

AMERICA'S SUDAN POLICY: A NEW DIRECTION?

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AND
SUBCOMMITTEE ON
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WEDNESDAY, MARCH 28, 2001

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, JOINT WITH
SUBCOMMITTEE ON INTERNATIONAL
OPERATIONS AND HUMAN RIGHTS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committees met, pursuant to call, at 2:35 p.m., in Room 2172, Rayburn House Office Building, Hon. Edward R. Royce [Chairman of the Subcommittee on Africa] presiding.

Mr. ROYCE. This hearing on the Subcommittee on Africa and the Subcommittee on International Operations and Human Rights will come to order. This is the third time over the last several years that these two Subcommittees have joined to examine the crisis in Sudan and what the United States might do about it.

Two years ago, the House of Representatives went on record condemning the National Islamic Front government for its, quote, genocide war in southern Sudan. Tragically, conditions have not gotten any better in Sudan as we will hear from our witnesses this afternoon. The killing continues. The slavery continues. The religious persecution continues. The genocidal war continues. Two million dead is genocide.

What has changed, I believe, is the attention that this conflict is receiving. Across America people are beginning to take a passionate interest in the suffering of the Sudanese and in the issue, the fact that slavery is still with us on this globe. Many Americans are making a direct difference. They are contributing to humanitarian relief efforts in the south of Sudan. Today we will hear from one such American, Pastor Gary Kusunoki of Calvary Chapel in Rancho Santa Margarita in Orange County, California; and I want to thank all of our witnesses for their commitment to Sudan.

In Sudan, even humanitarian efforts are not spared from attack. Operation Lifeline Sudan is constantly manipulated by both sides. The Sudanese government in particular uses the humanitarian assistance that the U.S. and other donors provide at considerable cost as a weapon by denying it to people in need when it meets sectarian political and military interests. More humanitarian assistance must be provided outside of the Operation Lifeline Sudan framework to guarantee that aid gets to all at-risk populations, including the people of the Nuba Mountains.

Many Members of Congress have joined in calling on the Administration to appoint a special envoy to Sudan. I agree with Sec-

retary of State Colin Powell's actions to scale back on special envoys, but Sudan is different. Its devastation mandates a high-level special envoy which would signal America's commitment to lead. A special envoy, though, should not preclude our having a fully staffed embassy in Khartoum. Why should we deny ourselves a set of eyes and ears, and a voice, in Khartoum?

To bring a just peace to Sudan will require more than a special envoy or an ambassador. Two years ago, I said that the suffering in Sudan would end when there was a change in Sudan's government and that the National Islamic Front's atrocious behavior does not represent the will of the Sudanese people. Nothing since then has changed my view. What the U.S. can do to promote a just peace given what we are dealing with is the focus of this hearing. At the least, the U.S. should lead an effort to spotlight the role that oil development is playing in this conflict. I applaud the efforts of activists to educate investors on what is happening in Sudan.

This conflict has religious, social, ethnic, regional and economic roots. Secretary Powell stated recently that the Administration is reviewing its Sudan policy. I believe Secretary Powell is quite sensitive to the gravity of the crisis. Our Sudan policy does need review. What we can't have, though, is delay. The Africa Subcommittee plans to hear from the Administration on its review shortly.

At this time, I would like to turn to the Chairman of the Subcommittee on International Operations and Human Rights, Ileana Ros-Lehtinen, for a statement.

[The prepared statement of Mr. Royce follows:]

PREPARED STATEMENT OF THE HONORABLE EDWARD R. ROYCE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND CHAIRMAN, SUBCOMMITTEE ON AFRICA

"AMERICA'S SUDAN POLICY: A NEW DIRECTION?"

WASHINGTON, D.C.—“This hearing of the Subcommittee on Africa and the Subcommittee on International Operations and Human Rights will come to order. This is the third time over the last several years that these two Subcommittees have joined to examine the crisis in Sudan, and what the U.S. might do about it. Two years ago, the House of Representatives went on record condemning the NIF government for its ‘genocide war in southern Sudan.’ Tragically, conditions have not gotten any better in Sudan, as we’ll hear this afternoon. The killing continues. The pillaging continues. The slavery continues. The religious persecution continues. The genocidal war continues.

“What has changed, I believe, is the attention that this conflict is receiving. Across America, people are beginning to take a passionate interest in the suffering of the Sudanese. Many Americans are making a direct difference, contributing to humanitarian relief efforts in the south of Sudan. Today we’ll hear from one such American, Pastor Gary Kusunoki of Calvary Chapel in Rancho Santa Margarita, a part of Orange County, California. I want to thank all of our witnesses for their commitment to Sudan.

“In Sudan, even humanitarian efforts are not spared from attack. Operation Lifeline Sudan is constantly manipulated by both sides. The NIF government in particular uses the humanitarian assistance that the U.S. and other donors provide at considerable cost as a weapon by denying it to people in need when it meets sectarian political and military interests. More humanitarian assistance must be provided outside the OLS framework to guarantee that aid gets to all at-risk populations, including the people of the Nuba Mountains.

“Many Members of Congress have joined in calling on the Administration to appoint a special envoy to Sudan. I agree with Secretary of State Colin Powell's actions to scale back on special envoys. But Sudan is different. Its devastation mandates a high-level special envoy, which would signal America's commitment to lead. A special envoy, though, should not preclude our having a fully staffed embassy in

Khartoum. Why should we deny ourselves a set of eyes and ears, and a voice, in Khartoum?

“To bring a just peace to Sudan will require more than a special envoy or an ambassador. Two years ago, I said that the suffering in Sudan would end when there’s a change in Sudan’s government, and that the NIF’s atrocious behavior does not represent the will of the Sudanese people. Nothing since then has changed my view. What the U.S. can do to promote a just peace given what we’re dealing with is the focus of this hearing. At the least, the U.S. should lead an effort to spotlight the role that oil development is playing in this conflict. I applaud the efforts of activists to educate investors on what is happening in Sudan.

“There are no easy answers. This conflict has religious, social, ethnic, regional and economic roots. Secretary Powell stated recently that the Administration is reviewing its Sudan policy. I believe Secretary Powell is quite sensitive to the gravity of this crisis. Our Sudan policy does need review. What we can’t have though is delay. The Africa Subcommittee plans to hear from the Administration on its review shortly.”

Ms. ROS-LEHTINEN. [Presiding.] Thank you so much, Mr. Chairman.

The widespread systematic, heinous and brutal crimes committed against the Sudanese people, the slavery, the torture, the rape, mutilation and systematic killing of millions throughout the years in what many assert is a deliberate campaign of genocide by the regime in Khartoum demand action by the Subcommittee on International Operations and Human Rights and the Subcommittee on Africa.

The complex nature of the problem in Sudan, combined with the need to address U.S. security priorities and other foreign policy considerations, require a comprehensive approach to the issue of U.S.-Sudan policy. Such an approach could only take place with the participation of all of our international allies.

I thank Chairman Royce for his leadership for holding this hearing as a joint session, and I commend him for his continuing commitment to the issues facing the Sudanese people.

Hearings such as these not only provide valuable insight and recommendations but indeed form an integral part of a campaign of increased pressure on Khartoum to end its terrible practices. The need to step up diplomatic pressures and pressure the Sudanese regime for an end to the human rights abuses is an important recommendation offered by the U.S. Commission on International Religious Freedom.

An integral component of such a strategy is passage of a resolution at the United Nations Commission on Human Rights which accurately reflects the conditions inside Sudan.

Just prior to this hearing, I met with officials from the Department of State concerning the various measures which the U.S. is sponsoring and lobbying for at the U.N. Commission on Human Rights. One of these is a European-sponsored resolution on the situation in Sudan. However, the point of discord between the U.S. and its allies stems from the European’s failure to include condemnations of the practice of slavery by the Khartoum regime.

Thus, when the question is posed, what can the people of the free world and in particular the U.S. government do about one of the world’s most tragic situations, what can be done about slavery and genocide in Sudan, we should start by calling them as they are, for what they are. Some may be willing to initiate and expand oil operations in southern Sudan that will generate billions of dollars in annual revenue for the Khartoum regime. But the U.S. must stand

firm in the face of egregious violation of international legal and moral standards, including consideration of proposals for the President to limit oil companies that finance the regime from access to U.S. capital markets. We must establish safeguard mechanisms and post-shipment verification of the humanitarian assistance sent to Sudan. Only by ensuring that the aid is not being manipulated and is in fact reaching the intended recipients can we begin to alleviate some of the suffering in this war-torn nation.

There is a plethora of policy options, but one thing is clear. Ending the suffering in Sudan, curtailing the threat that it poses to its neighbors and to global security through its support for terrorism must be and will be a priority for us in the United States. Secretary Powell has made this clear, and we look forward to working with him and the President to achieve this goal.

With that, I am pleased to yield for his opening statements to the Ranking Member, Mr. Payne.

[The prepared statement of Ms. Ros-Lehtinen follows:]

PREPARED STATEMENT OF THE HONORABLE ILEANA ROS-LEHTINEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA, AND CHAIRWOMAN, SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

The widespread, systematic, heinous and brutal crimes committed against the Sudanese people; the slavery, torture, rape, mutilation and systematic killing of millions throughout the years in what many assert is a deliberate campaign of genocide by the regime in Khartoum, demanded action by the Subcommittee on International Operations and Human Rights.

Nevertheless, the complex nature of the problem in Sudan, combined with the need to address U.S. security priorities and other foreign policy considerations, required a comprehensive approach to the issue of U.S.-Sudan policy. Such an approach could only take place with the participation and leadership of the Subcommittee on Africa.

I thank Chairman Royce for holding this hearing as a joint session and commend him on his continuing commitment to the issues facing Sudan.

Hearings such as these, not only provide valuable insight and recommendations, but form an integral part of a campaign of *increased pressure* on Khartoum to end its *heinous* practices. The need to step up diplomatic efforts and pressure the Sudanese regime for an end to the human rights abuses is an important recommendation offered by the U.S. Commission on International Religious Freedom.

An integral component of such a strategy is *passage* of a resolution at the United Nations Commission on Human Rights which *accurately reflects* the conditions inside Sudan.

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Thus, when the question is posed: What can the people of the free world and, in particular, the U.S. Government, do about one of the world's most tragic situations? What can be done about slavery and genocide in Sudan? We should start by calling these *as they are*, for *what* they are.

Some may be willing to initiate and expand oil operations in southern Sudan that will generate billions of dollars in annual revenue for the Khartoum regime, but the U.S. must stand *firm* in the face of *egregious violations* of international *legal* and *moral* standards, including consideration of proposals for the President to limit oil companies that finance the regime from access to U.S. capital markets.

We must establish safeguard mechanisms and post-shipment verification of the humanitarian assistance sent to Sudan. Only by ensuring that the aid is not being manipulated and is, in fact, reaching the intended recipients can we begin to alleviate some of the suffering in this war-torn nation.

There is a plethora of policy options but one thing is clear: ending the suffering in Sudan; curtailing the threat it poses to its neighbors and to global security through its support for terrorism *must be, will be*, a priority for the U.S.

Secretary Powell has made this clear and we look forward to working with him and the President to achieve this goal.

Mr. PAYNE. Thank you very much, and I would certainly like to thank the chairpersons of the Subcommittee on Africa and the Subcommittee on International Operations and Human Rights for calling this very important joint hearing on the ongoing tragedy in the Sudan.

I am delighted to see that we have more and more people taking an active interest in the Sudan, but I am also saddened by the fact that innocent citizens continue to die. The genocide of the National Islamic Front government continues its barbaric war policy against its own people despite repeated calls for a just peace. We are aware of the number of people killed, maimed, displaced and enslaved. Yet we as members of the international community continue to fail to do the right thing, to end the suffering.

Over the years I have visited Khartoum—Sudan not Khartoum. I have gone through the south on a number of times. I have been to Yei, I have been to Labone, I have been to Malakal, and each time I see the sadness in the eyes of the elders, the uncomfortableness of the adults and the despair of the children.

I must say in all sincerity that I can no longer see these innocent citizens and at each time promise that we will go back to end the suffering. My trip with former Congressman Johnson in the early '90's and my trip with Congressman Campbell in the middle '90's and my trip with Congressman Tancredo earlier, a year or so ago, and we still ask to simply make the quality of life better, but we still come back without a solution.

I must admit despite all of our efforts we have failed the people of Sudan as we did when we failed the people of Rwanda when approximately one million were killed in 1994. We cannot say we did not know. As we gather here today, more people will die, dozens more will be forced forcibly displaced, and many other also be enslaved. Just imagine you wake up one morning and you lose everything—your property, your dignity, your family and, most importantly, your freedom.

We can no longer wait. Time is running out. The Nuba has become an endangered species, the people in that area. A few years from now there will be no one left except the barren land.

The people of southern Sudan are also being exterminated systematically. The handful of educated southern Sudanese are aging, and many of them will die, and in the upcoming bill I have asked for \$500,000 for scholarship aid to Sudanese high school and post high school students. This generation of southern Sudanese is growing up in an environment of war and suffering, and unless this situation is quickly reversed there will be no peace in Sudan ever.

Those who beat the drum of reconciliation must remember the sacrifices paid by the millions of Sudanese. There can be no peace if there is not a just and lasting situation in that country. Indeed, ending the war must be a priority, but we must address the root causes of the war if we are going to achieve a lasting peace. The NIF government is the obstacle to peace, as was the case in World War II with Adolph Hitler.

Since the development of Sudan oil, hundreds of thousands of people have been displaced and thousands have been killed. Reve-

nues from oil, blood oil are being used to buy deadly weapons to kill innocent citizens. Foreign oil companies like Talisman and PetroChina are collaborating with the genocidal regime of Khartoum. We must put an end to the killing of the oil fields of Sudan.

I am introducing a resolution today calling for capital market sanctions against these foreign companies in Sudan. The United States Government can no longer ignore or look with indifference on the destructive role of oil development. I will say that the catastrophe must end. We must look at this whole question of oil.

Ms. ROS-LEHTINEN. Without objection. Thank you so much Mr. Payne.

I am pleased to recognize for 1 minute Mr. Smith, who will then recognize Ms. McKinney for her full 5 minutes, and we hope then the Chairman will be back.

Mr. SMITH. Thank you, Madam Chairman.

Let me say, very briefly, a dozen years ago, when I convened the first hearing on slavery in the Sudan, I was met with, as was our Committee, with derision, disbelief. People looked at us and said, no, it can't be happening. As our witnesses documented then, slavery was a growing tragedy, phenomenon, an ugly phenomenon that was claiming the lives of ever-increasing numbers of Sudanese. We also focused on Mauritania which had it to a lesser extent, but the Sudan was the primary focus of that hearing.

Since then, through resolutions, legislation, hearings, we and the human rights community have been able to document an ever-worsening problem not just of slavery but of forced Islamitization and, of course, a so-called civil war that has claimed over two million people. It is estimated that about 20,000 people have been killed over the last 3 months alone, and we are talking about four million internally displaced people facing starvation and incredible hardships. The dictatorship has not responded, as we all know; and we have dealt with a worsening problem of the oil factor.

In my own State, Talisman Oil, State of New Jersey had considerable shares in that enterprise. Thankfully, after an all-out effort to get divestiture, New Jersey, like other States, severed that connection with this oil-bloodthirsty regime that exists in Khartoum. My hope is that this hearing and actions taken by the new Bush Administration and reinvigoration of diplomacy and every other means will mitigate an end to this horrific suffering that we see going on in the Sudan, and only a concerted international effort will yield any results. So my hope is that this is the beginning of a new chapter, and I thank the gentlelady for yielding this time to me.

Ms. MCKINNEY. Thank you.

I would like to take this opportunity to thank my Chairwoman Ileana Ros-Lehtinen and the Africa Subcommittee Chairman Ed Royce and Ranking Member Donald Payne for calling this important hearing.

I am happy to see that the theme for today's hearing on the Sudan is America's Sudan Policy: A New Direction. Why? Because a number of U.N. Special Rapporteurs, Human Rights Watch, Amnesty International and numerous other organizations and news reporters have all confirmed that during Sudan's bloody 18-year civil war massive human rights violations have occurred against

the Sudanese civilian population and that at the heart of the suffering is oil from the oil-rich southern regions of Sudan which is being pumped out of Sudan through the Port of Khartoum for consumption by the West.

Sudan is not a new crisis. It has been with us for years, and the United States and western nations have been negligent with respect to ending this crisis for almost 2 decades by formulating weak and impotent policies, one after the other. The war in Sudan is as brutal today as it ever was.

The civilian populations living on or near oil fields and the NGOs that courageously support them have for years been targeted by both the government of Sudan armed forces and various opposition rebel groups. Clear evidence now exists of massive forced displacements, enslavement, aerial bombardments, low-level strafing of villages, hospitals, schools and churches from helicopter gunships armed with heavy machine guns, and thousands upon thousands of individual acts of murder, torture and rape. The violence against women has been particularly brutal and includes allegations that women have been raped and their infants nailed to trees with iron spikes.

And all the while Western oil companies continue to operate within the human rights disaster that we call Sudan and pump their precious black gold. We in the West might as well be filling our gas tanks with blood from the hundreds of thousands of poor souls who have lost their lives in the Sudan.

