanese have been crushed repeatedly by a regime at war with its own people. For those who pushed for a policy of appeasement, believing that there are some moderates within the NIF, their hopes and their desires have been proven wrong.

It's important to remind ourselves about 14 years ago. The international community, including the United States, turned a blind eye in the face of a gruesome genocide in Darfur. For most of the 24-odd years of war in the South, many thousands of Sudanese died fighting for freedom with little help from the outside world. In Rwanda, an estimated 1 million died in 100 days, but yet in Darfur - five years, the people of Darfur are still waiting in the displacement camps to be saved. A member of Congress said once, "If Rwanda was a black mark on our conscience, Darfur is a cancer that will destroy the moral fiber of our society." Unfortunately, as time passes, Darfur will face the same fate of other tragedies did in the past. It will soon be forgotten and abandoned.

Sudan's effort to improve its image in Washington over the years have had no visible effect on U.S. policy. In fact, in May 1996, then-U.S. ambassador to the U.N., Madeline Albright, called Sudan, "a viper's nest of terrorism." Over the past decade the U.S. has imposed a series of sanctions on the NIF regime. We suspended assistance and we placed Sudan on the terrorism list. But one does not have to look at Darfur to see abuses by this government. As Ambassador Williamson said, what happened in May at Abyei, happened as John Prendergast, myself, and Roger Winter were there - we heard a lot of rumors about the abuses and the atrocities in Abyei but nobody had seen what happened.

We decided, a few of us, to go. And what the Ambassador said about UNMIS was quite true. We spent an hour talking to them. Why aren't you helping the displaced? We see them outside, but the U.N. personnel were in an air conditioned compound; never left and never visited Abyei. In fact, they offered to take us in provided that we don't take photographs. That was one of our conditions; that we document and inform what we see. We refused and we decided to go with the joint integrated units.

Here are some of the photos that were taken then. You could see a mosque, but all around it, burned to the ground. The whole town is burned to the ground. Nothing - and 60,000 people displaced. But what triggered - you know, the violence is not what I think Ambassador Williamson stated. Yes, a Northern soldier was killed. But the fact of the matter is that there was a checkpoint for every vehicle coming in to be inspected, civilian or military. This gentleman in a car was in his civilian clothes and was asked to get out for inspection. He came out with his guns swinging and he was shot. But the number of people killed afterwards were primarily Southern Sudanese, including those in the hospital.

So, what triggered the violence? Well, the presence of Brigade 31 is a violation, to begin with. The presence of the Misseriya militia was a violation, to begin with. And burning of a town cannot be considered really a response to the killing of one soldier.

For some observers and critics of U.S. policy, they tend to focus on the punitive measures that we have taken. The fact of the matter is if one looks at closely at our policy over the past two decades, we never disengaged with this regime. While the Bush administration has imposed a number of sanctions, senior administration officials have been

actively engaged with senior Sudanese officials. In fact, one of the architects of the Darfur genocide is currently here in New York, leading a 50-man delegation: Vice President Taha. Both Taha - and as Congressman Payne stated - Salah Gosh, the intelligence chief, who have been named by members of Congress in resolution and letters, are suspected of terrorism links and also being behind the abuses and atrocities in the South and in Darfur.

In early 2008, I think, in an effort to bring some solution to the problem that we seen in Darfur, Ambassador Williamson engaged with the same people who have committed these atrocities. That delegation was led by a man called Nafie Ali Nafie, the former intelligence chief, and presided over the assassination attempt of Hosni Mubarak. At the end of that process in February and in March, what the government of Sudan was what they asked for - at least some - the release of three terrorist suspects from Guantanamo Bay and the lifting of their restrictions on their embassy here. In exchange, what did we get? We got - material that we had for the building of a new embassy was held up in Port Sudan for over a year. They released that cargo. That's what we got in exchange.

