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Front Cover: URUMQI, China, July 7, 2009 – A Uighur Muslim woman stands courageously before Chinese riot police sent to quell demonstrations by thousands of Uighurs calling for the government to respect their human rights. The Uighurs are a minority Muslim group in the autonomous Xinjiang Uighur region. Chinese government efforts to put down the ethnic and religious protest resulted in more than 150 dead and hundreds of arrests. (Photo by Guang Niu/Getty Images)

Back Cover: JUBA, Southern Sudan, April 10, 2010 – School children participate in a prayer service on the eve of Sudan's first national elections in more than two decades. Those elections are called for under the Comprehensive Peace Agreement between North and South Sudan, the full implementation of which is widely believed to be essential to averting another bloody civil war marked by sectarian strife. Although the elections were deeply flawed, many Southern Sudanese saw them as a necessary milestone on the road to a January 2011 referendum on Southern Sudan's political future--the final major step in the peace agreement. (Photo by Jerome Delay/Associated Press)

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## **Sudan**

**FINDINGS:** Systematic, ongoing, and egregious violations of freedom of religion or belief continue to occur in Sudan. Violations include: the efforts by the Arab Muslim-dominated government in Khartoum to impose sharia on Muslims and non-Muslims alike; governmental promotion of Sudan's identity as being Arab and Muslim, thus effectively relegating non-Arabs and non-Muslims to a secondary status in the society; the criminalization of conversion from Islam, a crime punishable by death, and the intense scrutiny, intimidation, and even torture of suspected converts by government security personnel; the denial of the rights of non-Muslims to public religious expression and persuasion, while allowing Muslims to proselytize; and the difficulty in obtaining permission to build churches, as compared to government funding of mosque construction.

Based on these concerns, USCIRF again recommends in 2010 that Sudan be named a "country of particular concern," or CPC. The State Department designated Sudan as a CPC annually since 1999.

USCIRF identified Sudan as the world's most violent abuser of the right to freedom of religion or belief for acts that took place during the North-South civil war (1983-2005). However, since the Comprehensive Peace Agreement (CPA) ended the North-South civil war in January 2005, conditions for religious freedom have improved in Southern Sudan and in contested areas in central Sudan. The Government of National Unity (GNU) instituted by the CPA has officially operated under an Interim National Constitution with provisions guaranteeing universal human rights, including freedom of religion or belief. Despite these provisions, severe human rights violations continue against both non-Muslims and Muslims in government-controlled areas, as well as in Darfur, where the State Department has determined that acts of genocide have taken place and may still be ongoing. The greatest danger to religious freedom and other human rights in Sudan is the collapse of the fragile peace brought about by the CPA.

**PRIORITY RECOMMENDATIONS:** U.S. involvement was instrumental in ending the North-South civil war, during which civilian victims overwhelmingly were Southern Christians and followers of traditional African religions. As a guarantor of the CPA, the U.S. government has an obligation to work to ensure its robust implementation. In addition to recommending that Sudan continue to be designated a CPC, USCIRF urges the U.S. government to remain engaged at the highest levels to bring about a just and lasting peace for all of Sudan. The U.S. government should insist on full CPA implementation; assist the parties in preparing for a successful 2011 referendum on the South's political future; work with parties to advance discussions on post-2011 issues; insist on strengthened human rights protections in both North and South Sudan; work to prevent violence against civilians and hold perpetrators responsible; and help Southern Sudan build its governing structure and indigenous economy in anticipation of the 2011 referendum. Additional recommendations for U.S. policy towards Sudan can be found at the end of this chapter.

## **Religious Freedom Conditions**

### *The North-South Civil War and the Comprehensive Peace Agreement*

Resistance to Khartoum's policies of Islamization and Arabization was a major factor in the North-South civil war (1983-2005). During the conflict, Northern leaders from the ruling National Congress Party (NCP), including Sudan's current President Omar Hassan Ahmad al-Bashir, exploited religion to mobilize northern Muslim opinion against both non-Muslim Southerners and Muslims who opposed the NCP regime. Appeals to Islam by NCP officials included calls by senior government officials for *jihad*. The civilian victims of the conflict, two million dead and four million driven from their homes, were overwhelmingly Southern Christians and followers of traditional African religions, in contrast to the Arabic-speaking Muslims dominant in Khartoum.

Since the signing of the CPA ending the civil war in January 2005, Sudan has been governed by an unusual power-sharing arrangement between the NCP, which had seized power in Khartoum in 1989 with an Islamist agenda, and the Southern-dominated Sudan People's Liberation Movement (SPLM). Most, but not all, of the SPLM's supporters are Christians or followers of traditional African religions.

The CPA put in place the following arrangements for a six-year interim period, to end in July 2011:

- the 10 Southern states would be exempt from sharia (Islamic law), which would continue to prevail in the North, and special provision would be made to protect the rights of non-Muslims in Khartoum, the national capital;
- the NCP and SPLM would form a GNU under the Interim National Constitution, with the SPLM having a minority share of offices in Khartoum but assuming full responsibility for governing Southern Sudan under the Interim Constitution for Southern Sudan;
- the GNU would move forward on a path of "democratic transformation," including comply[ing] fully with its obligations under the international human rights treaties and holding elections for President of Sudan, President of Southern Sudan, the national legislature, state governors, and all state legislatures;
- the Southern Sudanese people would determine in a referendum to be held in January 2011 whether the South stays within a united Sudan or becomes independent;
- a special administration would be established in the oil-rich area of Abyei, the boundaries of which would be determined by an independent commission, and a popular referendum held in January 2011 would determine whether Abyei continues to have a special status in the North or becomes part of the South;
- local autonomy would be granted to the contested areas of the Southern Kordofan/Nuba Mountains State and Southern Blue Nile State, which would remain part of the North, and popular consultations would be held at the end of the interim period to determine governance arrangements in the two states; and
- the GNU would bring "peace dividends" in the form of economic development to marginalized areas in Southern Sudan, Abyei, Southern Kordofan/Nuba Mountains and Blue Nile states to encourage unity.

*Status of CPA Implementation*

Full implementation of the CPA, which according to its preamble is a “concrete model for solving problems and other conflicts in the country,” is designed to address the marginalization, underdevelopment, and human rights violations which have led to several regional conflicts that are still ongoing in Sudan.

Five years have passed since the signing of the CPA, and many provisions, particularly those related to human rights reforms and economic development, remain unimplemented, partially implemented, or severely delayed. There are serious disagreements, mistrust, and power inequity between the NCP and SPLM, but the GNU is functioning and power- and oil revenue-sharing arrangements are moving forward. The greatest success to date is that the North and the South are still at peace, although tensions remain high.

