

Open Letter on U.S. Policy towards Sudan and South Sudan

June 17, 2014

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U.S. Department of State
2201 C Street, NW
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The Honorable Samantha Power
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The Honorable Susan E. Rice
National Security Advisor
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Dear Secretary Kerry, Ambassador Power, and Ambassador Rice,

The wars in both Sudan and South Sudan are escalating and cross-border conflict connections between the two are deepening. Sudan is experiencing unprecedented levels of violence: deadly fighting in Darfur now rivals the intensity that triggered global outrage in 2003-2005 and a relentless campaign of aerial bombardment and military attacks in the Two Areas is in its third year. In addition to the intensifying conflict in the periphery of Sudan, the detention of opposition political figures, including Sadig al Mahdi, a deeply circumscribed environment for media and the continued lack of fundamental freedoms throughout the country contribute to an unstable environment that could lead to spreading violence. In neighboring South Sudan, Secretary Kerry's personal diplomacy and a looming threat of sanctions helped push the country's two senior politicians to agree to sign a May 9 agreement to "end the conflict," and on June 10 to a sixty day deadline to form a transitional government. However, clashes persist and state collapse is still possible. Pockets of famine and genocidal targeting are threatening both countries. Neighboring states now hold the key to both civilian protection through a new infusion of peacekeepers and leverage on sanctions that have become critical for conflict resolution.

The U.S. cannot positively influence outcomes in Sudan and South Sudan without significantly enhancing its efforts in the areas of accountability and consequences, diplomacy and peacemaking, democracy building, and aiding and protecting the most vulnerable.

(1) Accountability and Consequences

The U.S. must invest more deeply in developing new tools for stronger influence on both governments and any rebel actor that orchestrate war crimes, undermine peace efforts, or obstruct humanitarian aid, including freezing assets in neighboring countries and intensifying efforts at legal accountability.

In South Sudan, the key to increasing international leverage at the peace talks will be for the U.S. to work closely with regional states to freeze or seize assets of senior government and rebel officials implicated in atrocities. Most South Sudanese elites keep their assets in Kenya, Ethiopia, Uganda, South Africa, or Dubai. Since many hold dual citizenship and have close family living in either Canada or the United States, enforcement of a travel ban could bear fruit as well. We strongly support additional resources being assigned to the Department of Treasury's Office of Foreign Assets Control to have forensic researchers focus on enforcing sanctions regimes for both South Sudan and Sudan, particularly since OFAC's capacity is already stretched in response to other crises around the world. Also in South Sudan, the U.S should support the effort to establish a hybrid court with international involvement for the prosecution of grave human rights abuses, as well as identifying and supporting other mechanisms for restorative and transitional justice.

In Sudan, cash-strapped Khartoum sees gold, in part, as its new oil. The government has centralized most gold

trade through the Central Bank and recently attempted to issue a concession for the Jebel Amer gold mine after forcibly displacing much of the area's indigenous population. As a part of a multilateral commitment to target the Sudanese government's economic lifelines, the U.S. government should adopt a policy of stigmatizing Sudan's gold as "conflict-affected" in order to lower the price it can command on the global marketplace and increase leverage on the Sudanese government. Specifically, highlighting how Sudan's gold exports are fueling its wars and emphasizing that a significant portion of gold being sold abroad is linked to recent deadly conflicts over gold in Jebel Amer in North Darfur would help affect the court of public opinion. Additionally, amending our existing Executive Orders on Sudan to include sanctions on gold traders would encourage the global gold industry - both refiners and the London Bullion Market Association - to label gold exported from Sudan as "conflict-affected" as they conduct responsible gold audits and due diligence. This emerging driver of conflict represents an additional basis for promoting more robust civil protection efforts throughout the country, as discussed below. Moreover in both Darfur and Blue Nile, the central government's move to exploit lucrative gold and other mines has resulted in mass displacement and environmental degradation.

To restrict the Sudanese government's access to tools for repression, existing sanctions in the Grave Human Rights Abuses Via Information Technology Executive Order should also be expanded to include foreign persons who have facilitated deceptive transactions for or on behalf of the government of Sudan. Finally, a renewed push for those wanted by the International Criminal Court (ICC) would also affect calculations in Khartoum, and the United States should continue to push countries not to receive President Bashir for visits of any kind. The United States should also urge the ICC to amend arrest warrants in light of recent atrocities and consider advocating for expansion of the mandate to include atrocities committed in South Kordofan, Blue Nile, and other parts of Sudan. For instance, numerous sources have confirmed that Ali Kosheib, an ICC indictee, is implicated in recent atrocities in Darfur.