Now, what are the policy options available for the United States? Well, one I think is engagement. But the policy of engagement has not worked. We've tried it over the past 19 years. In fact, what we have seen and witnessed is engagement is being used as a cover to continue the abuses in the Sudan, not just in the South but in the east and in Darfur. Sanctions - well, many observers assert that the current regime only responds to real pressure. Of course, the Clinton administration imposed economic and trade sanctions over the past decade. The impact of these sanctions have been mixed. However, targeted sanctions, as John stated, including an oil embargo and arms embargo, travel ban, and asset freeze, might have serious psychological and political impact on the regime. But the government of Sudan has survived years of sanctions imposed by the United States. So the option here is not credible.

What is the other option? A regime change. People shy away from this, but it is an option. A regime change in Khartoum could bring a swift end to the crisis in Darfur, help implement the North-South agreement and end the regime's support to extremist and terrorist groups. The United States, with the support of its allies in the region, could provide assistance to credible positioned elements. Moreover, the United States could consider covert operations to weaken and undermine the regime to enable a takeover from within or by opposition groups.

option, the strengthening of the SPLA. The government of South Sudan is a staunch ally of the United States. It has a formidable force. A strengthening of the SPLA could serve as a guarantor for peace in Sudan and in the region. The SPLA is strong but requires support in air defense system and air power. The SPLA can also benefit from a secure military communication system and intelligence sharing by strengthening its intelligence-gathering capabilities. Why cooperate with those responsible for Osama bin Laden when you have an ally in South Sudan that can provide the same service?

International

intervention is another option. I'm not talking about peacekeeping. I'm talking about military intervention to protect civilians and also to stabilize the regions that are constant targets of this regime. With an international force led by the U.N, or for that matter, by the African Union, have proved ineffective in protecting civilians or bringing peace and stability.

Unilateral

military options for the United States.

The United States

has the option to use its military assets in the region to destroy or significantly weaken the Sudanese government by destroying its air force, its intelligence and military headquarters, and mechanized forces. All these measures can be achieved without boots on the ground. The destruction or weakening of the armed services of the Sudan could trigger a coup or could enable the opposition to take over power in the Sudan.

Effective

use of the ICC process. Instead of questioning the ICC charges against President Bashir and other leaders in Sudan, the United States could use the ICC process indirectly to force change in Sudan. Two options to consider: coordinate and collaborate with others to arrest those charged by the ICC so that they can face justice; second, use the ICC process to secure peace in Sudan and force the resignation of Bashir and his allies in exchange for a transparent internal judicial process. Thank you.

MS. GAER: Thank you very much. Mr. Johnson.

DOUGLAS

JOHNSON: Yes. Okay. The

instructions that I received just before coming here was to focus on the present and not on the past. If you ask a historian to do that, it's like asking a priest to say a prayer without mentioning God. (Laughter.) I also see that I've been given a title; I only found that today, which is not the subject I'm going to be speaking of on, and so I'm sure I will disappoint everybody. I think that I would like to emphasize my agreement with Dr. Gondwe's final statement, and so a lot of what I will say may be a little bit repetitious.

I first testified at a Washington hearing on the Sudan in 1984. When I appeared before the House Africa Subcommittee at the beginning of the Sudan's 22-year-long civil war, at that time the U.S. government backed the regime in Khartoum militarily, economically, and diplomatically as part of its wider strategic vision in the region. I argued that the U.S. had misread the political situation in the Sudan and that support for the regime was only contributing to the escalating violence in the country's civil war. Obviously these remarks were considered hopelessly naïve, and for the following decade the U.S. continued to support each successive regime in Khartoum, including the NIF regime of Omar al Bashir until such time as new strategic considerations began to dominate U.S. foreign policy.

Now, 24 years later, we have a peace process but not yet peace; a U.S. government which still misreads the political situation in the Sudan; and a Sudan policy still subordinated to a dominant security policy. I will confine myself to three observations, and as academics are better at asking questions than answering questions, I will pose a number of questions.