Part of the problem is that following the CPA’s signing the crisis in Darfur distracted the international community’s attention from the implementation of the peace agreement. With less than one year remaining, international attention is now focused on the January 2011 referenda in Southern Sudan, in which it appears likely that the South will vote for independence, as well as in Abyei. Only those outstanding CPA provisions pertinent to these polls, as well as those related to post-2011 arrangements, are being addressed in a serious manner. Issues related to the promotion of human rights, including freedom of religion or belief, governance in the North, and security and development in North-South border areas have been put aside. Unfortunately, failure to address these issues could exacerbate existing tensions or even reignite conflict.

*Human Rights Protections*

The CPA requires the GNU to implement a new constitution guaranteeing human rights, bring Sudan’s laws into compliance with its international agreements, and create three independent institutions to monitor and protect human rights conditions in the country. At the time of this writing, the human rights protections called for in the CPA have not been adequately implemented.

An Interim National Constitution, based on the CPA and signed into law in July 2005, includes a Bill of Rights and human rights protections and gives primacy to Sudan’s international human rights commitments. Nevertheless, human rights protections in Sudan continue to be severely constrained by an undemocratic ruling elite led by an authoritarian president indicted by the International Criminal Court (ICC) for crimes against humanity, an oppressive national security system that operates with impunity, and several restrictive national laws. Of the three institutions mandated by the CPA to monitor and promote human rights in Sudan, only one—the Southern Sudan Human Rights Commission—is truly functional.

*Freedom of Religion or Belief in the North*

The Interim National Constitution guarantees religious freedom protections, including freedom to worship and assembly, establish and maintain places of worship, establish and maintain appropriate charitable or humanitarian institutions, observe days of rest and celebrate holidays and ceremonies, and communicate with individuals and communities in matters of religion or belief at both the national and international levels. Despite these protections, severe violations of freedom of religion or belief continue in government-controlled areas of the North.

All Sudanese in the North, including Christians and followers of traditional African religions, are subject to sharia. In meetings with Muslims and Christians in Khartoum in December 2009, followers of both

religions told USCIRF that they felt their religious freedom rights were infringed by the government's imposition of a particular Islamic ideology on the entire population, including its enforcement of religiously-based morality codes and corporal punishments adopted from sharia.

The state enforces corporal punishments and morality laws on both non-Muslims and Muslims who do not follow traditional practices, despite provisions in the CPA and the Interim National Constitution that non-Muslims would be provided alternatives to the punishments prescribed for Muslims. In the past year, under a 1991 "public order" law that prohibits acting in "a manner contrary to public morality, or wear[ing] an indecent or immoral dress, which causes annoyance to public feeling," dozens of Muslim and Christian women and girls were flogged in Khartoum for indecency. What specifically constitutes immoral dress is not defined and is left to the discretion of arresting officers and prosecuting judges. The penalty for violating this provision is a maximum 40 lashes flogging, a fine, or both. According to the African Centre for Justice and Peace Studies (ACJPS), indecency charges are primarily used against poor Southern women and the specialized courts in which these cases are heard do not provide due process rights. The most celebrated recent indecency case, that of UN employee Lubna Hussein, ended when an unknown person believed to be acting for the government paid her fine, apparently as a way of avoiding further adverse international publicity.

The "public order" law also is used to discriminate against women more broadly, including requiring all women to wear the *hijab* and restricting women's economic activities. According to the ACJPS, the law is used to restrict the work hours of women in Darfur.

Additionally, Christians in Khartoum complained to a visiting USCIRF delegation in December 2009 that they are frequently suspected of and harassed by the police for producing and selling illegal alcohol. Reportedly, the vast majority of inmates in Khartoum's women's prison are Christian women accused of selling alcohol. In April 2010, during an election campaign rally, President al-Bashir stated that all persons selling and drinking alcohol would be flogged.

In addition to imposing an Islamic ideology on Muslims and non-Muslims, the government routinely discriminates against non-Muslims. Although permits to construct and operate mosques are routinely granted, and mosque construction is supported by government funds, permission to build churches often is difficult to obtain. Since the CPA's signing in 2005, there appears to have been some progress on this issue; three churches have received building permits and are reportedly under construction. Churches built without official permission, by owners who register land for personal rather than church use, exist at the authorities' sufferance. Even legally recognized church-owned properties are vulnerable to seizure.

Muslims also receive preferential access to limited government services and preferential treatment in court cases involving Muslims against non-Muslims. Christians told the Commission during its December 2009 trip to Khartoum that foreign church officials are not permitted outside of Khartoum, that except for a Christmas Day broadcast the state media denies Christians air time, and that Christians are denied educational opportunities and employment services when administrators discover their religious background. In addition, school textbooks negatively stereotype non-Muslims and ignore their contribution to the country.

Blasphemy is legally prohibited under Sudan's criminal laws, and blasphemy accusations have been used to intimidate those expressing disfavored views. In 2005, a Khartoum newspaper editor was charged with blasphemy after publishing an article interpreted by some readers as disrespectful to the Prophet Muhammad. Subsequently released and later acquitted, the editor was murdered in September 2006. Nine suspects in the murder case were found guilty and executed in April 2009. That same month, several newspapers accused SLPM parliamentary caucus leader Yassir Arman of apostasy for calling for amendments to Sudan's criminal code that would exempt non-Muslims from the application of sharia.

Additionally, in the past year such accusations have been made against the opposition Communist Party. The Association of Scholars and Preachers issued a fatwa declaring that “Communism is blasphemy, [and] whosoever believes in Communism is Kafir [i.e., an unbeliever] even if he observes prayer five times a day.” In September, after a cleric described a Communist party office as “a den of atheism, vice and fornication,” the premises were attacked.

Islamic proselytism is allowed, but proselytism by non-Muslims is prohibited. Conversion from Islam is a crime legally punishable by death. In practice, suspected converts are subjected to intense scrutiny, intimidation, and sometimes torture by government security personnel who act with impunity. Converts to Christianity from Islam face societal pressures and harassment from the security services to the point that they typically cannot remain in Sudan.

In contrast, government policies and societal pressure promote conversion to Islam. There have been reports in the past of coerced conversions in government-controlled camps for internally displaced persons, as well as among prison inmates, Popular Defense Force trainees, and children in camps for vagrant minors. The government also has allegedly tolerated the use of humanitarian assistance to induce conversion to Islam. In government-controlled areas, children who have been abandoned or whose parentage is unknown are considered by the government to be Muslims and may not be adopted by non-Muslims.