(2) Diplomacy and Peacemaking

U.S. policy has lashed Sudan and South Sudan together diplomatically by virtue of naming one special envoy to both countries, but the fast-onset emergency in South Sudan has absorbed the vast majority of Special Envoy Booth's time. We believe the enormity of the crises in both countries requires another senior level official leading the specific efforts on Sudan, as well as the creation of discrete teams located in the region with experts and senior diplomats to provide full-time support to the peace processes in both countries.

In Sudan, peace talks between various rebel movements, civil society actors, opposition parties and the ruling National Congress Party must be unified under a single framework focused on a peaceful, negotiated and inclusive transition. The ongoing violence in Darfur demonstrates that events have moved passed the Doha Document for Peace in Darfur. The ongoing challenges to UNISFA in Abyei likewise suggest that a more holistic approach is needed. This will require a much greater U.S. diplomatic effort than present capacities allow, including engaging a wide range of actors and ensuring the African Union fully commits to such a unified approach.

In South Sudan, a long-term peace strategy will require expanded representation by U.S. diplomats and experts. With the recent agreement and the announcement of a delay in elections scheduled for 2015 on the basis of the need for reconciliation, the U.S. will need an expanded team in the region focused on supporting negotiations for a sustainable transitional government and a serious reconciliation process.

Regionally, the U.S. must work more systematically to support neighboring governments' efforts to promote solutions in both countries. Internationally, the U.S. needs to lead the effort to build multilateral leverage to support peace initiatives. Secretary Kerry's visit to the region was welcome and provided momentum toward peace talks, and that momentum was reinforced by Secretary General Ban's trip. Further high-level engagement from the three of you and other international actors will be key to any future movement towards peace in both countries.

(3) Democracy Building

The conflicts in Sudan and South Sudan are rooted in part in demands for genuine transformative political reform: for a dismantling of the decades-long authoritarian system in Sudan and for realization of the inclusive, democratic system envisioned by most South Sudanese at independence. Increased support should be channeled to groups, parties, movements and individuals best positioned to support such transformation to ensure that they are better equipped, more representative, more transparent and accountable to their constituencies. The administration should work with Congress to provide this kind of capacity building assistance to the Sudan Revolutionary Front and ask for Congressional notwithstanding authority to do so. Significantly expanded support for independent radio and television outlets could also help pry open political space in Sudan. In Sudan, the support described above is increasingly critical as the National Congress Party seeks to orchestrate a process of “national dialogue” that could set back efforts to have a true national conversation on a comprehensive approach to the future of the country.

For South Sudan, increased support to civil society requires both high level diplomatic outreach to secure civil society and unarmed opposition a place at the negotiations and support for peaceful capacity building, mediation skills, and leadership training so that they might participate effectively. In particular, broad-based coalitions of civil society voices and women, youth, church and traditional leaders at the grassroots level need to be supported and engaged to reflect common interests across ethnic and political communities.

(4) Aid and Protection

The gravity of the humanitarian situation in both countries cannot be overstated. While our commitment of almost 300 million dollars at the Oslo conference was an important step forward, the U.S. government must continue to advocate that the international community fulfills the yawning gap between the estimated need and the current funds available for humanitarian aid in South Sudan. Additionally, the United States should engage specifically with the World Food Program and UNHCR to investigate reports that Darfuri refugees and internally displaced people are starving without food rations, and continue to look for ways to help the delivery of humanitarian assistance in all Sudan’s conflict zones, including Abyei.

Civilian protection is an equally urgent task. In South Sudan, we support U.S. efforts to rapidly deploy additional UN peacekeepers authorized by UNSC Resolution 2132 and the regional force to specifically provide protection to vulnerable populations. In Sudan, supporting a restructured and better equipped UNAMID fully oriented towards protecting Darfur’s displaced, and more aggressively committed to documenting and addressing the aerial bombing against civilian targets is essential. In Abyei, maintaining the Ethiopian presence is an urgent priority.

We hope our ideas spark discussion, debate, and new action, and look forward to working with you and your representatives to further these objectives.

Sincerely,

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