First, the only people who can make peace in the Sudan are the Sudanese. Peace cannot be imposed from outside. It will only come from the majority of those forces currently holding power see it in their interest to make a real and lasting peace.

Second, the U.S. ability to promote any policy in the Sudan is restricted by other external factors, such as the consequences of its engagement in Iraq and its confrontational, often hostile, relations with the U.N.

Three, just as the U.S.-Sudan policy in the 1980s was subordinated to its wider strategic priorities in the Cold War, so today U.S. policy appears to place a higher priority on the Sudan as a partner in the war on terror security network than achieving peace in the Sudan. The one undermines the other.

Now, I'll turn to these points in turn.

The Palestinian author Raja Shehadeh recently said of Israel and Palestine, "There is a peace process but no peace, and as long as the parties are engaged in the peace process they don't feel that they have to make peace." I think this analysis can always be applied to the Sudan.

One of the fundamental mistakes of the peace process begun by the Danforth Report, which resulted in the CPA, was that it viewed the conflicts in the Sudan as separate and unrelated to each other. It still characterized the war as essentially a North-South conflict - as this hearing tends to do today - even though by 2002 the war was being fought in the eastern Sudan, the Blue Nile, and the Nuba Mountains and conflict was escalating in Darfur. The Sudanese opposition including the SPLM had agreed in broad terms on the type of constitutional process that would be needed, not just to bring an end to the war but to construct peace throughout the country. The peace process inaugurated by the Danforth Report excluded the wider Sudanese opposition and ignored the consensus they had reached about restructuring the state. So let's not pat ourselves on the back too much about bringing about the CPA.

Under this formula the National Congress Party was not only able but encouraged to reach separate agreements with different regional and opposition movements, based on power-sharing as the distribution of government offices rather than any fundamental restructuring of political and economic power within the Sudan. There were separate deals for the South, the Nuba Mountains, Blue Nile, the eastern Sudan, and separate deals with individual Northern opposition parties.

The result was that the NCP, which represented only a minority within the North, has been entrenched in power, while the majority of the country, represented by the Northern opposition, the SPLM, and the Southern opposition parties, are permanent minority within the current constitutional arrangements. It is true that the SPLM has been given an escape clause of a referendum for self-determination in the South. But this had always been their fallback

position if it became impossible to bring about a restructured new Sudan through negotiation. The current imbalance makes it almost inevitable that the vote in the 2011 referendum will favor separation.

Given this likely outcome, who in the Sudan has a stake in the CPA and is committed to its implementation? Most of the SPLM is committed because they have something to gain in the long term, if not through current power and wealth-sharing provisions, then through the escape clause of the referendum. But Southern secession provides no solution for the peoples of the Nuba Mountains and the Blue Nile along the South border. So separation will not by itself bring a lasting peace. And I wish to emphasize this because previous speakers seem to think that the goal is to get to 2011, have a referendum, and that will be the solution.

The NCP is not fully committed because in the long term they have much to lose, especially if the South votes for separation. The faction in the NCP who feel that too much was conceded in the CPA is now in the ascendant and is preparing to hold on to as much as possible in the future, which is why the border regions of Abyei, the Nuba Mountains and Blue Nile are in such turmoil now. The Northern opposition is not committed because they have no effective place in the CPA; therefore they have no stake in that process.

The question U.S. policy makers must face is that what is needed to persuade the majority of Sudanese political forces that it is in their interests to implement the CPA. What is needed to ensure that they feel that they have a stake, not just in the peace process but in the peace? And since the CPA is only an interim solution, what discussions and negotiations must be started now to deal with the post-2011 situation.

