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ASSESSING CHALLENGES AND OPPORTUNITIES FOR PEACE IN SUDAN

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SUBCOMMITTEE ON AFRICAN AFFAIRS

OF THE

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ASSESSING CHALLENGES AND OPPORTUNITIES FOR PEACE IN SUDAN

WEDNESDAY, MAY 26, 2010

U.S. SENATE,
SUBCOMMITTEE ON AFRICAN AFFAIRS,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:30 p.m., in room SD–419, Dirksen Senate Office Building, Hon. Russell D. Feingold (chairman of the subcommittee) presiding.

Present: Senators Feingold, Isakson, and Wicker.

OPENING STATEMENT OF HON. RUSSELL D. FEINGOLD, U.S. SENATOR FROM WISCONSIN

Senator FEINGOLD. The hearing will come to order.

And on behalf of the Senate Foreign Relations Subcommittee on African Affairs, I welcome all of you to this hearing entitled "Assessing Challenges and Opportunities for Peace in Sudan."

And, of course, I'm honored to be joined by the ranking member of this subcommittee, Senator Isakson. I'll invite him to deliver some opening remarks in just a moment.

Today's hearing builds upon the hearing that our full committee held 2 weeks ago with the President's Special Envoy for Sudan, General Gration. The stakes are incredibly high as we move closer to Southern Sudan's vote on self-determination, which is set for January 2011.

The hearing, 2 weeks ago, made clear that not enough progress has been made to resolve contentious issues and address governance and security challenges in advance of the referendum. I am glad the Obama administration is scaling up its diplomatic and programmatic efforts in this regard, but the time is short. I hope we will discuss, today, what specifically can and must be achieved over the next 8 months to increase the chances of a peaceful, orderly referendum process.

On a related note, I am pleased that President Obama, on Monday, signed into law the LRA Disarmament and the Northern Uganda Recovery Act, a bill that I authored with Senator Sam Brownback.

The Lord's Resistance Army is a transnational problem. They've wreaked havoc in Southern Sudan in the past. And their ability to do so in the future should not be underestimated. In fact, the Voice of America reported just last week that the LRA have launched new attacks in Southern Sudan. As preparations for the referen-

dum continue, we need to consider the impact of this transnational threat, as well as others.

Now, at the same time as we work toward peace in the South, we cannot lose sight of our priorities in Sudan, particularly in Darfur. Shortly after the full committee hearing, 2 weeks ago, the State Department released a statement condemning recent offensive actions by the Government of Sudan in Darfur. I was pleased to see this statement, but fighting in Darfur has reportedly continued. I hope we can discuss today how we can get back on track with a viable process toward peace in Darfur.

Seven years on, millions of people remain displaced by the conflict in Darfur. They continue to face rampant insecurity, even if the fighting has changed in nature. This includes approximately 300,000 Darfurian refugees who now reside in eastern Chad.

The U.N. peacekeeping mission, MINURCAT, is reportedly set to withdraw from eastern Chad, which could put those civilians in danger and restrict humanitarian access even further. Further endangering civilians is unacceptable, and the international community should work to ensure that there is a clear, viable strategy for their protection.

Finally, while the elections may be over, we should continue to look for ways to push for an opening of democratic space, and for the civil and political rights of all Sudanese people. This is critical if we're to see the end of violence as an instrument of politics in Sudan.

Given the already repressive environment in Northern Sudan, I am disappointed that the National Congress Party has cracked down on the media, several journalists, opposition leaders, and activists in the wake of the election. The international community should speak out forcefully against this new wave of repression.

Now, we have a great lineup of witnesses this afternoon to discuss these issues.

First we will hear from Katherine Almquist, former USAID Assistant Administrator for Africa. Ms. Almquist recently published a report, in the Council of Foreign Relations, on the likely triggers of renewed civil war in Sudan, and possible U.S. policy options. Ms. Almquist has extensive experience working on Sudan inside of government, as both a former USAID Assistant Administrator for Africa and former USAID Mission Director for Sudan. She has testified before this subcommittee before and I am pleased to welcome her back.

Second, we will hear from Alison Giffen, deputy director of the Future of Peace Operations Program at the Stimson Center. In that role, Ms. Giffen is leading the program's efforts to strengthen civilian protection mechanisms and increase global preparedness to respond to mass atrocities. Ms. Giffen has more than a dozen years' experience monitoring and advocating on human rights and humanitarian issues. She previously served as Oxfam Great Britain's advocacy and strategy coordinator in Sudan.

Next, we will hear from David Mozersky, associate director of Humanity United. Mr. Mozersky has been involved in conflict prevention work in Sudan and East Africa since 2001, with a specific interest in mediation efforts and regional peace processes. Before joining Humanity United, he worked for 6 years for the Inter-

national Crisis Group, covering Sudan; most recently, as the Horn of Africa project director.

Finally, we will hear from Anne Richard, vice president for government relations and advocacy for the International Rescue Committee. The International Rescue Committee has been operating in Sudan since 1981, and currently helps more than 450,000 people in Southern Sudan with essential services. IRC was also delivering humanitarian aid to around 2 million people in Darfur, North and East Sudan, until March 2009, when it was expelled by the Government of Sudan. Ms. Richard, herself, has extensive experience working on humanitarian issues, both inside and outside of government.

So, I thank all of you for being here. I ask that you keep your remarks to 5 minutes or less so we have plenty of time for questions and discussion. And, of course, we'll submit your longer written statements for the record.

It's now my pleasure to turn to my friend and distinguished ranking member, Senator Isakson, for his opening comments.

OPENING STATEMENT OF HON. JOHNNY ISAKSON, U.S. SENATOR FROM GEORGIA

Senator ISAKSON. Well, thank you very much, Chairman Feingold. And I would like to thank Chairman Kerry for the previous hearing we had, a few weeks ago, with General Gration.

And I would note—General Gration, we appreciate you being in the audience today at this hearing. You're doing great work in the Sudan, and we appreciate it very much.

I welcome our panelists today.

Having visited Darfur and Sudan last year—in fact, almost this week last year, so it's been exactly a year ago—I am aware, firsthand, of the tragedy in Darfur, and also the tenuous nature of the North/South relations, as well as the critical date that's coming up very soon, in terms of the secession referendum, which I guess is scheduled for January.

The potential for critical problems is tremendous, but there's potential for opportunity and hope, as well. And the United States needs to be a key player in trying to help the country, first, stay unified; and second, find some kind of a cure, if we can, for the tragedy that is taking place in Darfur.

I welcome our panelists that are here to testify today. I look forward to your testimony.

And, again, I thank the chairman for calling the hearing.

Senator FEINGOLD. Thank you, Senator Isakson.

I welcome General Gration, as well. Thank him for his dedication.

And now we'll begin with Ms. Almquist.

STATEMENT OF KATHERINE ALMQUIST, FORMER USAID ASSISTANT ADMINISTRATOR FOR AFRICA, WASHINGTON, DC

Ms. ALMQUIST. Thank you, Chairman Feingold and Senator Isakson, for having me here today.

I would just like to note that the views I express today will be those of my own, and not the Africa Center or the National Defense University.

Sudan faces the very real prospect of renewed violence between North and South over the next 12 to 18 months. Under the terms of the 2005 Comprehensive Peace Agreement, a referendum in Southern Sudan must be held by January 2011 to determine whether it remains united with the North or secedes from it.

Given that popular sentiment in the South overwhelmingly favors secession, two basic scenarios are conceivable. The South secedes peacefully, through a credible referendum process, or the CPA collapses and the South returns to a fight for independence.

The likely triggers of a renewed civil war between North and South concern the referenda on self-determination, border flashpoints, and oil. Renewed civil war will have far-reaching consequences for other parts of Sudan, as well, limiting the potential to address the situation in Darfur and to avoid potential conflicts in other marginalized areas of the North.

Prospects for resolving the conflict in Darfur will dim further, and likely expire, in the event of a renewed North/South war. In the event of the violent secession of the South, neither Khartoum nor the Darfur rebel movements will be motivated to seek their own meaningful negotiated settlement. Khartoum's tolerance of the U.N./AU peacekeeping mission in Darfur may cease. And delivery of food and other emergency assistance to more than 4.7 million Darfuris current reliance on international aid will be virtually impossible.

As I'm sure we'll hear from the other witnesses, delivery of humanitarian assistance, at the present time, still remains a very dangerous and challenging proposition. The rising kidnappings of humanitarian workers and a tax on peacekeepers demonstrates the most fundamental challenge of Darfur that must still be addressed; that of security. Until basic security is restored, voluntary return of IDPs will not happen, and recovering reconstruction programs to stabilize Darfur and prepare for development will not be feasible.

The risks of a violent breakup of the country are, therefore, immense. And yet, the scenario is by no means inevitable. Ultimately, the Sudanese will determine whether the country advances toward peace and stability, or declines into conflict and security.

For its part, the Government of Southern Sudan must continue to demonstrate the political will and strength of leadership to confront the challenges of a nascent state, and to accept the massive external assistance it needs to help establish transparent, accountable, and durable institutions of governance. A frequently heard view is that a new state of Southern Sudan will not be viable, upon independence.

It's noteworthy that the Government of Sudan is a mere 5 years old, with very little legacy of governance to build on since Sudan's independence in 1956 or the colonial era preceding that. Expectations for the performance of this nascent state must be attenuated with the reality that no nation-state has developed its capacity to function in such recordbreaking time. Mistakes will be made, and sustained patience and partnership with the South will be needed as it assumes responsibilities for full sovereignty.

With respect to the North, the key question to be answered, post-referendum, is whether the National Congress Party will use its control over the government to return to its original Islamist

agenda, or will instead pursue the reforms mandated in the CPA for both North and South, to build a multiethnic, multicultural, multiparty, democratic, and decentralized state.

Mr. Chairman, as the principal proponent and overseer of the CPA, the United States has a variety of near term and longer term policy measures it could adopt to help avert a renewed civil war and preserve its credibility as a peacemaker in Sudan and in Africa.

The United States can best support the parties by helping to ensure an environment that motivates them to keep the peace. Washington can do this by focusing them, in the near term, on the critical outstanding issues: border demarcation, oil revenue-sharing arrangements, the resolution of citizenship status for southerners remaining in the North after independence, and vice versa; and the establishment of the Referenda Commission; and by generating ideas to break these logjams, if asked; and further, by articulating the minimum redlines for an internationally acceptable transition to post-referendum status.

Over the longer term, the United States should coordinate multilateral efforts among the international special envoys to Sudan, in developing a common agenda for focusing the parties on these critical issues pre- and post-referenda, and in close coordination with the AU's President Mbeki and U.N. SRSG, Haile Menkerios. Particular attention should also be paid to China, Egypt, and the Arab League, given their influence with Khartoum, along with Sudan's other neighbors. Ministerial-level attention, and higher, will be needed from the P5 and the international witnesses of the CPA to hold the parties to implement the final stages of the agreement.

The United States should lead by example in recognizing the South will not remain peacefully united with the North after January 2011, and in preparing for an independent South. International support for self-determination should be unambiguously affirmed, without prejudice toward unity, and backed by preparations to recognize and assist an independent Southern Sudan. Time is of the essence.

The United States should lay the foundation now for upgrading relationship with the Government of Southern Sudan, as soon as the outcome of the referendum is validated. It should also be prepared with an even greater assistance package than it has yet provided to support the southern government, as well as the state- and local-level institutions, and to spur economic growth.

In a situation with a plethora of urgent needs, both the Government of Southern Sudan and its international partners need to pay greater attention to securing stability for the South. Thus far, much effort has been paid to the professionalization of the SPLA; and, while there is more left to be done in this regard, a similar commitment is needed to address critical law-and-order functions, such as policing and the judiciary.

Mr. Chairman, whether South Sudan secedes violently or not, United States interests in Sudan will continue to be affected by Khartoum's calculations, and communicating the United States interest in fostering a more democratic, accountable government for the people of Northern Sudan, as well as in ensuring a stable,

peaceful neighbor for an independent South, will be essential for managing this relationship.

The trajectory of the bilateral relationship should be predicated on how the NCP treats the political opposition, civil society, and media; and on the government's willingness to transform, as demonstrated through its actions, in pursuit of peace in Darfur, popular consultations in Southern Kordofan and Blue Nile states; and in movement on key issues, such as land reform, security reform, civil service reform, decentralization, and freedom of the press, respect for human rights, and opening of political space.

Within this context, and prior to the referenda, the administration should publicly begin a process to determine the restoration of full relations with Khartoum, and prepare for a focused development assistance package for Northern Sudan, pending the peaceful referenda in the South and Abyei and resolution of the conflict in Darfur.

I'll close my remarks there.

Thank you, Mr. Chairman, members of the committee. I look forward to your questions.

[The prepared statement of Ms. Almquist follows:]

PREPARED STATEMENT OF KATHERINE J. ALMQUIST, FORMER USAID ASSISTANT ADMINISTRATOR FOR AFRICA, WASHINGTON, DC

Chairman Feingold, Senator Isakson and members of the subcommittee, thank you for giving me the opportunity to appear before you today to discuss the challenges and opportunities for peace in Sudan.

Sudan faces the prospect of renewed violence between north and south over the next 12 to 18 months. Under the terms of the 2005 Comprehensive Peace Agreement (CPA) that ended Sudan's bloody civil war—which claimed 2 million lives and displaced 4 million more—a referendum in southern Sudan must be held by January 2011 to determine whether it remains united with the north or secedes from it. Given that popular sentiment in the south overwhelmingly favors secession, two basic scenarios are conceivable: the south secedes peacefully through a credible referendum process or the CPA collapses and the south fights for independence. There is no scenario in which the south remains peacefully united with the north beyond 2011. Further complicating prospects for averting renewed violence are the ongoing conflict in Darfur and potential conflicts in other marginalized areas of the north. The violent secession of the south would hinder efforts to resolve these conflicts, as well as increase the prospect for greater internecine fighting among historic rivals in the south. The resulting significant loss of life and widespread political unrest would threaten regional stability and challenge U.S. interests in Africa.

The likely triggers of renewed civil war between north and south over the next 12 to 18 months concern the referenda on self-determination, border flashpoints, and oil. While ultimately the Sudanese will determine peace and stability or conflict and insecurity, Washington has at its disposal a variety of near term and longer term policy measures it could adopt to help avert a renewed civil war.

CHALLENGES AHEAD

Renewed civil war in Sudan would present an acute policy challenge to the United States in Africa. A major new outbreak of violence, with all its attendant humanitarian consequences, would put considerable pressure on the United States to respond and prevent further bloodshed. The U.S. role as the principal broker of the CPA, the existence of widespread public concern in the United States on Darfur, and the concern that renewed conflict could spill over and destabilize neighboring countries add to these pressures.

In the worst-case scenario, a renewed north-south conflict could plunge the country into a chaotic and deadly situation of total war if the political opposition and armed movements in the north, south, Darfur, and east organized and coordinated their combat strategies. In the more probable scenario of CPA collapse leading to a resumption of generalized north-south war or even a partial resumption of hostilities, the civilian toll is still likely to be high. Both the northern military—the Sudan Armed Forces (SAF)—and the southern military—the Sudan People's Libera-

tion Army (SPLA)—are large land armies and have acquired advanced weaponry and training for their armed forces during the interim period. Khartoum retains air superiority over the south and can be expected to resume its bombing raids aimed at terrorizing civilians.