Perhaps Mark Curtis the of the organization Christian Aid put it best in a recent issue of the British-based Guardian in an article "Boom time for few signals misery and death for many."

Amnesty International reported that a shipment of Polish battle tanks arrived in Sudan on the day the first export of oil left the Port of Khartoum. There is no doubt that Sudan's shipments are being reinvested in their ongoing war in the south. It is as if we really don't want the warring to end and that we are deliberately unwilling to fashion a policy that really will produce the stated desired results.

For example, we all know that the United States has placed certain trade restrictions on Sudan. Yet, gum Arabic is exempted, and it is the number one export of Sudan. Coca-Cola and the other major soft drink conglomerates need gum Arabic. So what do we do? We proudly proclaim that we have got sanctions on Sudan, but we exempt gum arabic.

Worse still, we allow Talisman Energy, a corporation from Calgary which has a number of U.S. citizens in high-level leadership positions, to be listed on the New York Stock Exchange. And there we allow them to raise vast amounts of capital from U.S. fund groups and individual investors in order that those funds can then be immediately used in their operations in Sudan, such as the building of roads, airstrips and other facilities on the oil fields.

Let me tell you why permitting Talisman Energy, or any other corporation for that matter, to raise funds in the U.S. for use in their Sudan operations is bad.

The Canadian Special Envoy John Harker and his investigations team confirmed that during 1999 Talisman Energy was permitting the government of Sudan to arm, refuel and then fly helicopter

gunships and Antinov bombers from their Heglig airstrip. These same helicopters then flew off and bombed and strafed nearby villages, schools, hospitals and churches. And to show the knowledge and complicity of Talisman Energy in the great crimes being committed by these aircraft, John Harker reported disturbing evidence that these Sudanese aircraft mysteriously left the Heglig airstrip just before his team's arrival; and once he had completed his investigations and had left the airstrip, the Sudanese aircraft then magically reappeared.

John Harker even reported on disturbing evidence that 14 Nuer men seeking work at the Heglig compound were taken inside the Talisman compound and there murdered by Sudanese troops.

How can this type of atrocity occur right inside Talisman's own compound and yet nothing be said?

When I hear reports that the Talisman Energy CEO Wayne Buckee and his corporation is committed to an international Corporate Code of Conduct and the ending of violence in Sudan, I can only laugh. The evidence that Talisman is complicit in the great crimes being committed in Sudan is irrefutable and has been reported on endlessly for years. Talisman's press statements defending their actions in Sudan are hollow and have now become a bright shining lie.

But Talisman is not alone in Sudan, and there are many others trading in the blood oil of Sudan: Lundin oil of Sweden; Petronas of Malaysia; OMV-Sudan of Austria; Sudapet, Sudan; Agip, Italy; Elf-Aquitaine, France; Gulf Petroleum, Qatar; Total Fina, France; Royal Dutch Shell, Holland; National Iranian Gas Comp, Iran; China National Petroleum, China; Denim Pipeline Construction, Canada; Weir Pumps and Allen Power Engineering, England; and Europipe, a consortium of European pipe building corporations and pipe builder Mannesmann of Germany.

All these major international corporations are trading in Sudan and generating billions of dollars of oil revenue. Many of them are among the world's most powerful and influential corporations in the oil industry. If they all acted together with the international community and genuinely sought consensus to end the suffering in Sudan, then I am sure that much more could be done to end the suffering in Sudan.

Either we, the Congress of the United States and the Bush Administration, are serious about Sudan's suffering or we are not. How much longer will we allow it to go on? When will we demand accountability from these corporations? When will we demand an end to their complicity in the slaughter in Sudan? Does Africa even exist for the Bush Administration? Where does human rights fit in the foreign policy of the Bush Administration? Where are the State Department representatives who ought to be here today?

I fear that because Sudan is so big and bountiful that it will suffer the same fate as the Democratic Republic of Congo in that it will continue to be preyed upon by outside forces and subjected to wars, fueled by foreign governments and other greedy outsiders for their own purposes and their own gain.

I look forward to hearing from today's witnesses who I know really care about the people who are affected by this continuing saga of death, genocide and ineffective policy.

Thank you, Mr. Chairman.

Mr. ROYCE. [Presiding.] Thank you.

We will now go to Michael Young who will testify on our first panel. He serves on the U.S. Commission on International Religious Freedom.

Mr. Young is dean of the George Washington Law School. He is a distinguished legal scholar who has served on the faculties of Columbia University and University of Tokyo and other universities.

During the first Bush Administration he served as Ambassador for Trade and Environmental Affairs, Deputy Under Secretary for Economic and Agricultural Affairs and Deputy Legal Adviser to the State Department.

Mr. Young, as Members of this panel have previously read your written testimony, we would ask you if you could summarize that testimony and present that in 5 minutes, if you would. Thank you very much.

**STATEMENT OF MICHAEL K. YOUNG, COMMISSIONER, U.S.
COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM**

Mr. YOUNG. Thank you very much, Chairman Royce. I appreciate very much the opportunity to be able to testify today on behalf of the United States Commission on International Religious Freedom.

We issued a year ago, or almost a year ago, on May 1st, our first report in which we reprised a number of recommendations regarding the Sudan, identifying the Sudan as one of the most extraordinary human rights tragedies in the world today. And religion certainly plays an enormous role in that civil war. That war has dragged on for some 18 years now, and the Sudanese government continues to commit genocidal atrocities against the citizens in the south and in the Nuba Mountains.

In light of these conditions, the Commission recommended to the Clinton Administration that they launch a comprehensive program of diplomatic and economic activities to preserve and recreate religious freedom and to curtail the human rights abuses in the Sudan. And particularly focused on the connection between oil development and the Sudanese government's prosecution of that war, we recommended that foreign companies particularly engaged in the development of those oil fields be prohibited from raising money in U.S. capital markets, along with a series of other recommendations.

In the ensuing 10 months, the situation has deteriorated even further. There continues to be widespread bombing of civilian and humanitarian targets, abduction and enslavement by government-sponsored militias, withholding of food aid to cause starvation and the use of food aid as a strategic weapon of war and continued abuses and severe restriction on freedom of religion.

The Clinton Administration did take some positive steps to address the situation, including the successful diplomatic effort to defeat Sudan's bid for a seat on the United Nations Security Council. It did other things as well. In our judgment, this all continues to fall short, however, of the comprehensive kind of approach that is needed in this extraordinary situation.

This war has already cost over two million lives with four million people displaced, and there is no significant movement toward peace.

Accordingly, we have re-examined the situation again and identified a continuation and even expansion of many of the human rights abuses that we first identified, particularly food distribution problems in the Western Upper Nile that threatens the lives of many, many people, in addition to the bombings, the government militias, destroyed Red Cross compounds and other kinds of humanitarian sites, and government forces and militia who continue to kidnap women and children into slavery.

Most importantly in terms of solutions in our judgment, the connection between oil development and the government's human rights abuses are becoming increasingly apparent over the past year. The discovery and the drilling of reserves in Upper Nile province has led to a government scorched-earth policy in removing people from those areas. In addition, the government reportedly uses airstrips and roads built for oil production to launch military strikes, as Ms. McKinney so articulately suggested. The State Department reports that oil revenues have allowed the government to buy more military hardware, and indeed the government has so expressed that as a policy. And this oil development has attracted significant foreign investment, again foreign investment that was very well described.

Accordingly, we have issued a new series of recommendations and expansion on our previous recommendations. We issued those last week. They will be contained also in our annual May 1 report, but we released them now because we thought the new Administration was comprehensively reviewing its U.S. policy in Sudan and thought this was timely and because the gravity of the situation certainly warrants it. These recommendations were adopted unanimously by the Commission, with Commissioner Al-Marayati issuing concurring opinions on Recommendations 3 and 5. And let me just in very brief compass list those recommendations.

First, the government should appoint a nationally prominent individual to work for peace as that person's sole activity and that an ambassador should not be appointed to Khartoum at this time.

The government should increase the amount of humanitarian assistance to the Sudanese people outside of the Operation Lifeline Sudan and urge Operation Lifeline Sudan to deliver aid where it is needed, especially in the Nuba Mountains, with or without the approval of the Sudanese government.

The government should increase its assistance to southern Sudan under the STAR program.

And the government should launch a major diplomatic initiative to stop the bombing, to generate an international consensus to put pressure on Sudan to stop the bombing; and that we should strengthen the sanctions against Sudan and urge other countries to do the same, prohibit any company from raising capital or listing its securities in U.S. markets as long as it is engaged in Sudanese oil and gas development. The U.S. government should also not permit the import of gum Arabic from the Sudan to the United States.

In addition, companies doing business in Sudan in any other areas should be required to disclose the nature and the extent of

their business connections; and it should intensify its negotiations for a peaceful settlement of disputes and for the declaration of principles to create a just and lasting peace in the Sudan.

Also, finally, that they should work to increase human rights and media reporting, including the placement of human rights observers and rights monitors inside the Sudan and among refugees in surrounding countries.

That concludes my prepared remarks, and I will be happy to answer any questions that you might have.

Mr. ROYCE. Well, I thank you for your testimony.

[The prepared statement of Mr. Young follows:]

PREPARED STATEMENT OF MICHAEL K. YOUNG, COMMISSIONER, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Chairman Royce, Chairperson Ros-Lehtinen, Mr. Payne, and Ms. McKinney: Good afternoon and thank you for this opportunity to testify on behalf of the United States Commission on International Religious Freedom.

In our first annual report issued last May 1, the Commission found that the government of Sudan was the world's most violent abuser of the right to freedom of religion and belief. Religion is a major factor in Sudan's civil war, which has dragged on for some 18 years now. The Sudanese government is committing genocidal atrocities against the civilian population in the south and the Nuba Mountains.

In light of these conditions, the Commission recommended that the Clinton Administration launch a comprehensive program of diplomatic and economic pressure to reverse the religious-freedom and human rights abuses in Sudan. And given the connection between oil development and the Sudanese government's prosecution of the war, we recommended that foreign companies engaged in the development of Sudan's oil and gas fields be prohibited from raising money in U.S. capital markets.

The situation in Sudan has gotten worse in the 10 months since the release of the Commission's report. The government of Sudan continues to commit egregious human rights abuses, including:

- widespread bombing of civilian and humanitarian targets;
- abduction and enslavement by government-sponsored militias;
- withholding food aid to cause starvation as a weapon of war;
- severe restrictions on religious freedom.

The Clinton Administration did take some steps to address the situation, including a successful diplomatic effort that defeated Sudan's bid for a seat on the United Nations Security Council. It also earmarked aid to communities in southern Sudan and to the political opposition—the National Democratic Alliance. But these actions fell well short of the comprehensive, sustained campaign the Commission believes is required to combat the Sudanese government's abuses.

This civil war has already cost 2 million lives and displaced 4 million people, and there is no significant movement toward peace. Since the Commission's 2000 Annual Report, the Sudanese government has stepped up its deliberate aerial bombing attacks on hospitals, schools, churches, markets, relief-organization compounds, and other clearly marked civilian or humanitarian installations. Organizations tracking these bombings count more than 150 incidents in the year 2000, including several attacks on clearly marked UN and private relief facilities. More than once, for example, the facilities of Samaritan's Purse, run by Franklin Graham, were hit. Now there is evidence the Sudanese government is using more-accurate and more-sophisticated weapons.

The Sudanese government continues to deny access for food-aid distribution, particularly in Western Upper Nile. This threatens the lives of many who are often short of food. In addition to the bombings I have just mentioned, in January of this year government militias attacked and destroyed a compound of the International Committee of the Red Cross in southern Sudan. Just three weeks ago, a militia loyal to the government attacked and looted the aid compound of the Adventist Development and Relief Agency, killing a woman and a 12-year-old girl and taking four African relief workers hostage. (They were released several days later.) In addition, the government has allegedly tolerated the use of food aid for religious purposes—reports from credible sources tell us that UN-provided aid is being distributed on the condition that the hungry person convert to Islam.

Government forces and militias continue to kidnap women and children into slavery. According to UNICEF officials, just this January government-backed militias raided villages in Bahr-al-Ghazal, killing 11 people and abducting 122 women and children. The State Department estimates that between 12,000 and 15,000 women and children remained in captivity at the end of last year. Some children have been forced to convert to Islam.

The connection between oil development and the government's human rights abuses has become increasingly apparent over the past year. The discovery and drilling of reserves in Upper Nile province has led to a government scorched-earth policy to remove civilians from areas around oil installations. The government also reportedly uses airstrips and roads built for oil projects to launch military operations. The State Department reports that oil revenues have allowed the government to buy more military hardware.

Sudan's oil development has attracted significant foreign investment in Sudan. While U.S. sanctions prohibit American companies from investing or doing business in Sudan, they do not prohibit foreign companies from doing so and then issuing securities in U.S. markets or listing their stocks on U.S. exchanges. Two Chinese companies involved in Sudan had initial public offerings (IPOs) of shares in U.S. markets in 2000: China National Petroleum Corporation—through its PetroChina subsidiary—and Sinopec. In addition, companies such as Talisman Energy, Royal Dutch Shell, Lundin Oil, and Total Elf Fina—all involved in Sudan—list shares on the New York Stock Exchange. Some are under public or shareholder pressure to divest their Sudan business interests.

Given these facts, the Commission last week issued an updated set of recommendations to the U.S. administration and Congress. These will be contained in our second Annual May 1 Report, but we released them now because the new Administration is comprehensively reviewing U.S. policy towards Sudan—and because the gravity of the situation there warrants it. These recommendations were adopted unanimously by the Commission, with Commissioner Al-Marayati issuing concurring opinions on Recommendations 3 and 5.

Mr./Madame Chairman, I respectfully request that the Commission's full report, along with my testimony today, be entered into the record.

Towards the goals of implementing the kind of comprehensive, sustained campaign that the Commission feels is indispensable for changing Sudan's human rights and religious-freedom abuses, and of maximizing the use of the presidential "bully pulpit" to raise the awareness and involvement of the American public and the international community, the Commission makes the following recommendations:

- First, the U.S. government should appoint a nationally prominent individual whose sole task is to work for a peaceful and just settlement of the war and an end to the Sudanese government's religious-freedom and humanitarian abuses. But the U.S. should not appoint an ambassador to Sudan in Khartoum at this time.
- Second, the U.S. government should continue to increase the amount of its humanitarian assistance to the Sudanese people outside of Operation Lifeline Sudan (OLS) and should press OLS to deliver aid wherever it is needed, especially the Nuba Mountains, with or without the approval of the Sudanese government.
- Third, the U.S. government should increase its assistance to southern Sudan under the Sudan Transitional Assistance for Rehabilitation (STAR) program and should provide aid to the National Democratic Alliance that would enhance its ability to participate in the peace process.
- Fourth, the U.S. government should launch a major diplomatic initiative to stop the Sudanese government's bombing of civilian and humanitarian targets; ground attacks on civilian villages, feeding centers and hospitals; slave raids; and instigation of tribal warfare.
- Fifth, the U.S. government should strengthen economic sanctions against Sudan and should urge other countries to do the same. The U.S. should prohibit any foreign company from raising capital or listing its securities in U.S. markets as long as it is engaged in Sudanese oil and gas development. The U.S. government should not permit the import of gum arabic from Sudan to the United States.
- Sixth, companies that are doing business in Sudan should be required to disclose the nature and extent of that business in connection with their access to U.S. capital markets.

- Seventh, the U.S. government should intensify its support for the negotiation of a peaceful settlement and for the Declaration of Principles, and make a just and lasting peace a top priority of this administration's global agenda.
- And finally, the U.S. government should work to increase human rights and media reporting on abuses in Sudan, including supporting the placement of human rights monitors in southern Sudan and among refugees in surrounding countries.

That concludes my prepared remarks. I'll be happy to answer any questions you may have.

Mr. ROYCE. One of the questions that I have is that the National Islamic Front government was pretty well isolated internationally when it conspired to assassinate Egyptian President Mubarak in 1995. How has it managed to break this isolation, particularly with U.S. allies, despite the fact that, as you report in your testimony, the situation continues to deteriorate? How have they effectively done that?

Mr. YOUNG. Well, Mr. Chairman, that is a very good question. The State Department under the Clinton Administration described what they seem to view as a very effective charm offensive on the part of the Sudanese government, which it spent considerable time and resources and energy, particularly in European capitals, arguing that the human rights situation had gotten appreciably better, claiming to have curtailed the extremism, particularly on the international front and therefore that it was a much more responsible member of the international community and that, of course, it discovered oil.

Mr. ROYCE. That I think says a lot.

Let me also ask you why our own State Department chose not to implement the authority granted it by Congress to provide nonlethal aid directly to communities in opposition to controlled areas, as your report notes, and is it possible to differentiate between the communities in opposition-controlled areas and the southern combatants? That is one question. And why do many humanitarian organizations oppose the direct provision of aid to the opposition SPLM?

Mr. YOUNG. Again, both very good questions, Mr. Chairman.