Finally, although Muslim-Christian violence has declined from the high levels seen during the North-South civil war, some relatively minor incidents occurred in 2009 in South Kordofan/Nuba Mountains. In February 2009, two Popular Defense Force (PDF) members allegedly threatened to kill a local Christian leader. On March 1, 2009, PDF members reportedly interrupted a church service and broke a cross. Finally, on March 27, 2009, a mob razed a building used by two Christian groups. Renewed conflict between Khartoum and Southern Sudan would inevitably engender violence that would have religious as well as ethnic, political, and sectional dimensions.

#### *Freedom of Religion or Belief in the South*

The Interim Constitution of Southern Sudan separates religion and the state and guarantees freedom of religion and equality before the law regardless of religious belief. These provisions are respected in practice by the Government of Southern Sudan (GoSS) and by the SPLM. Although the SPLM draws its support largely from Christian Southerners, the party and the Southern government avoid appearing to favor Christians over Muslims. The SPLM Northern Sector head and former presidential candidate, Yassir Arman, is himself a Northern Muslim.

USCIRF has traveled repeatedly to South Sudan since 2006, most recently in January 2010. On these visits, Southern Muslims and Christians told USCIRF that they feel that their right to freedom of religion or belief is respected, the GoSS is responsive to their needs and concerns, and relations between the religious communities in the South are generally good. Muslim leaders told USCIRF in January 2010 that among Southerners, there are many inter-religious families and that where there is conflict in the South, it is along ethnic, not religious lines. Muslim leaders stated that they are working with the GoSS to form a Muslim counterpart to the Sudanese Council of Churches and that the government is receptive to their request for specialized courts to address personal status issues. They also said that the GoSS responded positively to concerns raised to USCIRF in October 2008 that a new registration law for religious communities unduly targets their community. However, USCIRF is concerned by reports it has received that several Arab Muslims and their businesses in the South have been targeted for attack and theft in 2009-10. Given the overlapping tensions based on North-South, Christian-Muslim, ethnic, and class identities, however, it is difficult to determine if religion is a motivating factor in these attacks.

*Commission for the Rights of Non-Muslims in the National Capital Area*

The mandate of the Commission for the Rights of Non-Muslims in the National Capital Area (Commission) is to ensure that the rights of non-Muslims are protected in accordance with the Interim National Constitution's human rights protections and that "non-Muslims are not adversely affected by the application of the Sharia law in the National Capital." Chaired by a Southerner, the Commission is composed of Southern and northern religious scholars, community leaders, and representatives from Khartoum State, the judiciary, the Ministry of Justice, the police, and the security forces. Since its creation in 2007, the Commission has had some limited successes, including obtaining permission for church construction, obtaining the return of a portion of a Christian cemetery from the Khartoum State government, and voicing concerns about the treatment of non-Muslims by the police and an Islamic bias in the teaching of history. However, Sudanese Christians in Khartoum told USCIRF that the Commission is not widely known to the community and those who are aware of its existence feel that it is controlled by the government and its Muslim membership.

The Commission often fails to intervene in cases violating the rights of non-Muslims. For example, according to ACJPS, although Commission members were present during a March 2009 hearing at which two young girls were sentenced to 40 lashes and a fine for wearing trousers, they did not intervene. The Commission also did not intervene when Christians were flogged who were arrested with Lubna Hussein in July 2009 for wearing trousers. In a meeting in December 2009, the Chair of the Commission told USCIRF that in many cases, the judge hands down sentences before intervention is possible.

The Commission also told USCIRF that its aim is not to exempt non-Muslims from sharia but rather to urge that sharia be applied leniently to the entire population, including by seeking to prevent floggings and executions. According to the Commission chair, non-Muslims need to learn to live within the existing system. The Commission's disappointing performance has been noted by CPA observers. In a 2008 mid-term report evaluating CPA implementation, CPA-created Assessment and Evaluation Committee called on the GNU to increase support for the Commission. Additionally, UN officials in Khartoum told USCIRF in December 2009 that the Commission is in need of human rights training and capacity-building assistance to be more effective.

*Human Rights Commissions*

In April 2009, the Sudanese National Assembly enacted legislation establishing a National Human Rights Commission (NHRC). According to the legislation, the NHRC will monitor, research, and investigate human rights abuses in Sudan, and provide recommendations to improve human rights conditions and legal protections for human rights. Its yet-to-be-appointed 15 members are to be independent, experienced, impartial, and known for their commitment to human rights causes. However, in apparent contradiction to these provisions, the NHRC also will have six government representatives as advisors.

In 2006, the GoSS established the independent Southern Sudan Human Rights Commission (SSHRC), with the mandate to monitor and investigate human rights conditions in the South, advocate for human rights protections, and educate the populace on human rights. The SSHRC currently has 20 staff members in eight states, and plans to expand to all 11 Southern States. It regularly takes cases from individuals alleging abuses by local authorities, and works to address these claims. According to the SSHRC's Chair, the majority of complaints are about physical abuses by Southern security officers belonging to the Sudan People's Liberation Army (SPLA) and the Southern Sudan Police Forces (SSPF). In addition, throughout the early 2010 election period, the SSHRC conducted voter education and awareness campaigns. The institution also participated in registration and election monitoring activities. According to the SSHRC Chair, the SSHRC receives good cooperation from the GoSS, particularly President Salva Kiir and the Ministry of Justice.

*Bringing National Laws into Compliance with International Obligations*

Despite CPA provisions requiring that legal reforms comply with international obligations, several national laws continue to circumscribe the freedoms of speech, assembly, and the press. In 2009, the GNU took steps to reform the 2004 Press and Publications Act, the 1999 National Security Forces Act, and the 1991 Criminal Procedures Act. However, the new laws fail to address the problems in the existing laws, and continue an atmosphere in which the freedoms of assembly, speech, and press are infringed.

In June 2009, the National Assembly passed the Press and Printed Materials Bill 2009 amidst a parliamentary walk-out by the SPLM and other opposition parties. The new bill continues to give the government sweeping powers to censor, suspend, and heavily fine the press for articles it does not like. The legislation also retains clauses permitting national security officers to engage in pre-publication censorship of “issues pertaining to safeguarding the national security and public order and health.” In September 2009, President al-Bashir issued a decree purporting to end this practice, if journalists agreed to censor themselves under a code of conduct. The President warned editors-in-chief that failure to abide by the code of conduct would lead to “harsh sanctions.”

The National Security Forces Act of 1999 provided broad powers of arrest and detention and granted procedural immunity to the National Intelligence Security Services (NISS). A new National Security Act was passed in December 2009, but it continues the practice of granting extensive powers to the NISS to arrest and detain persons without charge. The new Act also continues to grant procedural immunity to NISS officers, as well as continuing to permit government security forces to disperse peaceful demonstrations forcibly.