It should be obvious to everyone in this room, whatever their political affiliation, that the U.S. ability to provide leadership over the Sudan has been adversely affected by events in the wider region. Until that changes, the U.S. will have to find ways to support initiatives taken by the governments or bodies; at the very least, it must be more supportive than it has been in the past. It was a great mistake that the Sudan was allowed to expel Jan Pronk as the U.N.'s secretary-general's personal envoy to the Sudan without consequences to itself. At the time, of course, the U.S. had generated its own confrontation with the U.N. and was not in the position to take a leading role supporting the secretary-general and the U.N. As a result, the NCP government in Khartoum continues to issue threats against other senior U.N. officials in the Sudan whenever they report anything

critical about the government.

I think

often there has been a lot of criticism about UNMIS, and it's fair. But all too often, the U.S.'s approach has been to scold the U.N. without examining how it contributes to undermining the U.N.'s work. The fact of the matter is UNMIS has the largest international presence of any body in the Sudan and UNMIS' U.N. role will increase as UNIMID is brought into play. The U.S. must find ways to work more effectively with and through the U.N. so that the U.N. can work more effectively in the Sudan.

Congressman

Payne and Ted Dagne have already raised the next point. The U.S. currently has a contradictory approach to the Sudan. On the one hand, the Sudan is still on the list of supporters of state terror, and on the other, it is an ally in the war against terror. We have to know where peace in the Sudan comes in the U.S.'s foreign policy priorities; not just its rhetoric but in its priorities. Does it come above creating an intelligence network monitoring al-Qaeda and other Islamist groups, or below it? Sudanese state security agencies who are currently collaborating in the U.S.'s security network on the global war on terror are also centrally involved in prosecuting the war in Darfur and coordinating resistance to the implementation of the CPA in such sensitive areas as Abyei, the Nuba Mountains, and Sudan's oil field.

Has the U.S. government decided that there is an acceptable price to pay in Sudanese lives to maintain its own security? Has it decided that the information fed into its intelligence network by Sudanese state security is more important than securing peace in the Sudan? To what extent have own current security priorities contributed to undermining peace in the Sudan?

These are

questions that must be put to the current administration and to the administration that will succeed it next January. I will have to say that I was not convinced by Ambassador Williamson's answer to these points just now. Until we get an honest answer to these questions we will have no hope of formulating a positive and effective policy promoting peace in the Sudan. Thank you very much.

MS. GAER: Thank you very much. Mr. Neuman.

NEUMAN: Madame Chairwoman, thank you for this opportunity to share my views on implementation challenges concerning Sudan's Comprehensive Peace Agreement and to venture recommendations for related U.S. policy.

I wish to focus on a key requirement for the CPA success that cannot be emphasized enough; namely, that the peace between the North and the South must afford immediate palpable dividends in greater economical and political enfranchisement for the widest possible section of Sudanese society. This is particularly the case in the South, where development needs are most acute and where the institutional framework to address them is most lacking. There, the SPLM faces the challenge of transitioning from a sometimes fractious liberation movement to an effective state builder and administrator; this, within the fixed timetable imposed for better or worse by the CPA in the form of elections in 2009 and a referendum in 2011.

Many hope that the CPA would be transformative for all of Sudan; that it would encourage an armistice between two warring factions to graduate into an all-inclusive peace process with two alternative amicable outcomes, and that it would achieve this through the implementation of trust building interim steps over six years, creating positive externalities for parties beyond those two factions.

It must be said that while compliance with the CPA to date has been faulty, the NCP and the SPLM have avoided crossing certain bright lines. The reason is not a communion of interests or growing trust between them, but their shared aversion to the alternative - a relapse into civil war, which at present both find sub-optimal. In this sense, the CPA has remained essentially a mere armistice. Paradoxically, general adherence to it today accomplishes opposite strategic objectives. It enables at once the NCP peacefully to prevent its loss of the South and the SPLM peacefully to secure an eventual secession.

This equilibrium, however, has an increasing chance of weakening as 2009 and especially as 2011 draw near. Absent the ballast of a broadening field of stakeholders in the CPA, its transformational objectives remain at risk. It is not only the political and security-related implementation provisions of the agreement that compromise its future. Smaller, unaddressed local disputes over resources, land, and property rights involving farmers, pastoralists, traders, sharecroppers, squatters, and returnees not only in border areas can also threaten to undermine the entire architecture of the peace.