With respect to the provision of nonlethal aid, we believe it is possible to provide nonlethal aid to organizations that are engaged in purely humanitarian activities and that that aid can be monitored, it can be controlled, and it can be checked. Moreover, we also recommend that it be provided only in cases where the organizations to which it is being provided have engaged in substantial and verifiable efforts to comply with international human rights standards.

I think, as some of the international human rights organizations that have been distributing food and aid in southern Sudan have been threatened by the Sudanese government, that if they give aid to any groups other than those that are specifically targeted that they will no longer have safety, they will no longer have help from the government, there will be no facilitation of their aid efforts. You will have to ask them why they are opposed, but I think that there is a sense that the Sudanese government intends to punish those who do not allow them to restrict the direction of the aid to only those targets that the government approves.

Mr. ROYCE. And that would explain for those who wanted to work through Operation Lifeline Sudan why they would allow the Sudanese government to use aid as a weapon. But why don't the donor communities in this circumstance look at using an alternative outside of Operation Lifeline Sudan for the direct delivery of that aid?

Mr. YOUNG. Well, this is exactly what we recommended last year and recommended again this year, is that Operation Lifeline Sudan, while certainly doing much good work, does leave unassisted large numbers of people; and we believe that one has to work outside of OLS to be able to get to some of those people from whom aid is now being kept.

I think there may be a sense on the part of some that OLS has— is a safe harbor and is protected by the government and therefore it is a vehicle for doing this. I think there may be a belief that aid to any other organization might end up in the hands of combatants, and it certainly is difficult in many ways to monitor with absolute precision who gets every bit of food that comes in. But our conclusion is, on balance, that you can monitor it closely enough and that the nonlethal assistance is absolutely essentially for rebuilding of democratic institutions and simply for the preservation of the lives of the people in that part of the country.

Mr. ROYCE. Let me ask you one last question, and that is whether you advocate U.S. military support to the SPLM, the southern combatants and their allies, given the apparent growing military prowess of the central government in Khartoum? In your report, you suggest that aid to the southern operation, unless significantly

stantly vulnerable to military attacks, they are also vulnerable to the predatory attacks of outsiders who exploit and compound their suffering. Women and children in Sudan are being abducted by militia groups outside their country and are forced into involuntary servitude and forms of slavery that lead to an appalling manner of moral, and psychological abuse.

The United States has been complacent and passive in the face of tremendous suffering endured by the Sudanese people. The last administration used sanctions and diplomatic exclusion to simply contain the conflict. However, stronger and more direct methods should be used to support and sustain the civilian population, not just an attempt to ostracize and cripple competing military factions. The new administration's policy toward the Sudan has not yet been established. I look forward studying the Administration's new policy. I hope it will produce a higher level of commitment, and a dedication of more resources to eliminate this problem.

I look forward with great anticipation to hearing the testimony and experiences of our distinguished guests. Thank you.

Mr. ROYCE. Now we will turn to Congresswoman Ileana Ros-Lehtinen for her questions.

Ms. ROS-LEHTINEN. Thank you so much.

As we know, the government was isolated internationally when it conspired to assassinate Egyptian President Mubarak in 1995. How has it managed to break this isolation, particularly with U.S. allies, despite the fact that the situation continues to deteriorate, which is the exact phrase, as your report indicates, and why the State Department choose not to implement the authority granted to it by Congress to provide nonlethal aid directly to communities in opposition controlled areas, as your report does note?

Is it possible to differentiate between the communities in opposition-controlled areas and the southern combatants? And why do many humanitarian organizations oppose the direct provisions of aid to some of these groups? And then, lastly, do you know the attitude of the U.S. Treasury and the American stock exchanges toward the capital market sanctions on oil companies doing business in Sudan, which your committee has advocated, and do you consider the merits of a consumer boycott?

So, first, how did they break the isolation, the nonlethal aid directly to the communities in opposition-controlled areas and then the consumer boycott and the sanctions issues.

Mr. YOUNG. Thank you.

With respect to the isolation, again, I think part of the difference may be some preference on the part of the Europeans to which the Sudanese played into very well to engage in a policy of engagement with Sudan rather than isolation of Sudan. I think that policy was a convenient one for the Europeans to adopt because of the discovery of oil.

This is a fairly cynical view of the matter, but—and, again, I am not speaking in that regard on behalf of the Commission, but they have been effective in doing that, and they have engaged in a very extensive campaign both to demonstrate that they are responsible international actors by no longer running around and assassinating different leaders but also that they are trying to reduce the fighting and so forth within their own country. But most significantly, I think the oil has been the primary variable that has persuaded many of our allies that a different policy might be worth trying.

With regard to nonlethal aid, we indeed have recommended in our report that nonlethal aid, nonlethal humanitarian aid be made available to outside of the OLS program. It is not getting to people that need it, particularly up in the Nuba Mountains in the western

part of Sudan. There are a number of areas and a number of people that are not able to get that aid through OLS, and we have strongly recommended that nonhumanitarian or nonlethal humanitarian aid be made available outside of that. So we do concur in that judgment very strongly.

Regarding the sanctions, I don't know what the view of the current Treasury Department is. It is sufficiently new that we had not time to have extensive consultations with them regarding sanctions. As we interpret the law, the President would be permitted under the International Freedom of Religion Act of 1998 to actually take steps that would prohibit participation in the capital markets.

I think it fair to say that the lawyers at the Securities and Exchange Commission are not clear that they join us in that interpretation of the law. Those—I often tell my students in class they are wrong, but that is currently—that seems to be at least part of their view of the matter.

We have also recommended that there be enhanced disclosure requirements, particularly with respect to doing business in any of these countries. That appears to us something that could be done by Securities and Exchange Commission. It doesn't even require further legislation. Again, I am not clear whether they agree with that assessment or not, but at the moment they have chosen to do neither of those things.

With respect to a consumer boycott, I do think that they have some enormous impact, I think, as we saw in the case of when Talisman was attempting to do an initial public offering as well as PetroChina, Talisman basically backed off. PetroChina reduced the ambitions of its offering by a considerable amount, claiming that the market was responsible, but in fact there was some evidence to believe that it was a human-rights-led boycott of those shares that scared off investors. And so, I think those can be enormously effective.

Ms. ROS-LEHTINEN. Mr. Chairman, just one little question to follow up and be specific about the oil and gas sector.

If foreign halftier involvement in oil and gas sector business ve

that the world be able to raise the capital in European and Asian

enues to the Sudanese government, yet these rates appear to be skyrocketing. Would you say that?

Mr. YOUNG. No, let me be clear. I think what the Commission is saying is that the current level of sanctions has not been effective in limiting access even to U.S. capital markets for some of these activities and that if the U.S. were to take those steps that that might slow the—that might increase significantly or at least increase somewhat the cost of capital that would be foreign capital still coming in, to be sure, but it would be more expensive capital, would reduce—and again it is the potential first step in a world-wide boycott which is what in the end is really necessary to do this.

Ms. ROS-LEHTINEN. Thank you. Thank you for the time. I realize I went over.

Mr. ROYCE. Thank you, Congresswoman.

We are now going to go to Mr. Don Payne of New Jersey, the Ranking Member of the Africa Subcommittee.

Mr. PAYNE. Thank you very much. I am sorry I missed your testimony. I was out voting. So I just would like to ask a question.

As the U.S. Commissioner on International Religious Freedom, do other countries around the world have a similar post in their governments or do you have an opportunity to meet with like people from foreign governments?

Mr. YOUNG. Mr. Payne, I think our Commission is probably unique in the sense that it is an advisory commission to the U.S. government. We are appointed to these positions, but we not in fact representatives of the U.S. government.

Now under the legislation there is an ambassadorial position in the U.S. State Department for religious freedom, which was held with great distinction by Robert Seiple during the last Administration. That person is the one who travels around representing the U.S. government on religious freedom issues.

At the moment, there hasn't been an appointment of a replacement for Ambassador Seiple, who left about 6 or 8 months ago from the job. He tells me, or told me, in that job that while he did meet with people in the various foreign ministries who had charge of human rights, there were not many people in those governments that were charged specifically with freedom of religion.

Many governments do have a religious commission within their country because the religions have some degree of state control, but that is, of course, a domestic matter looking at their internal activities. So I think the answer is, by and large, no, although I believe Ambassador Seiple did interact with the human rights officials from other countries.

Mr. PAYNE. Of course, the reason I was asking is that we do see, as I mentioned I think in my opening statement, there is more and more concern and interest finally about Sudan. You know it is a tragedy that has been there even when it received its independence, as the first African nation to actually receive its independence. Even at that time things were not in place correctly. As you know, the 18-year civil war has just exacerbated an already bad situation; and I was wondering whether the NGO communities or the religious communities around the world—that is why I was asking are there counterparts to you, because what I would like to

see is to get the same kind of awareness that is starting to happen here.

Ten, 12 years ago when we had a hearing on the Sudan we could fit everyone at that table that were at the meeting. So it has been an evolution. It has been too slow. But it seems, like Voltaire said, there is nothing as powerful as a dream whose time has come, and perhaps the time for Sudan is coming.

We have to somehow, though, have some very—things that has happened up to now haven't worked, and that is why I am sort of not—I am getting impatient about, well, why don't we all get along? You know, that kind of thing that they said out in Los Angeles. Why don't we get the government of Sudan to do the right thing?

And there are people who really believe that that is what we should do at this time. I don't think that is going to work, and I think we have to do something that hurts them, hits them hard, that they feel it and that it weakens them. That is why we have got to look at things like sanctions, as Ileana Ros-Lehtinen was talking about. I think there has to be somehow that we raise the level of capital market sanctions.

As you know, U.S. companies cannot get involved anyway, so we are not even talk about hurting those companies. But we have got to get the French, the British, the Germans and other people saying this is morally wrong and it has to end.

So I really—I guess it was more of a statement than a question, and I guess my time is about over, but what do you think the prospects are of raising the level of concern around the world as relates to trying to do something on the oil, the capital market sanctions that we are going to push in my resolution?

Mr. YOUNG. Mr. Payne, the Commission I think strongly agrees with you. A number of our recommendations really are an urging on the U.S. government to make this a very high international priority to go around and work with governments.

The second level is exactly the level you described, which is citizen outcry on this. Now as a commission we are in a slightly difficult position because we are charged with advising the U.S. government and not lobbying citizens in foreign countries to lobby their governments. So I don't think we are, as a commission, in a position to do that. Having said that, there are wonderful NGOs doing a good job of that. Many commissioners in their private capacity who are in charge of major efforts within their organizations to actually lobby and link up with foreign NGOs do do that. I think the prospects are better than they have been in some time, but I think it requires genuine leadership on the part of the U.S. government.

Mr. PAYNE. Okay, as I conclude, we were able to, with the help of Chris Smith, who at that time was chair of the Human Rights Subcommittee, we wrote our Governor, former Governor Whitman in New Jersey, where the State of New Jersey had pension funds in Talisman; and with the pressure from us New Jersey divested their stocks in Talisman. That is another movement that perhaps we could start a divestment as we also talk about cutting off capital market access.

Mr. YOUNG. That is absolutely right. One of the reasons we recommend disclosure—increase disclosure on SEC statements so people will be aware of what activities companies are engaging in so they can choose not to invest in those companies.

Mr. ROYCE. We are going to go to Mr. Tancredo of Colorado and then Ms. McKinney of Georgia.

Mr. TANCREDO. Thank you very much, Mr. Chairman. I apologize I was not here for the beginning of your testimony, so I hope any of my questions are not redundant.

Let me first state that in our discussions about oil money, not too long ago I was told by someone here that—who actually does lobbying for various organizations—that they have been approached by the government of Khartoum to lobby for them, and their offer was over a million dollars. This organization, to its credit, turned it down.

We all know, however, that with an offer like that and whatever could be added to it in order to get the next person to agree, someone will be lobbying on behalf of Khartoum to this Congress. And I just want to tell whoever that is, by way of my opening statement, that I am going to do my very best to make sure that every Member of this Congress is aware, number one, of the source of the money. Because that money that they are being paid to come here and lobby for that government is money, is blood money. It comes from blood oil. It comes from the money that this government receives as a result of torturing and burning and destroying villages along the pipeline. It is blood money, and I just want every colleague of mine in this body to know when they are being lobbied by whoever that is how these people are being paid and where that money is coming from.

Mr. Young, I wonder, sir, if you could tell me, there is not a soul I am sure, here in this Committee anyway, that would not give anything for peace to be the norm in Sudan, but I must also tell you that I am not one that would suggest that peace at any price is what I am hoping for. We can have peace in Sudan, that is true. We could have an entire population in the south enslaved. It may be peaceful. But it is not the kind of arrangement, the kind of peace that I am hoping to see.

Do you believe—knowing what you know about Sudan, do you believe that there is any way, any configuration of government, that true peace, meaning freedom for the people in both north and south to pursue their own goals and desires, religiously, politically, economically, do you think that there is any way that we can achieve that goal short of a division of this nation into two countries?

Mr. YOUNG. I don't know. I don't know I think is the simple answer, but, in reflecting on that a little bit, we have indeed talked about that within the Commission and certainly don't, as a commission, have a view on the one hand. On the other hand, I think there is certainly a sense that we will have peace if the oil revenues continue to flow and the Khartoum government increases its armaments. We will have peace on exactly the terms that you described, and that is our fear, that that is exactly the kind of peace that we will have.

I do think populations that vary as much as the population of the north and the population of the south have lived together in peace. There are examples of that. Sudan is an enormously resource rich country. It is a country with a great deal of space. There is reason to think that certainly with the policies and attitudes of the current Khartoum government that is not possible. With that government in place, in my view it is simply not possible. I would not at the moment judge it is entirely impossible, given the resources of that country and space and some of its history to believe that there is some cautious reason for optimism. But the simple answer is, under the current configuration, there is no possibility of that happening.

Mr. TANCREDO. That current configuration—and it is true that you can look historically at the country of Sudan and say, well, there was a time when this population apparently lived together peacefully, but I think oil has changed everything. There are other aspects of this, but I wonder whether or not, frankly, today we can hope for a return to that more docile time. And I must also say that barring a clear view of exactly what kind of arrangement we are talking about, that is why it is so hard for us. I think that is why it has been so hard for us for years to come up with a plan to do something about Sudan, because we really don't know how to effect change within a country among the people living inside of that country, to get them to get along together forever. We can all pray for that change, we can all provide rhetoric for that change, but it is impossible, it is very difficult, let me say, to come up with a true plan, short of saying at some point in time we believe the people in the south should be free.

Mr. YOUNG. The observation that oil has changed everything is absolutely right. Much of the problem, of course, is a major part of the oil reserves are in the south. And the question of what the north will be, under any scenario, willing to do to release the south, if the major oil reserves are in the south—

Mr. TANCREDO. Let me guess.

Mr. YOUNG. Well, we know.

Mr. TANCREDO. Exactly. Thank you.

Mr. YOUNG. Thank you.

Mr. ROYCE. Ms. McKinney.

Ms. MCKINNEY. Thank you, Mr. Chairman. I don't really have many questions. But according to your testimony, Mr. Young, you make seven suggestions for action on the part of the United States Government. Has this Administration said or done anything that would lead you to believe that Sudan is anywhere near its radar screen?

Mr. YOUNG. Yes. Though how much, is unclear at this point. Certainly, Secretary—

Ms. MCKINNEY. That is a very diplomatic yes.

Mr. YOUNG. I didn't wear the pinstripe suit today, but there is a little of that left. Secretary Powell certainly identified in his testimony on at least two different occasions that Sudan is an issue of some substantial concern, and I do understand there are serious high-level policy meetings going on within the past week and planned for the near future.

We have had an opportunity to meet with the Senior Director for African Affairs Advisor at the NSC, as well as the Deputy Assistant Secretary of State for African Affairs, and another in the African Bureau for African Affairs, indicating there are within the Department people pressing this issue. Beyond that, there has been no movement, there has been no action. Those are the only signs that I can really point to in any concrete way at this time.

We hope to continue to pressure—we had an opportunity on a number of occasions to meet with the National Security Adviser and the President during the Clinton Administration as well as with the Under Secretary of State and the Secretary of State. We have been informed, at least with respect to the Secretary of State, that we will have those opportunities again. We very much intend to continue pressing them on these issues. But beyond that, I think there has been nothing observable that I can point to.

Ms. MCKINNEY. You also state that the United States Government should provide aid wherever it is needed, with or without the approval of the Sudanese government. How can that be done without Sudanese approval? And then what would the consequences of that be?

Mr. YOUNG. Well, the first question is easier to answer than the second. Khartoum's control over the south is episodic and porous at best. There are a number of organizations, humanitarian organizations and other relief organizations, that do work there below the radar screen of the government already. It does appear possible to get aid in. It is a large country, with many flat spaces for planes to fly into and so forth. It is at the moment not an enormously heavily-armed air force from Khartoum, so it is possible to do that. That, I suspect, is changing with their capacity to buy increased armaments.

What will the effect be? It is hard to predict what the effect will be. One possibility is they will increase the armaments and try to stop those ending up in an armed confrontation with those who are trying to provide aid, which is obviously in nobody's interest.