In December 2009, USCIRF witnessed the dangerous implications of the National Security Act for opposition political parties and human rights activists. During USCIRF’s visit to Khartoum, the NISS and police officers arrested dozens of demonstrators, including National Assembly members, state legislators, and other officials, who had attempted to present a petition to the Assembly’s Speaker calling for urgent action to implement CPA legal reforms and prepare the country for the 2010 elections and 2011 referenda. Many demonstrators, including Yassir Arman, the head of the SPLM’s Northern Sector, were beaten. USCIRF saw firsthand the busloads of security officers—police, national security, and army—being driven into Khartoum in unmarked vehicles to suppress the demonstration and, in a meeting the following day, saw Mr. Arman’s visible injuries.

*Elections*

The first elections in Sudan in almost 25 years took place from April 11-15 2010. Originally scheduled for February 2009, the elections were delayed by more than a year. Election observers reported serious problems during the campaign period, including the intimidation and detention of opposition activists by the security forces. These problems led the SPLM and some Northern opposition parties to boycott the Presidential contest and state elections in the troubled Darfur region and elsewhere.

Regrettably, the elections neither created a more democratic government in Sudan nor addressed the history of concentration of power and wealth in Khartoum. Laws and logistical arrangements were implemented to ensure an NCP victory and keep President al-Bashir in power. Election observers, including the Carter Center and the European Union, found that the elections failed to meet international standards. Freedom of speech, association, and assembly were frequently infringed. Insecurity in some areas of Sudan, including Darfur and Southern Sudan, prevented open campaigning and voting. Voter fraud and district gerrymandering were common. Logistical problems disenfranchised many voters.

Organizations such as the Carter Center, Human Rights Watch, and African Centre for Justice and Peace Studies reported that the environment in Sudan prevented the elections from being free and fair. Many of the problems were due to the repressive press and national security laws. Despite the NCP's promise to former-U.S. President Jimmy Carter that the most troubling provisions of the two laws would not be applied during the election period, journalists were prohibited or censored from reporting on purportedly "inappropriate" electoral content and opposition parties were denied access to state media. Human rights and party activists were harassed and arrested for engaging in voter education efforts and complaining about inappropriate NCP campaign behavior. Opposition parties were harassed in the South as well, where the Sudan People's Liberation Movement-Democratic Change (SPLM-DC) candidates accused Southern Sudanese security forces of arresting and harassing their candidates.

The GNU also instituted rules infringing on the ability of candidates and parties to campaign freely. There were also logistical problems and concerns, including allegations of voter registration fraud, delays in reviewing voter registration lists, inconsistencies among such lists, a lack of trained polling staff, an inadequate number of polling centers, delays in distributing funds to state election committees, the printing of ballots by Khartoum-based companies as opposed to independent third country companies, and poor voter education.

*The Three Contested Areas: Southern Kordofan/Nuba Mountains, Blue Nile, and Abyei*

Separate protocols in the CPA addressed the three contested areas of Southern Kordofan/Nuba Mountains State, Blue Nile State, and Abyei (an area within Southern Kordofan/Nuba Mountains State). These three ethnically- and religiously-mixed areas are along the border between North and South Sudan and were the front lines of the North-South civil war. The people in these areas broke along religious (Christian and Muslim) and ethnic (African and Arab) lines to join forces with either the Southern SPLA or Khartoum's Sudanese Armed Forces (SAF) and aligned militias. The separate CPA protocols establish local administrations in these areas, implement security mechanisms, call for increased development projects, and establish procedures to address governance of the areas following the referendum on Southern Sudan self-determination set for January 2011. However, lack of implementation of the protocols, particularly those related to security, administration, development, and education, makes these areas vulnerable to renewed conflict at any point, and in particular after 2011.

*Abyei*

The Abyei Protocol of the CPA provides that Abyei has "special status" in the North and that a referendum will be held in 2011 for residents to determine if the Abyei Area will retain that status or become part of Southern Sudan's Bahr el Ghazal State. A "final and binding" determination of the area's geographic boundaries would be made by an Abyei Boundaries Commission (ABC) composed of international experts, and residency and voter eligibility decisions by an Abyei Referendum Commission. As of this writing, however, the borders are not demarcated on the ground, a referendum commission has not yet been implemented, a local administration is not yet fully functional, development funds have not been devolved as required, services are not being provided to residents, and the security situation remains tense.

In July 2006, the ABC presented its report determining the Abyei Area's borders to the SPLM and the NCP. However, the NCP rejected it, stating that the ABC had "exceeded its mandate." In July 2008, after an outbreak of violence, the NCP and SPLM signed the Abyei Roadmap Agreement recommitting themselves to the Abyei Protocol and agreeing to submit the boundaries dispute to the International Court of Arbitration at The Hague and accept its decision as final. That body reached its decision in July 2009, finding that the ABC experts were correct in their delineation of the Southern border, but were incorrect

in their delineation of the Area's northern, eastern and western boundaries. The Hague tribunal also ruled that the Abyei Area is the ancestral homeland of the Ngok Dinka. Although the parties agreed to demarcate the Abyei boundaries on the ground by September 30, 2009, per The Hague award's instructions, lack of funding, local obstruction, and insecurity has impeded their work, which has stopped at the time of this writing.

In December 2009, after months of negotiations, legislation concerning the Abyei referendum was passed in the National Assembly. The legislation calls for the establishment of the Abyei Referendum Commission this year to determine residency status and voter eligibility criteria and oversee the procedures for the poll. Of particular interest is the determination of the residency of the Misseriya, who are believed to be in favor of the Abyei area remaining in the North.

#### *Southern Kordofan/Nuba Mountains State and Blue Nile State*

Under the CPA, the two states of Southern Kordofan/Nuba Mountains State and Blue Nile State continue to be part of the North. Unlike Southern Sudan and Abyei, however, residents of these two states will have "popular consultations" in 2011, which are vaguely defined in the CPA as "a democratic right and mechanism to ascertain the views of the people on the comprehensive agreement reached." Throughout the interim period, the two states have governing autonomy but receive funds from Khartoum to address development inequalities and implement security measures.

Over the past five years, implementation of the provisions related to the two states has been haphazard. Administrations have been set up in both states, although only the one in Blue Nile State reportedly operates relatively well. Inadequate security and underdevelopment remain serious concerns in both states.

In December 2009, the National Assembly passed legislation governing the popular consultation process. That process has yet to start, however, and many residents of the two states believe that they will have a referendum like Abyei and Southern Sudan. According to the CPA, the popular consultation process is supposed to begin with elected state leaders consulting with their respective populations to rectify the shortcomings of the CPA's constitutional, political, and administrative arrangements. The elected leaders are then to take up their concerns with the central government. However, reports indicate that the process will be led by governing officials with little citizen involvement and that residents have little education about the process.

