

Hearing Summary: Sudan's Unraveling Peace and the Challenge to U.S. Policy

WASHINGTON- "Sudan's Unraveling Peace and the Challenge to U.S. Policy" was the subject of a hearing convened by the United States Commission on International Religious Freedom on Sept. 24, 2008 to assess the implementation up to now of the 2005 Comprehensive Peace Agreement (CPA) that ended Sudan's civil war. In her opening remarks, Commission Chair Felice D. Gaer set the stage for the nine witnesses by noting, "The CPA is the key to Sudan's viability as a country. If the CPA fails, then Sudan will fail.... 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."

The U.S. Special Envoy on Sudan, Ambassador Richard Williamson, noted that one of the weaknesses of the CPA was its provision of up to six years to implement some of its 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," Williamson said. He said that often in Sudan, agreement is followed by "partial performance, delay, diversion, denial." Later in his testimony, while discussing Darfur, where he pronounced the peace process dead, Richardson said that "Skepticism is never a wrong starting position in Sudan."

Williamson noted the importance of the census, which was delayed past its due date and is an essential precursor to the election scheduled for next year, which in turn is a vital precondition for the 2011 referendum in which the South can decide on self-determination. Williamson called the referendum the most important plank of the CPA. And he said that the success of the CPA would have a significant impact on the chances for peace in Darfur.

He also discussed the possibilities and dangers opened up by the July request by the chief prosecutor of the International Criminal Court for an arrest warrant on genocide and other war crimes charges against Sudanese President Omar al-Bashir. Williamson made the first public affirmation that the United States would veto any attempt to invoke Article 16 of the Rome Statute, which would suspend the warrant

against Bashir for up to a year.

Williamson was very critical of UNMIS, saying it had too few people posted in Abyei, "the single most dangerous area in the region." He said that the U.S. had funded training for African troops in Rwanda, Ghana, and Senegal, and that the U.S. had committed to airlift Rwandan troops.

Williamson also pointed to a lack of international unity. "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 ... 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," he said.

Earl Gast, USAID's Senior Deputy Assistant Administrator for Africa, said that the U.S. government had provided Sudan with more than \$5 billion in humanitarian assistance, peacekeeping support and other forms of aid, and that Sudan is the top USAID priority in Africa. He said his agency was focused on mitigating the threats to peace, by

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Providing "visible dividends" for the Southern Sudanese;

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Capacity-building for the government of Southern Sudan (including advisers in ministries); and

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Supporting "key milestones" in the CPA road map.

"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," he said.

Gast said preparations for the 2009 elections were at a standstill, and that unless a national elections commission is appointed and given powers "neither USAID nor the international donor community will be able to support the complex and costly logistics operations need to conduct a credible election in a country so divided and inaccessible." Soon, he warned, it will be very hard or impossible to meet the deadline for the elections and referendum set out in the CPA.

Susan Page, regional director for Southern and Eastern Africa at the National Democratic Institute, commented that the Political Parties Council has not yet been established, meaning that political parties have not yet been registered formally.

Other delays could be caused by the referral of Abyei to international arbitration, which could take up to a year, she said. She also reported only slow progress in the work of the commission to protect the rights of non-Muslims in Khartoum.

Khataza Gondwe, research and advocacy officer for Sub-Saharan Africa at Christian Solidarity Worldwide, spoke of the disadvantages for Christians in the North even though the constitution recognizes Sudan as a multi-religious state.

"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," she said. She expressed concern over the relocation of Arab tribes and militias to the Nuba Mountains, which has been followed by the burning of a church in Shatt Damam three times and the 2007 killings of an Egyptian missionary and three local Christians.

Kenneth Bacon, president of Refugees International, said 10 times as many people had returned last year as had been expected-80,000 instead of 8,000-and that was overwhelming the services. "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," he said. Bacon encouraged donor countries to help the South build its capacity, to work better together to help the Southern ministries and help distribute aid in rural areas., and to contribute more funding for recovery. He said the U.S. should help the U.N. High Commissioner for Refugees to meet its \$12 million shortfall in its budget for returns and reintegration.

John Prendergast, the Co-Chair of the Enough Project Against Genocide, called for a "peace surge" in Sudan.

He said that the next president should identify a senior special envoy to lead the effort, as well as diplomats who could be deployed quickly. Their most important task would be to reach out to China "and make the case that Chinese oil assets are at risk if the CPA

collapses."

Prendergast identified three forms of leverage for peace in Sudan: the ICC, the "multilateral non-military toolbox" to "multilateralize" the targeted sanctions against those responsible for violence, and military options, which he said should not be taken off the table. Regarding the ICC, Prendergast said, "Nothing less than a peace deal in Darfur and real evidence of implementation of the CPA should be allowed to trigger Article 16..." He emphasized the need for a strategy, and he called on the Commission to help frame the ultimate objectives and components of a comprehensive strategy. He said that investments in the Southern Sudanese government's capacity for security and for encouraging productivity (self-sufficiency) were essential.

Ted Dagne, Africa specialist with the Congressional Research Service, outlined the policy options open to the U.S.: engagement, which he said has not worked over the past 19 years; regime change; strengthening the SPLA; international military intervention to protect civilians and stabilize the regions that are constant targets of the Sudanese government; use of U.S. military assets to destroy the Sudanese government air force, intelligence and military headquarters, and mechanized forces; and effective use of the ICC process. "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," Dagne said. He added that it won't be up to U.S. Marines but to the South Sudanese to ensure full implementation of the CPA and the referendum, so they should be strengthened militarily "if we are going to avoid another round of civil war."

Douglas Johnson, former international expert with the Abyei Boundaries Commission, summed up his view of the current situation as "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." He said that the peace process excluded the wider Sudanese opposition and ignored the consensus they had reached about restructuring the state (through the constitutional process). Separation of the South will not bring peace because it provides no solution for the people of the Nuba Mountains and the Blue Nile, Johnson said. The Northern opposition is not committed to implementing the CPA because it has no stake in the process. "The question U.S. policy makers must face is 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 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?" In addition to security and economic self-sufficiency, Johnson said there was an urgent need for upgraded communications including roads.

Eliseo Neuman, director of the American Jewish Committee's Africa Institute, emphasized the centrality of the peace dividend "in greater economic and political enfranchisement for the widest possible section of Sudanese society." The U.S. government should take the lead in improving coordination among international donors and encourage more transparency, accountability and good governance.

Several Members of Congress took part in the hearing. Rep. Michael Capuano (D-MA) expressed doubt that the US. Government could accomplish much in Sudan "but I know one thing: we must try." Rep. Donald Payne (D-MJ) protested what he described as a confused U.S. government policy, condemning genocide in Darfur on the one hand but inviting the head of intelligence, "the architect of the North-South struggle for 20 years and the genocide in Darfur," to visit the CIA on the other. Rep. James McGovern (D-MA) suggested putting more pressure on China to "work with us in a more constructive way."

A complete transcript of the hearing is available on the Commission's Web site, www.uscirf.gov .