Ms. MCKINNEY. My final question is more a philosophical one. I note in some of the news reports that Carl Bilt sits on the board of directors of Lundin Oil Company and he has come under fire for having that position. But then I look at many of the players in our own government, including in this Bush Administration, who have business interests and businesses that are doing business overseas. I am particularly interested in Africa. I have been involved in the Democratic Republic of Congo, Uganda and Rwanda, and note that even our former President was active with Barry Gold in what was then Zaire and now Democratic Republic of Congo. I am wondering as we see all of this pain and suffering and at the same time exploitation of resources that belong to other people, do the personal investments of people in position to make a difference in the world weigh then on their willingness to actually make a difference?

Mr. YOUNG. That is a deep philosophical question. I am not sure I have an answer. But we do believe sunshine is an enormously useful antidote to a lot of these problems and one of the reasons we have pressed so hard on the issue of disclosure on SEC statements of activities in Sudan. And at least some of us would recommend that there be even broader disclosure than that. It gives

investors a choice. It gives voters a choice. It gives Congress a choice when making decisions relevant to the companies and the people who have done that. So we think at least a start is to make sure that there is adequate information available to everybody, so if people are troubled by that, they can take some action.

Ms. MCKINNEY. Thank you, Mr. Chairman.

Mr. ROYCE. Thank you. I think I would like to refer to what I have pointed out in my opening statement, which is that we have been in contact with the Administration. The Administration is undergoing a review of Sudan. The Administration has agreed to testify in an upcoming hearing in the next month and a half on this issue. I would argue that we need a review after 8 years of a policy that has not produced results. I just want to reiterate from my opening statement, that review is probably a good idea. I want to go now to—

Ms. MCKINNEY. Mr. Chairman, could I respond?

Mr. ROYCE. You certainly may.

Ms. MCKINNEY. I would like to agree with you. I am not for one instant suggesting that the Clinton Administration had a policy that worked. Obviously it didn't work, or else we wouldn't be here.

Mr. ROYCE. Right. I think what we want to do here is in a bipartisan way forge a consensus for a policy that will work. To that end, I would like to go to Mr. Pitts next.

Mr. PITTS. Thank you, Mr. Chairman, and Madam Chairwoman for holding this important hearing. I am sorry that I missed your testimony. We had to go vote. Since coming to Congress, I and, I am sure, all my colleagues continue to be deeply concerned about what is happening in southern Sudan, the Khartoum Government's violation of every international human rights norm, reflected in reports on their enslavement of women and children and diversion of food aid and bombing of schools and hospitals and churches and the forced religious conversions and the reeducation camps. We stand in solidarity with the Sudanese people.

However, we want to offer some concrete, some practical assistance. I think it is imperative that the U.S. have a clear and consistent foreign policy toward Sudan. I don't know if you addressed this, but the previous Administration was hesitant to use the word "genocide" to describe what is happening in Sudan. I would like to know, does the Commission—what is your view? And do you consider what is happening in southern Sudan as genocide? Would you please elaborate?

Mr. YOUNG. Thank you. We have strongly recommended in our first report, and reiterated in this report as well, that the State Department undertake a review of whether this has been genocide; in particular, whether it has been genocide as defined under the genocide treaty. The reason we think that important is that as you read that treaty, it does obligate the United States and all other signatories to affirmatively take steps in the event it is genocide. We have not ourselves undertaken that legal review, though we certainly have indicated in our report again and again that this is genocidal. Whether it is technically genocide under the treaty is something that is operative only if the U.S. Government makes that decision.

We have strongly urged the U.S. Government to review that. I would say the Commission has not taken a position, though there are many on the Commission who believe it is.

Mr. PITTS. Thank you, Mr. Chairman.

Mr. ROYCE. I would like to go to the former Ranking Member of the Africa Subcommittee, Mr. Menendez of New Jersey.

Mr. MENENDEZ. Thank you, Mr. Chairman.

Mr. Young, I have been reading through your testimony, since I was not able to be here when you started. I want to focus on one area, and that is under—I think it is page 3 of your testimony, you mention the Commission's report as it relates to a series of items you think that the United States should be doing in order to bring an end to this conflict and bring a return of stability and respect for people's rights in the Sudan. And that, I understand, was adopted unanimously; is that correct?

Mr. YOUNG. Yes, that is correct.

Mr. MENENDEZ. Item 5 says that the United States Government should strengthen economic sanctions against the Sudan and should urge other countries to do the same, and that the United States should prohibit any foreign company from raising capital or listing its securities in U.S. markets so long as it is engaged in Sudanese oil and gas development, and that the United States Government should not permit the import of gum arabic from Sudan to the United States.

In that regard, could you give us a sense of what the Commission means by strengthening economic sanctions? What specifically does the Commission have in mind? You know you are swimming against the tide here not as it relates to the Sudan, but in general in this Congress of people's views about the use of sanctions, which generally from my experience, having been someone who believes sanctions is an appropriate tool of peaceful diplomacy, one of a handful left in a very small arsenal, when used intelligently and correctly and in the right circumstances can be helpful.

But could you give us a sense of what the Commission is talking about in that regard?

Mr. YOUNG. Yes, Mr. Menendez. We believe they should be strengthened in a couple of ways. One is, all evidence suggests to the extent that sanctions are most likely to be effective, if they are multilateral as opposed to simply engaged in by one country. And so part of what we urge is that the United States get partners in this exercise. That seems to us very important.

Number two, we think the U.S. can internally strengthen some of its sanctions as well by making our capital markets unavailable to companies that are doing business in the oil industry in Sudan.

Now, we are not making a broad recommendation regarding sanctions at large. The Commission hasn't taken a view on that. I will tell you the commissioners are all over the lot on that. But on this particular issue, the equation is relatively simple. The Khartoum government is engaging in genocidal, humanitarian and human rights abuses. The revenue from oil is exacerbating that. That is the money that is being used to engage in that repression and that is the incentive increasingly to engage in that repression, and that oil development is made possible by foreign capital. It is a fairly simple equation. So in that particular context, we think

that it is likely to have the kind of effect that we anticipate. We are not talking broadly but just in that circumstance.

Mr. MENENDEZ. In the circumstance of oil, or in the circumstance of the Sudan?

Mr. YOUNG. In the circumstance of oil in the Sudan.

Mr. MENENDEZ. Secondly, if you were not to be able to achieve a multilateral—although that is, I agree, a worthy goal—if you were not to be able to achieve multilateral efforts in that regard, would you take a different position on sanctions or would you still believe that the sanctions are appropriate in this case?

Mr. YOUNG. We would still believe sanctions are appropriate in this case.

Mr. MENENDEZ. And I would agree with you on that.

Secondly, let me ask you this: If, in fact, the reality is that these sanctions have been in place now, we are going into our fourth year, is there a time frame in which you would say, well, if it hasn't succeeded, we should drop those sanctions?

Mr. YOUNG. We haven't debated the issue of a time frame, in part because at this point we believe there are more sanctions that could be imposed, and we don't believe that we have done enough on a multilateral basis. If that is all done, if you have a multilateral set of sanctions, you do truly stop their participation in both U.S. and international capital markets, it is our belief that you then have an environment in which it becomes much easier to deal with the government of Khartoum, to engage in a settlement, a serious set of settlement discussions.

If that were not true, if all those were in place and that weren't true, I'm not quite sure what our position would be. But I think there is a fairly high confidence level that if we could actually do that, that you would be moving a long way toward putting Khartoum in a place where it would have to engage in serious discussions.

Mr. MENENDEZ. On the question of gum arabic which I have had some dealings with, let me just ask you, if you permit the Sudanese to sell it to the French and the English and others and then you permit that product to come to the United States refined already at higher cost, are you actually helping or hurting in your sanctions effort? Wouldn't you take the position that in fact it should not come into the United States in any form?

Mr. YOUNG. We have not taken any position regarding secondary boycotts of that sort. There is certainly a logic to that.

Mr. MENENDEZ. What is the purpose—if the Sudanese sell to the French, who have virtually cornered the market on this very rare product and ultimately get a higher price for it, which means the Sudanese end up with more money, and then you let it into the United States in its refined process, what did you achieve? You should really have a position that says we don't want it to come in in any form, because then we would really have a sanction that would hurt if this is a significant enough crop within their economy to render a sanction.

I stand with you on the question of sanctions. I believe it is appropriate to use sanctions. I believe sometimes it is morally responsible to do so in order to try to get others to move their conscience as well as their responses in that direction. But I think we need

to be to some degree consistent on the issue, and we need to say that if you want to have a sanction, you want to have one that works. And if you have one that says in the case of gum arabic you can go ahead and sell it to some of these other countries who won't get involved in the sanction, they make more money because they are cornering the market, and then we still allow it into countries like the United States in its refined process, what did we accomplish?

I am for a sanction that works and I am for standing with you on various of your points but including your fifth point, because I do believe that the Sudanese need to get the message and they need to feel the pressure. And for so long as they have resources, that is one less pressure that they are going to have.

Thank you very much for your testimony.

Mr. YOUNG. Thank you.

Mr. ROYCE. We will go to Mr. Hilliard of Alabama.

Mr. HILLIARD. Thank you very much, Mr. Chairman.

Mr. Young, you stated earlier that you feel that in this case, sanctions would be appropriate. I agree with you. Let me ask, do you really feel it would be effective if the United States stood alone?

Mr. YOUNG. I think it would be effective in terms of the moral statement we need to make in order to engage in serious moral leadership on this issue, number one. Number two, it will have some effect. If you close off markets, prices go up. So if you close off U.S. capital markets, it is the case that it will be more expensive to get capital. If you monitor where oil were to go or the processed products with gum arabic in it, you would change the economic dynamic. Without more international cooperation, it may be not sufficient to bring Khartoum to its knees, but it certainly is a start and it puts us in a position, I think, to argue that there should be an international coalition to address this extraordinary problem.

Mr. HILLIARD. What other products, other than oil and gum arabic exported to the United States or imported from Sudan by Americans, do you think would be of some significance if we unilaterally impose a boycott or sanctions?

Mr. YOUNG. The answer to that is twofold. Under the current sanctions regime, nothing from Sudan can be imported into the United States unless there is an exemption, and the gum arabic is permitted in because of the exemption that has been given for the past 3 years running. Other than that, nothing can come in. It is also fair to say in terms of historic trade patterns, there has not been a lot of trade between Sudan and the United States.

Mr. HILLIARD. To be honest, other than gum arabic and oil, there is not anything else of any significance that the United States needs that it cannot get from anywhere else. By the same token, there is nothing else other nations need from Sudan. If we impose sanctions, that means that other countries probably would easily fill that void, as they have in other places where we unilaterally have imposed sanctions.

Let me ask—and I really want to do something about this problem, and I understand the importance of taking the lead and what that means in terms of morality and setting the agenda. From an

effective standpoint, is there any other solution that you could propose from your knowledge of this situation?

Mr. YOUNG. By far, the most effective set of solutions are almost certain to derive out of a multilateral coalition. If the kinds of pressure the United States is individually trying to put on the Sudan is put on by a number of other countries so that it becomes difficult if not impossible to buy armaments, if it becomes difficult if not impossible to develop their oil fields, if they do not have the capacity to arm themselves to bomb the south, if we can on a multilateral basis or, frankly, in this case even a unilateral basis, provide assistance and food aid to the south, I do think you change the dynamic sufficiently that Khartoum has to come to the table.

Mr. HILLIARD. In fact, other than not being able to gain access to our capital markets, and they probably could alter their sole source even though it may be more costly, unless there is really multilateral cooperation, we just won't be able to affect Khartoum significantly or make a difference other than making a moral standpoint? Would that be correct?

Mr. YOUNG. I am not entirely sure about that. I think that may be right, although I think even American sanctions, we do have worlds away the world's largest capital market, and being prohibited from participating in that is a serious blow to a company. I wouldn't underestimate that. At the margin, if companies are faced with the choice between being precluded from the U.S. capital market and doing business someplace other than Sudan, they may well choose to do business someplace other than Sudan. It is not clear that it will be so profitable to them.

Mr. HILLIARD. Thank you.

Mr. ROYCE. Mr. Meeks of New York.

Mr. MEEKS. Thank you, Mr. Chairman. Let me just follow the same line that Mr. Hilliard just did, because I want to make sure that we do something. I think that we need to be successful. And so my first question is—and we have seen, and people talk about sanctions, and we saw sanctions work in South Africa, but it was multilateral sanctions as opposed to unilateral sanctions. And we see unilateral sanctions not working in such small places even as Cuba.

At one time I guess in 1995, the sanctions—and our allies were all in place for multilateral sanctions. But it seems to have evaporated. What pressure or what can we do if sanctions seems to be the route that we have to go as opposed to just focusing on unilateral sanctions? What do you see that we can do to cause our allies, at minimum, at least to have multilateral sanctions? What kind of pressure, what kind of focus, if any, currently do we have with our allies for them to—again to reimpose sanctions on the Sudan?

Mr. YOUNG. Well, it is important, I think, that in this regard the United States make it a priority. That is to say, the United States has significant leadership capacity in the human rights area. If we carefully target and use our political capital, there are countries that listen to us and there are countries that themselves can be increasingly persuaded, even by their own citizens, that this becomes an important moral issue on which the governments need to take a stand. This is one of the reasons we strongly urge increased human rights monitors on the ground, that the President increas-

ingly use his bully pulpit to take this issue on; that as the range of these atrocities becomes clearer and clearer, that pressure emerges both from the top and the bottom within these governments to do something about that. But I think it requires a concerted effort on the part of the U.S. Government as a priority human rights issue. We tend to have a certain number of things we can accomplish in foreign affairs, and I think the key to this one is to put it on the top of the list.

Mr. MEEKS. Therefore, even with our allies, you are suggesting that this has to be of top priority for us in dealing with our allies in whatever other dealings that we have with them; that we have to make sure that our allies hear this on a consistent and persistent basis, the importance of the Sudan. That is the only way that you think we are going to be able to regain their support, to have multilateral sanctions against the Sudan. Is that proper?

Mr. YOUNG. That is very well put, Mr. Meeks.

Mr. MEEKS. And I think what Mr. Hilliard was asking also, while we are doing that, is there something else that we can be doing that can begin to address some of the atrocities that are taking place now? Is there something else? We understand we have got this work to do to put together our multilateral sanctions. Is there something else that we can be doing now that can help try to end the conflict that is happening in the Sudan?

Mr. YOUNG. I think if we enhance our own sanctions regime, particularly with respect to capital markets, that ends up putting pressure on a lot of companies, which in turn will put pressure on their governments to try and solve this problem so it goes away for them. I think that can be useful. I also think it becomes important to put humanitarian observers on the ground. It becomes very important to try to provide enhanced nonlethal humanitarian aid outside of OLS as well as inside OLS, but without regard to the Khartoum government's views of who ought to get this aid. It becomes important to support the National Democratic Alliance in the peace process.

The IGAD process had been a hope. I think now there is another process that may have some hope. I think there are also countries surrounding Sudan that have an interest in the resolution of that, that have an enormous stake, an enormous influence on Sudan, and I think it is important to try and work with and put pressure on those governments to in turn pressure the Khartoum government to accomplish that as well.

Mr. MEEKS. My last question. Do you think that, say, the presence of an American embassy in the Sudan will help or hurt, have no significance at all, in trying to work up another mechanism to show the human rights violations that are going on and to change some of the atrocities that have taken place now?

Mr. YOUNG. Our recommendation is not—I believe we already have diplomatic personnel there on the ground. Our recommendation is that an Ambassador not be appointed but, rather, a special envoy be appointed. This is for two reasons. One is we believe that the appointment of an Ambassador gives the Khartoum government a degree of legitimacy it doesn't really deserve; and, number two, an Ambassador is more restricted in the scope of the things that he or she can do, the people to whom he or she can speak, and

the activities in which he or she can engage; whereas a peace envoy, we believe, would have a broader scope of action and perhaps more direct access both to the Secretary and the President, and that that is preferable to the appointment of an Ambassador, strongly preferable to the appointment of an Ambassador at this stage.

Mr. ROYCE. Thank you. Congresswoman Barbara Lee of California.

Ms. LEE. Thank you, Mr. Chairman. Thank you for these hearings. I too apologize for not being here during your testimony. I hope that my questions are not redundant.

First let me just say, of course, we all know and are talking about and have recognized for many years that the war in the Sudan has created a human tragedy that is mind-boggling. It is staggering. Not only has it created famine, illiteracy, social unrest, and destroyed the physical and moral fabric of Sudan, it has also really prevented the ability to deal with the HIV and AIDS pandemic. The fact that Sudanese are forced into slavery just adds another immoral and outrageous dimension to this disaster.

We don't know much about the HIV/AIDS pandemic in the Sudan, for obvious reasons. We do know what it is doing to the continent of Africa, and I must say that it is genocidal.

Could you tell us if you have any knowledge or any information with regard to how this pandemic is playing out in the Sudan in the context of this war and what, if anything, we can do, what we are doing, and what we need to do until we can make some sense out of some long-term strategies to ensure peace and stability in Sudan?