Small arms remain pervasive throughout the civilian population in the south despite recent disarmament efforts by the Government of Southern Sudan (GOSS). Violence in southern Sudan is already rising at an alarming rate; in 2009, communal violence in the south surpassed the level of violence in Darfur, displacing some 350,000 people and killing more than 2,500. Khartoum is widely suspected of helping to foment this violence through its standard practice of destabilization through local proxy forces and should be expected to increase its nefarious activity in the south along these communal fault lines, as well as by providing ongoing support for the Lord's Resistance Army (LRA), in an effort to make the south appear ungovernable and therefore unfit for its referendum on self-determination. Finally, retributive violence against minorities in Khartoum, Juba, and other important cities in the north and south with a mix of populations (southerners living in the north and vice versa) can be expected in the event of the collapse of the CPA and a resumption of hostilities.

The catastrophic humanitarian consequences of a violent secession will demand that the United States work closely with the United Nations and nongovernmental organizations (NGOs) to access needy populations throughout Sudan with food and emergency relief. Conditions for humanitarian relief will be difficult, if not impossible, in many areas. The NCP will likely cut off humanitarian access in the north and Darfur, ruling out international humanitarian relief efforts. In the south, humanitarian actors could revert to cross-border operations via Kenya and Uganda even without Khartoum's assent (as occurred during the civil war); humanitarian flights and convoys, however, would be again vulnerable to possible air attack.

Prospects for resolving the conflict in Darfur will dim further and likely expire in the event of a renewed north-south war. Since the start of 2010, Khartoum has taken the offensive against two of the major outstanding rebel movements in Darfur, the Justice and Equality Movement (JEM) and the Sudan Liberation Movement-Abdul Wahid (SLM–AW). Similar to the outbreak of violence in Darfur in 2003 and its escalation in 2004, Khartoum appears to be banking that the focus of the international community—and particularly that of the United States—will be diverted to the CPA (in this case securing the referendum), allowing it to take more aggressive action in Darfur while continuing to participate in the peacemaking efforts of the U.N./AU joint mediator, Djibril Bassole, and the Qatari government in Doha.

In the event of the violent secession of south Sudan, neither Khartoum nor the Darfur rebel movements will be motivated to seek a meaningful negotiated settlement. Khartoum's tolerance of the U.N.–AU mission in Darfur (UNAMID) may cease, and it may conclude that forcibly returning the 2.7 million IDPs to their homes is its best option to end international involvement in Darfur. At the same time, humanitarian access would become very difficult, if permitted at all, denying food and other emergency assistance to the more than 4.7 million people in Darfur currently reliant on international aid.

As the principal proponent and overseer of the CPA, U.S. credibility as a peacemaker in Sudan and Africa will be affected by whether and how the United States supports the south's path to independence. Without the unequivocal support of the United States and the international community for the south's right to self-determination, it will have no incentive to seek this peacefully and avoid renewed conflict. Moreover, the rebel movements in Darfur will conclude that the United States and the international community are not trustworthy guarantors of a settlement with Khartoum, thus eliminating the possibility of a political arrangement that restores stability in Darfur and allows the voluntary return of IDPs to their homes. In the wake of domestic advocacy campaigns on Darfur, pressure for greater U.S. action will grow at the same time that U.S. credibility and leverage in Sudan and the region is compromised.

In the event that the referendum passes credibly, preparations will need to have been underway for a two-state reality. With respect to the south, a frequently heard view is that a new state of Southern Sudan will not be viable upon independence, given its weak institutional capacity, signs of corruption, and proclivity for communal violence. Yet it is noteworthy that the GOSS is a mere 5 years old, without any legacy of governance structures or physical infrastructure from the past 54 years of independence, or the preceding 50 years of colonial rule, on which to build. In nearly every sense the project of the GOSS, whether an autonomous region of a federated Sudan or a newly independent state, is one of nation and state construction, not reconstruction.

Expectations for the performance of this nascent state must be attenuated with the reality that no nation-state has developed its capacity to function as a sovereign state in such recordbreaking time, and care must be taken to pace external demands with available resources and realistic timeframes. Mistakes will be made and decisions taken which do not fit into the box of international best practice, but so long as the fundamental aspirations of the southern Sudanese leadership are for the betterment of its people, as I believe they currently are, then sustained patience and partnership are due to the GOSS as it assumes the responsibilities of full sovereignty.

For its part, the GOSS must continue to demonstrate the political will and strength of leadership to confront the challenges of a nascent state entirely dependent on natural resource extraction and foreign assistance and to accept massive external assistance to help establish transparent, accountable, and durable institutions of governance. In a situation with a plethora of urgent needs, both the Government of Southern Sudan and its international partners need to pay greater attention to securing the stability of the south. Thus far, much effort has been paid to the professionalization of the SPLA, and while there is more left to be done in this regard, a similar commitment is needed to address critical law and order functions such as policing and the judiciary.

With respect to the north, the key question to be answered post-referendum is whether the National Congress Party (NCP) will use its control over the government to return to its original Islamist agenda or will instead pursue the reforms mandated in the CPA for both north and south—to build a multiethnic, multicultural, multiparty democratic and decentralized state.

TRIGGERS FOR VIOLENT OUTBREAK

The likely triggers of renewed civil war between north and south over the next 12 to 18 months concern the referenda on self-determination, border flashpoints, and oil. Elections held in April 2010 passed with limited violence, though they were seriously flawed and did not meet international standards of credibility.

The Referenda

The clearest tripwire for return to war between north and south is delay of the Southern Sudan referendum beyond January 2011, or manipulation or denial of the results by the NCP. In addition to the referendum on independence for the south, the CPA also affords the volatile and oil-rich region of Abyei, historically part of the south but currently part of the north, its own referendum to decide whether to follow the south's decision or to stay in the north. Given Abyei's symbolic significance to Southern Sudan, any serious movement by the north or outside actors to postpone or defer either of these referenda could collapse the CPA and embolden those within the south who agitate for a unilateral declaration of independence. The SPLM leadership would be unable to resist popular pressure for such action, even though it would likely provoke the north to secure the oil fields militarily and to terminate transfers of oil revenues to the south, plunging the two parties back into war.

The NCP's utmost concern is political survival, which assumes continued access to oil revenues and, ideally, would not entail a referendum on southern independence. At a minimum, the NCP will attempt to make the southern referendum as costly as possible for southerners, both to gain maximum leverage in post-referendum negotiations as well as to showcase its resistance to southern secession and the division of the country. If Khartoum assesses ambivalence or outright support from the international community in delaying the referenda, any inclination within the party to uphold the CPA will crumble and the likelihood of southern agitation in response to northern intransigence will mount.

In two other contested areas in northern Sudan—the states of Southern Kordofan and Blue Nile—the CPA provides each a lesser option for popular consultations at the end of the interim period to review and possibly amend the constitutional, political, and administrative arrangements of these states with the national government; the CPA does not allow for these areas to participate in the south's referendum on independence in spite of their alliance with the south's struggle for self-determination. Dissatisfaction with being denied self-determination combined with mounting disappointment with the popular consultation process due to delays and perceived manipulation will fuel hard-line sentiment to return to war in pursuit of a better solution for the former SPLM-held areas. Already state elections in Southern Kordofan have been postponed due to controversial census results and constituency demarcation; they must be conducted as quickly as possible after the census recount is completed in mid-June so that the process of popular consultation may move forward.

Border Flashpoints

The CPA provides for the demarcation of the north-south border before the referendum takes place. At stake are the disposition of some of the most productive oil reserves in Sudan, constituency delimitation for the elections and referenda, and traditional access to land and grazing routes. A joint committee of the parties to resolve contested portions of the border has not finalized its work, with the four or five most contentious border issues outstanding (comprising some 20 percent of the border) and awaiting resolution by the Presidency.

During the interim period, both the SAF and the SPLA have rearmed and repositioned themselves along the border particularly around strategic oil fields. Joint Integrated Units of the two forces, as mandated by the CPA, exist in name only and are themselves sources of considerable volatility. As the end of the interim period nears, the chances of either accidental escalation through weak command and control of junior officers or intentional escalation to secure vital oil fields will rise. Numerous potential flashpoints exist; the most prominent of which centers on Abyei.

In May 2008, the SAF's 31st brigade attacked the SPLA and burned the town center to the ground. Intense diplomatic pressure and the ruling of the Permanent Court of Arbitration in July 2009 helped to calm simmering tensions, but potential for conflict to flare between the African Ngok Dinka and the Arab Misseriya tribes, and by extension the SPLA and the SAF, remains high. The SAF's 31st brigade remains just north of the town. Further, the Misseriya are blocking the demarcation of Abyei's northern border, per the Permanent Court of Arbitration's ruling, and the U.N. mission in Sudan (UNMIS) has yet to gain peacekeeping access to the vital Heglig oil fields that are located in this area. Scaled-up presence and monitoring of UNMIS along the north-south border is imperative as quickly as possible, as is resolution of its status in Blue Nile and Southern Kordofan post-referendum.

Oil

Given that most of Sudan's currently active oil fields are on the southern side of the north-south border and that the only pipeline for transporting oil to the coast for export runs north to Port Sudan on the Red Sea, negotiation of acceptable terms for oil revenue sharing post-referendum, particularly in the eventuality of southern independence, will be a significant indicator of the prospects for a smooth referendum process and beyond. A basic deal between north and south will be imperative to secure the NCP's tolerance of the referendum process and respect for its outcome. Uncertainty about the dispensation of oil revenues and pipeline service fees will not only discourage NCP cooperation with a credible referendum process but encourage it to tighten its security around the active fields. This, in turn, will further provoke the SPLM to disrupt the pipeline or attack the oil fields; the NCP likely underestimates this risk, believing its control of the pipeline gives it ultimate leverage in oil revenue negotiations.

RECOMMENDATIONS FOR AVERTING RENEWED CIVIL WAR

While there is immense risk of a violent breakup of the country, it is by no means inevitable. The Sudanese will determine peace and stability or conflict and insecurity. And yet Washington has at its disposal a variety of near-term and short-term policy measures it could adopt to help avert a renewed civil war.

The least costly and most effective option for the United States would be to redouble bilateral and multilateral diplomatic action to provide pressure as well as incentives for the parties to honor their commitment to the CPA, which has provided peace—however temporary—between north and south for the first time in 22 years and now needs to be consolidated through a credible referendum process. The administration maintains leverage over Khartoum because of the range of economic and political measures it has already imposed, vitiating Khartoum's international legitimacy, and it must sustain a unified message of incentives and pressures toward the NCP to achieve its objectives for Sudan as a whole.

In the near term, the United States should lead by example in recognizing that the south will not remain peacefully united with the north after January 2011 and in preparing for an independent south. International support for self-determination should be unambiguously affirmed without prejudice toward unity, and it must be backed by preparations to recognize and assist an independent Southern Sudan. The United States should lay the foundation now for upgrading relations with the GOSS and nominating an ambassador as soon as the outcome of the referendum is validated. It should also be prepared with an even greater assistance package than it has yet provided, particularly to support the GOSS, state, and local level institutions of governance as well as to spur economic growth. Continued assistance to professionalize the SPLA will also be vital, as will even more assistance to build a

competent police force and other institutions to maintain the rule of law, as I noted earlier.

In the event of a violent secession, all nonhumanitarian assistance for an independent south should be contingent on a finding by the President, notified to Congress, that the south faithfully upheld its commitments under the CPA and that the south was not responsible for initiating the violence. The United States could further lead the donor community in mobilizing the resources for a post-referendum peace dividend, which is critical to securing stability in the south and building a capable, accountable government.

The United States can best support the parties by helping to ensure an environment that motivates them to keep the peace. Washington can do this by focusing them in the near term on the critical outstanding issues, by generating ideas to break logjams if asked, and by articulating the minimum redlines for an internationally acceptable transition to post-referendum status. Prereferenda, the most critical issues are the demarcation of the 1,300-mile north-south border, oil revenue—sharing arrangements post-separation, and resolution of citizenship status for southerners remaining in the north after independence, and vice versa. Arrangements for the referenda and popular consultations are lagging, requiring critical attention and greater coordination of effort and resources to support the parties. The administration should not attempt to negotiate any of the outstanding issues, but it could deploy senior diplomats with relationships with key northern and southern leaders to nurture the transition process, in addition to the frequent visits of the President's special envoy and in close coordination with the African Union's President Mbeki and the United Nations' Special Representative of the Secretary General Haile Menkerios.

As soon as possible, the U.N. Security Council should codify consensus expectations of the international community with respect to the final benchmarks of the CPA and closely oversee the readiness of the U.N. for the most likely contingencies. Specifically, the Security Council should reaffirm January 2011 as the date for the southern and Abyei referenda through a resolution or Presidential statement that details realistic penalties for each party if it were to renege on the CPA. It should also require a detailed transition plan from UNMIS, assuming an independent south; ensure that UNMIS is positioned at hotspots along the north-south border and inside Southern Sudan; and provide UNMIS with the resources and manning it needs to counter the threats to civilian life that are already present.

The United States should lead the international community in pressing for the establishment of the commissions for the referenda as well as supporting their function; time is already short and technical preparations lag far behind. Concerted, coordinated, and public diplomatic pressure must be kept on the parties, particularly the NCP, to move expeditiously in establishing the Southern Sudan Referendum Commission and Abyei Referendum Commission and launching the popular consultations. A key element in this regard will be a competent, transparent, and timely complaint and dispute resolution process. Financial and technical support for the referenda must also be forthcoming from the international community.

Over the longer term, the United States should lead multilateral efforts among the P5+1 (China, France, Russia, United Kingdom, United States, and European Union) special envoys to Sudan in developing a common agenda for focusing the parties on the critical issues pre- and post-referenda, in close coordination with President Mbeki and Haile Menkerios. Particular attention should also be paid to China, Egypt, and the Arab League given their influence with Khartoum, along with Sudan's other neighbors—Chad, Libya, Eritrea, Ethiopia, Kenya, Uganda, the Democratic Republic of the Congo, and the Central Africa Republic. Ministerial level intervention and focus from the P5+1 and the international witnesses of the CPA (Kenya and Uganda on behalf of IGAD, Egypt, Italy, Netherlands, Norway, United Kingdom, United States, African Union, European Union, IGAD Partners Forum, League of Arab States, United Nations) is critical to hold the parties to implement the final stages of the agreement and to carry forward its spirit of Sudan as a multiethnic, multicultural, diverse, decentralized, and democratic state through the national constitutional review processes that both northern and southern Sudan will each undergo following a vote for secession by the south.

Whether south Sudan secedes violently or not, U.S. interests in Sudan will continue to be affected by Khartoum's calculations over the long term, and communicating the United States interest in fostering a more democratic, accountable government for the people of northern Sudan as well as in ensuring a stable, peaceful neighbor for an independent south will be essential for managing this relationship. The trajectory of the bilateral relationship should be predicated on how the NCP treats the political opposition, civil society, and media and on the government's willingness to transform as demonstrated through its actions in pursuit of peace in

Darfur, popular consultations in Southern Kordofan and Blue Nile states, land reform, security reform, civil service reform, decentralization, freedom of the press, respect for human rights, and opening up of political space.

