

**House Committee on Foreign Affairs
Subcommittee on Africa and Global Health**

**“Sudan: U.S. Policy and Implementation of the CPA”
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Thank you Congressman Payne and members of this Subcommittee for the opportunity to testify on a topic that will help determine the future of millions of people from Sudan and the surrounding region.

At this Subcommittee hearing, members will hear a very different message than that which will be communicated at tomorrow’s Senate Foreign Relations Committee hearing. Today, this Subcommittee’s members will hear a bipartisan critique of the current direction of U.S. policy towards Sudan. Rich Williamson, Roger Winter and I all have negotiated extensively with the regime in Sudan, have roughly a combined six decades in working on or in Sudan, and have a very clear idea of what is required for lasting peace to have a chance in that embattled country.

This hearing comes at a moment in Sudan’s history fraught with danger and potential. There is no effective peace process for Darfur, but one could be built with U.S. leadership. The CPA is on the brink, but could be salvaged if U.S. engagement deepens. Next year’s elections are at risk, but could become an important opportunity to strengthen opposition parties and democratic structures crucial for the referendum and for Sudan’s political future. The referendum itself is doubtful, but its prospects could be enhanced with a credible international roadmap.

The major unknown variable that will help determine whether the dangers or the opportunities get maximized is the unresolved internal debate over the direction of U.S. policy towards Sudan. In the absence of any agreement on the policy, U.S. diplomatic engagement has been energetic, for which Special Envoy Gration should be credited. But the substance of this robust engagement has been fraught with missteps, lack of internal coordination, and an overall aversion to pressuring the ruling National Congress Party (NCP). Sustained pressure leveraged by meaningful and focused sticks is the principal tool that has moved the NCP to change its behavior during the twenty years of its authoritarian rule. This substantial track record of empirical evidence of the value of pressure makes the direction of U.S. diplomacy all the more questionable.

There is also a broader inconsistency in U.S. foreign policy when it comes to Sudan. The Obama administration has resolutely worked to craft more formidable international coalitions to isolate North Korea and Iran for important U.S. policy objectives. However, the U.S. is not doing the same for Sudan, despite the existence of a regime there that is responsible directly or indirectly for the loss of two and a half million lives in the South and Darfur.

U.S. Goals in Sudan and How to Achieve Them

In the context of its policy review, the U.S. should spell out clear goals:

- 1) U.S. leadership in constructing a more effective Darfur peace process, using as a model the process that led to the CPA involving a lead role for the U.S. and a multilateral support structure that provided international leverage, expertise, and support;
- 2) U.S. leadership in supporting the implementation of the CPA, continuing the trend of deeper engagement over the last few months but structuring clear penalties for non-implementation of any of the key provisions;
- 3) U.S. leadership in supporting the democratic transformation of Sudan by supporting the electoral process, providing institutional support to opposition parties and civil society organizations, and building the capacity of the Government of Southern Sudan;
- 4) U.S. leadership in preparations for the South's referendum in 2011, which will be a make-or-break process for the future of both North and South.

The essential word that repeats throughout all these goals is "leadership." U.S. leadership – multilaterally and when necessary unilaterally – will be an enormously influential ingredient in a successful transition to peace and democracy in Sudan.

But success will require greater leverage than that which presently exists. The debate internally within the U.S. government in part rests on the degree to which incentives or pressures ought to be favored instruments for changing the behavior of the Sudanese regime, the Darfur rebels, and the GOSS. It is the view of this panel and the activist organizations that comprise the Darfur movement that the way forward should involve deeper diplomatic engagement that is rooted in multilateral pressures and the credible threat of significant consequences for policies or actions by Sudanese parties that undermine peace efforts and lead to worsening humanitarian conditions. In the absence of these pressures, and if incentives are all that are put forward, then failure is guaranteed.

Success will also require the construction of credible and effective processes that allow for the achievement of U.S. policy goals. First and foremost, the glaring lack of an effective peace process for Darfur calls out for greater U.S. leadership in constructing from the existing elements a revitalized process that has the chance of ending Darfur's war. Secondly, the U.S. should intensify its early efforts to revive the CPA and back these efforts with the construction of clear multilateral consequences for violations or non-implementation of key elements of the deal.

U.S. policy must be shaped by the fact that these complex conflicts have a common core: flawed governance by a center that exploits and marginalizes an underdeveloped

periphery. Not only does the CPA provide a roadmap for resolving the longest and bloodiest of these conflicts, but it also offers a framework for the kind of democratic, structural transformation necessary to alter the root cause of Sudan's many recurring conflicts. The successful model of the CPA could and should be replicated in a revitalized Darfur peace process. The U.S. cannot afford to allow the CPA to fail, nor can it allow the continuation of an ineffective Darfur process that obstructs any real possibility of peace.

Priorities for CPA Implementation

The troubling reality is that Sudan's North-South peace remains precarious at best. Given the mounting tensions between the North and South and the spate of violence in the South in recent months, deeper international engagement is required. Renewed Sudanese civil war could bring wholesale violence on a terrible scale while further destabilizing the entire region. I will focus the remainder of my testimony on the key priorities for the U.S. government in CPA implementation.

I am encouraged by recent positive steps by the Obama administration to prioritize CPA implementation and to revitalize international efforts to urge the Sudanese parties to work on an array of outstanding provisions in the agreement in the remaining year and a half. These new efforts should be followed up with an approach that penalizes failure of one of both of the Sudanese parties to implement key provisions of the agreement. The hard work begins now. It is time for the administration to pursue specific priorities in order to meet the key benchmarks in the crucial final stages of CPA implementation.