Mr. YOUNG. Ms. Lee, I am not sure of the statistics on that, though I think what we have heard is that it is reflective of the population in that part of the world more generally. It is hard to tell because it is very hard to get medical personnel focusing on that particular problem in the country, able to move freely between the north and the south and engage in the kinds of tests and research that they need to do.

I think it is also fair to say at the moment, most humanitarian efforts are focused not on that but simply on keeping people alive, on basic minimal food needs, on hospital and medical services and so forth. I think so far the efforts have been a step or two before that. It is at a much more basic level of trying to help people survive. I think it is difficult to say there is very much we can do, if at the moment we can't even get food to all the people who need it. It is a little hard to imagine how we are going to get medical care for a disease there, beyond the kind of immediate emergency medical care that is necessary simply to keep people alive. I think the addressing of that problem has to be put in the context of a larger solution.

Ms. LEE. Thank you, Mr. Chairman. Can I just ask you one follow-up question with regard to any international responses out of the World Health Organization, U.N., AID? Do you know of any efforts that are current in the Sudan, or is it very minimal as a result of the conflict and war; that they too cannot provide the type of assistance that they should be providing or could be providing?

Mr. YOUNG. It is minimal in the south. Whatever contacts that human rights, the U.N., and WHO have, tend to be through formal governmental channels. That is part of the problem in terms of a comprehensive distribution of aid assistance. I am not aware of what they are doing in the north.

Ms. LEE. Mr. Chairman, I would just like to say, I suspect that this is a ticking time bomb as it relates to the whole HIV and AIDS pandemic. Thank you for these hearings. I think that we need to remember that as we move forward and try to address some strategies to deal with this.

Mr. ROYCE. Thank you, Congresswoman Lee. We are going to go to our last participant here, and then we are going to go to a new panel, and that is Congressman Chris Smith from New Jersey.

Mr. SMITH. Thank you very much, Mr. Chairman. And, Commissioner Young, thank you for your testimony and for the great work you and your fellow commissioners do on behalf of religious freedom everywhere, and in particular for your steadfast support for freedom in the Sudan.

I just want to raise three brief, and what I hope are important, issues. First, I read the report that Brad Phillips from the Persecution Project put together, and it comports with something that you had said; your second point about the importance of going outside of Operation Lifeline Sudan, because so many people are being neglected. And as a direct result of veto power in Khartoum, we had people from Operation Lifeline at one of our previous hearings, and while we are always glad when humanitarian assistance is getting to people who are in need, when the oppressive government has veto power over others who are in need, there is something tragically wrong with that.

He points out in his report and, as a matter of fact, he has given me pictures. I looked at the pictures and some of them you almost have to turn your eyes away. They are pictures of scorched earth, of villages that have been razed to the ground. The remains of a Bible—charred remains, I would point out—dead people, as a result of this ongoing scorched earth policy. And he points out that they have eight relief flights that went into the red and secure “no-go” area.

He points out, “images of burnt huts, gunshot-wounded victims, little naked and starving children seem to preoccupy me.” He goes on to talk about just the terrible devastation that they witnessed. Again, he has photographs to accompany that.

I think your point is very well taken. The international community, and the United States in particular, needs to find ways outside of Operation Lifeline to get these important medicines and food and everything else to these starving and hurting people.

Second, and you might just speak to this, the idea of the Europeans being unwilling and unable, perhaps because of financial interests, of saying the word “slavery” in the resolution at the U.N., the idea of the scorched earth policy—which is currently in effect and civilians being so hurt, perhaps you might want to speak to that.

Third, my Subcommittee passed legislation—and Frank Wolf was the prime sponsor of the bill—and we helped usher and facilitate the legislation into law, which created the Commission we’re dis-

curring today. My understanding is that May 13 is when the commissioners cease to be, unless given an extension of life. I could be wrong on that but that is my understanding or remembrance of that. My hope would be that the Administration will move quickly to reappoint and to make sure that the Commission is up and running, because again you have done a magnificent job on behalf of human rights, and religious freedom in particular.

You might recall that bill was very hard getting through the Administration. The previous Administration opposed it and made it very clear that they thought we were setting up a so-called "hierarchy of human rights," and thankfully that turned out to be a bogus argument, because if anything you have mainstreamed both within State, and within our foreign policy, the importance of religious freedom. So if you could touch on those three points.

Mr. YOUNG. Thank you very much.

Mr. Smith, we have long appreciated all your efforts both in creating the Commission and giving us this opportunity as well as your heroic efforts on behalf of these issues. We thank you very much.

Turning to the Europeans and the utterance of the word "slavery," it is difficult for the Europeans, just as it is difficult for us to utter the word "genocide." I actually, when I was in the government, was the first U.S. State Department official to call what had happened in Cambodia genocide. I thought it was important to make that legal determination. We did. And I so testified, and to the surprise of some Congressmen, I must say.

But these words have consequences if people take their treaty obligations seriously. And I think the Europeans are a bit hesitant to actually determine that there is slavery, because there are international obligations that attend to that realization and that requires them to cooperate with us.

Therefore, I think we ought to be pressing very hard for determinations that international bodies of both genocide and slavery, to cause those treaties to be operative and to allow us to put pressure on our allies and the other signatories to those treaties, to take the actions that they have agreed to. I think as part of this effort that the United States can make, you have identified I think an enormously important point.

You are also correct with respect to the terms of the commissioners. The Commission, all of our terms do expire on May 13. The method of appointment is that there are three appointments from the President, two from Mr. Gephardt, two from Mr. Daschle, one from Mr. Lott, and one from Mr. Hastert. We too hope that those occur in time for the Commission to keep its work going and are optimistic that it will, or at least we will have friends who will help us persuade both the Administration and both Houses of Congress of the importance of doing this.

Mr. SMITH. Could you touch on the point of going into those "no-go" areas which was in your testimony?

Mr. YOUNG. Yes. We strongly support that. It is our sense that OLS is restricted where it can go, and there is also evidence of different sorts that the Khartoum government is using aid as really almost a tactical device in the war both in the north and the south. And we think it important that that both for humanitarian reasons

and certainly for tactical reasons, that advantage be taken away; that aid go to the people who need it.

Mr. SMITH. One would have thought, Mr. Chairman, that we would have learned that lesson when Mengistu in Ethiopia used food as a weapon. Your points are well taken. Your testimony is right on point. Again, I want to thank you for your excellent work.

Mr. YOUNG. Thank you.

Mr. ROYCE. We also want to thank you not only for your comprehensive testimony here but for the degree of commitment that you have shown for Sudan and before that, for your commitment to the people of Sudan, your commitment to the Cambodian people. We will be working with you. I know that the Ranking Member, Mr. Payne, wanted you to know that he is forming a task force, a bipartisan task force on Sudan. We will be working on that task force, and Mr. Frank Wolf who was here with us earlier during your testimony will be serving as the Co-Chairman of that task force.

Again, thank you so much for your important testimony here today, Mr. Young.

Mr. YOUNG. Thank you, Mr. Chairman, very much for the privilege of representing the Commission here. I would also like to ask that our Sudan report be included with my testimony if that is acceptable.

Mr. ROYCE. Without objection, we will include your report in the record. Thank you very much.

[The information referred to follows:]

REPORT OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS
FREEDOM ON SUDAN

MARCH 21, 2001

1. Introduction

In its first annual report issued May 2000, the U.S. Commission on International Religious Freedom (the Commission) found that the government of Sudan was the world's most violent abuser of the right to freedom of religion and belief. The Commission also found that religion was a major factor in the ongoing civil war, and that religion and religious-freedom violations were intertwined with other human rights and humanitarian abuses in Sudan. In the Commission's view, the Sudanese government was committing genocidal atrocities against civilian populations in the southern part of the country and in the Nuba Mountains. In light of these conditions, the Commission recommended, among other things, that the Clinton administration launch a comprehensive program of diplomatic and economic pressures to stop human rights abuses in Sudan. Moreover, the Commission was disturbed by the reported connection between oil development and the Sudanese government's abuses, as well as by an initial public offering in the U.S. by a subsidiary of one of the government's joint-venture partners in the development of Sudan's oil fields. Therefore, the Commission recommended that foreign companies engaged in the development of Sudan's oil and gas fields be prohibited from raising money in U.S. capital markets.

The situation in Sudan has grown worse in the 10 months since the release of the Commission's report. The government of Sudan continues to commit egregious human rights abuses—including widespread bombing of civilian and humanitarian targets, abduction and enslavement by government-sponsored militias, manipulation of humanitarian assistance as a weapon of war, and severe restrictions on religious freedom. The relationship between oil and the government's actions has become clearer. While the Clinton administration did take some steps to address the situation, including successfully working to prevent Sudan from taking a seat at the UN Security Council and earmarking aid to communities in southern Sudan and to the political opposition (the National Democratic Alliance, or NDA), the issue of Sudan for the most part remained on the back burner of U.S. policy as the government's

own interagency report acknowledged last year.¹ Its actions fell well short of the comprehensive, sustained campaign that the Commission believes is commensurate with the Sudanese government's abuses. The Commission urges the Bush administration to mount such a campaign, as detailed more fully in Section 3.

2. Human Rights and Religious Freedom Abuses in Sudan

The following is a brief description of some of the Sudanese government's egregious human rights abuses, focusing primarily on events since the Commission's last report.²

The civil war that has cost the lives of some 2 million people and displaced 4 million others over the last 18 years continues unabated, with no significant movement for peace. The political opposition to President Omar Hassan Ahmad al-Bashir's ruling National Congress Party (NC) boycotted national elections held in December 2000, which continued the NC's grip on power. Shifting alliances among the ruling party and the political opposition—including a reported agreement between Hassan al-Turabi (head of the recently formed Popular National Congress and former ally of President al-Bashir) and the Sudan People's Liberation Movement/Army (SPLM/A)—have not, as yet, resulted in any significant change in the political order. The Sudanese government continues to suppress forcefully any political opposition, and commit grave human rights abuses both in its prosecution of the war and more generally throughout the areas of the country under its control. The SPLA and forces aligned with it continue to control much of the southern portion of the country and have reportedly committed some human rights abuses in areas they control.

a. Aerial Bombardments of Civilian and Humanitarian Targets

Since the Commission's May 1, 2000 annual report, the government of Sudan has intensified its deliberate bombing attacks on civilian and humanitarian targets. Bombings include hospitals, schools, churches, markets, relief-organization compounds, and other clearly civilian and humanitarian installations.³ Organizations that have carefully tracked civilian bombings have compiled reports of more than 150 incidents in the year 2000.⁴ For example, in July and August 2000, Sudanese government warplanes bombed facilities of humanitarian groups operating under the UN's Operation Lifeline Sudan (OLS) umbrella. In December, two persons were reportedly killed and a church was destroyed in a bombing in Lui. It is believed that additional bombings go unreported because international aid workers are generally absent from the Nuba Mountains and areas east of Khartoum.⁵ These bombings not only kill and injure civilians (including children) and destroy property, but also disrupt humanitarian-relief activities and economic and social life and generally terrorize local populations. There is also evidence suggesting that the Sudanese government is using more-accurate and more-sophisticated—and thus more-deadly and damaging—weapons.⁶

The government's bombing of civilian targets continued despite international awareness of the problem and public assurances by General al-Bashir in April 2000 that such bombings would cease. Because of the continued bombings, the Sudan Council of Churches, the New Sudan Council of Churches, and the Sudan Catholic Bishops' Conference have all called for an internationally enforced no-fly zone.

¹U.S. Department of State, *Interagency Review of U.S. Civilian Humanitarian and Transition Programs, Annex 3* (January 2000).

²See *Report of the United States Commission on International Religious Freedom* (May 1, 2000) ("USCIRF 2000 Annual Report"); *Staff Memorandum for the Chairman: Religious Freedom in Sudan, China, and Russia* (May 1, 2000) ("Staff Memorandum"). Recent human rights reports on Sudan include Amnesty International, *Sudan: Oil in Sudan: Deteriorating Human Rights* (March 5, 2000) (<http://www.web.amnesty.org/ai.nsf/index/AFR540012000>, accessed February 5, 2001) ("Oil in Sudan"); Amnesty International, *Report 2000*; Human Rights Watch, *World Report 2001: Sudan*; U.S. Department of State, *2000 Country Reports on Human Rights Practices, "Sudan,"* February 2001; John Harker, *Human Security in Sudan: The Report of a Canadian Assessment Mission*, prepared for the Minister of Foreign Affairs, January 2000 ("Harker Report"); Leonardo Franco, Special Rapporteur of the United Nations Commission on Human Rights, *Situation of Human Rights in Sudan*, September 11, 2000, U.N. Doc. No. A/55/374.

³According to the State Department, the Sudanese government "bombed a hospital run by the NGO Samaritan's Purse in Lui in Western Equatoria. Norwegian People's Aid reported that on April 16, government forces dropped bombs near a child feeding compound. On July 28, in Akhuem in northern Bahr el-Ghazal, several bombs landed close to a Doctors Without Borders plane and near its health center, prompting the medical team to evacuate the area." *2000 Country Reports, "Sudan."*

⁴Information supplied by U.S. Committee for Refugees and Sudan Focal Point—Europe.

⁵See "Sudan's Human Rights and Humanitarian Emergency," testimony of Roger Winter, Executive Director, U.S. Committee for Refugees, before the Congressional Human Rights Caucus, September 28, 2000.

⁶Sudan Focal Point—Europe (2000).

b. Interference with Humanitarian Assistance

The Sudanese government continues to deny access for humanitarian relief distribution, particularly in Western Upper Nile, through its control over relief flights pursuant to its agreement with the UN's Operation Lifeline Sudan (OLS). This denial of access threatens the lives of many in the region that reportedly face critical food shortages.⁷ In addition, as noted above, the government has targeted humanitarian facilities for bombing and other attacks. In June 2000, an attack by government forces near a Roman Catholic mission in Gumriak reportedly killed 32 persons, including women and children. In January 2001, government-sponsored militias destroyed an International Committee of the Red Cross compound in the southern Sudan village of Chelkou.⁸ As a result of government bombings of humanitarian facilities, the UN, on its own initiative, suspended OLS relief flights in August for several weeks.

The government also allegedly has tolerated the use of humanitarian assistance for religious purposes. The Commission has received reports from credible sources—Anglican and Catholic Bishops in Sudan—that UN-provided humanitarian aid to the country's displaced and needy

There are reports of instances where opposition forces have also interfered with the delivery of humanitarian aid. In February 2001, forces allied with the SPLA looted and damaged a UNICEF compound in the town of Nyal in southern Sudan.⁹

c. Slavery and Abductions

Government security forces and government-sponsored militias continue to abduct women and children into conditions of slavery. For example, in early January 2001, government-sponsored militias raided villages in Bahr al-Ghazal, killing 11 people and abducting 122 women and children according to UNICEF officials in Khartoum.¹⁰ According to the State Department, some 12,000–15,000 women and children, mostly Dinka, remained in captivity at the end of 2000.¹¹ Some non-governmental organizations place the number of slaves significantly higher.¹²

Although the Sudanese government denies that slavery exists in Sudan (much less its own involvement or complicity in the practice), in May 1999 it established the Committee for the Eradication of the Abduction of Women and Children (CEAWAC). CEAWAC has been generally criticized for not operating in good faith and for being largely ineffectual in light of the extent of the problem. According to Human Rights Watch, although the CEAWAC has retrieved some slaves from their owners, the government made a deliberate decision “not to record the identity of the abductors or forced labor owners, let alone prosecute anyone involved.”¹³ In addition, according to UNICEF, the government has refused to give permission to transport 60 children who have been waiting for six months to be reunited with their families in SPLA-controlled areas.¹⁴

d. Religious Freedom

The Sudanese government has continued its assault on the religious freedom of non-Muslims as well as some Muslims (particularly those associated with the political opposition). In September 2000, the State Department named Sudan (for the second consecutive year) as a Country of Particular Concern (CPC) pursuant to the International Religious Freedom Act of 1998 (IRFA), finding that the government

⁷According to Human Rights Watch, early in 2001 inter-factional fighting among the Nuer and between the Nuer and the Dinka—ignited by the government in Khartoum and the SPLM/A—reached dangerous proportions and aggravated conditions of famine and food availability in southern Sudan. See Human Rights Watch, *Analysis of the Current Fighting and its Relation to Famine*, March 2001, (<http://www.hrw.org/campaigns/sudan98/sudan-analysis.html>, accessed March 2, 2001).

⁸Sudan Catholic Bishops' Conference (SCBC), *Message to IGAD* (September 15, 2000) (provided to USCIRF by SCBC).

⁹See U.S. Department of State, “Report of Attack on UN Relief Base in Southern Sudan,” March 1, 2001, (<http://www.state.gov/r/pa/prs/ps/index.cfm>, accessed March 20, 2001); Human Rights Watch, *World Report 2001*, “Sudan.”

¹⁰Reuters, “Sudan Raiders Abduct 122 Women and Children in South,” January 10, 2001.

¹¹2000 Country Reports, “Sudan,” 4.

¹²Private organizations that have engaged in redemption or “buy-back” and retrieval of slaves report that their efforts have targeted thousands of slaves in the past year. Christian Solidarity International, with the assistance of black African community leaders and Arab retrievers, claims to have liberated more than 38,000 Sudanese slaves since 1995. These “buybacks” have been criticized by some aid agencies, human rights groups, and by UNICEF.