Prior to the referenda, the administration should publicly begin a process to determine the restoration of full relations with Khartoum and prepare for a focused development assistance package for northern Sudan, pending the peaceful secession of the south and resolution of the conflict in Darfur. In the event that the President determines and notifies to Congress credible and peaceful referenda, as well as a political settlement and a return to stability in Darfur, the administration should then move forward with the development assistance package for the north and begin the process of repealing sanctions according to the specific requirements for which the sanctions were imposed.

By contrast, if Khartoum reneges on its commitments in the CPA or promotes continued conflict in Darfur, U.S. assistance should be limited to humanitarian response, and the U.S. should seek further multilateral punitive economic and political measures against Khartoum. This should include pressing Sudan's European trading partners to adopt tougher commercial sanctions against the north if it reneges on the CPA (and to indicate their intent to do so prior to the referenda).

A commonly held view is that Khartoum only responds to increased pressure; already many advocates are calling for threats of punitive action and further isolation to help prevent Khartoum from reneging on the southern referendum. This option could include bilateral threats of military action, such as threats to blockade Port Sudan, launch air strikes against strategic targets, or enforce a no-fly zone over the country. The value of making these threats depends on (1) Khartoum's perception of the likelihood of their implementation; (2) the effectiveness of the intended action on achieving its objective; and (3) the tradeoffs associated with each punitive measure.

For instance, an effective blockade of Port Sudan would disrupt arms flows and major economic activity for the north, severely challenging the regime's survival. The impact of the blockade would need to be balanced, however, with the political and civil unrest likely to ensue in northern Sudan, the spillover effect on the south, and the economic harm the south would suffer from the loss of oil revenue. Another option is to impose a no-fly zone over parts of Sudan. Given the size and location of the country, however, most military analysts assess it would be difficult for the U.S. Government or allied forces to sustain such an operation. Any military options would be costly for the United States at a time when military resources and political capital, particularly in the Muslim world, are stretched thin. In light of these factors, Khartoum is likely to conclude that Washington will not follow through on military threats, and it will correctly assume that the U.N. Security Council will not back multilateral military action given the veto power of China and Russia—two of Khartoum's principal arms suppliers and, in the case of China, Sudan's largest trading partner.

Some also advocate other multilateral punitive actions, such as the threat of tougher sanctions and/or the imposition of a full arms embargo against Sudan. Support in the U.N. Security Council is similarly unlikely, however. Even if consensus could be reached in the Security Council, Khartoum's largest arms supplier is Iran, for whom U.N.-imposed embargoes are meaningless; any arms embargo would therefore be partial at best and would likely disproportionately affect the south.

Senator FEINGOLD. Thank you, Ms. Almquist.

And I want to acknowledge we're joined by Senator Wicker, and thank him for engaging me and so many members of the committee on this issue frequently. And I'm very pleased to be working with him on this issue, as well.

Ms. Giffen.

STATEMENT OF ALISON GIFFEN, DEPUTY DIRECTOR OF THE FUTURE OF PEACE OPERATIONS PROGRAM, THE HENRY L. STIMSON CENTER, WASHINGTON, DC

Ms. GIFFEN. Chairman Feingold, Senator Isakson, and members of the Senate Committee on Foreign Relations Subcommittee on African Affairs, thank you for the opportunity to join this important and timely discussion on assessing challenges and opportunities for peace in Sudan.

I am pleased that the subcommittee is looking at this issue through a whole-of-Sudan lens. Shifting attention of the international community from one Sudan crisis to another has undermined initial investments in sustainable progress toward peace for the whole country.

A comprehensive approach is critical and will be a theme that I will return to throughout my remarks.

As you know, Sudan's history has been marked by two civil wars and various local and regional conflicts. This has left the country with very few years of experience with peace, and an overreliance on militaries, militias, and proxies to maintain control within its borders.

Although the 2005 peace deal was called the Comprehensive Peace Agreement, it failed to address the decade-long conflict in Eastern Sudan, the then-raging conflict in the western region of Darfur, and the many violent fractures within the SPLA and with other organized militia and armed actors throughout the South. Finally, it failed to address the involvement of neighboring actors in these various conflicts.

Outright conflict between the major parties of the CPA is a major threat to regional and international security, going forward. However, the fragile or failed follow-on deals aimed at solving these regional and local conflicts are just as likely to unravel into widespread violence against civilians.

Success in Sudan requires juggling competing and sometimes contradictory policy priorities. For example, we need to take immediate steps to help guard against various undesirable scenarios related to the 2011 referenda while we continue to invest in longer term solutions.

My remarks today will focus on three immediate actions that the international community should take during the narrow window of opportunity leading up to and following the referendum in January 2011 for prevention and mitigation of widespread violence.

I've included more detail on the challenges Sudan faces, and recommendations for investment in sustainable security over the long term, in my testimony submitted for the record.

As we look toward the 2011 referenda, the government's capacity and will in Northern and Southern Sudan remain insufficient to prevent and mitigate widescale violence.

Unfortunately, the safety net that civil society, U.N. peacekeeping operations, and international aid agencies can sometimes provide, in the absence of state capacity, has alarming gaps in the case of Sudan. But, the international community has time to take steps that could bolster security, and prevent or mitigate outbreaks of violence against civilians.

First, we must raise awareness of national security forces' responsibilities and obligations under law. Donors, including the United States, should ensure that the Government of Southern Sudan's police and army are receiving training in international humanitarian law, refugee law, and domestic and international human rights law, including training in preventing and fighting sexual violence.

The training should be scenario-based and appropriate to forces with high rates of illiteracy. Although there is inadequate time be-

fore the referenda to fully professionalize these forces, such training may help to sensitize security forces to their responsibilities and obligations under domestic and international law.

Second, we must improve peacekeeping operations' ability to protect civilians under threat. Although the U.N. Security Council has helpfully prioritized protection in UNAMID's and UNMIS's current mandates, the missions lack the assets, mobility, and flexibility to effectively execute this objective.

UNAMID and UNMIS should develop comprehensive mission-wide protection strategies. Their current strategies are neither comprehensive nor effective. UNMIS and UNAMID should develop contingency plans for possible scenarios, including worst-case scenarios that can be taken off the shelf for immediate implementation. UNMIS should expand the use of temporary operating bases and long-range patrols to reach areas where violence is likely to erupt.

Third, we must increase access to vulnerable populations and potential crisis areas. One of the greatest challenges to international crisis prevention and response efforts, throughout Sudan, is the inability to access vulnerable populations.

In addition to the role that the U.N. peacekeeping operations have in maintaining stability and access, high-level diplomacy by the U.N., special envoys, and other international actors, is key to negotiating access with the Government of Sudan or other armed actors, and monitoring compliance over the coming year.

I have focused my remarks on immediate steps that the international community can take, in relation to domestic and international security forces, during what will likely be a volatile time. These activities should not be pursued at the expense of other political lines of effort. I cannot stress enough the important role of diplomacy at the strategic and national level, complemented by conflict negotiation and mediation at the local and national level. Nevertheless, I will leave a discussion of the role of strategic-level political efforts for other witnesses to address in greater detail.

Thank you for continuing to bring attention to the challenges and opportunities for peace in Sudan through hearings like this. I am honored to have been asked to testify and I welcome your questions.

[The prepared statement of Ms. Giffen follows:]

PREPARED STATEMENT OF ALISON GIFFEN, DEPUTY DIRECTOR, FUTURE OF PEACE OPERATIONS PROGRAM, THE HENRY L. STIMSON CENTER, WASHINGTON, DC

Chairman Feingold, Senator Isakson, and members of the Senate Committee on Foreign Relations Subcommittee on African Affairs, thank you for the opportunity to join this important and timely discussion on, "Assessing Challenges and Opportunities for Peace in Sudan."

I am pleased that the subcommittee is looking at this issue through a "whole-of-Sudan lens." A comprehensive approach is a critical component to achieving sustainable peace and security, and will be a theme that I will come back to often in my remarks.

As you know, Sudan's history has been marked by two civil wars, and various local and regional conflicts. This has left the country with very few years of experience with peace, and an overreliance on militaries, militias, and proxies to maintain control within Sudan's borders. Although the deal that brought an end to the active conflict between the Government of Sudan (GOS) and the Sudan People's Liberation Army (SPLA) in 2005 was called the Comprehensive Peace Agreement (CPA), it failed to address the decade-long conflict in eastern Sudan, the then-raging conflict

in the western region of Darfur, and the many fractures within the SPLA and other organized militia and armed actors.

There have been many subsequent efforts to address these security challenges, but they have yielded mixed results. The Juba Declaration (January 2006) paved the way for more than a dozen warring militias to be integrated into the SPLA.[1] The Darfur Peace Agreement (May 2006) was stillborn and was followed by a proliferation of armed actors. The East Sudan Peace Agreement (October 2006) resulted in tenuous peace, although wealth and governance reform dividends remain largely undelivered. Outright conflict between the major parties to the CPA is a major threat to regional and international security. However, these fragile follow-on security deals at the local and regional level are as likely to unravel into widespread violence against civilians and humanitarian crises. Finally, the shifting attention of the international community from one Sudan crisis to another has undermined initial investments in sustainable progress toward peace for the whole country.

Success in Sudan requires talent, persistence, and investment to juggle competing, and sometimes contradictory, policy priorities. For example, we must be able to identify and address the various flashpoints for violence throughout Sudan. Each requires a tailored response at the local level. At the same time, we must remain attentive to the relationships between local conflicts, and national and regional dynamics. And we need to take immediate steps to help guard against various undesirable scenarios related to the 2011 referenda, while we continue to invest in longer term solutions.

This testimony will explore three potential triggers of widespread violence in Sudan, immediate steps the United States and international community should take in the months leading up to and following the referenda to prevent and mitigate widespread violence as well as longer term steps that should be pursued to achieve sustainable peace and security in Sudan.

CHALLENGES TO PEACE

There are three major areas of potential wide-scale violence in Sudan over the coming years:

(1) *Between northern and southern Sudan*: The 5-year interim period between the signing of the CPA and the expected 2011 referenda was designed to give the main parties additional time to build trust and negotiate some of the most sensitive issues including how to manage a census, elections, border demarcation, and ultimately the referenda. However, 5 years was not enough time to make unity attractive, build a functioning government in Southern Sudan and the transitional areas, and reform the security sector. Moreover, there was little incentive for the major parties to adhere to the CPA's foundational security protocols, namely to disarm and demobilize, in the face of unfinished negotiations and when trust between parties remained precarious.

In direct contravention of the security protocols, the parties have reportedly continued to arm and move provocatively toward sensitive border areas. As evidenced in Abyei and Malakal, with tensions high, small clashes between even low-ranking members of the armed forces have the potential to escalate quickly into widespread violence. Local tensions over land and resources in areas along the still-undetermined north-south border are also incendiary. These communities were armed and used as proxies by the main parties throughout the civil war. Rumors abound that the parties are arming and stoking the flames between rival tribes and communities. Whether or not the rumors are true, community perceptions could serve as accelerants to conflict. Tensions are simmering between parties and within communities. A number of forthcoming benchmarks including: border demarcation, negotiation of resource rights, the implementation and results of an ill-defined and little-understood popular consultation process in Southern Kordofan and Blue Nile, and the process leading up to and following the referenda for Abyei and Southern Sudan could all spark violence at the local, and subsequently national level.

(2) *In southern Sudan*: Southern Sudanese expectations have been hard to meet during the interim period, given the level of need, and the resources and time available to meet them. In building a government virtually from scratch in Southern Sudan, international efforts and funding were slow to get off the ground. Initiatives focused on strengthening the capacity of the central government in Juba. These efforts occurred at the expense of the state and local governments despite the fact that these government institutions are the most appropriate and effective at providing essential services and security.

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[1] John Young. "South Sudan Defence Forces in the Wake of the Juba Declaration." Geneva: Small Arms Survey, Graduate Institute of International Studies, 2006.

Similarly, security sector reform (SSR) has focused on the army at the expense of the police and judiciary. Inattention to the police is particularly troubling given the way demobilization was pursued in Southern Sudan. In an attempt to decrease the ranks of the SPLA, SSR programs have led to the demobilization of the army into the police, resulting in a Southern Sudan Police Service (SSPS) that is untrained in civilian safety and security measures. An additional challenge to training and executing basic police tasks is the 90 percent illiteracy rate of the SSPS. Moreover, the growing SSPS payroll, a result of the influx of demobilized SPLA, saps resources that could pay for equipment and training.[2]

Given the absence of a functioning police force, Southern Sudanese communities continue to rely on the SPLA, the United Nations Mission in Southern Sudan (UNMIS), traditional leaders, and—due to the availability of small arms and weapons—the arming of their own communities for security. The proliferation of small arms in a vacuum of state security has resulted in increasingly deadly conflicts over cattle and resources, conflicts that last year killed 2,500 people, displaced more than 390,000, while increasingly targeting women, children, and the elderly.[3] The overreliance on the SPLA for internal security, and lack of appropriate laws and governance structures has also led to tensions and clashes between the SPLA and SSPS.

Despite the focus on reforming the SPLA, the integration of militias into the SPLA resulted in a large force that is difficult to feed and equip, let alone professionalize. Integrated militias and individual soldiers unhappy with their salaries (which are not paid, delayed, or are skimmed by superiors) continue to prey on the communities they are meant to protect, resulting in violence against civilians and community mistrust.

(3) *In northern Sudan*: The biggest security challenge in northern Sudan remains a centralized, opaque, and oppressive government without the will or capacity to provide security and essential services in an equitable and accountable manner. The most evident symptom of this threat is the ongoing—and I want to emphasize the nature of "ongoing"—conflict in Darfur. Though the conflict changed from the initial period of 2004, it has remained largely the same since 2006. The epicenter of violence shifts, and erupted most recently in Jebel Marra and Jebel Moon. Armed actors continue to splinter and proliferate, and attacks against civilians persist.

The parties to the conflict are keenly aware of the power of information and perception. They have gone to great lengths to control information, as evidenced by the continued restrictions on access to conflict areas, most recently Jebel Moon. Space for civil society, the press, and international NGOs to operate in northern Sudan opens and closes at the will of the GOS. The government in northern Sudan has systematically silenced and slowly chipped away at independent civil society, the press, international aid agencies, and the United Nations.

The expulsion of 13 humanitarian agencies and the dissolution of three national NGOs on March 4, 2009, targeted organizations providing protection programming for communities, humanitarian coordination, and information on threats to, and vulnerabilities of, civilians (activities that are fundamental to effective humanitarian assistance). While large scale death was adverted, the expulsions severely undermined the quality of assistance and protection programming throughout northern Sudan (including post-conflict eastern Sudan and the transitional areas). The expulsions also undercut the gathering and reporting of information about threats to, and vulnerabilities of, communities. This kind of information is key to preventing and responding to protection threats, and to the kind of contingency planning that needs to occur in preparation for and the wake of the 2011 referenda. Moreover, the increasing insecurity and attacks against humanitarians and the U.N. has resulted in a diminished presence outside of the main cities, undermining the delivery of essential services and information about dynamics on the ground. A tree that falls in the forest does make a sound even if there are no internationals there to hear it. Conflict, violence against civilians and humanitarian needs persist in Darfur even if there are no internationals monitoring or reporting it.