#### *Referendum on Self-Determination for Southern Sudan*

The CPA provides that on January 9, 2011, Southerners will vote to remain in a united Sudan or opt for independence. To many Southerners, the GoSS, and the SPLM, this referendum is crucial in terms of CPA implementation. SPLM officials have threatened several times that if the referendum is not held as scheduled, they will unilaterally declare independence. After the April 2010 elections, the referendum is the remaining milestone of the CPA and preparations for the poll and post-referendum arrangements are now the focus of the international community. Additionally, with the expectation that Southerners will vote for independence, much of the work on post-referendum issues operates under the assumption that an independent state of Southern Sudan is inevitable.

For Sudanese political leaders, much of the second half of 2009 was focused on debating, drafting, and passing legislation governing the referendum process, with periods of high tensions including a temporary boycott of the National Assembly by the SPLM. Disputes centered on vote and turnout thresholds for independence, voter eligibility, and the timeline for addressing post-referendum arrangements.

The legislation passed in December 2009 provides that independence will be granted with a simple majority vote and a minimum of 60 percent turnout of registered voters; all Southerners (in the South, the North, and the diaspora) will be eligible to register to vote; and the National Assembly will approve presidential nominations to the Khartoum-based commission that will oversee the holding of the referendum.

In the upcoming year, much remains to be done to prepare for a referendum. Referendum commission members have to be appointed, logistical arrangements for the vote have to be decided, and voters have to be registered. Although the Ad-Hoc Border Committee submitted its initial report to the Presidency on the North-South border in February 2010, the border remains to be demarked on the ground. The two parties currently are working to resolve disputes over five locations. SPLA and SAF troops must be removed behind their respective borders. Voter education programs need to begin and funding for the registration and polling periods need to be raised. The parties need to decide on monitoring of the registration and voting periods.

Finally, the two parties must urgently enter into negotiations over a number of post-2011 arrangements. The referendum legislation identified eight issues pertinent to a smooth and peaceful post-referendum period, including, but not limited to citizenship, status of Joint Integrated Units (JIUs), oil concessions and production and transportation and exporting, and water. Beginning negotiations and reaching agreements on these and the other post-2011 issues as early as possible prior to the poll will help avoid conflicts and misunderstandings. USCIRF is particularly concerned about: the plight of Southerners in the North and Northerners in the South; governance and protections for human rights, including freedom of religion or belief, in the North; and development in the South.

#### *Southerners in the North and Northerners in the South*

An estimated one to two million Southerners continue to reside in the North, including long-term residents and IDPs. There are also many Northerners living in the South. The NCP and SPLM must decide on the citizenship rights of these populations should Southern Sudan vote for independence. These rights include not only legal standing in territories, but also the rights to work, access services and governing institutions, own property, and maintain residence. There is great concern that if Southerners vote for independence, these rights will be revoked and these populations, particularly Southerners in the North, will become stateless.

Historical precedents elsewhere, including the Partition of Britain's Indian Empire into the separate countries of India and Pakistan and the creation of Bangladesh from East Pakistan, suggest that a lack of attention now to these issues could result in tremendous human suffering. Those who find themselves on the "wrong" side of a new international border could face discrimination and even violence. Large numbers of people could be left stateless in areas where they have lived for decades or even generations.

The physical safety of these populations is also a concern. Will Southerners in the North be attacked in retaliation for the South's independence? If this happens, or citizenship rights of Southerners in the North are revoked, will there be retaliation against Northerners in the South? During USCIRF's visit to Juba in January 2006, local Muslim community leaders related having been targeted following the death of Dr. John Garang.

USCIRF also is concerned about the plight of Southern IDPs in the North. In 2005, there were approximately four million Southern IDPs in the North. Over these past five years, almost two million IDPs have returned to the South and the three border areas of Southern Kordofan/Nuba Mountains, Blue Nile, and Abyei. The vast majority of these returns have been spontaneous, with no or little assistance from the international community. More recently, however, the pace of returns has slowed. In addition

to the lack of international assistance, the lack of livelihood opportunities, services, and education in the South led many Southerners to decide that they and their families were better off remaining in Khartoum, despite terrible camp conditions and pressure from authorities there, and discrimination and harassment based on religious identification.

However, when USCIRF met with Southern IDPs at Jebel Aulia camp in Khartoum in December 2009, almost three quarters of those asked expressed plans to return to the South after the referendum vote. USCIRF is concerned that the international community, the GoSS, and authorities in the three border areas are not prepared to assist an increased number of returnees next year. The international community and key Sudanese stakeholders need to begin now to prepare for the likelihood of increasing returns, including return logistics and potential security problems. The potential of increased returns also highlights the need for dramatically increasing and coordinating development assistance to the South, both now and after the 2011 referendum, to make the return process run smoothly for the displaced persons, but also to help absorbing communities properly integrated returnees. Most of the returnees are settling in urban areas, because either rural areas lack the services or they have become accustomed to urban living, creating a significant “squatter” problem, increased competition for overtaxed resources, and in some cases, discrimination against returnees.

#### *Governance and Human Rights in the North*

The human rights institutions the CPA created and the human rights protections in both the CPA and Interim National Constitution have not been fully implemented and serious human rights abuses, including freedom of religion or belief, continue. Moreover, the underlying problems of political and economic marginalization of non-Arabs, non-Muslims, and in areas of the country beyond Khartoum have not been addressed. Genocide and conflict continues in Darfur, despite numerous and current efforts to sign a lasting peace deal. In addition to the Darfurians, the Beja people in East Sudan and the Nubian people north of Khartoum remain politically and economically marginalized. After the referendum in 2011, these abuses and the underlying problems in Sudan’s governing structure will continue. They may even worsen if the international community focuses only on developing Southern Sudan and neglects human rights in the North. Some observers believe that Sudan could become even more Islamist in orientation should the South secede.

The responsibility of the highest levels of the Sudanese government in egregious human rights violations in the North was underlined by the March 2009 decision of the ICC to authorize an arrest warrant against President al-Bashir on five counts of crimes against humanity and two counts of war crimes in regard to his actions in the Darfur conflict. Khartoum’s expulsion of international humanitarian organizations in response to the indictment, and its arresting and silencing of Darfuri human rights activists, demonstrates a disregard for the welfare of Darfur’s civilian population. Abusive tactics and brutal violence against African Muslim civilians in Darfur continue with impunity. Additionally, even as it was engaging in peace talks with Darfuri rebel groups, the Khartoum government continued offensives in Darfur, killing hundreds and displacing tens of thousands in Jebel Marra and prohibiting UN and humanitarian agencies from accessing the region. The lack of accountability and persistent use of tactics against civilians amounting to crimes against humanity and war crimes by the government of Sudan and its agents raise serious questions about the government’s commitment to abide by the terms of the CPA.