The U.S. must direct renewed energy and commitment toward the following strategic priorities:

1. Protect the People: Due to a worrisome upsurge in intercommunal violence, the death toll in the South this year now exceeds the number of violent deaths in Darfur in the same period, and as elections draw closer, instability may well increase. Tribal clashes are occurring among a heavily armed civilian population that the poorly disciplined southern army has proved incapable of securing. Some of the latest clashes highlight the flaws and dangers of the so-called the Joint Integrated Units, or JIUs, whose presence has often led greater violence, instability, and civilian casualties. The U.S. should take two specific measures to help improve security and decrease the risk of further violence in communities throughout the South:

- **Work with the U.N. Security Council to ensure that the United Nations Mission in Sudan (UNMIS) has the necessary capacity to fulfill its mandate and protect civilians.** The United States should lead efforts within the U.N. Security Council to strengthen UNMIS' ability to support the CPA, but this support must be matched with clearer strategic vision by UNMIS on how it can best allocate its resources to operationalize its mandate amidst ongoing security threats throughout the South. Other guarantors of the CPA can support UNMIS' efforts by contributing to coordinated programs such as security sector reform within the SPLA and by

providing donor support to other programs to enable GoSS to address multiple internal security challenges.

- **Encourage the Government of Southern Sudan (GoSS) to take leadership in promoting local peace-building initiatives to defuse tensions between communities that have taken up arms against each other.**

2. Build the “peace dividend”: Since the signing of the CPA, progress has been slow in providing basic infrastructure and services to the peripheral areas of Sudan. Insecurity and underdevelopment remain a fact of life for most Sudanese. As long as that is the case, the southern government will have difficulty consolidating the peace and holding together an ethnically divided South with competing political visions. The GoSS has also been hit hard by the financial crisis, and is in need of significant economic support, but this support should be aimed specifically at capacity building efforts that can strengthen the fledgling government. Additional investments in agriculture and microcredit would make a difference on the ground for the people of southern Sudan, more than two million of whom have returned home to very little after decades of war.

3. Defuse North-South tensions: A number of contentious issues between the North and South must be resolved in next year and a half, all of which necessitate robust support from the international community in order to keep the negotiations and processes on track. The U.S. should direct renewed energy and commitment toward the following strategic priorities:

- **Urge meaningful reforms from the Sudanese parties before the 2010 elections.** 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—the ruling National Congress Party in particular—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. There also has to be a clear and unified international posture with regard to addressing the issue of Darfur, given the near - impossibility of holding a free and fair ballot there
- **Keep 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.** Two crucial issues regarding contested borders between Sudan’s North and South need sustained attention from the international community. The failure to establish clear international penalties for a failure to implement these key CPA provisions such as the demarcation of the disputed North-South border has been a clear drag on the CPA. However, last week’s legal decision on the boundaries of Abyei—an oil-rich, contested region along the disputed North-South border within Sudan—is a crucial litmus test of the parties’ will to implement the CPA moving forward. Now that the ruling on Abyei has been accepted by both parties, the U.S., the U.N., and the rest of international community must follow through on its commitments to help implement the ruling and monitor the status of the demarcation of the Abyei boundaries by a

survey team. The Abyei decision does not change the fact that, delayed demarcation of the border between northern and southern Sudan has further amplified the pressures between the North and South; the process of demarcating this border must be jumpstarted immediately.

- **Encourage negotiations between the NCP and SPLM on long-term wealth-sharing arrangements before the 2011 referendum.** Track-two diplomatic efforts can get both parties to consider various scenarios for wealth sharing after the referendum and mitigate the likelihood that these discussions will short circuit into a zero-sum game leading directly to conflict after the referendum. 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.
- **Urge passage of the referendum law before the elections.** Applying pressure on Sudan's Government of National Unity to urge the National Assembly to review and pass the law on the southern referendum before the elections could reduce tensions between the parties after the elections and enable preparations for the referendum to begin now. Once the law is passed and the Referendum Commission is created, potential disputes, such as questions over whether or not certain populations—such as southerners in Khartoum—are eligible to vote, can be addressed before tensions escalate in the immediate run-up to the referendum.

4. Prevent a return to war: The likelihood of a return to war between the North and South, or of conflict breaking out within the South, is real. An arms race between the Northern and Southern government is just one warning sign of a tenuous situation that could explode into outright conflict. Several preventive measures can mitigate the risks of violence in the run-up to the 2010 general elections and the 2011 referendum:

- **Enhance efforts to professionalize and modernize the SPLA.** The SPLA has struggled to transition from a guerilla movement to a formal army, a process complicated by attempts to integrate southern militias that opposed the SPLA during the war. To ensure that the south is stabile and the GoSS can deliver a peace dividend, the SPLA must continue to modernize through a well-supported process of security sector transformation that improves discipline, command and control, capacity, and competency. Toward this end, the Obama administration should explore the sale of an air defense system to the GoSS. Although introducing new weapons systems into a volatile military environment could be interpreted as contrary to donors' responsibility to make unity attractive, it is in the interests of lasting stability that the GoSS spend money on defense wisely. Unlike the aforementioned refurbished tanks, an air defense is non-offensive and helps level the playing field by neutralizing the north's major tactical advantage in the event of renewed hostilities.

Comprehensive Peace: the Only Option in Sudan

Ending genocide in Darfur and fulfilling the promise of the Comprehensive Peace Agreement requires a comprehensive approach to Sudan rather than reactive crisis management. The U.S. must lead the international community in working now to ensure that the CPA does not collapse and spark a devastating new round of conflict in Sudan. With a significant diplomatic reinvestment in the CPA that prioritizes protecting civilians, building peace in the South, and defusing tensions between the North and South, the U.S. can help prevent the catastrophic consequences of a potential collapse of the CPA.