The root causes of Sudan's conflicts—including the monopolization of power and resources among a minority, a system maintained through marginalization and oppression—will continue to undermine progress in negotiations on Darfur, and risk sparking renewed conflict and humanitarian crises in other marginalized areas of northern Sudan.

As we look toward the 2011 referenda, the governments' capacity and will in northern and southern Sudan remain unable to prevent and mitigate wide-scale vio-

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[2] Alfred Sebit Lokuji, Abraham Sewonet Abatneh, Chaplain Kenyi Wani. "Police Reform in Southern Sudan." The North South Institute. June 2009.

[3] Joint NGO Briefing Paper January 2010, "Rescuing the Peace in Southern Sudan." U.N. OCHA, Humanitarian Update Southern Sudan Issue No. 1, 17 February 2010.

lence on their own. Unfortunately, the safety net that civil society, U.N. peacekeeping operations, and international aid agencies can sometimes provide in the absence of state capacity has alarming gaps.

IMMEDIATE STEPS TO PREVENT AND PROTECT

The concept of protecting civilians is broad and evolving. The term is used by diverse stakeholders to describe efforts to protect civilians from physical violence, secure their rights to access essential services, and create a secure environment for civilians over the long term. Armed actors have a dual responsibility to protect civilians. At a minimum, in the case of armed conflict, armed actors must adhere to international humanitarian law in, and abide by, domestic and international human rights and criminal law in cases that don't reach the threshold of armed conflict. However, third-party military operations are increasingly tasked with proactively protecting civilians in the midst of conflict by preventing or responding to threats and attacks against civilians.

Raise awareness of national security forces' responsibilities and obligations under law: Donors, including the United States, should ensure that the Government of Southern Sudan's (GOSS) police and army are receiving training in international humanitarian law, refugee law, and domestic and international human rights law, including training in preventing and fighting sexual violence. The training should be scenario-based and appropriate to forces with high rates of illiteracy. Although there is inadequate time before potential conflict related to the CPA benchmarks and referenda to fully professionalize these forces, such training may help to sensitize SPLA troops and SSPS officers to their responsibilities and obligations under domestic and international law. The ICRC, as well as appropriate U.N. and other international agencies, should continue efforts to raise awareness of security forces and other armed actors in northern Sudan of their obligations under domestic and international law.

Improve peacekeeping operations' ability to protect civilians under threat: UNMIS and the African Union/United Nations Hybrid Operation in Darfur (UNAMID) are tasked with providing proactive protection to prevent violence against civilians in their areas of operation. Both UNAMID and UNMIS have taken notable steps to implement this task. Both missions have developed protection strategies and the civilian and/or military leadership of these operations have issued protection directives. Unfortunately, the protection strategies were not comprehensive, and as such, did not provide adequate guidance to personnel executing them. Further, a lack of training on how best to develop, prioritize, and interpret these protection strategies and related directives has undermined effective implementation.

Although the U.N. Security Council has helpfully prioritized protection in UNAMID's and UNMIS's current mandates, the missions lack the assets, mobility, and flexibility to effectively execute this objective. Information gathering, analysis, and sharing on protection threats and vulnerabilities—the starting point to providing effective protection—remains inadequate. Finally, civilian and military components tasked with protection, including the ground troops, lack an understanding of their mandate and often have no background or training on what protection means in practice.

There is insufficient time, international will, and resources to overhaul UNAMID and UNMIS in advance of the referenda.[4] However, there are steps that can and must be taken in coming months.

First, UNAMID and UNMIS should develop comprehensive missionwide protection strategies. Developing and implementing such strategies requires consultation horizontally across the various civilian and military components of a mission, and vertically between the tactical and the strategic level. The missions' leadership and the U.N. Secretariat need to discuss the missionwide strategy and/or other directives to protect with troop and police contributing countries to ensure they are willing to undertake these tasks and are trained accordingly.

An early version of UNAMID's 2010 protection strategy demonstrated a lack of consultation with key protection actors external to the mission. The draft strategy had a misplaced emphasis on creating conditions for recovery, development, and returns, rather than focusing on protecting civilians from immediate threats of physical violence. Although the status quo cannot continue, moving to recovery and return amidst active conflict over scarce resources and land risks spreading/intensifying conflict. Moreover, many of Sudan's internally displaced and refugees may

[4] Erin A. Weir and Limnyuy Konglim, "Sudan: No Complacency on Protecting Civilians." Refugees International, 8 April 2010.

be unable or unwilling to return home given the lack of land reform, lack of services, and loss of traditional methods of livelihood and income generation.

Producing a comprehensive missionwide strategy is an end in itself. Effective protection is dependent on a network of protection stakeholders within and outside a peacekeeping mission, including humanitarian actors and the communities under threat. Developing the strategy can create trust, lines of communication for gathering and sharing information, and innovative ways to leverage scarce resources—all critical tools in the face of crisis and escalating violence. Neither UNAMID nor UNMIS will be able to predict, prevent, or respond to every protection threat in their areas of responsibility, but they can effectively prepare to prevent and respond to rising insecurity and violence against civilians, based on appropriate intelligence and early warning.

Second, UNMIS and UNAMID should develop contingency plans for possible scenarios, including worse-case scenarios that can be taken off the shelf for immediate implementation. Such planning can help an underresourced mission predict and preposition in potential areas of conflict. UNMIS's preparation in advance of the Abyei border demarcation did just that.

Third, UNMIS should expand the use of temporary operating bases and long-range patrols to reach areas where violence is likely to erupt. UNMIS has used long-range patrols and temporary operating bases in the past to prevent and mitigate tribal violence. These tactics do more than deter violence through their presence. They often include a mix of civilian and military efforts that provide mediation and diffuse tensions. These contingency plans must be developed in consultation with communities, local authorities and government officials (when appropriate), and international humanitarian and development actors within and across the two missions.

Increase access to vulnerable populations and potential crisis areas: One of the greatest challenges to international crisis prevention and response efforts throughout Sudan is the inability to access vulnerable populations. A lack of infrastructure (particularly in the transitional areas and southern Sudan) and lawlessness combined with government or armed actor obstruction of access (particularly in the north) keep many areas of Sudan out of reach. Increased access could enable the delivery of essential services and peace dividends in a way that can mitigate, rather than exacerbate, competition over already scarce resources. When conflict has erupted, access is critical to evacuating international staff, providing safe areas for civilians, and providing services that prevent other negative humanitarian consequences. The U.N. peacekeeping operations have a role to play in maintaining stability and security to enable access. In addition, high-level diplomacy by the U.N., special envoys, and other international actors is key to negotiating access with the Government of Sudan or other armed actors and monitoring compliance over the coming year. Moreover, the international community should be planning and negotiating with communities and government officials to establish potential safe areas for civilians to use, and in which essential goods and services might be prepositioned.

I have focused my remarks on immediate steps that the international community can take in relation to domestic and international security forces during what will likely be a volatile time. These activities should not be pursued at the expense of other political lines of effort. In fact, to be effective, they must be nested in political strategies. I cannot stress enough the important role of diplomacy at the strategic and national level, as well as conflict negotiation and mediation at the local and national level. Nevertheless, I will leave a discussion of the role of strategic-level political efforts for other witnesses to address in greater detail.

INVESTING IN THE LONG-TERM SECURITY

If there is a relatively peaceful outcome following the referenda, the need for SSR in southern Sudan should continue. SSR programs have thus far been late in supporting the development of: (1) Effective security strategies, and (2) management, governance, and oversight structures. Best practice demonstrates that effective SSR begins with national consultations on every level (from community leaders and the public to the highest political and security levels) to develop and coalesce a national conception of security. Such a process helps to foster domestic ownership and lead to the development of an effective security strategy. The United States should coordinate with other donors to ensure these foundational elements are a priority following the interim period.

Donors should increasingly focus on creating domestic capacity for police training, mentoring, and oversight. Donors should also provide technical assistance to the

Ministry of Interior, but they must increasingly look toward the decentralization of these organs to the state and local level.

Civilian disarmament will also be key to longer term security. Disarmament is most effective when: (1) The reach of state security services is extended and able to address security needs, and (2) a comprehensive approach is taken to disarm communities simultaneously and voluntarily. Developing and implementing a comprehensive strategy that crosses states takes time because it requires understanding dynamics and tensions between communities, identifying how supply and demand works across borders, and building trust between stakeholders in the process.[5] Without functioning state security organs, civilians will be reluctant to disarm over the next year at a time of increasing tension. Doing so in an ad hoc approach can leave communities vulnerable to attack. The ad hoc, forced disarmament initiatives undertaken by the SPLA has resulted in violence. The international community should continue to discourage this approach.

Finally, land reform and negotiation of resource use and distribution is critical to sustainable security. Laws governing land ownership and the exploitation of those laws have been a root cause of conflict. In addition to acting as a root cause and current driver of the conflict in Darfur, large portions of the population have been displaced into densely populated environments, overstretching scarce resources, such as water. This must be addressed in any peace agreement. Successful land reform will hinge upon the inclusion of civil society in the dialogue.

Other war-affected areas in Sudan are also affected by land and resource issues. Migration routes continue to be a nexus for tension and violence during the dry season, and have been exploited and manipulated by parties to conflicts. In some areas of southern Sudan, SPLA soldiers continue to occupy land and extract resources as payment for liberating the area. Mass movements of the population to urban centers seeking economic opportunities or fleeing violence over previous decades have created marginalized communities vulnerable to further displacement, abuse, and depredation.

Finding ways to allow resource sharing of oil revenues at the national and state level is important, as Sudan's GDP remains dependant on oil revenues. Nevertheless, the use and distribution of land and other resources at the local level is critical.

U.S. POLICY TOWARD SUDAN

Sudan's challenges are complex and any opportunities for success will involve multiple stakeholders. Under past administrations and in the early months of this administration, the United States Government failed to communicate and coordinate effectively with other allies. In the past, failure to coordinate approached to Sudan among international allies has diluted diplomatic resources, and left fractures in the international community prone to exploitation by the Government of Sudan and other parties to Sudan's multiple conflicts. However, I have been encouraged by the development and implementation of U.S. policy over the past 6 months, as it appears to be increasingly coordinated internally and with other allies and stakeholders.

U.S. policy toward Sudan is at its most effective when coordinated with the United Nations, the five permanent members of the U.N. Security Council, members of the AU and League of Arab States, and countries neighboring Sudan. U.S. Special Envoy Jonathan Scott Gration's efforts to communicate and coordinate with other special envoys is a welcome step. Similarly, humanitarian assistance and development aid is most effective when delivered in coordination with other donors, especially during difficult economic times.

I have witnessed the impact on the ground of constructive, coordinated U.S. diplomacy and aid. Humanitarian access in Darfur was gradually opened in 2005 due to joint efforts of donors and the United Nations. Diminished access and operating space is in part a result of disinvestment in high-level monitoring mechanisms. Quick and coordinated diplomatic action helped prevent a protection crisis in Kalma camp in September 2007, when the Government of Sudan introduced plans to forcefully disarm the camp. Kalma camp hosts over 80,000 displaced persons, and a government advancement on the camp would have resulted in forced displacement and death as demonstrated in the government incursion on Kalma Camp in August 2008.[6]

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[5] The Center for International Governance Innovation, "Security Sector Reform Monitor, Southern Sudan," April 2010, No. 2.

[6] On 25 August, government security forces surrounded Kalma Camp, one of Darfur's largest camps for internally displaced persons. The government asserted the operation was a move to forcefully disarm individuals that were reportedly armed within the camp. UNAMID condemned

I have been particularly impressed and encouraged by this administration's interest in improving institutions and mechanisms—including peacekeeping operations—to effectively protect civilians. U.S. efforts under the previous administration in combination with other donors proved to be essential to ensuring greater resources for, and attention to, the protection of civilians by both UNAMID and UNMIS. However, we are still in early stages of this administration's policy implementation, and have yet to see real results on the ground in Sudan.

Preventing and mitigating conflict in Sudan is important to regional and international security. The coming year presents particular risks.

Senator FEINGOLD. Thank you very much, Ms. Giffen.

Mr. Mozersky.

STATEMENT OF DAVID MOZERSKY, ASSOCIATE DIRECTOR OF HUMANITY UNITED, REDWOOD CITY, CA

Mr. MOZERSKY. Thank you, Mr. Chairman, Senator Isakson, and other members of the committee, for the opportunity to testify today at this important time for the people of Sudan.

I have a written statement, and ask that it be included in the record in its entirety.

Sudan is facing challenges of a historic magnitude. Southern Sudan's self-determination referendum, in January 2011, will likely create—likely result in the creation of a new country in the south. And ensuring that events unfold peacefully will require sustained and high-level leadership from the U.S. Government, and more consistent coordination among the broader international community.

As a guarantor of the 2005 Comprehensive Peace Agreement and author of the Abyei Protocol, the United States has a unique responsibility and role to play.

There's a genuine risk of renewed North/South war in the months ahead. Southerners are expected to vote for secession in January's referendum, if the vote is free and fair. Most Southern Sudanese and the Southern ruling SPLM view the January 9 vote as set in stone. And any attempts to delay or manipulate the vote will be a shortcut back to war.

Pushing against this political deadline is a complex technical process leading up to the referendum, with a significant number of steps still to be agreed to and implemented, while the relationship between the parties continues to suffer from intense mistrust.

Given the absolute southern commitment to the January date and the high risk of conflict that would flow from any backsliding, I would urge the U.S. Government to be vocal—early, often, and at the highest level possible—in reaffirming its commitment to seeing that the referendum is held on time, and the outcome respected. Vice President Biden's upcoming trip to Africa is a good place to start this process.

Despite these challenges, openings exist to help promote a sustainable peace, whatever the outcome of the referendum. Allow me to briefly outline three conflict-prevention opportunities.

The first is to support early negotiations between North and South on post-referendum arrangements. Early negotiations can provide guarantees to the governments in Juba and Khartoum, as well as affected communities, that their core interests and livelihoods will continue to be protected, regardless of the outcome of

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the government's use of excessive force during the operation, which resulted in 64 killed, 117 wounded, and obstructed humanitarian access.

the vote. We should be pushing for mutually beneficial arrangements that encourage continued cooperation and peaceful engagement between the two sides.

The importance of early dialogue is most obvious in the oil sector. The bulk of Sudan's oil lies in the South, yet the sole pipeline passes through the north. Failure to reach a deal could lead to fears in the north that the referendum will mean economic suicide or lead to a collapse of government revenue-generation in the South, either of which would make a return to war more plausible.

An equally important discussion is on issues of citizenship and nationality. There are worrying signs about the status of the 1.5 million southerners in the north, including the risk of massive forcible displacement back to the South. While citizenship criteria will be the sovereign choice for the government, the international community must ensure that, at a minimum, there are guarantees for sufficient protection of minority rights. Humanitarian contingency planning should also be prioritized, in case the worst comes to pass.

On the other hand, a more generous agreement on citizenship options and minority rights will open up a series of win-win solutions on other issues that can help anchor a sustainable peace, such as facilitating agreements on cross-border grazing access for pastoralist populations along the border who could otherwise be spoilers, encouraging North/South economic cooperation; and handling the tens of thousands of northerners in the SPLA, and southerners in the Sudan Armed Forces, who may find themselves cut from their mother armies in the event of secession.