The international community must redouble its efforts, both now and immediately following the end of the CPA interim period, to pressure the Khartoum government to meet its human rights obligations under international treaties and the human rights provisions of the CPA. Among other efforts, the government must bring the country’s laws into compliance with its international commitments. The two Northern-based human rights institutions created in the CPA, the Commission on the Protection of Non-Muslims in the National Capitol Area and the yet-to-be established National Human Rights Commission, also should

be retained and strengthened. The government also should be pressed to address the serious issues raised by successive UN special rapporteurs/experts on human rights in Sudan, the UN's panel of Experts on Darfur, and the African Union Panel on Darfur.

### *Development in the South*

The SPLM faces multiple challenges of participating in the GNU, establishing the GoSS, bringing economic development and providing services to the South, and transforming its armed wing from a rebel movement to a standing army. These staggering tasks are being undertaken in one of the most impoverished and least developed areas of the world that has been devastated by years of neglect from successive governments in Khartoum (before and after independence in 1956) and the long civil war. To date, international support has tended to focus on humanitarian assistance. A more long-term approach to development is needed.

The GoSS and SPLM are forming a new government, despite lacking capacity and governing experience at all levels and across all government ministries and service providers. Poor management skills and lack of knowledge of contracts, financial management, payroll systems, and planning processes contribute to a serious corruption problem in the South. The need for training is even more acute at local levels as most training and assistance is focused on Juba. Despite the GoSS's strong needs for technical assistance, USCIRF saw during its January 2010 trip to Juba that the numbers of technical advisors are shockingly inadequate -- only 150 are on the ground in Southern Sudan. International technical assistance in other post conflict situations has been much higher, with advisers numbering in the thousands.

Development efforts in Southern Sudan are also hampered by increased insecurity in the South. Southern Sudan witnessed a dramatic increase in local level, inter-communal conflict in 2009, with more than 2,500 deaths and 350,000 persons displaced because of the violence. This death toll exceeds that in Darfur in 2009, and the insecurity highlights the drastic needs of law and order institutions in the South. The Southern Sudan police force lacks training in civilian policing and human rights and lacks basic equipment. Civilians in many locations are better armed than officers. The Southern Sudan army itself has problems with lack of professionalization and training (including on human rights) among its troops and poor communication equipment. Failure by the GoSS to pay army and police salaries has led officers to sell guns and uniforms to civilians.

The judicial sector needs even more assistance than the security sector, especially due to a considerable lack of qualified judges. In USCIRF's meetings with Supreme Court judges in both October 2008 and January 2010, the Chief Justice stressed that the judicial system and judges are in great need of training and technical assistance, as well as computers and offices.

Finally, Southern Sudan has some of the lowest human development indicators in the world. Insecurity and the lack of infrastructure prevent assistance organizations from reaching rural areas where the needs are most acute. At the end of the civil war, there were no paved roads in Southern Sudan outside of Juba and Wau. GoSS institutions still lack the capacity to meet its citizens' food, water, education, health, and sanitation needs; these types of assistance continue to be provided by international non-governmental groups.

### **U.S. Policy**

The United States is the leading, arguably indispensable, international actor in Sudan. U.S. involvement in the peace negotiations was vital to the signing of the CPA ending the North-South civil war. As a guarantor of the CPA, with the United Kingdom and Norway, the U.S. government has an obligation to work with the signatories, the SPLM and NCP, to ensure its robust implementation. Since the CPA was

signed in 2005, its implementation has been ignored or severely delayed when the United States and the international community lost focus.

In 2009, the Obama administration refocused attention on CPA implementation, as well as continuing efforts to bring peace to Darfur. In March 2009, President Obama appointed retired Major General J. Scott Gration as Special Envoy for Sudan. In October, the administration announced its long anticipated Sudan policy, which reportedly had been held up by internal administration disagreements. The policy aims to take a comprehensive approach to Sudan, simultaneously working to end genocide and conflict in Darfur, implement the CPA, ensure a peaceful post-2011 Sudan whatever the outcome of the referendum, and prevent Sudan from becoming a safe-haven for terrorists. The administration stated that it had developed benchmarks for the Sudanese government's efforts to meet these goals, and that U.S. actions, particularly tightening or easing sanctions, would be determined by Khartoum's progress on the benchmarks and "concrete improvements on the ground." Quarterly reviews to measure progress are to be conducted by senior-level staff from various agencies.

The policy's benchmarks are classified in a secret "annex." As a result, the policy community does not know what these benchmarks are, and is concerned that they may not be as strict as necessary to move Khartoum. History in Sudan has shown that the NCP only responds to strength. Additionally, there were reports that, at the first quarterly review in February 2010, there were serious disagreements within the administration on both the evaluation of the Sudanese government's actions and the direction of U.S. policy.

At times, Special Envoy Gration's comments have seemed inconsistent with administration positions. In January 2010, when asked during a hearing before the House of Representatives Foreign Affairs Committee about the classified annex, the Special Envoy denied its existence, stating that they had several different memos. A few days later, the Secretary of State insisted that there is an annex of benchmarks. Additionally, in Congressional testimony in July 2009, the Special Envoy stated that he believed the United States should consider easing sanctions in Sudan and said that genocide was not continuing in Darfur. A few days later Gen. Gration walked back these statements, and other administration officials, including U.S. Ambassador to the UN Susan Rice, explicitly stated that genocide was continuing in that region.

Even with these conflicting statements, the Special Envoy has made a concerted effort to implement the administration's Sudan policy. Among the Special Envoy's first acts was to travel to Sudan to engage the NCP to reinstate humanitarian organizations which were expelled following the ICC's indictment of President al-Bashir. In June 2009, 13 organizations were readmitted, although under different names and with restricted access to the region. Also in June the Special Envoy held a three-day CPA Forum bringing key stakeholders, including the SPLM and NCP, European and other international partners, and East African regional states to Washington, DC to address the outstanding needs for CPA implementation, which USCIRF attended. In August, as the result of trilateral talks brokered by the Special Envoy, the NCP and SPLM announced agreement to implement several outstanding CPA provisions. The agreement contained deadlines for implementing the outstanding provisions. All of the deadlines have been missed. Since the agreement, the Special Envoy has traveled frequently to Sudan to engage the parties in negotiations over the outstanding provisions and to attempt to mitigate rising tensions. Most recently, he has traveled to Doha and the region to try to finalize a new peace agreement for Darfur.