If the SPLM

is to enjoy a robust endorsement in the 2009 election, it must successfully settle, absorb and enfranchise IDP refugees and diaspora; each a population with its own distinct needs and abilities.

A weak showing for the SPLM in 2009 would further fracture the political spectrum, invite spoilers, and only erect further hurdles to the implementation of the CPA.

Significant

efforts were expended over the last two years to encourage returnees to the South in anticipation of last April's census. Yet parallel efforts to provide promising conditions for their assimilation have unfortunately lagged, and their situation remains precarious. This, added to a sense of insecurity fostered by episodes of violence such as in Abyei last May discourage a segment of returnees that is important to the building of South Sudan; namely, the skilled members of South Sudan's diaspora, who are left to weigh an uncertain future there against the relative comfort of their present lot elsewhere.

The U.S. government

should spare no efforts through the State Department's Bureau of Population, Refugees, and Migration, and U.S. aid in support of U.N. agencies and NGO partners facilitating the orderly and humane resettlement of IDP's refugees and diaspora populations in the South. An estimated 50 percent of refugees wish to return to South Sudan. UNHCR and IOM, respectively, are the preferred channel for the voluntary repatriation of refugees and the resettlement of IDPs. Together, they have overseen only 10 percent of returns to date, with the UNHCR reportedly facing diminishing support from the donors to its program. The remaining 90 percent have been spontaneous or self-assisted returns, which compounds existing challenges and planning and monitoring a successful integration.

It is hard

to overstate the organizational vacuum and infrastructure deficiencies that greet returnees in South Sudan, and disregard existing U.S. aid programs, particularly those under the current labels "Investing In People" and "Economic Growth," and especially those involving health, education, and infrastructure should be supported. The U.S. government should also support robust technical assistance programs aimed at building central and local government capacity to plan and implement the integration of returnees, whether under the deputy minister of regional cooperation for diaspora or elsewhere, the government of Southern Sudan.

The U.S. government

should encourage better outreach and public information on the subject of returns. This would both assist IDPs and refugees in their decision to return, as well as neutralize discrimination against them by local populations. Distressingly,

most of the numerous infrastructure projects currently under construction in South Sudan are being completed by non-Sudanese contractors, employing non-Sudanese labor; principally Ugandan and Kenyan, something that is hard to miss by any visitor to Juba.

U.S. aid and its strategy statement for Sudan for the period 2006 to 2008 recognized the need to spur indigenous expertise for capacity development, skills, transfer, and training programs. It further singled out the need to engage skilled Sudanese diaspora members through scalable voluntary service programs in health, education, and economic growth. The U.S. government should dedicate robust resources in support of such programs.

Given its decisive role in brokering the CPA and its investment in the agreement's success since then, U.S. government should lead efforts to improve coordination among international donors as well as between such donors and the government of South Sudan. Inefficiencies resulting from this lack of coordination are significant and result in avoidable donor fatigue.

Finally, given the need to extend broadly economic and political enfranchisements for the peace dividends of the CPA, the U.S. government should use every means at its disposal to encourage improvements in transparency, accountability, and good governance in connection with the assistance it dispenses. Thank you once again for this opportunity.

MS. GAER: Thank you to all the panelists. I wanted to thank Congressman Payne, who's returned and who's been most gracious and present here. I also have just been handed a statement that Representative Chris Smith has provided the hearing, talking about his recommendations on the situation and also some legislation on the eradication of slavery in Sudan Act, which will be part of the record.

We have some time for some questions if the panelists can remain for a little bit, and I wanted to start off those questions with one from Mr. Prendergast, who told us that Mr. - that the ambassador was rolling rocks up the hill but people were pushing them back down, and I was wondering if you could give us any - and of course we heard a little bit more of that from the other panelists - but I was wondering if you could be more specific in terms of important rocks that got knocked down or who the rock stars were.

