



**TESTIMONY OF JOHN NORRIS
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BEFORE THE TOM LANTOS HUMAN RIGHTS COMMISSION**

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Thank you, Co-Chairmen McGovern and Wolf and members of this esteemed commission, for the opportunity to testify today. I would like to congratulate both you and your fellow members for focusing a great deal of attention this week on Sudan. I think it is of great importance that the administration hears Congressional concerns on this topic, and that a diversity of views are heard.

The stakes involved right now in Sudan are enormous. President Bashir is a wanted war criminal. A 2011 referendum will determine whether Sudan splits into two countries. Millions of people in Darfur still cannot return to their homes because of fear and violence. The Obama administration's Sudan policy review is still pending, and, if anything, tensions will only continue to rise across all of Sudan with a national election slated for 2010 and the referendum scheduled for 2011. U.S. leadership will be instrumental if the international community hopes to successfully navigate the treacherous days ahead without mounting bloodshed.

The 2005 Comprehensive Peace Agreement was envisioned as a transformational peace deal. At the time, it was hoped that the hard fought agreement would pave the way for genuine power-sharing that would not only allow for rapprochement between North and South Sudan, but also for the development of genuinely inclusive institutions that would make Sudan's population as a whole feel less alienated from Khartoum's exploitative governance. The agreement allowed for the independence referendum in the South, but those who brokered the peace deal hoped that eventuality would not need to come to pass as southerners began to feel that they were part of a more unified whole.

At this juncture, it is clear that the CPA has been far less transformative in practice than on paper and may, in the long view of history, be seen simply as an awkward calm in the storm or an important way station on the path to eventual southern independence and the creation of a new African state. The actions of this Congress and the Obama Administration may well determine how violent and wrenching this historical arc is to become.

Where did the CPA go wrong, and what lessons should we learn from that process? In many ways, it is amazing that so much hope was placed in the CPA to genuinely transform the institutions of the Sudanese state given the concurrent events in Darfur. It is hard to imagine that any government that would so wantonly kill, maim, terrorize and displace its own people in Darfur would willingly act in good faith to share power, resources, and the ballot box with

average citizens.

Equally clear, many in the international community failed to see that the CPA was a beginning rather than an end. All peace agreements are hard to reach and even harder to implement. In 2005, concerted international diplomacy and leverage drove both parties over 30 months of tough negotiations to an acceptable deal. International negotiators were not shy about using both incentives and pressures to get across the finish line. Yet this concerted, tough and coordinated international approach largely disappeared when it came to actually implementing the agreement. There were virtually no penalties for non-compliance with the agreement, for missed deadlines, for acting in bad faith, or for undermining the spirit of reconciliation.

The results have been predictable. While some of the key structures detailed in the agreement have been achieved, such as the creation of the Government of Southern Sudan, many of the tough decisions have been put off until the eleventh hour. The people of southern Sudan widely believe that they do not have a place in Sudan and would be better off independent. The ruling National Congress Party, realizing it would not face penalties for undermining the CPA, pushed aside any steps that would have actually allowed for the right of self-expression or organization. Instead of a last ditch option, the independence referendum became the over-arching end game, with both North and South arming themselves for a possible return to direct conflict.

It goes without saying that a return to hot war between North and South would have devastating human costs and implications for regional security and would severely undermine faith in international diplomacy to defuse situations such as these.

The Special Envoy for Sudan, Major General Scott Gration, appeared on the Senate side of this august body earlier today. We certainly welcome the energy with which the special envoy has undertaken his work, and the administration's emphasis on finding a comprehensive solution for Sudan – understanding that the situation in Darfur can not be divorced from considerations of the CPA or powersharing across the country even more broadly. That said, this week's hearings have also made clear that there is considerable disquiet about the administration's approach to Sudan thus far.

These concerns spring from a number of sources. The administration's policy review on Sudan has been slow to see the light of day, leading to suggestions that there are some important differences within the administration on the proper course for Sudan policy. It is my great hope that the end product of the review produces a policy that is consistent with President Obama's own very strong words on the importance of addressing genocide and war crimes, most recently in his speech in Ghana, and which builds on his consistent position on this issue as a senator and presidential candidate.

As my colleague John Prendergast noted yesterday in testimony, the administration has been working assiduously to build international coalitions to isolate North Korea and Iran for their actions, yet this same approach has largely been missing from discussions on Sudan. Sudan has one of the worst human rights records in the world. As we have learned from years of hard, hard experience, if we simply offer incentives to Khartoum, the National Congress Party will carry on with business as usual and the people will suffer dramatically as a result. Do we need to engage with Khartoum? Absolutely. But this engagement must be tough-minded, and must be built around consistent, moral, and international pressure as much as any incentive.

In looking at U.S. diplomacy toward Sudan, I think it is most helpful if we ask ourselves what success would look like, both for the CPA, and for the country as a whole.