Second, the U.S. Government should promote the creations of a demilitarized zone between the SPLA and Sudan Armed Forces along the North/South border, with U.N. forces monitoring and enforcing the arrangement. Though still contested in parts, the border is the de facto front line between the northern and southern armies.

With Sudan heading into a period of high tension and uncertainty, separating the armies can help ensure that a return to war requires a formal policy decision out of Juba or Khartoum, and does not come about accidentally through a local conflict that escalates to engulf the armies, as occurred with the earlier fighting in Abyei and Malakal.

The third opportunity requires that we look beyond the end of the CPA in July 2011, and begin to plan for the fallout in both North and South. There are no guarantees that the progress seen over the CPA's lifetime will continue. We must promote new processes, before the end of the year, that encourage inclusive and consultative governance, and that can survive beyond the referendum.

If we assume a southern secession vote in the referendum, then North and South Sudan both face a new set of challenges, as outlined in my testimony, including the need for greater transparency, protection of human rights, and inclusiveness in government. I'm happy to speak to this in greater detail during the questions.

U.S. leadership could be catalytic on two fronts in the coming months. The first relates to the recent elections. Their lack of credibility was widely reported, and they left millions unsatisfied. But, they were elections, and valuable lessons were learned. The next

step is to ensure that elections are held again in North and South in 4 or 5 years' time so those lessons can be applied and processes improved. The United States should lead the international community in putting the expectation of continued multiparty elections back on the table.

The second recommendation is to begin promoting, now, the importance of inclusive and consultative processes in North and South for the drafting and development of the new constitutions, post-CPA. These processes will create a new legal framework for one, and perhaps two, countries. Ensuring they're inclusive and consultative will go a long way toward shaping the kind of countries they'll govern.

The United States should also continue to support the popular consultation processes in southern Kordofan and Blue Nile. And any United States engagement with Khartoum should include a focus on national government reform, issues of good governance and human rights, and combating the culture of impunity that drives Sudan's conflict cycle.

Finally, we must recognize that the ongoing conflict in Darfur is likely to continue for the foreseeable future. The war in Darfur will continue to be a cause of immense human suffering and instability throughout Sudan. The international community must continue to push for improved security, unimpeded humanitarian access, and the meaningful inclusion of civil society in the peace process.

I want to thank you again, Mr. Chairman, Senator Isakson, and other members of the committee, for the opportunity to testify. And I look forward to answering your questions.

Thank you.

[The prepared statement of Mr. Mozersky follows:]

PREPARED STATEMENT OF DAVID MOZERSKY, ASSOCIATE DIRECTOR OF HUMANITY UNITED, REDWOOD CITY, CA

Mr. Chairman, Senator Isakson, and other members of the subcommittee, thank you for the opportunity to testify today at this important time for the people of Sudan. I have a written statement and ask that it be included in the record in its entirety.

This hearing comes at a critical moment: The challenges facing Sudan in the coming year are of historic magnitude. The future of the country will be reshaped, for better or for worse. Southern Sudan's self-determination referendum in January 2011 will likely result in the creation of a new independent country in the South. Yet, the risks ahead are great. Ensuring that events unfold peacefully will require sustained and high-level leadership from the international community—including the United States. As a guarantor of the 2005 Comprehensive Peace Agreement, or CPA, and the author of the Abyei Protocol, the U.S. Government has a unique and important responsibility to help provide leadership and support to the people of Sudan in the months and years ahead.

It is widely expected that southerners will vote for secession, if the vote is free and fair. Some in the international community are beginning to exhibit reservations about the approaching referendum date, and the mounting list of matters that need to be implemented before the January vote. This includes unresolved issues between North and South that could sow the seeds for future conflict and governance and capacity challenges in the South that could be exacerbated post-referendum. Despite these concerns, the referendum remains a rallying cry for southern Sudanese, a common objective after two long and costly civil wars dating back more than 50 years. The developments of the coming period will have implications for all nine of Sudan's neighboring countries and the entirety of the African Continent. The African Union (AU), for instance, is built on the principle of the sanctity of existing borders and there is already much concern among AU Member States about the potential fall-out from Sudan splitting in two.

There is a genuine risk of a return to large-scale North-South conflict in the runup to the referendum and the fault lines for the coming months are becoming clearer. The referendum is the only nonnegotiable redline in the CPA for the South and the southern-dominated Sudan People's Liberation Movement (SPLM). The January 9 vote is set in stone and I believe that any attempts to delay, backtrack, or manipulate the vote will be a shortcut back to war. Pushing against this political deadline is a complex and ambiguous technical process and a significant number of steps still to be implemented. These steps include the formation of the Southern and Abyei referendum commissions, followed by the clarification of voter eligibility in the southern and Abyei referenda, with voter registration scheduled to be completed by July. Each of these steps requires some sort of agreement between the National Congress Party (NCP) and the SPLM, yet the relationship between the parties continues to suffer from intense mistrust.

We can expect the NCP to drag its feet on procedural discussions in order to either extract greater concessions from the SPLM on post-2011 negotiations or to try to push back the referendum date given the already tight timeline before January. The response of the U.S. Government and the broader international community will be critical to determining how this transpires. Given the absolute southern commitment to the January date, as per the CPA, and the high risk of conflict that would flow from any backsliding, I would urge the U.S. Government to be vocal—early, often, and at the highest level possible—in reaffirming its commitment to seeing that the referendum is held on time per the terms of the peace agreement. The CPA is a contract between the parties in Sudan, the U.S. Government, and the other international signatories. We must all live up to this responsibility and ensure that the terms of the agreement are implemented as originally agreed upon.

Despite the risks outlined above, there exist some important opportunities to help avoid the worst case scenarios and to promote sustainable peace and stability, whatever the outcome of the referendum. Allow me to briefly outline three openings that currently exist for conflict prevention efforts, where U.S. Government leadership and support to existing international efforts could have an important impact in ensuring a peaceful future for all Sudanese.

The first opportunity is to provide full and active support to early negotiations between North and South on post-referendum arrangements, to help ensure that these talks succeed. The greatest risk of conflict in the months ahead stems from uncertainties about the implications of the referendum on people's livelihoods, as well as national and economic interests—particularly in the context of a vote for independence. This uncertainty will lead to zero-sum calculations on the referendum and increase the chances of violence, particularly if key actors perceive that they stand to lose from the referendum going ahead or from a particular outcome. The importance of early negotiations on post-referendum arrangements is to provide some early guarantees to the governments in Juba and Khartoum, as well as affected communities, that their core interests and livelihoods will continue to be protected regardless of the outcome of the vote. What's more, these agreements will shape the nature of future relations between North and South. Where possible, we should be pushing for mutually beneficial arrangements that encourage continued cooperation and peaceful engagement between North and South.

The importance of this early dialogue is most obvious in the oil sector. The bulk of Sudan's oil lies in the South, yet the sole pipeline for export passes through the North. Oil revenue currently provides the majority of government revenue for both the national and southern governments. A threat to that revenue source could quickly torpedo the ability of the governments in Juba or Khartoum to rule effectively post referendum. An early deal on continued cooperation in the oil sector in the event of a secession vote will provide reassurance that southern oil can continue to make the journey to international markets via Port Sudan and that some share of revenue from oil can still be counted on in both Juba and Khartoum in the near and middle term. By contrast, the failure to reach such a deal is likely to lead to fears among the NCP that the referendum will mean economic suicide. From that perspective, a return to war or an attempt to recapture some of the southern oil fields seems entirely plausible.

While an oil deal matters for the economies of both North and South, an equally important set of negotiations are those related to issues of citizenship and nationality. The immediate fear is the status of the 1.5 million southerners currently living in the North, should the South vote for secession. There are worrying signs about Khartoum's intent toward this population, including possibly stripping southerners of citizenship, and the resulting threat of massive forcible displacement back to the South, which could lead to outright conflict between North and South. While the citizenship criteria will ultimately be the sovereign choice of the government, the international community must ensure that at a minimum there are guarantees

for sufficient protection of minority rights and that rights and responsibilities under international law are upheld. Here, there is an important precedent to build on. In 2004, Sudan signed the Four Freedoms Agreement with Egypt, whereby each government granted the right to work, and the rights of movement, residence, and ownership to each other's citizens. If Khartoum and Juba could be persuaded to make a similar public commitment at this early stage, it would go a long way toward reducing the risk of a preventable humanitarian catastrophe and toward building the framework for a sustainable peace between North and South.

The discussion on citizenship and minority rights has implications for a range of other highly charged post-referendum issues. The goal should be to find win-win solutions and to encourage continued North-South cooperation and interaction, both as a short-term safety net for vulnerable populations and as a basis for a sustainable long-term peace. A more generous agreement on citizenship options and minority rights will be crucial for opening up a series of pro-peace, mutually beneficial arrangements and will help facilitate a soft landing for all parties post-referendum. For example, such an arrangement opens the door for agreements on cross-border grazing access for pastoralist populations who reside along the border. It encourages a soft border and facilitates North-South economic cooperation, an important pillar for long-term peace. And it increases options available for the tens of thousands of northerners in the Sudan People's Liberation Army (SPLA) and southerners in the Sudan Armed Forces who may find themselves cut from their mother armies in the event of a secession vote, a serious and immediate security concern. These issues address the people most directly affected by the referendum. It remains to be seen if the effect will be positive or negative, but a package of win-win solutions begins with the question of citizenship and minority rights, and a strong U.S. position on these issues could be of tremendous value in helping to shape the direction of the process in a positive way, benefitting the people and reducing the risk of war.

The second conflict prevention opportunity is related, in that it too seeks to help reduce the chances of war along the border. Specifically, the U.S. Government should promote the creation of a demilitarized zone between the Sudan People's Liberation Army (SPLA) and Sudan Armed Forces along the North-South border, with U.N. forces monitoring and enforcing the arrangement. Though still contested in parts, the North-South border is the de facto front line between the northern and southern armies. Tens of thousands of troops are deployed there, among and between the communities who call this area home. There have been a handful of clashes between the two armies over the past 5 years—all of them have been started by a local conflict that has quickly escalated to fighting between the armies. Communities along the border are generally aligned along the North-South axis. Establishing a demilitarized zone would help to separate local tensions from national fault lines and help to avoid a violent incident from escalating to a full return to war. With Sudan heading into a period of high tension and tremendous uncertainty, separating the armies doesn't make a return to war impossible, but it does help ensure that a return to war is a policy decision out of Juba or Khartoum—and not just an escalation of local conflict that engulfs the armies (as occurred in the fighting Malakal in 2007 and in Abyei in 2008). The U.N. mission could help monitor the pullback of forces and patrol such a demilitarized zone. This kind of setup could be a game changer, reducing the tension along the border and promoting stability in the transitional areas of Abyei, Southern Kordofan and Blue Nile, helping reduce the ambiguity associated with the proliferation of arms and paramilitary groups in Sudan, and reducing the risk of a return to large-scale war.

The third opportunity for conflict prevention requires that we look beyond the referendum timeline and begin to plan for the fallout in both North and South. In either a unity or secession scenario, the terms of the CPA—the main framework for politics, and international engagement for the past 5 years—are due to expire in July 2011. The current interim national constitution will need to be renegotiated and there are no guarantees that the limited progress seen over the CPA's lifetime will continue. We must work to promote the creation of processes over the 7 months remaining this year that encourage inclusive and consultative governance and that will survive beyond the referendum.

If we assume a southern secession vote in the referendum, then North and South Sudan both face a new and potentially more difficult set of challenges. In the South, the challenges of nation-building will be great and the recent elections have highlighted dangerous intrasouthern divisions that could be exacerbated once the unifying event of the referendum is over. The elections also demonstrated worrying heavy-handedness at times by southern security forces against opposition candidates, the media, and civil society. These trends must be monitored closely. As part of any U.S. support to the South, we must be consistently be pushing the prin-

ciples of transparency and inclusiveness in the exercise of nation building that lies ahead.

The situation in the North post-referendum is equally worrying. The April elections in the North delivered the intended result for Khartoum. Since that time, there has been a series of post-election government crackdowns and arrests of opposition, independent media, and civil society activists. A post-referendum North will still face an active rebellion in Darfur, and Sudan's long history of center-periphery conflict will likely continue, but without the South in the mix. In short, while the referendum may allow the South to opt out of one set of problems, many of Sudan's long-term troubles will remain. The United States can help reduce the chances of new conflict in vulnerable areas in the North by continuing to support the popular consultation processes in Southern Kordofan and Blue Nile, and helping to ensure that these processes succeed. Any U.S. engagement with Khartoum should be focused on issues of good governance and combating the culture of impunity that drives the cycle of conflict. The U.S and the region have a stake in the nature and direction of a post-referendum North, but getting this right will require policy planning that stretches beyond the short term.

There are two specific recommendations for initiating longer term processes, where U.S. leadership could be catalytic. The first relates to the recent elections: Their lack of credibility, particularly in the North, but also in the South, was widely reported, and they left millions of people unsatisfied. But they were elections. Valuable lessons were learned and experiences accumulated. The next step is to ensure that elections are held again in the North and the South in 4 or 5 years time, so that those lessons can be applied and processes improved. The U.S. should lead the international community in putting the expectation of another round of multiparty elections back on the table. The second recommendation is to promote the importance of an inclusive and consultative process in North and South for the drafting and development of the new constitutions, post-CPA. These processes will create a new legal framework for one, perhaps two, new countries. Ensuring they are inclusive and consultative will go a long way toward shaping the kind of countries they're likely to govern. While much of the coming period will require the U.S. to react to events, there are opportunities to proactively lead and help shape processes that can pay dividends for peace, stability, and democracy down the road.

Finally, we must recognize that the ongoing conflict in Darfur is likely to continue for the foreseeable future. The level of fighting has increased significantly in 2010, and recent weeks have seen a number of heavy clashes between government forces and the JEM, which led to the latter's withdrawal from the Doha peace process. The war in Darfur will continue to be a cause of immense human suffering and instability throughout Sudan. The international community must continue to push for improved security, unimpeded humanitarian access for the U.N. and aid organizations, and the meaningful inclusion of civil society in the peace process. The United States should insist that the U.N. be allowed to conduct a humanitarian needs assessment, so we can better reduce current suffering and continue to work for a long-term solution.

Senator FEINGOLD. Thank you very much, sir.

And now we'll go to Ms. Richard.

STATEMENT OF ANNE RICHARD, VICE PRESIDENT FOR GOVERNMENT RELATIONS AND ADVOCACY, INTERNATIONAL RESCUE COMMITTEE, WASHINGTON, DC

Ms. RICHARD. Thank you, Mr. Chairman. Thank you, Senator Isakson, Senator Wicker, and members of the subcommittee for the opportunity to testify today on this issue of assessing challenges and opportunities for peace in Sudan.

I appreciate your offer to have our full testimony put in the record.

The International Rescue Committee has been one of the largest providers of aid in Southern Sudan for decades.

IRC has over 250 staff working in Southern Sudan. Of this number, over 225 are, themselves, Sudanese. There are 20 expatriates working for us there. In looking at the challenges to our work, I think it helps if you can put yourself in the shoes of one of our Sudanese colleagues, trying to do a good job and do something

constructive in a very challenging situation. First, you must realize that your job is sometimes dangerous, as your fellow citizens are under great stress and living in a pressure-cooker environment.