MR. PENDERGAST: Gosh, what a fun opportunity to take some potshots, but I don't think it's constructive. I really would urge the Commission to look at the bigger picture of this hill that people throughout the last eight years have tried to roll rocks up; and the lack of any effective coordinated rock pushing for a singular objective, which is peace in Sudan - and putting the elements in place necessary to do that. It's the lack of a strategy.

I mean, we've heard this now - frankly, all of us who have worked on this, Congressman Payne being the senior statesman on this stuff - for the last 20 years; that there really hasn't yet been a coordinated overall comprehensive strategy for the transformation of Sudan, in support of the Sudanese peoples' aspirations for peace and democracy. Does not exist, has not existed.

There is a roadmap for it. There's been enough discussion about this over the last 20, 25 years about what needs to happen. And it's appalling that we cannot have anything more than the naming of occasional envoys to go out episodically to push this initiative or that initiative, after major internal battles within the administration - people cutting from behind everything that everyone who's trying to do something is doing. It's appalling. So I just think that we need to focus on the future, and the Commission can be very effective in helping to frame what those ultimate objectives are and what the pieces are of a comprehensive strategy.

MS. GAER: Do you think that a presence of the - larger presence of the envoy, with staffing and other things of that sort, would be helpful; or is it the U.S. as a whole?

MR. PRENDERGAST: It's too late - it's too late. We've got to focus on the next administration. I mean, if McCain wins, the relationship with Williamson could lead him to be continued. But without a substantial staff, without working multilaterally with the countries that have influence, particularly China, it just - I mean, it's beyond my comprehension why we're not working very closely with Beijing on this issue.

The Chinese have a vested interest in implementing their rhetoric. Their rhetoric is, we want peace in Sudan. They have an economic -

an \$8 billion interest in peace in Sudan, and we are not working assiduously on a daily basis, side by side with them, in a dramatic - which is what it's going to take - peace effort; to implement the CPA and all of the things that we've heard about today, and to get a peace deal in Darfur.

It's low-hanging fruit for the next administration, frankly. This is easy stuff. I think many of us that have testified today really look forward to the opportunity, depending on whose candidate wins, to get that chance to do this, because this is a solvable crisis. There is a global constituency for a solution in Sudan. As Ted has said, there are individuals - and Congressman Payne has been very clear about it - there are individuals who are obstructing that, and we've got to isolate those people and figure out ways to either change their calculations or change them.

And so, there is an answer for Sudan. We just need to follow the roadmap and do it with a very, very stiff backbone because we're going to get all kinds of criticisms internationally for trying to move forward and trying to actually help foster a solution instead of all these incremental palliatives which we toss in the form of humanitarian aid and our speeches and our use of certain terms and other kinds of things that we have given to the people of Sudan who have suffered for so long.

MS. GAER: Thank you.
Commissioner Argue?

DR. ARGUE: You read my mind because you gave exactly the same question. But I like Mr. Prendergast's use of metaphor. Thank you. Especially the fruit.

MS. GAER: Commissioner Prodromou?

DR.
PRODROMOU: Just a quick question on the South Sudan diaspora that you referenced many times. You made reference to them but you didn't say much about where they're located and what skill sets they bring. You seem to emphasize their importance a great deal, so if you could say more about them and why they're not back. What are the incentives that are necessary to get them back?

MR. NEUMAN: Thank you.

The South Sudanese diaspora is dispersed throughout the world, really, and numerous South Sudanese are in this country and also in Canada. Interestingly, during my trip to Juba and Abyei, I had the opportunity to visit the central hospital there and met a Canadian doctor who's South Sudanese who practices in Canada and wanted to return. And when he arrived, he found it very hard to connect with anyone who could actually give him a job. He spent his first nights under a tree near the airport, and eventually found his way to the hospital to work as a volunteer.