As part of its overall policy, the United States is increasing its assistance funds to Southern Sudan in anticipation of the vote for independence. Sudan is the largest recipient of U.S. assistance in Sub-Saharan Africa. Funding is used to solidify CPA implementation, bring peace to Darfur, and address the country's massive humanitarian needs. U.S. assistance programs in Southern Sudan are aimed at conflict mitigation

and reconciliation, professionalization of Southern Sudan's army, political party development, capacity building for the GoSS and state governments, tackling corruption, building infrastructure, extending health and education services, addressing food insecurity, and improving agriculture development. Additionally, efforts to address gender imbalances in education, livelihoods, and public opportunities are found throughout the U.S.-Sudan assistance program.

In addition, in advance of the April 2010 elections and with the January 2011 referendum approaching, the U.S. government has increased its assistance to train security officers to ensure that elections and the referendum are held in secure environments, and to work with local organizations on reconciliation efforts, to improve access to information on the referendum and popular consultation processes to avoid conflict, and to develop alarms to quickly respond to outbreaks of conflict.

### **USCIRF Activities**

Sudan was one of the first countries on which the Commission focused. Since its inception, USCIRF has met with a broad range of government officials, religious leaders, human rights monitors, civil society representatives, and others knowledgeable about Sudan; held public events to focus attention on religious freedom abuses in Sudan; testified on Sudan at congressional hearings; and visited Sudan five times to see first hand the conditions on the ground.

USCIRF had recommended repeatedly that the U.S. government appoint a nationally prominent individual to bring about a peaceful and just settlement of the North-South civil war. In September 2001, then-President Bush appointed former Senator John Danforth as Special Envoy for Peace in Sudan, energizing the peace process. Senator Danforth was followed in September 2006 by former USAID Administrator and Special Humanitarian Coordinator for Sudan Andrew Natsios, and in January 2008 by Richard Williamson. Following the inauguration of the Obama Administration, USCIRF called for a new Special Envoy who would demonstrate continued U.S. commitment to peace in Sudan. On March 18, 2009, President Obama appointed retired Major General J. Scott Gration to this position.

USCIRF has been extensively engaged in Sudan during this reporting period. The Commission traveled twice to Sudan, to Khartoum in December 2009 and Juba in January 2010. During these trips, USCIRF collected up-to-date information on religious freedom conditions in the North and South, CPA implementation, and development needs in Southern Sudan. While in Khartoum USCIRF witnessed first-hand the NCP's human rights abuses, meeting with SPLM officials who had been arrested and beaten when peacefully attempting to present a petition to the National Assembly relating to legislation important for CPA implementation. Upon return from Khartoum, USCIRF held a press conference with Representatives Donald Payne (D-NJ), Frank Wolf (R-VA), and Chris Smith (R-NJ) to relay what was witnessed and call on the Administration to more forcefully engage the CPA parties on the implementation of the peace agreement.

Throughout the year, USCIRF held several meetings with senior administration officials. USCIRF met twice with Special Envoy Gration, as well as with National Security Council (NSC) Senior Director for Multilateral Affairs Samantha Power, NSC Senior Director for African Affairs Michelle Gavin, and Assistant Secretary for State for African Affairs Johnnie Carson.

USCIRF also engaged Sudan human rights activists in the Washington, D.C. area. In the fall of 2009, USCIRF held three roundtables addressing major issues relating to the CPA, including human rights in Sudan, the April elections, and the 2011 referendum on Southern Sudan's political future. Finally, throughout the year, USCIRF issued numerous statements and press releases, including commenting on the Obama administration's new Sudan policy and calling on the SPLM and NCP to abide by the international tribunal ruling on the Abyei boundaries.

## **Recommendations**

In addition to recommending that Sudan continue to be designated a CPC, USCIRF urges the U.S. government to remain engaged at the highest levels in bringing about a just and lasting peace for all of Sudan. The Commission believes that the normalization of relations with Sudan and any considerations of lifting U.S. sanctions must be preceded by concrete action and demonstrated progress by Khartoum in implementing peace agreements, ending abuses, and cooperating with efforts to protect civilians.

### **I. Insist on Full CPA implementation to Serve as a Model for Political Accommodation of Legitimate Grievances throughout Sudan**

The U.S. government should:

- enlist international support for peace in Sudan, including from CPA guarantors United Kingdom and Norway as well as China, and other nations that have major economic investments in Sudan, to press Khartoum to fulfill CPA implementation;
- work with the CPA signatories, in coordination with international partners, to implement outstanding CPA provisions, including:
  - holding the 2011 referenda in Southern Sudan and Abyei and the popular consultations in Southern Kordofan/Nuba Mountains State and Blue Nile State as scheduled and in a free, fair, and credible manner;
  - implementing the Abyei border and the Abyei Roadmap Agreement;
  - demarcating the North-South border; and
  - establishing the National Human Rights Commission and bringing all national laws into compliance with international human rights commitments;
- report, publicly and regularly, to the Congress on the status of CPA implementation, focusing on violations, responsibility, and U.S. government responses; and
- consider new sanctions, as needed, to respond to non-compliance with CPA terms, including targeted sanctions such as asset freezes and travel bans against responsible individuals and institutions.

### **II. Prepare for a Successful 2011 Referendum in Southern Sudan**

The U.S. government should:

- make clear that the United States expects the choice of the people of Southern Sudan, as expressed in a free and fair referendum to be held in 2011 in accordance with the CPA, to be respected, whether the people of Southern Sudan choose to remain in Sudan or be independent;
- directly engage and contribute resources and technical expertise to help ensure that the referendum is free, fair, and credible, including by ensuring that, during both registration and polling periods, there is:

- adequate international and GNU funding registering and educating voters and holding the poll;
- international monitoring and observation; and
- adequate security;
- taking into account the possibilities of either unity or separation, work with the CPA signatories to advance discussions on post-2011 issues including:
  - citizenship rights of Southerners in the North and Northerners in South;
  - the terms of oil and wealth sharing accords between the regions;
  - the roles, responsibilities, and positions of the SAF, SPLA and Joint Integrated Units;
  - the parties' obligations to Sudanese international agreements, including treaties and debt commitments;
  - the legal and human rights framework in the North after the expiration of the Interim National Constitution, including retaining those independent human rights institutions established by the CPA; and
  - preparation, including financial assistance, for an increase in IDPS voluntarily returning to the South after the vote.