Just in getting ready for this testimony and talking to our field staff, they told us of a couple of instances, that are in the testimony, where SPLA soldiers were unhappy because they were underpaid and they resorted to violence or they threatened violence to some of their fellow citizens.

In Southern Sudan, war and its aftermath has led to the deterioration of traditional ways to mediate disputes. Youth are no longer under the control of chiefs, and can instigate or exacerbate violence, including violence at or around schools. Communities have also seen the proliferation of small arms. The absence of institutions that promote justice and the rule of law, such as police, courts, and prisons, means that tension can quickly escalate to violence. Once an outbreak of violence occurs, it becomes difficult to break the cycle and stop retaliatory attacks.

Security challenges for humanitarians range from being targets of violence to having great difficulty gaining access to the most isolated people and places. Many bush airstrips, used to provide humanitarian aid during the civil war, have fallen into disrepair. These airstrips once served as a lifeline, as they were often the only access to remote communities. Last October, 75 bush airstrips across Southern Sudan were classified by the World Food Programme as unusable "no-go" zones.

Second, if you were one of my colleagues in Southern Sudan, you would also realize that the welfare of your family and friends is in great jeopardy because of widespread poverty and lack of development. The human development indicators for the Southern Sudanese are really shocking. Less than half the population has access to safe drinking water. A pregnant woman in Southern Sudan has a greater chance of dying from pregnancy-related complications than a woman almost anywhere else in the world. One in seven children will die before their fifth birthday. Only one quarter of the citizenry in Southern Sudan has access to medical care. And of those people, 85 percent of them get it from NGOs and church groups instead of their own government. And, finally, close to 90 percent of Sudanese women cannot read, in the South.

In sum, Southern Sudan is one of the least-developed regions of the world. It is slightly larger than France, but it only has 50 kilometers of paved roads. And the rest of the human development indicators are near the bottom of the scale.

Yet, this region may soon be its own country. Whatever happens after the referendum of January 9, 2011, basic needs for health care and clean water will not disappear overnight.

Third, as a Sudanese IRC worker, you fear for the future of your country. You know that government capacity is weak, and that you cannot rely on your own government to provide you with services, like health and education, roads to market, and a functioning police force.

Finally, you also have a sinking feeling that the rest of the world will soon forget about Southern Sudan. Future aid flows remain uncertain.

The 2011 referendum is rapidly approaching, and many countries see this as a deadline and an end of a process, rather than merely a step on a road toward a better life for the Southern Sudanese.

So, very quickly, IRC offers the following recommendations.

The Southern—Southern Sudan cannot move forward without both humanitarian and longer term development assistance. We need both of these things at the same time, which, I think, is not fully appreciated sometimes, where we would like to see them pushed along to economic development. The situation's not there yet. The—it's not ripe.

Second, U.S. Government should continue bilateral funding to Southern Sudan, and should also push other donors to continue to contribute. The United States and the international community need to plan for aid beyond the referendum. We should be thinking out beyond than just the immediate next few months.

The Government of Southern Sudan must move beyond a focus on civilian disarmament and instead strengthen the ability of its military and police to protect civilians.

Frankly, Sudan's ruling elites need to engage with the country's diverse populations and bring an end to the politics of exclusion and conflict. Citizens should participate in the big decisions facing their country.

And, at the same time, we would recommend that everything be done to increase humanitarian access, by restoring those bush airstrips and getting roads in better condition.

Despite a very challenging work environment, our staff and their colleagues from other NGOs—nongovernmental organizations—daily attempt to educate children, protect women and girls, provide health care, and strengthen weak institutions. This corps of humanitarians and development experts, largely made up of Sudanese citizens, are committed to building a country and helping the South recover from years of civil war.

The International Rescue Committee urges the U.S. Government to remain committed to peace in Sudan, and to continue to play a constructive role.

Thank you, Mr. Chairman, for holding this hearing on this very important subject. We're very grateful.

[The prepared statement of Ms. Richard follows:]

PREPARED STATEMENT OF ANNE C. RICHARD, VICE PRESIDENT, GOVERNMENT RELATIONS & ADVOCACY, INTERNATIONAL RESCUE COMMITTEE, WASHINGTON, DC

Chairman Feingold, Ranking Member Isakson, and members of the committee, Please let me begin by saying that I appreciate the opportunity to appear here today, along with my colleagues to testify on the issue of assessing challenges and opportunities for peace in Sudan. My name is Anne Richard and I represent the International Rescue Committee.

Founded in 1933, the IRC is a global leader in emergency relief, rehabilitation, protection of human rights, post-conflict development, resettlement services and advocacy for those uprooted or affected by violent conflict and oppression. The IRC is on the ground in over 40 countries, providing emergency relief, relocating refugees, and rebuilding lives in the wake of disaster. Through 22 regional offices in cities across the United States, we help refugees resettle in the United States and become self-sufficient.

The IRC has been one of the largest providers of aid in Southern Sudan for 30 years, delivering emergency relief and post-conflict assistance. Today, our programs are designed to save lives, mitigate the effects of conflict and help communities to sustain themselves. Following the Comprehensive Peace Agreement (CPA) of 2005, the IRC has focused on four areas: health care; governance and rights; child and

youth protection and development; and gender-based violence. The IRC directly supports 450,000 people in five states: Central and Eastern Equatoria, Northern Bahr el Ghazal, Unity and Lakes.

HUMANITARIAN, DEVELOPMENT, AND SECURITY CHALLENGES IN SOUTHERN SUDAN

IRC has over 250 staff in country. Of this number, over 225 are Sudanese. There are 20 expatriates working for us in Southern Sudan. In looking at the challenges to our work, I think it helps to consider these from the perspective of one of our staff. Put yourself, if you can, in the shoes of a Southern Sudanese staff member of the IRC working in the remote, underserved villages of Unity State in Southern Sudan.

First, you must realize that your job is sometimes dangerous as your fellow citizens are under great stress and living in a pressure-cooker environment. Earlier this month one of our staff members reported: "A beating took place next to our compound this afternoon, and our guard reported that it was soldiers beating up the SPLA finance guy who was giving them a smaller salary. It sounded quite bad. Again, this was very public and in the middle of the village for all to see." IRC managers were also receiving reports that soldiers were staying at a nearby clinic—a primary health care unit—and continuing to demand food from women in the community, including the wives of IRC staff.

In Southern Sudan, war and its aftermath has led to the deterioration of traditional ways to mediate disputes. Youth are no longer under the control of chiefs and can instigate or exacerbate violence. Communities have also seen the proliferation of small arms. These facts and the absence of institutions that promote justice and the rule of law (police, courts, prisons) mean that tension can quickly escalate to violence. Once an outbreak of violence occurs, it becomes difficult to break the cycle and stop retaliatory attacks.

Security challenges for humanitarians range from being targets of violence to having great difficulty gaining access to the most isolated of our beneficiaries. According to the January 2010 joint NGO report entitled "Rescuing the Peace in Southern Sudan," many bush airstrips used to provide humanitarian aid during the civil war have fallen into disrepair. These airstrips once served as a lifeline, as they were often the only access to remote communities. Yet as of October 2009, 75 bush airstrips across Southern Sudan had been classified by the World Food Programme (WFP) as restricted.[1]

Second, you also realize that the welfare of your family and friends is in jeopardy because of widespread poverty and the lack of development. Less than half the population has access to safe drinking water. A pregnant woman in Southern Sudan has a greater chance of dying from pregnancy-related complications than a woman almost anywhere else in the world. One in seven children will die before their fifth birthday. Only one quarter of the citizenry in Southern Sudan has access to medical care, and 85 percent of care is provided by NGOs and church groups instead of the government. Close to 90 percent of Southern Sudanese women cannot read.[2]

In sum, Southern Sudan is one of the least developed regions in the world. In a region the size of France with only 50 km of paved road, human development indicators sit near the bottom of the scale. Yet this region may soon be its own country. Regardless of what happens after the referendum of January 9, 2011, basic needs for health care and clean water will not disappear overnight. Nor will the pressing need for development.

Third, you fear for the future of your country. You know that government capacity is weak and you see little evidence that things are improving. Much of the investment taking place has been focused on the town of Juba and there are few signs of economic development elsewhere. The overall amount of technical assistance provided to the government is quite small. A recent report contrasted the 150 foreign technical experts and advisers serving now in the ministries in Southern Sudan to the 3,000 that reported to duty in post-war Mozambique in 1990.

You know that you cannot rely on the government to provide you with the services like health and education, roads to market and a functioning police force.

And, finally, you also have a sinking feeling that the rest of the world will soon forget about Southern Sudan. Future aid flows remain uncertain. The 2011 referendum is rapidly approaching and many countries may see this deadline as the end of the peace process and of their interest in Sudan, rather than merely a step on a road toward a better life for the Southern Sudanese.

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[1] Oxfam et al., "Rescuing the Peace in Southern Sudan," joint-NGO report, January 9, 2010: 17.

[2] Oxfam et al., 3.

TARGETING CHALLENGES: AID

What can be done to help the people of Southern Sudan? An important step is to improve the delivery of aid.

Over the past 2 years, the major government donors of aid to Southern Sudan sought to increase aid coordination and intended to shift most of their aid from bilateral aid to pooled funding mechanisms, such as the World Bank's Multi-Donor Trust Fund (MDTF). However, the pooled funding mechanisms have been bogged down in bureaucracy and very little money has been made available through them to date. In addition, the MDTF requires contributions from the Government of Southern Sudan (GOSS), which the GOSS has been unable to meet, as GOSS revenue has suffered immensely from the financial crisis and the plunge in oil prices. Currently, many donor governments have concluded that the MDTF has been a failure, and several have pulled out (such as the Norwegian Ministry of Foreign Affairs, among others).

Discussions continue among donor governments about whether to divert existing funds or contribute new funds into alternative pooled mechanisms that are designed better. However, even if another mechanism or interim solution is devised, it will be at least 6 months before these funds would flow, as award procedures would need to be developed, calls for proposals released, and awards issued. Pooled funding is a good concept in theory but difficult in practice because it does not allow implementing partners the opportunity to build relationships, report back to and advocate directly with donor governments.

Aid to Southern Sudan also exemplifies a broader challenge across many countries, where there is confusion about when aid for humanitarian purposes and aid for longer term development are needed. Many donor governments concerned about Southern Sudan would like to see a phase out of humanitarian aid and a move toward programs that promote economic recovery and development. In 2009, however, analysts saw how development indicators fell, tensions rose and humanitarian programs remained vital for many people even as the 2010 elections and 2011 referendum drew nearer. It is very hard to secure multiyear funding in order to run long-term programs to build the capacity of government institutions, strengthen health care and educational systems, and contribute to a functioning economy in a setting that desperately needs it when, at the same time, health conditions remain at emergency levels. Donors should recognize the need for both kinds of assistance, especially in such a complex and challenging setting as Southern Sudan.

It is essential that the U.S. Government continue bilateral funding to Southern Sudan. We also ask that the U.S. Government push the donors that are contributing to pooled funding mechanisms to get them unblocked as soon as possible given that the referendum is just 7 months away. The U.S. Government should also advocate for both humanitarian and long-term development funding. Finally, U.S. policymakers must be realistic about the large amount of resources, both human and financial, that will be required for rebuilding in the South.

Reductions or delays in the provision of basic services and in building up the capacity of government of South Sudan will exacerbate tensions around the referendum. If secession is the outcome, people will expect a "secession-dividend" just as the signing of the CPA led to high expectations for an immediate "peace dividend"—a peace dividend that, 5 years later, has hardly materialized.

TARGETING CHALLENGES: SUPPORT FOR A SAFE AND CREDIBLE REFERENDUM

In addition to improving the delivery of aid, other governments and international organizations should do everything possible to ensure that the safe and credible referendum takes place as scheduled. A January 2010 Chatham House report, commissioned by the IRC and written by Sudan expert Eddie Thomas, states: "The international community needs to continue to support Popular Consultations and the referendum while recognizing that these processes will complicate politics in regions of Sudan that are not at peace."[3] Thomas goes on to explain that these processes, which were meant to help Sudanese people determine their own future freely, now run the risk of perpetuating violence. But they must be completed on schedule, because the big deadline of the Southern referendum cannot be altered without enormous risks.[4]

It is urgent that the international community, including countries that are Sudan's neighbors, the African Union and the United Nations, provides immediate mediation and support to Sudan's parties to resolve outstanding issues and help

[3] Thomas, Eddie, "Decisions and Deadlines: A Critical Year for Sudan," Chatham House report, January 9, 2010: 8.

[4] Thomas, 16–17.

stage a referendum. A successful referendum, in which the Southern Sudanese determine their own future, is Sudan's best chance for peace.

The Chatham House report also points out that delays in reaching political agreements and adopting laws on referendums and Popular Consultations will put impossible pressures on electoral bureaucracies in the coming 12 months. Donors should commit now to help mitigate those pressures with their resources.[5]

If the people choose secession, it is imperative that the two parties to the CPA reach deals on security arrangements, oil revenues, water rights, assets and liabilities, currency, nationality and a host of other issues. If the people choose unity, these issues will not disappear and will still need review. Primary responsibility for these processes lies with the two parties, however countries that have supported the CPA, along with foreign investors, need to work together to limit the possibility of failure.[6]

IMPROVING EFFORTS TO ENHANCE LOCAL CAPACITIES FOR CONFLICT PREVENTION AND MITIGATION, CIVILIAN PROTECTION, AND HUMANITARIAN ACCESS

Processes called for in the CPA, such as the peaceful demarcation of a populous and troubled border that intersects millions of lives and livelihoods, require Sudan's ruling class to engage with the population. These are processes that depend on millions of people understanding, calculating, speaking and acting for them to work. The failure to complete these processes is often presented as rooted in the suspicions of the two parties. They are also examples of the state's seeming inability to relinquish coercion and engage with wider populations.[7]

Sudan's powerful elites must avoid perpetuating the politics of exclusion and conflict and help citizens participate in the big decisions facing the country.

Civilian policing, which is the role of the Southern Sudan Police Service (SSPS), is weak. The police have shown limited capacity in regards to civilian protection. Building a trained police force typically takes more than 10 years, however at 5 years on the SSPS lack training, equipment, radios, cars, and uniforms and civilians are often better armed than the police. Because this police force lacks the capacity to uphold its mandate, the responsibility of policing continues to fall to the SPLA. This is now, and will continue to be, a crucial responsibility for the SPLA during and after the referendum period.

For improving protection of civilians and to ensure humanitarian access, the U.N. mission in Sudan should deploy Temporary Operating Bases (TOBs) and initiate preemptive patrolling in 13 areas in Southern Sudan where potential intercommunal violence has been identified in order to provide a deterrent presence. UNMIS should monitor the GOSS-led forced civilian disarmament process in Jonglei, Warrap, and Lakes states. They should also expand the contingency planning exercise in Abyei to other areas, by developing concrete local protection strategies to provide safe spaces for civilians in case of an eruption of violence.

The GOSS, with support from international partners, must move beyond a focus on civilian disarmament to strengthening the ability of its military and police to provide effective internal security and protect civilians.