There is great interest in the government of South Sudan to involve their diaspora. Their skills include being doctors and people who have developed entrepreneurial skills elsewhere who could actually contribute greatly to Sudan. There just is not the infrastructure to facilitate that, and I think that's creating perhaps an agency or fortifying the existing capabilities within the Ministry of Regional Cooperation is, I think, quite critical. Since in the end, as it has been said by my fellow panelists several times, the South Sudanese themselves will actually propel the development of the region.

MS. GAER: Commissioner Shea.

MS. SHEA: Thank you all.

I wanted ask all of you what the United States should be doing regarding the South, apart from diplomacy or other measures dealing with the North compliance; leaving aside the mechanisms of the CPA and enforcing that or implementing that. What isn't the U.S. doing for the South? And what it should be - I was trying to ask a question before of the ambassador about U.S. sanctions, which seem to be adversely still impacting the South, which makes absolutely no sense whatsoever, but especially in the field of education. Can you give us some insights about what we should be, if anything, recommending just apart from the whole CPA thing, could be doing for the South?

John, you're nodding your head?

MR. PRENDERGAST: I would very briefly say, particularly as we go along this row here, we've got some great resources in terms of people who

have spent a lot of time there, as have I.

And I would say the investment ought to be in the capacity of the government of Southern Sudan for security and for encouraging productivity. We need to ensure that as things go along between now and 2011 that there is a credible deterrent in the South to the National Congress Party abandoning the CPA and going back to war. And one does that, quite frankly, with investing in the security apparatus of the state that is being built through the government of Southern Sudan in the context of the transformation of the SPLA from a liberation movement to a political - to an army. And that army needs to be professionalized as rapidly as possible, and the United States arguably is the best in the world at helping to do that.

And we've learned a hell of a lot in Afghanistan and Iraq in the last seven years, and we ought to apply some of those lessons with some of those very experienced and able military diplomats, frankly, to be deployed to Southern Sudan to help support that capacity building - not to go back to war so that the South can win it, but that that invests in one of the supportive legs for sustainable peace.

Secondly, productivity. We can create the most extraordinary safety blanket in the world with all the international NGOs and U.N. agencies and billions and billions of dollars in humanitarian assistance, and we still will not have reached the infinite human need that exists in Sudan when people are displaced, when people are left without their own resources. We've got to give people the capacity - support people's capacity to find their own resources in agricultural production, in livestock - unleashing the wealth, the mineral wealth and the human wealth and the animal wealth and the agricultural wealth of Southern Sudan. So investing in productivity.

We spend probably - I would guess, and I have no scientific basis to back this up - over half of our assistance probably goes to consultants and workshops and other kinds of things; all very nice, well, and good. We've got to invest in security and productivity in Southern Sudan. So that's where I would take the resources.

DR. JOHNSON: I don't disagree with what John says, but I think we must add to that communications network. There are major changes that have taken place in the Southern Sudan since I first went there nearly 40 years ago, but there are ways in which things have not only not improved but have moved backwards. There is an urgent need for effective road building, for one thing; major roads as well as minor roads, if there is going to be productivity and any way of moving, recreating markets.

The economy of the Southern Sudan, strangely enough, is now more firmly integrated into the regional economy of northeast Africa than it was before the war, and this is a result of both the military effort in the war, but also the relief operation. I think that that is important, also, to foster. I'll just use that as my contribution.

MR. DAGNE: Just briefly, to add more on the diaspora and then get back to your question.

The diaspora wasn't just one doctor. The government of South Sudan did cooperate. The government of Canada and other NGOs were able to train and return about 10 South Sudanese doctors who have been welcomed and trained in Kenya and now integrated. The USAID also had a pilot program. They brought in dozens of South Sudanese to serve in government ministries. Unfortunately, USAID cut that program off. Congressman Payne and Wolf introduced legislation to encourage the return of diaspora with financial incentives, and that legislation is pending in Congress. So there's been activity and USAID is now also reconsidering its position.