¹³Human Rights Watch, *World Report 2001*, “Sudan,” at 82–83. See also, 2000 Country Reports, “Sudan” (Internet), 4.

¹⁴Reuters, “Sudan Raiders Abduct 122 Women and Children in South,” January 10, 2001.

of Sudan had engaged in systematic, ongoing, and egregious violations of religious freedom.

Religious groups must be registered by the government to operate legally, and approval can be difficult to obtain. Unregistered groups cannot build places of worship or meet in public. Even registered groups face difficulties. For example, the government continues to deny permission to construct Roman Catholic churches. Certain Islamic orders—including orders associated with the political opposition—are denied permission to hold public assemblies. Government forces have bombed Christian churches, schools, hospitals, and mission facilities in the Nuba Mountains and southern Sudan. Apostasy from Islam is a crime punishable by death. According to the State Department, children from non-Muslim families who have been captured and sold into slavery are forced to convert to Islam.¹⁵ As noted above, there are reports that humanitarian aid is used to coerce conversions. There are reports that security forces have harassed and detained persons on account of their religion.¹⁶ On February 15, 2001, security forces entered the compound of the Sudan Catholic Bishops' Conference (SCBC) in Khartoum and confiscated six vehicles.¹⁷

e. Oil and Foreign Investment

The connection between oil development (and oil revenues) and the Sudanese government's human rights abuses has become increasingly apparent over the last year. First, the discovery and the drilling of oil reserves in the Upper Nile province has led to a "scorched earth" policy by the government to remove civilian populations from areas surrounding oil installations. Second, the government reportedly uses the oil facilities themselves (e.g. airstrips and roads) in staging military operations.¹⁸ Third, according to the State Department, oil revenues have allowed the government to increase its investment in military hardware.¹⁹

Despite growing international awareness of this connection, oil development has attracted significant foreign investment in Sudan. U.S. economic sanctions prohibit U.S. companies from investing or doing business in Sudan. Current sanctions, however, do not prohibit foreign companies from doing so, and the U.S. Department of Energy reports that the following are active in Sudan's oil and gas industry: Talisman Energy Corporation (Canada), TotalFina/Elf (France), Royal Dutch Shell and Trafigura Beheer B.V. (Netherlands), AGIP (Italy), Lundin Oil Corporation (Sweden)²⁰, OMV (Austria), China National Petroleum Corporation (People's Republic of China)²¹, Petrolia Nasional Berhad (Malaysia)²², Gulf Petroleum Corporation (Qatar), and National Iranian Gas Company (Iran).²³ In February 2001, Russian oil companies reportedly signed a memorandum of understanding with the Sudanese government regarding exploration and export of oil from two areas of the country.²⁴

As detailed in the Commission's first annual report, U.S. economic sanctions generally do not prohibit these foreign companies from issuing securities in U.S. markets or listing their shares on U.S. exchanges.²⁵ Two Chinese companies involved in Sudan oil have raised money in U.S. capital markets in 2000. In April, the China

¹⁵2000 Country Reports, "Sudan" (Internet), 14.

¹⁶Ibid.

¹⁷Charles Omondi, "Armed Policemen Storm the Compound of the Sudan Catholic Bishops' Conference (SCBC)," (<http://SudanInfonet.tripod.com>, accessed February 17, 2001).

¹⁸See Harker Report.

¹⁹2000 Country Reports, "Sudan" (Internet), 4; Christian Aid (UK), *The Scorched Earth: Oil and War in Sudan* (March 15, 2001) (<http://www.christian-aid.org.uk>, accessed March 15, 2001). In this report, Christian Aid warns "what is happening in Upper Nile is only a foretaste of what could happen all across the south if the international community continues to turn a blind eye to attacks on civilians in the name of profit."

²⁰This small oil company operates south of Bentiu. Lundin Oil is a prime beneficiary of the newly completed road that extends 60 miles south of Bentiu and allows not only oil equipment but also heavy military equipment to move south. Communication to USCIRF from Dr. Eric Reeves dated January 14, 2001.

²¹CNPC is the state-owned oil company of the People's Republic of China. It owns a 40 percent interest in the Greater Nile Petroleum Operating Company (GNPOC). CNPC is also very active in the Adar Yel concession area in eastern Upper Nile.

²²Petronas is the state-owned oil company of Malaysia. An original GNPOC partner, Petronas reportedly has a 30 percent stake in the consortium. Petronas has also the "right of refusal" on Talisman Energy Corporation's 25 percent share in GNPOC, should Talisman withdraw.

²³According to Amnesty International, the following non-Sudanese companies are involved in the building of Sudan's oil pipeline: Denim Pipeline Construction Ltd (Canada), Roll'n Oil Field Industries (Canada), Weir Pumps Ltd (UK), Allen Power Engineering Ltd (UK), Mannesmann (Germany). See *Oil in Sudan*. It is also reported that Rolls Royce (UK) is involved in the pipeline. For further details see *The Observer*, March 11, 2001.

²⁴Agence France-Presse, "Russian Companies to Start Oil Operations in Sudan," February 9, 2001.

²⁵2000 USCIRF Report, 37–39.

National Petroleum Corporation (CNPC) and its wholly owned domestic subsidiary, PetroChina Company Limited (PetroChina), offered shares in PetroChina to U.S. investors. In October 2000, the China Petroleum & Chemical Corporation (Sinopec) offered shares in large quantities for sale on U.S. markets.²⁶ The *Wall Street Journal* reported on October 11 that a Sinopec subsidiary (Zhongyuan Petroleum Corporation) had a joint venture in Sudan's oil fields with a unit of CNPC; that last summer Sinopec gave its entire interest in the Sudan venture to CNPC, the chief shareholder of its chief domestic rival, PetroChina, Ltd.; that it had not disclosed the value of any assets received from CNPC in return for this transfer; and that there was evidence that Sinopec's subsidiary continues to do business in Sudan's oil fields.²⁷ In addition to these initial public offerings, companies such as Talisman, Royal Dutch Shell, Lundin Oil, and TotalFina/Elf all list securities on the New York Stock Exchange.

Some of the companies noted above that are doing business in Sudanese oil are reportedly under public or shareholder pressure to divest their Sudan business interests. In February 2001, the Sudan Inter-Agency Reference Group (SIARG), a coalition of Canadian NGOs, called for a divestment campaign against Talisman. According to Canadian news sources, the Royal Bank of Canada, which is one of the largest Talisman shareholders, is also being targeted for a boycott and other consumer action if it does not divest itself of Talisman shares. In addition, BP/Amoco is reportedly under pressure from activists and its shareholders to divest its stake in PetroChina, CNPC's subsidiary.²⁸

3. Commission Recommendations

The Commission concludes that the actions of the U.S. government toward the government of Sudan in the past year, while mixed, have not been commensurate with the appalling violations of religious freedom and other human rights by that government, which have already reached genocidal proportions and have only worsened since this Commission's report last May.

In its first annual report dated May 1, 2000, the Commission proposed that the U.S. government launch a comprehensive 12-month plan that would immediately respond to the crisis in Sudan and reward measurable improvement or punish deterioration in the Sudanese government's record on religious freedom and other human rights.²⁹ The administration did not implement any comprehensive initiative of the scale that the Commission believes is necessary to address the situation. While the Clinton administration did take some initiatives in line with the Commission's recommendations, key elements of the Commission's plan appear to have been neglected.

Despite at least 150 reported aerial bombings of civilian hospitals, markets, churches, and schools by Khartoum's air force, the continued abduction and enslavement of women and children, and the government's "scorched earth" policy designed to remove populations from around oil facilities, President Clinton did not adequately employ the "bully pulpit" of his office to inform the American public or enlist international opposition to such crime. The Commission's report also noted that the U.S. government has neglected to continue to support the Sudanese opposition and to support the Sudanese people's struggle for democracy and human rights.

²⁶ See SEC Registration Statement, China Petroleum & Chemical Corporation (Reg. No. 333-12502); *Far Eastern Economic Review*, November 8, 2000.

²⁷ *The Wall Street Journal*, October 11, 2000.

²⁸ *Agence France-Presse*, February 15, 2001.

²⁹ 2000 USCIRF Report, Recommendation 1.2, 29-33.

³⁰ In contrast, Secretary of State Madeleine Albright condemned Sudan's aerial bombings on several occasions, including after a meeting arranged by the Commission with a Sudanese bishop in February 2000. In addition, Dr. Susan Rice, then U.S. Assistant Secretary of State for African Affairs, bravely toured southern Sudan in November 2000. Dr. Rice interviewed civilian victims of Khartoum's bombing and enslavement campaigns, and publicly reported on and condemned them.

³¹ 2000 USCIRF Report, Recommendation 1.2.b, 30.

the Chemical Weapons Convention.³² The State Department has not given its opinion whether the government of Sudan has violated the 1948 Genocide Convention.³³

Nor has the U.S. government implemented the Commission's recommendations that companies active in Sudan's petroleum industry not be allowed further access to U.S. capital markets and that American investors be informed if the proceeds of their investments in foreign corporations will help finance that industry.³⁴ Given the close connection between development of Sudan's oil resources (which would be minimal without foreign investment) and the Sudanese government's human rights abuses, the Commission continues to believe that the U.S. should not grant access to its capital markets to any foreign company involved in Sudan's oil industry, and in general should require greater disclosure by all companies doing business in Sudan so that U.S. investors are apprised of the nature and extent of that business. This year the Commission expands its recommendation on disclosure to all companies doing business of any kind in Sudan so that investors can make fully informed decisions.³⁵ Regarding our recommendation that the Securities and Exchange Commission (SEC) investigate the adequacy and reliability of filings made by a foreign corporation whose parent is the largest stakeholder in Sudan's oil pipeline, the SEC advised us that it does not independently investigate the accuracy of information in such filings.³⁶ In response to the Commission's recommendations to the Treasury Department that its Office of Foreign Assets Control (OFAC) investigate possible violations of U.S. Sudanese Sanctions Regulations, OFAC notified the Commission that it did not find any violation of the existing sanctions regime.³⁷ Because the Commission concludes that these regulations are too porous, it recommends they be tightened.³⁸

The Clinton administration—with support from Congress—did approve a number of steps that reflect the Commission's recommendations. Among these steps—that were approved but not yet implemented—were providing communities in southern Sudan with radios, evacuation vehicles, and other equipment to warn and protect noncombatants against aerial bombings.³⁹ The administration also approved administrative aid to the political opposition (NDA).⁴⁰ U.S. aid to rebuild the civil and economic infrastructure of the south through the Sudan Transitional Assistance for Rehabilitation (STAR) program has expanded.⁴¹ The administration laudably continued to increase the portion of U.S. aid to Sudan that is delivered outside of the United Nations Operation Lifeline Sudan (OLS), thus unbound by Khartoum's bans on humanitarian delivery to rebel-controlled areas of need.⁴² Nevertheless, most U.S. aid continues to flow through OLS. The Commission recommends below that the U.S. government continue to expand all of these forms of aid outside the UN system. However, the forest should not be lost for the trees. While all of these aid programs are needed to help ameliorate some of the effects of the Sudanese government's abhorrent policies, they do not by themselves represent the kind of coordinated public, diplomatic, and economic pressure that the Commission believes is necessary to change the Sudanese government's policies.

The Commission continues to believe that a comprehensive, coordinated strategy led on a priority basis by those at the highest levels of the U.S. government is necessary to address the humanitarian and human rights crisis in Sudan. Essential elements of this strategy include raising public awareness of the Sudanese government's human rights abuses, consistent condemnation of those abuses, and employing and advocating a variety of bilateral and multilateral pressures on the Sudanese government until it makes substantial and systematic improvements. The Commission urges the President and the Secretary of State to implement and lead such a strategy. In light of the worsening situation in Sudan, and building on the policies it proposed last year, the Commission makes the following recommendations:

³²2000 USCIRF Report, *Recommendations 1.5 and 1.6*, 34–35.

³³2000 USCIRF Report, *Recommendation 1.7*, 35.

³⁴2000 USCIRF Report, *Recommendations 1.8 and 1.9*, 35–37.

³⁵*Recommendation 6, infra* at p. 12.

³⁶2000 USCIRF Report, *Recommendation 1.13*, 39; letter dated January 9, 2001, from David B.H. Martin, Director, Division of Corporation Finance, U.S. Securities and Exchange Commission, to Elliott Abrams, Chairman, USCIRF.

³⁷2000 USCIRF Report, *Recommendations 1.10, 1.11, and 1.12*, 37–39; letter dated November 15, 2000, from R. Richard Newcomb, Director, Office of Foreign Assets Control, Department of the Treasury, to Elliott Abrams, Chairman, USCIRF. See 2000 USCIRF Report, 26–27, 35–39; *Staff Memorandum*, 65–80.

³⁸*Recommendation 5, infra* at p. 65.

³⁹2000 USCIRF Report, *Recommendation 1.5*, 34.

⁴⁰2000 USCIRF Report, *Recommendation 1.2e*, 32.

⁴¹2000 USCIRF Report, *Recommendation 1.4*, 34.

⁴²2000 USCIRF Report, *Recommendation 1.1*, 28–29.

1. *The U.S. government should appoint a nationally prominent individual who enjoys the trust and confidence of President Bush and Secretary of State Colin Powell, and who has appropriate authority and access, whose sole responsibility is directed to bringing about a peaceful and just settlement of the war in Sudan and an end to the religious freedom abuses and humanitarian atrocities committed by the Sudanese government. The U.S. should not appoint an ambassador to Sudan at this time.*

The U.S. government needs a high-level, high-profile individual devoted full-time to carrying out diplomatic initiatives as well as coordinating policy among U.S. government agencies. Specifically, this envoy would seek to exert influence on the government of Sudan and Sudanese opposition factions in order to bring about a cessation of human rights abuses and a peaceful and just settlement of the conflict. The Special Envoy for Sudan appointed by the Clinton administration, Harry A. Johnston, despite good intentions and hard work, did not have the international prominence, the high-level access, or a mandate sufficiently broad to command the attention of the Sudanese government, or to engage regional leaders and European allies at the highest diplomatic levels. All of these attributes are necessary to make progress on ending the war in Sudan. In addition, because the issues in the Sudan conflict cut across different regions of the world, as well as touch on international financial markets, the envoy should have both the stature and the authority to work within and across U.S. government agencies.

Because the situation in Sudan continues to deteriorate and its government has not taken effective steps to address any of the serious concerns of the U.S. over religious freedom and other human rights, the U.S. should not at this time appoint an ambassador to Sudan. Any embassy activity should be directed by a chargé d'affaires. If the government of Sudan demonstrates substantial, sustained, and comprehensive improvement in the human rights conditions for the people throughout the country, the U.S. government should seriously consider raising the level of diplomatic representation.

2. *The U.S. government should continue to increase the amount of its humanitarian assistance that passes outside of Operation Lifeline Sudan (OLS) and should press OLS to deliver aid wherever it is needed, especially the Nuba Mountains, with or without the approval of the Sudanese government.*

In order to limit the Sudanese government's ability to employ food assistance as a weapon against its opponents, the U.S. government should work vigorously to ensure that its food aid gets to the people in Sudan who need it. The government of Sudan continues to restrict access to certain areas of the country by OLS. Famine also continues and in mid-February 2001 it was reported that famine led to the displacement of 98,000 people in the eastern part of the country.⁴³ In part because of the ongoing restrictions on access, the U.S. has been increasing the percentage of aid that it has provided outside of the OLS system, from 14 percent in fiscal year 1997 to 34 percent in fiscal year 2000. A further increase reportedly is planned for fiscal year 2001. As long as OLS is regularly prevented from reaching those in need, this shift to increasing reliance on non-OLS aid should continue. Moreover, U.S. efforts to strengthen the capacity of humanitarian groups delivering aid outside of OLS should also continue. In addition, the U.S. should urge other donor countries to provide aid outside of the OLS framework. Khartoum's bans on humanitarian flights apparently have the effect of limiting some non-OLS relief flights as well. In addition to the increase in non-OLS aid, the U.S.—which is OLS's largest contributor—should support OLS efforts to expand and maintain its access throughout the country, especially the Nuba Mountain area. Also, the U.S. government should continue to work with the SPLM/A to ensure that it does not interdict, divert, or obstruct the provision of humanitarian assistance in areas under its control. Finally, the U.S. should stop using non-governmental organizations that discriminate on the basis of the religion of recipients in their distribution of aid and services.

3. *The U.S. government should increase its assistance to southern Sudan and the NDA.*

The State Department approved but did not implement the authority granted to it by Congress to provide non-lethal aid directly to communities in opposition-controlled areas of Sudan through local organizations. However, in fiscal year 2000 approximately \$3 million in aid was given to local communities in southern Sudan under the STAR program. The purpose of this aid is to stimulate a market economy

⁴³ Michel Sailhan, "Two Million Sudanese Displaced," *The Mail and Guardian*, February 20, 2001.

and increase food production and security. Such aid is critically important to improving living conditions and promoting civil society in southern Sudan, and the U.S. government should increase these programs.