'Day After' Understandings. The independence referendum for southern Sudan is a historical event of enormous importance. If handled poorly, tensions surrounding the referendum or its results could plunge Sudan back into a full blown civil war with fatalities even more numerous than we have seen in Darfur. With a large number of southerners supporting independence, it is likely that any fair ballot would see Sudan split in two, with considerable implications for regional relations and security. Given the already tense relations between North and South, international diplomats will have their hands full keeping the existing peace agreement between the two on track and in responding to the daily fires that will surely mark the period running up to the referendum. However, it is important not simply to make it to the referendum with the existing peace agreement intact and without the resumption of war, but also to have a series of agreements in place for the day after the referendum – on borders, on revenue sharing, on how to treat assets and debts which both North and South might claim, water rights and the many other factors that could precipitate a return to conflict. This will also require keeping the parties on track in the dual processes of implementing the legal ruling on the boundaries of the Abyei region and demarcating the North-South border. Discussions of access to land for populations with diverse needs and livelihoods and planning for mutually beneficial development of oilfields in the contested border region could ease current tensions over border demarcation and generate momentum for further cooperation.

Returns. In Darfur, there is probably no better barometer for the relative success or failure of the international community than the millions of displaced persons and refugees who have been forced to flee from their homes by the government-backed janjaweed militias. Refugees and the displaced vote with their feet: they are almost universally desperate to return to their former homes, *but will only do so if security is sufficient.* To date, the U.N. force on the ground in Darfur has been largely ineffective, there has been no credible effort to disarm the janjaweed, and peace talks for Darfur have moved forward only fitfully. In many cases, the refugees and displaced know full well their lands and villages are still occupied by armed opponents widely responsible for a host of war crimes. Under such conditions it would be madness for these families who have already suffered so much to try to go home, and refugees and the displaced cannot be forced or coerced to return home to fit the hopes of any diplomat. The answer: a far more effective and robust peacekeeping force on the ground (with Khartoum's de facto veto power over UN operations taken away); practical steps to disarm the janjaweed; and a solid peace agreement between the government and rebel forces brokered with international oversight and guarantees.

Power-sharing. Conflict recurs in Sudan because power remains held tightly by a narrow elite in Khartoum at the expense of the country's broader population. The international community will find that until they deal with this essential fact there will always be another Darfur to deal with. Any solution needs to address the problems of Sudan as a whole. National elections are scheduled for 2010, before the 2011 referendum, but expectations for elections to produce more democratic governance are slim. In Darfur, it is virtually impossible to imagine how a free and fair ballot would take place with so many people still driven from their homes and living in acute insecurity. Any lasting peace plan for Sudan, regardless of the future of southern Sudan, needs to incorporate practical steps forward that create a more inclusive Sudan – not in

rhetoric, but in practice. The United States and other key actors, operating on a tight timeline, need to lower their expectations for the election and develop a multilateral strategy to press the Government of National Unity—both the North’s National Congress Party and the South’s Sudan People’s Liberation Movement—to enact meaningful reforms regardless of who wins in 2010, revitalize CPA implementation, and establish a framework for talks in Darfur that are consistent with the power-sharing provisions of the CPA.

Accountability. As much as some would like to push accountability for war crimes and crimes against humanity in Sudan aside, to do so would neither be productive nor right. The International Criminal Court has found sufficient evidence against President Bashir of Sudan to accuse him of multiple counts of war crimes and crimes against humanity. He should have the soonest possible opportunity to face those charges in court. With hundreds of thousands dead and millions driven from their homes in Darfur, it is essential that the people of Sudan see justice done. If justice is not part of the solution in Sudan, it probably is not much of a solution at all.

There is ample evidence that international pressure and attention can and does play a key role in keeping the Sudanese parties to their promises. This was affirmed in the aftermath of last week’s decision by an independent tribunal in The Hague to re-draw the borders of the oil-rich and contested Abyei region, which also sits astride the equally disputed North-South border within Sudan. In the spring of 2008, 60,000 people fled Abyei as the Khartoum government’s forces burned the town to the ground. Many feared violence this year as well. Last week, however, the international community kept close watch on how the decision was received and reactions from both sides was promising. There was a strong United Nations presence on the ground and observers from the European and African Unions, as well as Special Envoy Gration were present. Both the National Congress Party and the Southern People’s Liberation Movement promised to abide by the ruling – but it is important for the international community to keep up its focus and not simply think the crisis is resolved because the situation did not blow up on the day of the decision. Indeed, there are already signs that tensions over the decision are lingering.

On balance, the four-and-a-half years-and counting of CPA implementation has been marked by a combination of deliberate intransigence and unintended mistakes and delays from both Sudanese parties, and, until very recently, half-hearted international support. In the few instances that a provision of the agreement has been fully implemented, this progress has come months, even years, after the deadlines set in the CPA. The poor precedents set by piecemeal and stalled implementation of the agreement will be hard to overcome in the last stages of the implementation period. However, the ability of the parties to address the remaining challenges and accomplish the benchmarks outlined by the CPA will ultimately determine whether or not Sudan stays on the path—no matter how rocky—toward democratic transformation.

Lastly, I would call on both Congress and the administration to ensure that the protection of civilians is a top priority. It will be a disaster for the people of Sudan and for the international community if peacekeepers on the ground, in both UNMIS and UNAMID, are unable or unwilling to respond to provocations and threats toward civilians in the precarious months ahead.