RECOMMENDATIONS

To summarize, the IRC offers the following recommendations:

—The U.S. Government and the international community must realize that Southern Sudan cannot move forward without both humanitarian and long-term development funding.

—The U.S. Government should continue bilateral funding to Southern Sudan. The U.S. Government should also push donors that are contributing to pooled funding mechanisms to get them unblocked quickly as the referendum is only 7 months away.

—With support from international partners, the GOSS must move beyond a focus on civilian disarmament and instead strengthen the ability of its military and police to provide effective internal security and protect civilians.

—Numerous agreements must be made on a wide range of complex processes before January 2011. Sudan's ruling elites need to engage with the country's diverse populations, if they are to avoid perpetuating the politics of exclusion and conflict and help citizens participate in the big decisions facing the country.

—To increase humanitarian access to remote communities, the GOSS should start to restore the 75 bush airstrips across Southern Sudan that the World Food Pro-

[5] Thomas, 19–20.
[6] Thomas, 8.
[7] Thomas, 21.

gramme classified as "no-go" in October 2009. These airstrips once served as a lifeline to hard to reach communities.

As I mentioned before, Southern Sudan is a region where one in seven children will die by their fifth birthday; less than 50 percent of the population has clean drinking water; and a pregnant mother has a greater chance of dying in childbirth than anywhere else in the entire world. No matter what the outcome, these issues will not disappear come January 2011. Despite a very challenging work environment, our staff and their colleagues from other nongovernmental organizations daily attempt to educate children, protect women and girls, provide health care and strengthen weak institutions. This corps of humanitarians and development experts—largely made up of Sudanese citizens—are committed to building a country and helping the South recover from years of civil war. The International Rescue Committee urges the U.S. Government to remain committed to peace in Sudan also and to continue to play a constructive role in helping to spur development and ensure security, especially in the south.

Senator FEINGOLD. I thank all of you for your important testimony.

I'll begin with a 7-minute round of questions.

Ms. Almquist, let me start with you. This is something I asked General Gration, almost 2 weeks ago. In the event that the National Congress Party takes actions to disrupt the referendum process, what do you see as the viable policy options for the United States? And, in your view, what steps should the administration take now to ensure that we are prepared to act, in the event of that scenario?

Ms. ALMQUIST. First, I thank you, Mr. Chairman, for the question.

I think, first of all, we have some lessons to learn from the recently concluded—or almost concluded elections process. One state, that of southern Kordofan, most notably, still needs to have their election. And that's—I just make a note of that, because it's very important for the popular consultation process there, and for preventing an outbreak of violence in that critical area.

Now, I think that we need to be vocal now, up front, ahead of the referenda, about what the critical benchmarks are for a baseline process. I'm not sure that we were as explicit as we could have been, publicly. I'm sure there were many communications privately to the parties, in terms of a free and fair election process.

You know, the more that we can say now, the more that we can get the other witnesses of the CPA to repeat those messages, especially those who perhaps are perceived as more friendly and closer to Khartoum, you know, I think the greater likelihood that we'll see behavior match the expectations that we would all like to have for the referenda.

It's entirely predictable, I think, that there will be stalling and foot-dragging, in terms of the negotiations and the standing up for the Referenda Commission. Both the Southern Sudan Referendum Commission and the Abyei Referendum Commission are still waiting on the formation of the new governments from the recently concluded elections. That needs to happen as quickly as possible, and with as much vocal pressure as possible from the United States and other key members. And then, to keep on track, each step of the way, with the process as it goes, and to hold them account publicly.

I think the United States has exhausted most of its bilateral or unilateral measures for economic sanctions and other pressures—

on Khartoum, in particular—since we have a full range of sanctions, as you all know, in place already.

You know, what we need to do is to now broaden, I think, the chorus of voices that are saying consistent messages, and then to have the U.N. Security Council and other key bodies, especially the African Union and the IGAD, to be on top of the parties as this process goes forward.

Delay is inevitable, I think, in some respects, given the shortness of time between now and January 2011, but it's not acceptable, in terms of an ultimate subversion of the process that needs to happen.

Senator FEINGOLD. Thank you.

Ms. Giffen, what can we realistically expect from the U.N. missions, Sudan UNMIS, in terms of civilian protection in Southern Sudan? In your view, where should they focus their resources in the runup to the referendum, as well as in the aftermath of the referendum?

Ms. GIFFEN. Thank you, Mr. Chairman.

We're actually advising that UNMIS, in particular, put together a protection strategy that maps out all of the various scenarios and all of the various risks in Southern Sudan, and then goes through a prioritization process, looking at other actors that provide protection, outside of the mission. UNMIS can't be expected to provide protection for all of the people in Southern Sudan, particularly given its shortfalls in mobility and assets.

Having said that, I do think that we've seen quite notable progress from UNMIS over the last year, on protection. They've done some really innovative work with long-range patrols and with mobile operating bases. Where they have heard early on that tribal violence, for example, is heating up in an area, they have gone out with joint protection teams of both civilians and militaries to do mediation and try and defuse the violence. This is exactly the kind of action that we need going forward.

I think the situation in Jonglei state, right now, is particularly concerning, and it is a perfect example of both frustration over the elections, as well as tribal violence, where you have former SPLA leaders that were formerly militia, who are now rebelling against the SPLA in protest of the state election results. This is the kind of thing that can quickly escalate into larger scale violence. I was pleased to see that the U.N.—not initially, but soon after—offered to go in and offered to negotiate with one of the actors that is rebelling. And that's exactly what we are looking for, from the political level. We also need to see that from the military and the other civilian components of UNMIS.

Senator FEINGOLD. Thank you.

Mr. Mozersky, I'm intrigued by your idea of creating a demilitarized zone between the SPLA and the Sudan Armed Forces along the North/South border, and with U.N. forces monitoring and enforcing the arrangement. Is this something that the U.N. mission, in Sudan could undertake with its current mandate? And is this idea on the table in the negotiations that are going on between the parties, at this point?

Mr. MOZERSKY. Thank you, Mr. Chairman.

It's not on the table at the moment, and it won't implement itself. It will only become a reality if the international community puts it on the table and attempts to broker these negotiations between the parties. UNMIS will never be able—the U.N. will never be in a position to create a buffer zone, or a demilitarized zone, without the compliance of the parties. So, it would have to be the outcome of a negotiation between the Government of Sudan and the Government of Southern Sudan.

I would suggest that it makes a lot of sense, and we should prioritize that as—among the talking points with the northern and southern governments.

In terms of mandate, I think it depends, in part, on the outcome of those negotiations, whether there's an armed component that's requested to stand between the armies, or more—or just a civilian monitoring component. But, now is the time to begin those discussions, because, again, the—removing the possibility of an accidental return to war, I think, can drastically reduce the risk of large-scale conflict.

Senator FEINGOLD. And, Mr. Mozersky, in the aftermath of the 2011 referendum, if the South votes in favor of secession, what leverage and opportunities will remain for encouraging the NCP to undertake further or greater reform? And, more generally, what do you think will be the impact on the rest of Sudan, politically and otherwise, if secession actually occurs?

Mr. MOZERSKY. I think there's cause for serious concern about the status of Northern Sudan, post-referendum, if the South secedes. Some of the concerns were raised by the two previous speakers. And it's one reason that I would encourage us to take advantage of the opportunity that exists now, in the runup to the referendum, to create processes that—for inclusivity, for consultation, that will exist beyond the referendum.

The challenge is that the framework, the CPA, will expire in July 2011. And it's been—that includes virtually all the entry points for international engagement, at the moment. We have to think creatively, both about creating a new—terms for a new narrative and new engagement with the Government of Sudan, but also make clear what those parameters are. And they have to do with inclusivity in government. They have to do with stepping back from some of the more draconian security measures that we've seen, both in the runup and aftermath of the election. And clearly a resolution of the Darfur conflict is critical to that.

The alternative is, I think, an escalation of conflict in Northern Sudan. That's the direction that things will likely head if the Government of Sudan goes down a path of minority rule, greater exclusivity in governance. And that's something to be avoided, at all costs.

Senator FEINGOLD. Thank you.

I'll have further questions in another round.

But, now, Senator Isakson.

Senator ISAKSON. Thank you, Mr. Chairman.

Mr. Mozersky, in listening to—in reading your testimony, as quickly as I could while listening to your testimony, as well, without some preventative work done now, you have significant

concerns over what's going to happen, post-referendum. Is that correct?

Mr. MOZERSKY. That is correct.

Senator ISAKSON. What is being done now, of a preventative nature, either on hydrocarbon or the oil situation, or security, from a standpoint of police and protection? Is anything going on? Is there a forum in which that's taking place that's meaningful?

Mr. MOZERSKY. The—on the first—there's a forum, but it hasn't launched yet.

Senator ISAKSON. Yes.

Mr. MOZERSKY. The elections, predictably, sucked up all political attention and awareness, both in Sudan and from the international community. So, there's an intention and a commitment by the parties to begin, hopefully soon, a process of negotiations on post-2011 issues—post-referendum issues—with support from international actors, including the African Union Panel.

On oil, in particular, there have not been any formal negotiations, that I'm aware of. Norway has offered, and I believe has been accepted by both parties, to provide particular assistance. But, there's a long way to go between—nowhere, basically—talking about the parameters of the forum and actually getting down to business and working out these details.

I would say, though, that the parties don't need to negotiate full details on all these post-referendum issues by January. What they need, at a minimum, is a framework agreement that can provide sufficient guarantees for the shape, the framework of the outcomes, prior to January. If they have a framework or agreement on principles—on oil-sharing, on grazing rights, on citizenship, and on security arrangements—then those four issues, alone, will reduce the risk of tension, I think, reduce the risk of a zero-sum perception, heading into the referendum. And some of the additional details can, potentially, be worked out after the fact.

On security, I would echo the comments made by some of the other speakers. I think there's a long way to go. In the South, in particular, a lot of the focus has gone on reforming the army, at the expense of other security services. In Northern Sudan, we haven't even seen reform of the army. There was a process for security-sector reform built into the CPA, both North and South, that never really got off the ground. So, I would echo earlier comments, that it's a high-priority issue.

Senator ISAKSON. Well, given the experience we had in Iraq with the hydrocarbon law and the sharing of wealth, where you had oil in one place and recipients in another, 6 months is a short timeframe to negotiate what will happen. Is it enough time to put together those principles, where they could do it when it's post-referendum, do you think?

Mr. MOZERSKY. I think it is. I think it is. And there's a fundamental fork in the road, early on, which is whether they'll look for a continued revenue-sharing model. So, maybe they tweak the percentages. At the moment, 50 percent of Southern—of revenue from Southern oil goes to the South, 50 percent goes to the national government, so whether they seek to maintain a revenue-sharing model, or whether the South opts to move to a fee-for-service model, where they'll pay for pipeline rental, and pay for the refin-

ery, and what have you. And the second option is more politically popular in Southern Sudan, but it implies greater challenges.

They need to have agreement on the principles—or sufficient agreement on the principles, so that there are guarantees in place that the day after the referendum oil will still get to market. Oil revenue currently provides the majority of government revenue in both Khartoum and Juba. So, there needs to be enough in place that the governments don't view the referendum with fear, as something that will torpedo their economies. And part of that solution will require international guarantors to that agreement.

Senator ISAKSON. Ms. Giffen, you commented about security very comprehensively. Based on my visit to Sudan, a year ago, I have grave concerns that there's enough security, manpower, materiel, et cetera, to do the complicated security issues that were talked about by both you and Ms. Richard. Just by securing access to vulnerable populations, alone, seems to me a task herculean. How do you think we best move toward doing that? Or what would it take, if you were the king and you could make the rules? [Laughter.]

Ms. GIFFEN. I think that's a difficult question to answer, given the number of challenges throughout Sudan.

Having said that, if we are only talking about the United Nations Mission in Sudan—UNMIS—they did some very good preplanning when the Abyei Arbitration Tribunal was preparing to release its decision on the Abyei Border Commission's decision. UNMIS was able to move troops to an area, and move logistics to an area, to try and be prepared if something was going to occur. Preventive action is probably the best we can hope for, given the limitations of a U.N. peacekeeping operation.

If it comes to the National Security Forces, I do think we're limited to what I suggested in my statement, which is really trying to do as much training on what their responsibilities and obligations are. Security-sector reform has been quite slow. It has been very focused on the army. There has been very little focus on the police. It's also been very focused at the central level, at the expense of the state and locality, which, of course, are best at providing security.

So, without a functioning police, the SPLA is being relied on both for public security and as Anne Richard mentioned, they do tend to prey on the people that they are meant to protect, if they aren't receiving their salaries, et cetera. So, they are not, in some cases, a reliable tool to create security, especially when there's tribal dissidence between the SPLA that has been deployed to an area that is of another tribe.

So, I would suggest, again, just the preventive measures that the U.N. has, thus far, shown. They know where these hotspots are. They know along the border there are some hotspots. They know, in Jonglei, where the hotspots are. And they can get there, with enough time.

Senator ISAKSON. Are we going to do a second round, Mr. Chairman?

Thank you very much.

Senator FEINGOLD. Senator Wicker.

Senator WICKER. Thank you, Mr. Chairman.

Members of the panel, 35 organizations representing Sudan advocates and Sudanese expatriates have sent an open letter to President Obama, calling on him to relieve General Gration of his duties.

I note that General Gration is in the audience today. And I appreciate his attendance.

How have these calls been viewed in the North and South? And then, specifically, part B is, How do leaders in the South view the United States? Do they view our participation as that of a neutral and disinterested party?

We'll just start with Ms. Almquist, and go down the table.

Ms. ALMQUIST. Thank you, Senator Wicker.

I believe that—first of all, I should say I haven't been to Northern or Southern Sudan since these calls have been made. And so, this is my opinion, based on a number of years of experience and in talking with individuals from here.

Now, I think, in general, the more consistent a message that can come from the United States, the more effective the message will be on all parties in North and South. I think right now a challenge that we have in Khartoum, at that level, is a lack of clarity on their side—on the NCP's side—in terms of differing views, from within the administration, on, you know, policy questions, and particularly whether an attitude of engagement, as I think General Gration has tried to put forward, and to—you know, to sincerely talk with them, in terms of seeking different behaviors from them, or a more isolationist policy, a harder line approach, which we have seen in the past—if that would move behavior in many of these directions that we would find more acceptable and in keeping with the universal norms of human rights.

I think my own experience, having participated in and watched the negotiations for Naivasha, and also with a number of the Darfur processes and N'Djamena and then Abuja, is that we do see more movement out of Khartoum when we engage with them. We have to talk with them. And we have to do that based on principles. And we have to do that being consistent, in terms of our messages and what we're seeking in that relationship.

But, we need a framework and a context for that discussion with them, and for a relationship that goes beyond, sort of, our checklist of, you know, "We don't like these, you know, 10 things that you've done today, in terms of your population in various parts of the country." And I think that's the real challenge for the United States. And, I think, probably—and I don't know the authors of the letter that has been sent to President Obama, but I think differing views and perspectives on that are still out there.