Regarding your question, what we can do in the South, I think it's important first that - our relationship should be accurately reflected, first of all, with our presence in the South. You compare to how many people we have in Khartoum and our consulate in Juba, it's really disgusting, both in terms of our diplomatic presence. You probably have two junior officials. And USAID, with the largest budget for developmental assistance, we have probably two Americans working there, and they don't even have offices. They're still working out of their residence, and that's their office. So that has to be reflected.

And what Congress over the years, passing legislation, providing funding - some of the funds, in fact, have not been spent. They're moneyed and have been appropriated in 2005, not spent because of the lack of presence and personalities on the ground.

What can we do? I think in addition to that we need to beef up our presence to reflect our interest and also our support for South Sudan. But

most importantly, I think a strengthening of the SPLA is not simply to strengthen the SPLA or the South. It's really to force and compel the regime, eventually, to come to terms. Who's going to guarantee the full implementation of the CPA and the outcome of the referendum? Not the U.S. Marines. At the end of the day it's going to be the South Sudanese. And if we are going to avoid another round of civil war, I think we better start to strengthen and help the SPLA.

They do have the funds. But because of bureaucratic tapes - some lawyers say, well, you missed a comma in this legislation, so we can't provide or sell lethal weapons. Well, the South Sudanese are now using their funds to buy those weapons elsewhere. This could have been an opportunity for us to be there to engage and assist.

The other thing is what had been said earlier about the intelligence sharing. As much I think some people in our government credit the government of Sudan for intelligence sharing, there are still terrorist individuals and organizations in the Sudan. Isn't that a contradiction when you have a government that still provides safe havens to these individuals? And we do have their names, and the Sudanese government has been given those names in February and they have not yet done anything - including by Ambassador Williamson.

The bottom line is the strengthening of the SPLA is a guarantee for what is to come in the referendum, and I think we should not make a mistake making a linkage between the election and the referendum. Millions of South Sudanese died fighting for this right, and that right must be respected. Our policy is not to promote the unity of the country. Our policy is to support the CPA, which means to also support the outcome of the referendum, if that is independence for South Sudanese.

It's also important, I think, to - let me just make this point about the election that was made earlier. Yes, elections are important. We should be supportive of elections. But under current circumstances, what kind of elections are you going to hold? With 2.1 million people still in the displaced camps, it's like an election, as Congressman Payne said last week, in Poland during World War II; that you're forcing those who have been victims of this regime to vote for the same man who would kill their family.

MR. NEUMAN: I completely agree that fortifying the SPLA is - provides really the enforcing mechanism that Ambassador Williamson said was lacking in the CPA.

As regards the doctors, I hope I was not understood to be saying that there was any willful dereliction on the part of the government of Southern Sudan. I have, in fact, met the 10 Canadian doctors, if you refer to the Cuban-trained doctors who lived in Canada. As of February they were not working as doctors, though. I hope they are now. And this is not owing necessarily to - again, to malevolence on the part of the government of Southern Sudan. It's just that one visits that hospital, for instance, and it's quite clear that there is an imperious need to double up the efforts to assist them in understanding how a modern hospital works. It's painful to see what one sees there. There are different donor countries responsible for different pavilions, but there's no overarching strategy for making the hospital work, and I think that is probably a microcosm for the entire government - again, not through any dereliction on their part but through lack of coordination.

And that is one thing I mentioned in my statement and wish to reiterate. And it is that helping the coordination of donor efforts is critical for the success of the South.

MS. GAER: Thank you very much. Thank you to all of the panelists. We're looking forward to staying in touch on this, leading up to the Commission's visit and following thereafter. I also want to thank the Commission staff, our staff members, Steve Snow, Kody Kness, Bridget Kustin, Dave Dettoni, and James Standish, for all that they've done on making this hearing possible.

Thank you all for coming and we'll keep at - be assured that the Commission will not forget about Sudan and its unraveling peace. It is a challenge to U.S. policy.

(END)