In addition to the STAR program, the Clinton administration had plans to provide \$3 million of assistance to the political opposition in Sudan—the NDA—for building its capacity to participate in the peace process. Congress has authorized up to \$10 million in aid to southern Sudan for fiscal year 2001; the State Department is actively considering whether to use these authorized funds. This type of aid is consistent with the Commission’s recommendations from last year and should be increased. However, aid should not be given to any opposition group unless it is making substantial and verifiable efforts to adhere to international human rights norms.⁴⁴

4. *The U.S. government should launch a major diplomatic initiative aimed at enlisting international pressure to stop the Sudanese government’s bombing of civilian and humanitarian targets; ground attacks on civilian villages, feeding centers, and hospitals; slave raids; and instigation of tribal warfare.*

There are numerous reports of the escalating frequency, accuracy, and deadliness of the Sudanese government’s bombing of civilian and humanitarian targets. It is unconscionable that the regime in Khartoum can engage in such flagrant violations of human rights and humanitarian law on a regular basis without significant negative reactions from governments committed to respect for religious freedom and human rights.

The U.S. government should work vigorously to develop international support for diplomatic and economic pressure on the government of Sudan to stop bombing civilian and humanitarian targets. The U.S. should introduce resolutions at the UN, including in the UN Commission on Human Rights, condemning the government of Sudan and should initiate a debate in the UN Security Council on Khartoum’s egregious violations of the Geneva Convention, such as bombings and ground attacks on civilian villages, feeding centers, and hospitals; slave raids; and instigation of tribal warfare.

5. *The U.S. government should strengthen economic sanctions against Sudan and should urge other countries to adopt similar policies. The U.S. should prohibit any foreign company from raising capital or listing its securities in U.S. markets as long as it is engaged in the development of oil and gas fields in Sudan. The U.S. government should not issue licenses permitting the import of gum arabic from Sudan to the United States.*

U.S. economic sanctions against Sudan should be strengthened and not reduced. They should be strengthened by (a) prohibiting access to U.S. capital markets for those non-U.S. companies engaged in the development of the Sudanese oil and gas fields, and (b) not issuing further licenses for the import of gum arabic to the United States.

The Commission is aware of the current debate both internationally and in the U.S. on the effectiveness of economic sanctions generally. Unilateral economic sanctions by the U.S. have not prevented foreign investment in Sudan’s oil business, which has, in turn, provided the Sudanese government with significant financial support for its egregious human rights and humanitarian abuses. However, it has not been established that U.S. sanctions have been completely ineffective. They can continue, for example, to slow the rate of increase of foreign investment in Sudan and oil revenues to the Sudanese government. One way to increase the potential effectiveness of the sanctions is to convince other economic powers to adopt similar policies. In this regard, the Commission urges the U.S. government to encourage economic pressure on the Sudanese government in its bilateral relations at all levels with countries that engage in substantial trade with or provide significant foreign investment to Sudan.⁴⁵

Current sanctions prohibit investment by U.S. companies in Sudan. They also prohibit transactions between U.S. companies and the Greater Nile Petroleum Operating Company (Sudan’s oil consortium) or Sudapet (Sudan’s petroleum company).

In the absence of multilateral economic sanctions, however, preventing access to U.S. capital markets by foreign companies engaged in the oil-development business in Sudan targets a specific weakness in the current U.S. sanctions regime. The Commission recommends that foreign corporations doing business with Sudan’s pe-

⁴⁴ 2000 USCIRF Report, Recommendation 1.2.e, 32.

⁴⁵ 2000 USCIRF Report, Recommendation 1.2.b, 30.

troleum industry be prohibited from issuing or listing its securities on U.S. capital markets.

The Commission does not lightly recommend these significant restrictions on U.S. capital markets access, but believes that the specific conditions in Sudan warrant them.⁴⁶ The government of Sudan is committing genocidal humanitarian and human rights abuses. There is a direct connection between oil production and those abuses. Foreign investment is critical to the development of Sudan's oil fields and maintaining oil revenues.⁴⁷ Expanding U.S. sanctions in the area of capital markets access specifically targets what is likely the most significant resource that the Sudanese government has to prosecute the war.

Moreover, the issue of continuing economic sanctions against Sudan is one of principle as well as effectiveness. Reducing sanctions against Sudan at this time—after the Sudanese government has made no concessions but rather has increased its civilian bombings and other atrocities—would be to reward the latter for worsening behavior. This will send the wrong message to the government of Sudan and the international community.

With respect to licenses granted in 1999 and 2000 to permit U.S. imports of gum arabic, the purpose of granting those licenses was to allow U.S. importers time to identify alternative sources of supply. Because a reasonable amount of time has elapsed, no further licenses should be granted, and efforts should be continued to identify alternate suppliers of this product.

If the government of Sudan demonstrates substantial, sustained, and comprehensive improvement in the human rights conditions for people throughout the country, the U.S. government should seriously re-evaluate its sanctions regime.

6. Companies that are doing business in Sudan should be required to disclose the nature and extent of that business in connection with their access to U.S. capital markets.

There is a significant, undesirable gap in U.S. law regarding Sudan and other CPC countries: In many cases, foreign companies that are doing business in Sudan can sell securities on U.S. markets without having to disclose fully (1) the details of the particular business activities in Sudan, including plans for expansion or diversification; (2) the identity of all agencies of the Sudanese government with which the companies are doing business; (3) the relationship of the business activities to violations of religious freedom and other human rights in Sudan; or (4) the contribution that the proceeds raised in the U.S. debt and equity markets will make to these business activities and hence to those violations.⁴⁸ Across-the-board full disclosure of these details would prompt corporate managers to work to prevent their companies from supporting or facilitating these violations. It also would aid (1) U.S. investors in deciding whether to purchase the securities; (2) shareholders in exercising their ownership rights (including proposing shareholder resolutions for annual meetings and proxy statements); (3) Treasury's Office of Foreign Assets Control (OFAC) in enforcing existing sanctions; and (4) U.S. policymakers in formulating sound policy with respect to Sudan and U.S. capital markets. The Commission recommends that the U.S. require such disclosure.

7. The U.S. government should intensify its support for the peace process and for the Declaration of Principles, and make a just and lasting peace a top priority of this administration's global agenda.

Peace negotiations under the auspices of the Intergovernmental Authority on Development (IGAD), have produced no significant results in the past year, and indeed no longer continue. The Sudanese government remains publicly committed to negotiations using the framework of the Declaration of Principles (DOP). The U.S. government should support any viable peace process under the DOP and should encourage the inclusion of the NDA in peace negotiations. The U.S. should also consider direct involvement in negotiations with both the Sudanese government and the opposition. Moreover, as the Commission recommended last year, the U.S. government should use its diplomatic influence to urge Egypt to be a constructive partner in the peace process.

⁴⁶ As of the date of this report, the Commission has not determined if a policy against issuing or listing securities on U.S. markets should apply to companies doing business in other countries designated as Countries of Particular Concern under IRFA.

⁴⁷ Energy Information Administration, U.S. Department of Energy, *Sudan*, November 2000, (<http://www.eia.doe.gov/emeu/cabs/sudan2.html> accessed November 11, 2000).

⁴⁸ *Staff Memorandum*, 65–80.

8. *The U.S. government should work to increase human rights and media reporting on abuses in Sudan, including supporting, diplomatically and financially, the placement of human rights monitors in southern Sudan and in surrounding countries where refugee populations are present.*

Humanitarian and religious groups, human rights organizations, and journalists have labored under very difficult conditions to bring to light the human suffering and human rights abuses in Sudan. Their efforts are severely hampered by the Sudanese government's restrictions on access to many parts of the country. As a result, the full extent of the abuses being committed in Sudan is still not known. The U.S. government should urge the Sudanese government to allow human rights monitors and the media to operate throughout the country, and should work with opposition groups to ensure such access in the areas under their control. The U.S. should support the deployment of human rights monitors in southern Sudan (including monitoring teams that can verify reports of bombings) and in surrounding countries where Sudanese refugees are concentrated.

CONCURRENCE WITH QUALIFICATIONS TO RECOMMENDATIONS 3 AND 5

DR. LAILA AL-MARAYATI—MARCH 10, 2001

Recommendation 3: The U.S. government should increase its assistance to southern Sudan and the NDA.

This recommendation differs from that in the USCIRF May 2000 report which advocated aid to the SPLA, and other opposition groups including the NDA, in the event that the Khartoum government failed to make substantial improvements during a six-to-12 month period with respect to human rights abuses (see May 2000 Report, II.A.,1.2e-f). However, due to the dominance of the SPLA in southern Sudan, it is possible to assume that non-lethal aid to opposition forces will also fall into the hands of the SPLA which is responsible for human rights abuses that should preclude any support by the U.S. government (see Al-Marayati Dissent to II.A., 1.2e-f, May 2000 report).

In addition, the current statement by the USCIRF mentions that aid should not be given to "any opposition group unless it is making verifiable efforts to adhere to international human rights norms." Due to the degree of documented human rights abuses by the SPLA (e.g. manipulation and diversion of humanitarian aid, conscription of child soldiers into combat, arbitrary arrests, abductions, etc.), actual compliance with international norms (not simply "efforts") must be significant and sustained before any aid would be considered. At this time, no such improvements have been verified by either the U.S. government or credible non-governmental human rights organizations in the region.

Finally, aid to the opposition, unless to a much greater degree than heretofore applied by the U.S. government, is unlikely to shift the balance of power enough to pose a significant threat to the Khartoum government and thereby lead to an end to the fighting. Therefore, recommendations for assistance to opposition groups (other than humanitarian aid) should be considered in light of their overall effect on the civil war.

Recommendation 5: The U.S. government should strengthen economic sanctions against Sudan and should urge other countries to adopt similar policies.

The Commission's report rightly points out that unilateral sanctions have not prevented foreign investment in Sudan, particularly in the oil industry whose revenues have enabled the Sudanese government to strengthen its position with respect to the war. While one approach is to push for broader, multilateral support and to close loopholes at least with respect to U.S. financial markets, the lack of effectiveness of sanctions to date requires serious analysis by the U.S. government to determine if the sanctions regime itself is a useful tool for effecting change and improving the situation with respect to religious freedom in Sudan.

Therefore, in addition to the Commission's recommendations in the report, I would urge the administration to review the sanctions policy as part of an overall approach to helping solve the problems that plague Sudan at this time. First, the U.S. government should determine if current sanctions against Sudan and their expansion will have the desired result with respect to human rights in general and religious freedom in particular. Second, if the U.S. government deems that strengthening the sanctions regime is indicated, it also needs to determine when such sanctions could be lifted, such as in an incremental fashion as Sudanese government policy and practice show satisfactory progress in ending widespread human rights abuses.

Mr. ROYCE. We will now go to our second panel, so if I could ask those four witnesses to come forward, I will introduce them at this time.

We have been joined by Eleanor Holmes Norton of the District of Columbia. We are glad you are with us today.

Ms. NORTON. Thank you very much. I appreciate the courtesy of being able to sit and hear these witnesses. The Ranking Member and I have been working on this issue for some time. Though not a Member of this Committee or Subcommittee, I very much appreciate the opportunity to be here this afternoon.

Mr. ROYCE. We thank you for joining us. I will now introduce our second panel. Mr. Stephen Morrison has been the director of the Center for Strategic and International Studies Africa Program since January 2000. He previously served on the State Department's Policy Planning Staff where he was responsible for African affairs, including interagency deliberations on Sudan. Dr. Morrison earned a doctorate degree at the University of Wisconsin-Madison.

Eric Reeves is a policy and advocacy consultant on the issue of Sudan to a number of humanitarian and nongovernment organizations. He is on leave of absence from Smith College where he is a professor of English literature. Professor Reeves has published essays on Sudan in numerous publications.

Roger Winter has been the executive director of the U.S. Committee for Refugees since 1981. The Committee has been deeply involved in reporting and analyzing and advocating on human rights and humanitarian issues in Sudan. Mr. Winter has personally conducted some 30 visits to Sudan.

Gary Kusunoki is the senior pastor of the Calvary Chapel, Rancho Santa Margarita County, California. Calvary Chapel started Safe Harbor International Relief as a way of meeting the humanitarian needs of those affected by earthquakes around the world. That work grew to victims of the earthquake in Kobe, Japan and the genocide victims then in Rwanda. Safe Harbor International now is working also in Africa. The pastor who I have had the pleasure of meeting with several times has himself made many visits to Sudan over the years. He is just back from southern Sudan and will share his observations on developments in the oil-producing regions in southern Sudan. I thank you all for coming here to testify today.

We will start with Mr. Stephen Morrison.

STATEMENT OF J. STEPHEN MORRISON, DIRECTOR, AFRICA PROGRAM, CENTER FOR STRATEGIC INTERNATIONAL STUDIES

Mr. MORRISON. Thank you, Mr. Royce. Thank you for the opportunity to come here today to speak with you. I do believe that this is a very promising moment actually in terms of U.S. policy. There is a consensus emerging in this town from a variety of different directions that ending the war needs to be the central overriding imperative and focus of U.S. policy. I think if you look at the Sudan Peace Act in the Senate, if you look at the most recent report by the U.S. Commission on International Religious Freedom, if you look at the CSIS Task Force, you will see a common theme in that regard.

I regret that today Francis Deng, cochair of the CSIS Task Force on Sudan is out of town and cannot join us. He certainly wanted to be here. I am here representing the 50-plus members of that CSIS Task Force which met between July and February of this year. It is a diverse group, drawn on a nonpartisan basis from many different perspectives and backgrounds. The members who did participate include a number of staff from Congress and a number of individuals who now serve in senior positions within the Bush Administration. It is a very impressive group. The document which I will be talking about represents the consensus opinion of that group.

I want to put our hearing here today in a bit of context. Almost 12 years ago this week, that is as of April 2 of 1989 in this room, this Committee met, the Africa Subcommittee met and focused on Sudan. It was out of that hearing that Congressman Mickey Leland led a delegation with Julia Taft, then head of the Office of Foreign Disaster Assistance in the then Bush Administration, to Sudan and to the region in concert with Jim Graham who was then working for UNICEF, heading UNICEF. It was out of that mission that OLS, Operation Lifeline Sudan, was launched.

I draw your attention to that, because this Committee's leadership on a bipartisan basis, in concert with the U.N., led to this unprecedented creation. OLS has been highly problematic but it has been the central channel through which U.S. and other humanitarian assistance has been delivered. We have delivered over \$1.2 billion of humanitarian assistance into southern Sudan since that point.

The essence of the argument of the CSIS Task Force is that ending the war should be the central objective. To have any hope of achieving this goal requires realism that has been absent. It requires U.S. leadership in a new way as part of a concerted multilateral diplomatic effort. That is the only credible, feasible option for addressing Sudan's extreme situation and bringing an end to all the multiple problems that we have heard about today.

In our report, we detail the many different elements that would be required for a long-term diplomatic strategy that would end the war. We call for the creation of an international nucleus that would bring in Norway, U.K., and others. We call for making use of the Declaration of Principles. We call for pushing toward interim arrangements which would be a "One Sudan, Two Systems" approach. We call for strengthening carrots and sticks to bring both sides to the table for serious negotiations. We call for an intensified international effort at building a self-governing south. We call for enhancing U.S. diplomatic capacities, including restaffing our embassy in Khartoum and appointing a special envoy. And we call for expediting closure on our differences over terrorism.

Realism and leadership means working with what is doable, and it means systematically taking steps to dampen war and avoid steps that intensify war. It means avoiding, in our view, excess rhetoric and false premises and fictional options. By that, I mean the U.S. is not going to intervene anytime soon to change the south's military and security prospects which are, in fact, at risk and in decline. I just don't think that is a realistic or feasible option. I think we need to face up to that and recognize that the al-

ternative, which is multilateral diplomacy, is the only credible and viable alternative we have.

Oil will continue to turn the tide of advantage to the north and against the south. The question is how much it will do that.

Some of the ideas that Eric, Roger, and others have put forward raise questions about whether it is possible to slow or dull the impact of oil. I would argue that you could drive Talisman out tomorrow, the Chinese and the Malaysians would stay there, and the next phase would move forward; and Sudan may have \$600 million in revenue next year versus \$650 million, or the successive year maybe \$800 million versus \$750 million, but the overall trajectory will remain the way we have seen it.

Mr. ROYCE. I thank you, Mr. Morrison. We have your written testimony as well for the record.

Mr. MORRISON. May I just summarize my recommendations for the near-term steps that should be taken?

Mr. ROYCE. Yes, sir.

Mr. MORRISON. There are four promising recent developments. There are reports that Khartoum has suspended its aerial bombardments of sites in the south. This is something that we and others have highlighted as a sine qua non for opening the way forward to an eventual negotiated settlement to the war. It appears that Khartoum may have responded to this. We should move forward with verifying and monitoring through some international agency that this in fact is the case, and we should press for further actions to rein in militias and to strengthen humanitarian operations.

On terrorism, reportedly there has been recent progress in the bilateral negotiations between the U.S. and Khartoum. We should press to accelerate and to bring these negotiations to a satisfactory conclusion.