### **III. Strengthen Human Rights Protections, including Freedom of Religion or belief, in both the North and the South**

The U.S. government should:

- insist the government in Khartoum meet the following benchmarks to promote freedom of religion or belief before the United States will normalize relations or lift sanctions:
  - allow all religious groups to conduct their activities without harassment, discrimination or undue interference, including publishing or importing religious literature, building, repairing, and operating houses of worship, and operating social service programs;
  - repeal laws that punish changing one's religion or encouraging another to do so and end the use of official accusations of blasphemy, apostasy, "offending Islam," or similar charges to stifle public debate or restrict the right to freedom of expression;
  - abandon efforts to force religious organizations to register as non-governmental organizations under regulations that give government officials control over their activities;
  - permit relations between national religious communities and their co-religionists abroad in accordance with universal human rights norms;
  - reform the state security services to be representative of all Sudanese and ensure that all national institutions such as the military, law enforcement agencies, and the highest levels of the judiciary are representative and equally protective of all Sudanese regardless of religious affiliation or belief;

--cease using government-controlled media for messages of intolerance and discrimination against non-Muslims; and

--exclude negative stereotyping in school textbooks; include in school curricula, in textbooks, and in teacher training the concepts of tolerance and respect for human rights, including freedom of religion or belief; and incorporate into history texts the religious and cultural diversity of Sudan's past;

- appoint a ranking official at U.S. Embassy Khartoum, reporting directly to the Ambassador, to work full-time on human rights and monitor human rights abuses, including religious freedom, in the North, as well as to advance the U.S. human rights agenda in Sudan;
- increase funding and technical assistance to the Southern Sudan Human Rights Commission, the Commission for the Rights of Non-Muslims in the National Capital, and the National Human Rights Commission, once it is established, to strengthen their capacity independently to protect, monitor, and investigate human rights abuses and to promote respect for internationally recognized standards on freedom of religion or belief and related human rights;
- urge the government in Khartoum to end the impunity with which members of the security forces and others acting as agents of the government have engaged in human rights abuses; urge the establishment of effective mechanisms for accountability for past abuses; and in the absence of such bodies, provide full cooperation with international institutions, including those mandated by the UN Security Council;
- urge the GNU to cooperate fully with international mechanisms on human rights issues, including inviting further visits by the UN Special Rapporteur on Freedom of Religion or Belief, the Special Rapporteur on the Situation of Human Rights in Sudan, the UN Working Group on Arbitrary Detention, and the and comply with the UN Human Rights Council's High-Level Mission on the Situation of Human Rights in Darfur's recommendations; and
- undertake programs to improve citizen awareness and enforcement of the legal protections for human rights included in the Interim National Constitution, the Interim Constitution of Southern Sudan, and the international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), to which Sudan is a party.

#### **IV. Prevent Violence Against Civilians (including Mass Atrocities and Genocidal Acts) that would Result from Renewed Conflict and Hold Perpetrators Responsible**

The U.S. government should:

- take the steps necessary to make feasible the establishment of various security guarantees for Southern Sudan in order to deter Khartoum from renewing the North-South civil war, including as appropriate, to improve the South's ability to detect air attacks and therefore reduce civilian casualties;
- increase technical assistance and expertise or other capacity to bolster the professionalization and human rights performance of the SPLA and the Southern Sudan Police Force to respond to insecurity and provide security for the 2011 referendum utilizing State Department's International Military

Education and Training (IMET) and International Narcotics and Law Enforcement Affairs (INL) programs;

- increase support for the Government of Southern Sudan's current, active efforts toward disarmament, demobilization, and reintegration of Southern Sudan's many ex-combatants;
- utilize existing social institutions, including indigenous religious bodies, and strengthen civil society organizations that have special expertise and a demonstrated commitment in the areas of inter-religious and inter-ethnic reconciliation and conflict prevention, to promote a peaceful civil society;
- expand technical assistance and training, education, provision of reference materials and facilities to the court system in Southern Sudan to address insecurity in the South and hold perpetrators of violence responsible;
- support a stronger international presence in Darfur sufficient to protect civilian populations and to monitor compliance with the peace accords and UN Security Council resolutions, including by:
  - urging the UN-African Union Mission in Darfur (UNAMID) to protect civilians in accordance with the highest international peacekeeping standards; providing resources, logistics, equipment, and early warning systems to enable peacekeepers to move quickly to places where abuses are occurring;
  - bringing in experts on civilian protection issues and sexual violence to train and work with international force commanders, including female troops and police officers;
  - providing security to refugees and IDPs;
  - supporting the active enforcement of the UN Security Council aerial "no-fly zone;"
  - increasing substantially the number of human rights monitors from the UN Office of the High Commissioner for Human Rights and the number of international peacekeepers deployed in Darfur; and
  - insisting that relief organizations be permitted unimpeded, safe access to the region so that necessary humanitarian assistance can be provided to refugees and IDPs; and
- use bilateral and multilateral diplomacy to mount an international campaign to pressure the Sudanese authorities to cooperate fully with the ICC.

**V. Build a Successful Governing Structure and Indigenous Economy in Southern Sudan in Anticipation of the 2011 Referendum on the South's Political Future**

The U.S. government should:

- enhance the facilities and personnel resources of the U.S. Consulate General in Juba in order to support increased U.S. engagement and programming in Southern Sudan;
- increase substantially the number of technical advisors from all relevant U.S. government agencies, including, but not limited to the State Department, U.S. Agency for International Development, Department of Justice, Department of Treasury, and Department of Agriculture, to the Government of Southern Sudan to promote good governance, administer rule of law, improve administration and

delivery of social services and education, and address corruption and encourage other potential donors to increase technical assistance to Southern Sudan in these area;

- expand the opportunities for fellowships, internships, or similar exchange programs for Southern Sudanese professionals to increase the capacity of the Government of Southern Sudan to promote good governance, administer the rule of law, improve the administration and delivery of social services and education, and address corruption;
- expand the provision of U.S. assistance to indigenous civil-society, private-sector groups and provide appropriate technical assistance to enable such groups to prepare project proposals for U.S. grants;
- encourage U.S. private investment in Southern Sudan while alleviating the impact of remaining U.S. sanctions on all areas under the control of the Government of Southern Sudan and in the border areas of Abyei, Southern Blue Nile, and the Nuba Mountains, including sanctions on communications equipment;
- support the creation of an effective banking system in Southern Sudan, recognizing that such a system is crucial for the South's economic development and political stability;
- expand partnerships between U.S. universities and the University of Juba to enhance Southern Sudanese expertise in agriculture, business, law, health care, public administration, public works, education, and other areas to support development efforts;
- while recognizing the urgent need for continued U.S. humanitarian assistance, begin shifting to recovery and development assistance, taking into account the needs of returning IDPs and the absorbing communities, through increased funding for education, health care, economic development, and infrastructure;
- promote agricultural development in Southern Sudan with the goal of promoting greater food security; and
- explore providing the SPLA with needed technical expertise and capacity, such as in road construction and other public works, to assist in creating an infrastructure that bolsters economic development.