And the clearer the administration can be, and the more supportive it can be of its special envoy, and have all of the voices pulling in a common policy direction, the greater our leverage is with Khartoum; and also with the South. I think that they sometimes are confused by what they perceive as differences of messages. I don't think the South has really ever seen the United States as a neutral and impartial observer. We've been very clear, throughout the North/South war, that the South was the aggrieved party and victim of the conflict. That doesn't mean that they weren't without fault and doing a number of things and actions that we would not

condone or support. But, in basic terms, we supported the Southerners' right to self-determination, and that's why we have the Comprehensive Peace Agreement that we have today.

So, I do think that we have a special role to play with the South, in terms of being able to then work with them as we face these last tests of the Comprehensive Peace Agreement and moving into this next phase of, most likely, an independent Southern Sudan. And, again, our consistency of message is very important as we approach those moments and carry that forward beyond.

Senator WICKER. Thank you.

Ms. Giffen.

And I would ask the members of the panel to be mindful that we're limited on our time.

Ms. GIFFEN. I will just build on what Ms. Almquist said, which is, in addition to having a consistent message and coordination internally, it's very important, when dealing with—whether it's the Government of Sudan or the Government of Southern Sudan—to be coordinated with, not only our allies, but also others who are stakeholders in Sudan.

So, in the past, there have been a number of times when diplomacy has not been as coordinated as it could be between, for example, special envoys or others. The problem with the failure to coordinate is that first, it dilutes our diplomatic leverage, and second, it creates fissures between the different messages that the government is getting and that the government can then exploit.

So, I think it's quite important that work that the special envoy has been doing with the other five special envoys, to try and coordinate messages and work together—that's a key point to having influence over the Government of Sudan. And when we have had impact in opening up access—humanitarian access or moving forward on peacekeeping operations—it's often been because it's been coordinated with the United Nations and other donors.

Senator WICKER. Mr. Mozersky.

Mr. MOZERSKY. I'll plead ignorance on the first, because I'm not sure how the calls for Special Envoy Gration's resignation have been viewed.

But, I will echo that—the last point that Alison made. I think there's been a noticeable improvement, in the last 2 to 3 months, in international coordination in Sudan. From a situation 6 months ago where you had a proliferation of high-level actors on the international side, there's beginning to be a coherence that's emerging, in terms of what that international mechanism looks like.

Having said that, I will reiterate the point I made during my testimony, that I think high-level—higher level U.S. engagement in the period ahead is welcome. This is a unique and dangerous moment in time. And the U.S. Government has a unique role to play in sending messages, not just to the Sudanese, but to the region and to the broader international community, of the United States commitment to see the CPA implemented in full, see that the referendum goes forward peacefully—I think, is extremely valuable.

In the South, the United States is viewed as an ally. The United States is viewed as a partner, and an important partner in the international community, on whom Southern Sudanese are relying in the period ahead. And there are great expectations for the type

of assistance and type of support that will come from Washington and from the U.S. Government.

Thank you.

Senator WICKER. And finally, Ms. Richard.

Ms. RICHARD. Thank you.

Very briefly, I don't watch the activities of the special envoy's office closely enough to give him a grade. But, I will say, in his defense, that he has met with the NGOs several times, and been very open, in talking to us. He really hustled, after we were invited to leave Darfur, to improve humanitarian access to Darfur, after we were forced out last year. And I think it's an impossible job. I think it's a really, really difficult job.

I would suspect that our folks on the ground overseas, in South Sudan, are less concerned about who's filling that role, but, instead, that that role be supported by the Obama administration. And that their main concern right now is that the world not lose interest in the coming months, and that the world stay engaged, beyond the referendum. And they're very concerned, right now, that there's no multiyear funding, that projects are all just, sort of, hanging fire, waiting to see what happens in the referendum. It's not a constructive way to engage.

Senator WICKER. Thank you.

Senator FEINGOLD. I'll begin a second round.

Back to Mr. Mozersky. Could you comment on the cohesiveness of the National Congress Party, and whether there are differences of opinion within it as to how to approach the referendum and its aftermath?

Mr. MOZERSKY. I can do my best, but the caveat is built in.

I think that's the million-dollar question, and it remains a question mark. There are—we—there's a—been a public commitment from President Bashir to respect the outcome of the referendum; to allow it to happen, or ensure that it does happen, and that, if the South votes for secession, to be the first one to recognize it.

I think it's important to note that the likely dispute between North and South is not going to come on the actual vote for secession or unity; it will come on whether or not the voter turnout threshold was met. So, the referendum law includes a 60—a threshold of 60 percent of registered voters that have to turn out for the vote to be legitimate; and then a 50-plus-1 on secession or unity. And on that, the key population becomes the Southern Sudanese in Northern Sudan.

So, you have—again, the rough estimate is 1½ million Southerners, who were undercounted in the census, but the census is not necessarily the criteria for determining voter eligibility for the referendum. And so, there's fears that, from the NCP side, they may try to manipulate the voter turnout procedures—voter registration and then voter turnout procedures for that. And that could lead to a very dangerous situation, where we have one number coming out from Khartoum, another number coming up Juba, without a clear mechanism for how to resolve that. So, building transparency into the process, from now—not just in the South, but also in the North—I think, is very important for that.

Having said that, it—which doesn't answer the different schools of thought within the NCP—I personally believe that there is a

peaceful way forward. I think that there's a constellation of agreements that can—whereby the South can secede peacefully, that protect the core economic interests of Northern Sudan, that protect the core economic of Southern Sudan, as well as the rights and interests of the populations along the border. And I believe that a lot of our attention, over the next 7 to 8 months, needs to go in helping to support that process, to reduce the logic of war and to increase the logic of peace. It doesn't have to be a losing scenario from anyone's perspective. It can—there are win-win arrangements here.

Senator FEINGOLD. Thank you, sir.

Ms. Almquist, as you know, the administration is beginning an effort to scale up our diplomatic, development, and conflict mitigation efforts in Southern Sudan. From your experience working in government, what recommendations would you offer for this effort? What are the keys to its success? And what can Congress do to help?

Ms. ALMQUIST. Thank you.

I'm aware, in general, of the diplomatic surge and increased efforts to put more staff on the ground, particularly in Juba. And I think that those are probably in order. I know, firsthand, the challenges of the platform that the U.S. Government has in Sudan, in the South, in Khartoum, in Darfur, and in trying to work across the three areas. And it's an incredibly complicated set of issues, in terms of the rudimentary nature of the environment that is being worked in, and then the various political and bureaucratic challenges of each of those locales. And so, I'm sure the headaches are immense as one tries to do that.

I think it's all the more important, therefore, to be very strategic and efficient in use of resources. And, while more hands on deck probably does help—again, without knowing the specifics of what kinds of hands those are and how they'll be deployed—I'd say that we need to look beyond just the sheer numbers of staff that we have on the ground. How are they best able to implement resources and deploy them in support of the Government of Southern Sudan, in the case of the South? How are we best able to support our partners in Darfur, and in the East, and in the two areas that will face popular consultation, and then, of course, in Abyei? And the answers are probably somewhat different for each of those locations.

So, I think it does take a bit more nuanced approach. And I think that, while we need to prepare for the eventuality of Southern independence, and that will require more functions for the United States in the South, that are currently being carried out by the mission and the platform in Khartoum, we also need to maintain those missions and functions in the North, and to continue our engagement there. So, I think it's, overall, quite complicated.

Senator FEINGOLD. Thank you.

Ms. Richard, in my opening remarks I mentioned the large number of Darfuri refugees who remain in eastern Chad. What are the conditions for these refugees? How will they likely be affected, in addition to the Chadians who were displaced in eastern Chad, when the U.N. peacekeeping force, MINURCAT, begins to withdraw from the region, as was agreed by the Security Council yesterday?

Ms. RICHARD. Well, if you are a refugee and you flee to Chad, things must be pretty bad where you're coming from, because Chad is a very challenging place to live. IRC supports around 58,000 Darfuri refugees in two camps. And we also help another 20,000 Chadians who live nearby.

We're very concerned about MINURCAT—the possibility of MINURCAT leaving, coming to an end, as we would be anyplace we're working, where there's the need for a U.N. peacekeeping operation. The need for security, as I said in my remarks, is just one of those fundamental things that—without which, it's very hard for us to do our jobs. And so, in many ways, all the work that we try to do to help people, whether it's food distributions in a camp or health care or protecting children and women and girls, it can't take place if there's violence erupting around us. So, we're very concerned about that.

Senator FEINGOLD. Finally, I'd welcome any of your thoughts on this. As international attention refocuses on the CP in Southern Sudan, I'm concerned, of course, that the NCP may be is trying a new repression to consolidate its power in the North. We've seen, in the past, how the NCP can effectively manipulate the international community's narrow focus on one region or conflict, at the expense of another. So, going forward, how can we avoid this? How can the United States and the international community ensure that our enhanced focus on the referendum in South does not detract from our other priorities in other parts of Sudan, as has been well articulated by Ms. Giffen and others already today? Whoever would like to take that.

Ms. ALMQUIST. Well, maybe I'll start by just saying that—I think a message that's already been said—and Dave said it most clearly in his testimony—is that we have to be vocal. We have to continue to pay attention to the whole of Sudan. We, just like the parties, get—have a carrying capacity in terms of our own agendas. And we do become singularly focused—or more singularly focused on some issues than others. And so, I think, for starters, we have to be mindful of the key issues, and continue to call the parties to account on Darfur, as well as on North/South and the next steps of the CPA process.

So, for starters, I think we have to make sure that those issues are out there on the radar screen. And when things happen that aren't acceptable, like the offensives in Darfur and the use of aerial bombardments, we need to say that publicly. And we need to get other voices to say that publicly. I think the international attention really does make a difference, and keeping that steady drumbeat.

It's hard to do it, you know, every day, on, you know, three or four different issues. And so, there is some selectivity that has to be there. But, I think we and others have tried to identify some of the most critical issues to pay attention to. And we have to be able to manage a Darfur agenda at the same time as a North/South agenda, and not suborn one to the other. Both are critical for the future of Sudan.

Senator FEINGOLD. Ms. Giffen, do you want to say something else about that?

Ms. GIFFEN. Yes, thank you.

One of the things that I always appreciate about the way in which the U.S. Government presence worked on the ground in Sudan was the way in which it coordinated with others. We are not the only ones there. We work quite well with other donor nations that are in places that we are not. And I think that that's particularly important at this moment in Darfur, in the East, and in the Three Areas. After the expulsion of the 13 international agencies and the dissolution of the three national agencies in Northern Sudan, the information network and the protection network that was there was pretty much gutted.

As a result, we don't hear the same information that we used to hear about the violations that are occurring, about the needs that exist on the ground.

I often use the metaphor, that when a tree falls in a forest, it does make a sound, even if there's nobody there to hear it. There are violations occurring in Darfur, even if there are no internationals there to report it.

I get quite worried when U.N. OCHA is no longer producing the same kind of information that they used to on the number of displaced, the number of needs that are out there, because they can't do independent assessments, and/or because they don't have the capacity. Without OCHA and without those agencies that were providing most of that information, we have very little information to try and figure out what is going to happen, from a preventive point of view. So, UNAMID doesn't know where to move. We don't know when to try, as an international community, to condemn something or prevent something from happening.

And so, it is critical that we work with the other donors that are on the ground, the few NGOs that are left, to try and track what's happening so that we can take preventive measures before things happen.

Senator FEINGOLD. Thank you.

On that note, I'm going to turn over to Senator Isakson for his questions.

Senator ISAKSON. Ms. Giffen, in your first recommendation on intermediate steps to prevent and protect citizens, you referred to the donor countries, including the United States, and I'm going to quote this, "should ensure that the Government of Southern Sudan's police and army are receiving training in international humanitarian law, refugee law, and domestic and international human rights law, including training and preventing fight—training and preventing, fighting sexual violence." And you were specific with the Southern Sudanese police and military. Is their propensity—do you think they have a propensity to use those types of tactics—sexual violence against women and inhumanitarian treatment of refugees and others? They have the potential to do that if there's a secession?

Ms. GIFFEN. Unfortunately, the SPLA is a combination of a number of different actors, including a number of militias that were integrated into the SPLA following the 2006 Juba Declaration. That meant that there were thousands and thousands of armed actors that were integrated into the SPLA without previous formal training.

Now, there's been quite a few attempts to do battalion-by-battalion or unit-by-unit training in Southern Sudan, but the size of that army is difficult to feed and equip, let alone to professionalize in the time that we've had. Not to mention there has been very little incentive for the SPLM to demobilize and disarm the SPLA, given we're coming up on the referendum, with the exception of the fact that the SPLA absorbs quite a large percentage of the budget of the Government of Southern Sudan. And so, there have been some efforts to get ghost officers off the books, et cetera.

But, yes, there is, I think, quite a bit of potential for the SPLA to commit violence against civilians. We already know that the SPLA are involved in human rights abuses. They are preying on communities that they're meant to protect. They have been involved in starting some of the conflicts that we've seen with tribal leaders, et cetera. So, the potential is definitely there. And I think that human rights training would be a good use of funding in preparation for a secession.

Senator ISAKSON. And I suppose, then, if an unfortunate incident, like another civil war, broke out post-referendum, that those type of tactics, you're afraid, would spread as the conflict spread.

Ms. GIFFEN. Unfortunately, in both the first and the second civil war in Sudan, these types of tactics, attacks against civilians, were used by almost all sides. I suspect that, if we were to go back to a situation like that, that those tactics would be used again.

Again, we talked about a demilitarized zone between the North and the South. I think that that is potentially an important step. But, a lot of the insecurity that could happen isn't going to happen between a line of SPLA against a line of SAF. It is likely that it's going to be small conflicts in sensitive areas, through proxies and militias that have been stirred up, where tension is there over resource issues. These smaller conflicts could then serve as an accelerant to larger conflict that spreads. That's my concern.

If we can keep the SAF and the SPLA separated through a demilitarized zone or in some other fashion, and then try to put out these other initially smaller fires, I think that isn't a bad way to go. But, there will be attacks against civilians; it is going to be that type of war, if we go back to war.

Senator ISAKSON. I think Ms. Almquist made a good statement for all of us to adhere to. We tend to talk about the Sudan in terms of North, South, and Darfur, in three parts, when it's a whole. Because, I know, Ms. Richard, when I was there a year ago, we were told that the use of rape as a tactic against women and children was dissipating in Darfur from what it had been. Is it still dissipating? Or is it still present?

Ms. RICHARD. I can't answer that question, Senator, because we're no longer in Darfur.

Senator ISAKSON. OK.

Ms. RICHARD. But, certainly the refugees, who come to Chad have suffered from sexual violence. And so, our programs there are very important.

You know, anytime you have a chaotic situation with this sort of potent mix of conflict and people fleeing, the most vulnerable people can come—can be preyed upon. And that's why I think using

peacetime to train soldiers on how to protect citizens, and the importance of doing that, is such a good use of our aid dollars.

Senator ISAKSON. Thank you.

Thank you, Mr. Chairman.

Thanks, to our panelists today.

Senator FEINGOLD. Senator Isakson, I agree—this is an excellent panel, and I want to thank you.

And I want to thank Senator Isakson for his very hard work on this subcommittee.

I think a panel like this makes a big difference as we move forward. So, thank you.

And that concludes the hearing.

[Whereupon, at 3:43 p.m., the hearing was adjourned.]

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