

Congress of the United States
Washington, DC 20515

September 25, 2009

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Obama:

In advance of your administration's release of its long-awaited Sudan policy review, we are writing to urge that U.S. policy toward Sudan include: (1) the principle of strict adherence to the terms of the Comprehensive Peace Agreement of 2005 (CPA), (2) a transparent plan for Darfur to provide protection and security, accountability for the perpetrators of the genocide, and a process for a just and lasting peace, and (3) a balance of robust pressures and appropriate incentives to support implementation of the CPA and the all-inclusive plan for Darfur. Most importantly, the transformation of Sudan into a democratic and inclusive country, as the principal objective of the CPA, should be a primary focus of the new policy.

We appreciate the complexity of the issues facing Sudan and the hard work undertaken by the administration in confronting Sudan's many challenges. At the same time, we are deeply concerned that the current approach toward Sudan is heading in the wrong direction and that the policy – if consistent with that approach – will fail to achieve our objectives to support peace and alleviate the suffering of the people of Sudan.

This concern is based on reports of ongoing crimes and human rights abuses by the Sudanese government against its people during the last six months — including continued violence in Darfur; efforts to obstruct CPA implementation; manipulation and withholding of humanitarian aid to Internally Displaced Persons (IDPs); arming militias in the South, and arrests, detention and torture of Darfuri civilian leaders — which have seemingly gone unaddressed by the administration.

Furthermore, in recent weeks, the leadership of South Sudan and Darfur have expressed serious concerns about Special Envoy Scott Gration's warm and incentive driven approach toward the ruling National Congress Party (NCP). We believe that this approach will only make the NCP more intransigent.

Strict Adherence to the CPA

U.S. policy must operate on the principle that the NCP has a long, well-understood history of nonperformance of agreements. The NCP's primary motivation is to remain in power at all costs and as a result they continue efforts designed to impede CPA implementation. The policy, therefore, must not continue to provide openings for the NCP to frustrate the purposes of the CPA — self-determination and human rights for the people of Sudan — by renegotiating critical and foundational terms of the agreement. Such renegotiation stalls the implementation process and carries with it the real risk of the country sliding back into war.

Rather, the policy must insist on strict adherence to the terms of the CPA by the NCP and Sudan Peoples' Liberation Movement (SPLM) through the use of appropriate incentives and robust pressures — including the imposition of targeted multilateral sanctions against the NCP's senior leaders — to enforce such compliance. Otherwise, the NCP will continue to prolong the status quo resulting in an ever decreasing likelihood of success for the 2010 elections and 2011 referendum. The U.S. must exert the leadership and undertake the diplomatic action necessary to create consistent, sustained and comprehensive international support of such incentives and pressures to further the goal of implementation.

Effective Support for a Darfur Peace Plan

Protection and Security for Darfuri Civilians. The policy must prioritize safety and protection by creating demilitarized zones around IDP camps, towns and villages. U.S. diplomacy should work to ensure the strength of these security zones by aggressively moving the international community to improve the protective power and command-and-control capabilities of the UN peacekeeping force already on the ground in western Sudan. Such conditions are required not only for the adequate delivery of humanitarian aid and protection of civilians, but to provide a safe space for Darfuri civil society leaders to emerge as representatives of the Darfuri people in peace negotiations with the NCP. Providing the protection necessary to allow these leaders to assume their role in negotiations should be a prerequisite to peace talks, not a goal thereof.

Justice for the Perpetrators of Genocide. The U.S. must openly and unequivocally support the International Criminal Court (ICC) process and lead the international community in working toward the arrest of those indicted by the ICC. Such support is required to provide the U.S. with credibility in the eyes of the people of Darfur as a reliable mediator and broker for peace. It is pivotal that the United States government makes its position clear on this issue.

Peace Negotiations. In helping to mediate meaningful Darfur peace talks, the U.S must lead the international community in a process analogous to the one that defined CPA negotiations. Specifically, the U.S. must work to form an international coalition and coordinate the high-level support necessary to exert the robust pressures and incentives that are needed to support civil society participation and ensure that the NCP does not act as a spoiler. Further, the U.S. must work to immediately fill shortfalls in the current peace negotiations, including the lack of a concrete peace proposal and the need to facilitate rebel unification from the inside out.

These recommendations are not intended to be exhaustive; rather, they reflect guiding principles which ought to be present in any administration policy as it relates to Sudan.

Finally, the Sudan policy must include clear provisions to keep Congress regularly informed of the administration's progress. In view of the broad range and complexity of the aforementioned issues, including the need for experienced field-based diplomatic personnel in Sudan, the administration should work with Congress to ensure that there is adequate staffing and funding for the U.S. consulate in Juba, and the U.S. embassy in Khartoum. It is also important that the Special Envoy's office coordinate and work closely with the State Department in implementing these priorities.

Best wishes,



Michael E. Capuano
Sudan Caucus Co-Chair



Michael T. McCaul
Sudan Caucus Co-Chair



Donald M. Payne
Sudan Caucus Co-Chair



Frank R. Wolf
Sudan Caucus Co-Chair

Cc: Major General J. Scott Gration, Special Envoy to Sudan
General James L. Jones, National Security Advisor
Ambassador Susan E. Rice, Permanent Representative to the United Nations