Multilateral consultations. The British, the Norwegians, the U.N. Secretary General, Egypt and Ethiopia have all signaled their eagerness to work with the United States on a serious multilateral effort to end the war and to initiate a serious peace process. We should test that.

Humanitarian assistance. We should push very hard to expand the relief into the south and the north. We should include non-humanitarian and capacity-building support to the SPLA.

Strengthen our diplomatic capacities. We can move ahead in restaffing our embassy right away. We can instruct our personnel in Africa and Europe to begin to take the pulse of key states that I have mentioned as to how and what they are prepared to do in assisting us.

In terms of sticks, we have heard a lot about capital market sanctions. At present, the common opinion is that these are not feasible on political or technical grounds. These should be explored much more aggressively and formally through additional hearings, I would suggest, that will bring together a broader range of experts who can speak to the realities of whether these sanctions are feasible technically and politically, and, if not, what are the alternatives to bringing pressure upon the corporate partners in Sudan.

Thank you very much.

[The prepared statement of Mr. Morrison follows:]

PREPARED STATEMENT OF J. STEPHEN MORRISON, DIRECTOR, AFRICA PROGRAM,
CENTER FOR STRATEGIC INTERNATIONAL STUDIES

INTRODUCTION: THE CSIS TASK FORCE ON U.S.-SUDAN POLICY

From July 2000 until February 2001, the Africa Program of the Center for Strategic and International Studies sponsored a Task Force on U.S.-Sudan policy, funded by the U.S. Institute of Peace. The purpose was to revitalize debate on Sudan and generate pragmatic recommendations for the new administration. I co-chaired that effort with Francis M. Deng, distinguished professor at the City University of New York Graduate Center. Regrettably, Francis is out of the country and hence unavailable to join us here today.

The Task Force operated on an inclusionary and bipartisan basis, and relied on the active participation of more than 50 distinguished individuals of highly diverse backgrounds and perspectives on the Sudan: congressional staff, human rights advocates, experts on religious rights, academic authorities on Sudan, former senior policymakers, refugee advocates, representatives of relief and development groups, and officials of the Clinton administration and United Nations, among others. Task Force members are listed in the report, and include individuals now serving in senior positions in the Bush administration. The Task Force final report was released on February 26 at an event at the National Holocaust Memorial Museum. The report is easily accessed on the CSIS web site: www.csis.org.

Despite differences of opinion among its members, the Task Force ultimately reached a strong, sharply cast consensus, in its findings and policy recommendations. One predominant factor accounts for this remarkable outcome. Task Force members shared both a deep frustration that U.S. policy has failed to generate any meaningful results and a conviction that a new approach is urgently needed that reaches beyond unilateral efforts to contain and isolate Sudan. Hence they were motivated to seriously re-think positions and seek a new consensus on a realistic, pragmatic way forward.

KEY FINDINGS

In Sudan, the central problem on which virtually everything else hinges is the devastating internal war that has raged since 1983.

Until the war is ended in a durable and just manner, we will not see genuine progress with respect to terrorism, gross human rights abuses, humanitarian crises, and regional instability.

Sudan matters to U.S. interests—on human rights, humanitarian, and security grounds—and has attracted a substantial constituency in the United States.

Sudan's war has left over 2 million dead, displaced within its borders 4.4 million persons and destroyed the physical and moral fabric of southern Sudanese society. The war features the government's aerial bombardment of humanitarian relief sites; the systematic denial and manipulation by Khartoum and opposition forces of relief to imperiled civilian populations; religious persecution; failure by the government to combat slavery and abductions of children and women into servitude by Arab tribal militias; and mounting allegations that the aggregate consequence of this pattern of violence is genocidal.

Since 1989, the U.S. has expended over \$1.2 billion on humanitarian relief to Sudan. In this period, U.S. media attention has risen, and important members of Congress, faith-based institutions, and advocacy groups have substantially raised the profile of Sudan in the United States.

Oil is fundamentally and quickly changing the nature of Sudan's internal war in favor of the north. An outstanding policy issue is how, or whether it is possible, to apply meaningful pressures now and in the future on international energy firms operating in Sudan.

Oil is shifting the balance of military power in favor of Khartoum, and has prompted Khartoum to focus its military efforts, including mass displacements of civilians, on oil fields and the pipeline. Oil now earns Khartoum \$500 million per year, and will double in the next two years as new fields become operational. This is widening the strategic imbalance between the government and the opposition; over time, the south's threat to the government's core interests will steadily weaken. At the same time, Khartoum will not be able to win definitively on the battlefield as it will continue to confront a guerilla insurgency in the south. Khartoum also continues to grapple with its own internal rifts; as a result, its coherence and internal strength remain uncertain.

If war persists, future exploitation of other promising energy fields in populated areas in the south will predictably involve more forced displacement and increased

intervention by advocacy groups to disrupt access by Sudan's corporate partners to U.S. capital markets.

More analytical work is needed on capital market sanctions to examine their technical feasibility, likely impact upon Khartoum, and implications for global financial markets, U.S. energy policy, and other critical foreign policy areas where their impact will likely be felt. The jury is still out on whether these sanctions are a technically and politically viable instrument.

The U.S. policy of unilateral isolation and containment of Sudan has largely failed to achieve results.

The Clinton administration's policy of isolation and containment was a response to threats to U.S. national interests from Khartoum's export of international terrorism in the early and mid-1990s. It was also grounded in moral outrage over the conduct of the war. U.S. policy did generate some leverage over Khartoum: a web of sanctions has contributed to its isolation. However, the U.S. has made little headway in ending Sudan's war, reforming Khartoum, or ameliorating Sudan's humanitarian crisis.

Throughout the Clinton era, U.S. policy did not match means to ends. Ambiguities persisted over true U.S. intentions: whether the preeminent U.S. aim was to force a regime change, to press for reform of Khartoum, or to achieve a sustainable end to Sudan's war. The United States pursued these multiple ambitions simultaneously, with little attention paid to whether regime change was achievable or how these diverse and seemingly contradictory policies would be reconciled. These ambiguities encouraged the mistaken belief in Khartoum that the United States was engaged in a covert war to overthrow the Sudanese government. For every heavily advertised dollar of non-lethal assistance the United States provided Sudanese rebel-controlled territory, Khartoum was reportedly able to leverage several dollars for its lethal campaigns against those imperiled civilians.

The withdrawal of a full-time diplomatic presence at the U.S. embassy in early 1996 left Washington with weak information flows and no voice or platform to exert its influence. The U.S. cannot effectively advance U.S. interests in Sudan under this handicap.

Ultimately, U.S. policy did not significantly weaken Khartoum, strengthen southern and northern opposition, moderate the conduct of Sudan's war, enhance humanitarian access and deliveries, or promote a process of genuine peace negotiations. Instead, in the late 1990s, as neighboring states and European Union member states steadily normalized relations with Khartoum, the United States found itself in conspicuous self-isolation with effectively no partners.

The United States today possesses significant leverage in regard to the Sudan crisis. The question is whether it uses that leverage effectively to achieve concrete results.

Altering the balance of power to effect either a regime change or a substantial strengthening of the south's military hand would require the United States to make a massive military and material investment. That option is neither advisable nor politically feasible. Realistically, only one viable course of action remains: pursue a hard-nosed strategy based on diplomacy, a mix of inducements and punitive measures, and multilateral initiatives.

Among major powers, the United States is the lone holdout in renewing a dialogue with Khartoum. It is also the principal external backer, in humanitarian and diplomatic terms, of the southern Sudanese opposition. In combination, these create considerable inherent leverage. Khartoum cannot reacquire full legitimate standing in the international community until it has persuaded the United States to lift its bilateral sanctions, acquiesce to the lifting of UN Security Council sanctions, and support the full renewed involvement of the World Bank, IMF and Paris Club.

Regional peace initiatives hold little promise for ending Sudan's war. A new extra-regional peace initiative is essential to end Sudan's war.

Although the InterGovernmental Authority on Development (IGAD) peace initiative has had certain achievements upon which any future initiatives should build, IGAD cannot be relied upon to persuade Sudan's warring principals to enter into serious negotiations. The Egypt/Libya initiative is essentially intended to checkmate IGAD, specifically on the issue of self-determination of the south. A new, robust extra-regional mediation agency is required if a credible peace process is to begin in Sudan.

RECOMMENDATIONS

The Task Force recommends that the Bush administration exercise leadership on Sudan in the following areas:

Establish a goal of ending Sudan's war. The United States should concentrate on this single overriding objective.

Create an international nucleus. The United States should actively join with the UK, Norway, and Sudan's neighboring states in establishing an international nucleus to press for serious and sustained talks between Khartoum and the southern opposition. Its aim should be to end the war as the central means to restoring fundamental human rights, stability and improved democratic governance, and regional security.

Use the Declaration of Principles. The new extra-regional initiative should build upon prior agreement by the Sudanese government and the opposition on the Declaration of Principles as the basis of negotiations.

Implement "One Sudan, Two Systems." The United States should seek first to reach agreement on the creation of an interim arrangement—a "One Sudan, Two Systems" formula—that preserves a single Sudan with two viable, self-governing democratic regions, north and south.

Strengthen carrots and sticks. The United States should devise enhanced multilateral inducements and pressures that move both sides to participate in peace negotiations in good faith.

Lay international groundwork for a self-governing south. The United States should catalyze the launch of a high-level international plan for a viable self-governing south, including commitments of substantial bilateral and multilateral resources towards its eventual realization. This should involve Sudanese experts, the World Bank, United National Development Program (UNDP), the EU, USAID, and other bilateral donors.

Pursue confidence-building measures. The United States should assign top priority in negotiations to early, confidence-building measures: improvements in human rights and humanitarian access; revenue-sharing mechanisms; clarification of the north-south border; definition of regional and central powers; and international guarantees.

Strengthen diplomatic capacities. The United States should resume full operations of the U.S. embassy in Khartoum, expedite the appointment of an ambassador, and appoint a high-level fully empowered special envoy with a robust mandate to expedite a just end to Sudan's war. The envoy should be charged with conducting roving consultations in Europe, Africa, and the Middle East, and sustain consultations with Capitol Hill and interest groups in Washington.

Reach consensus on terrorism. The United States should aggressively seek the successful conclusion of ongoing U.S.-Sudan negotiations on terrorism.

CLOSING COMMENTS

We've learned several tough lessons in recent years that should be fully weighed in the current review of U.S. policy towards Sudan.

Hubris, posturing and rhetorical excess, unbacked by sufficient political will and material resources to meaningfully strengthen the south's hand in its war against the north, play straight to Khartoum's advantage, feed false hopes in the south, and undermine U.S. policy interests. To avoid repeating the mistakes of the Clinton administration, the Bush administration will need to be disciplined, realistic, and honest with itself about what its real options are.

The United States is not going to assume responsibility for changing the overall military and security situation of the south. To pretend otherwise is to be irresponsible and unrealistic.

Expanded humanitarian aid, along with expanded non-lethal assistance such as trucks, radios, and boots, may help the south survive for the moment but will not offset the north's ever-larger security advantages, fed by its expansive energy sector. Larger questions loom in the south: what is its future, what is its vision, and how is it to overcome internal ethnic fragmentation and avoid marginality? It is fantasy to believe that humanitarian and other non-lethal assistance will effect a regime change in Khartoum and reverse the south's declining fortunes. Further, unilateral action by the United States, and particularly unilateral sanctions, have little hope of achieving these results.

There are significant doubts that capital market sanctions are politically or technically feasible. If so, we should not pretend the case is otherwise, but begin developing alternative, realistic options to bring greater pressure to bear upon Khartoum's corporate partners.

In closing, the time has come for the United States, in league with others, to make a strong push to end Sudan's war. Officials in Oslo, London, Addis Ababa, and the UN Secretariat in New York have signaled loudly their interest in joining with

the new administration in Washington to advance a new extra-regional peace initiative. The next ninety days will be critical in defining the course for U.S. policy.

It will be difficult to achieve results.

It is uncertain whether the Bush administration has a sustained commitment to end Sudan's war.

It is uncertain what leverage the United States actually has over Khartoum, whether the United States will be at all effective in getting results, and whether Khartoum has sufficient coherence and stability to be able to act upon U.S. overtures, if it in fact is inclined in that direction.

It is uncertain what leverage the United States actually has over the southern opposition, and whether Washington would be inclined to use it.

And, it is uncertain whether key European partners can be persuaded to move towards the American perspective on Sudan and apply greater pressure upon Khartoum and its corporate partners.

All of these uncertainties are critical, and all of them can and should be addressed systematically in the coming months. But none is so large as to undermine the case for a concerted effort to end Sudan's war.

What is certain is that there really is no credible, feasible alternative to a concerted multilateral diplomatic effort to end Sudan's war. At the end of the day, what we have in our tool kit to stabilize Sudan is diplomacy and U.S. sway in the world.

Mr. PAYNE. [presiding.] Thank you very much. We will now hear from Mr. Reeves.

STATEMENT OF ERIC REEVES, PROFESSOR, SMITH COLLEGE

Mr. REEVES. Thank you.

Mr. PAYNE. Would you state your name and your organization?

Mr. REEVES. Eric Reeves of Smith College.

I come before this Committee profoundly humbled by the enormity of the human suffering and destruction to which I must attempt to bear witness, and I come before you intensely dismayed at the present role of oil development in sustaining and extending the suffering and destruction that defines Sudan's catastrophic civil war. I believe that the highest priority of an American policy in seeking to end this ghastly conflict must be to fashion the means by which oil development is halted pending the negotiation of a just peace.

For the most obvious consequence of present oil development in Sudan is that all Sudanese revenues from the various projects and concession sales go directly to the brutal Khartoum regime of the National Islamic Front. These revenues, presently accruing at a rate of more than \$500 million a year, are unfettered by any credible mechanism ensuring equitable distribution or productive use. On the contrary, Khartoum has spoken openly of using oil revenues to build a domestic armaments industry and to extend the fighting indefinitely. Oil revenues are clearly the greatest disincentive for the regime to negotiate a just peace with the people of the south and the northern opposition.

Just as significant as the role of oil revenues in sustaining Sudan's civil war are the direct and savagely brutal consequences of oil development in the south. Report after report has confirmed that oil companies extracting and exploring for oil in southern Sudan enjoy a physical security that has consistently taken the form of massive scorched earth warfare directed against the indigenous populations.

Amnesty International, the U.N. special rapporteurs for Sudan, Human Rights Watch, the Canadian Assessments Report, and most recently the British humanitarian organization Christian Aid, all have revealed the same obscenely destructive consequences of secu-

rity for oil development: villages and foodstocks burned, strafed and bombed; men killed, sometimes in mass executions; women killed, raped, abducted; children enslaved; young and old mutilated and tortured. The purpose is to wreak a destruction so complete as to make a return to the oil regions pointless and terrifyingly dangerous.

Troublingly, American capital markets play host to several of these companies and, as a result, American capital is presently sustaining oil development in Sudan. Talisman Energy of Canada trades on the New York Stock Exchange, Lundin oil of Sweden on the NASDAQ, and a virtually wholly-owned and governed capital surrogate of China National Petroleum Corporation, PetroChina, trades on the New York Stock Exchange.

I am firmly convinced that circumstances in Sudan warrant the strongest possible nonmilitary response by the U.S. Congress as well as the executive branch. I believe the United States should impose capital market sanctions on oil companies presently active in Sudan. They should be denied exchange listings in the U.S. pending their withdrawal from Sudan or the negotiation of a just peace.

Why capital market sanctions? Unlike trade sanctions, capital market sanctions would be extremely focused, produce none of the collateral damage so often associated with trade sanctions, and generate immediate effects. Indeed, even the credible threat of such sanctions would have debilitating and unsustainable effects on the share price of targeted companies.

Even as I note the potency of American capital market sanctions, I must make clear that I believe they should be deployed only in the most exceptional of circumstances. American capital markets are one of our greatest strengths in the world economy. Their size, stability, and transparency are quite simply singular and their integrity is a matter of great importance. Capital market sanctions are a regime of last resort. But if there is a compelling case for their deployment, Sudan clearly presents it. Eighteen years of war marked by genocidal ambitions have left over 2 million dead and more than twice that number uprooted and displaced, and the regime in Khartoum is bent on using oil revenues to extend this massive destruction. It is morally incumbent upon America to deny willing corporate accomplices access to our capital markets, even as such action will almost certainly have the effect of pressuring Khartoum into a more tractable negotiating posture.

Thank you.

Mr. PAYNE. Thank you very much, Mr. Reeves.

[The prepared statement of Mr. Reeves follows:]

PREPARED STATEMENT OF ERIC REEVES, PROFESSOR, SMITH COLLEGE

My name is Eric Reeves; I am presently in my third year of full-time work as a Sudan researcher, analyst, and advocate, having taken extended leave without pay from my academic position at Smith College.

I come before this committee profoundly humbled by the enormity of the human suffering and destruction to which I must attempt to bear witness. And I come before you intensely dismayed at the present role of oil development in sustaining—and extending—the suffering and destruction that define Sudan's catastrophic civil war. I believe that the highest priority of American policy in seeking to end this war must be to fashion the means by which oil development is halted pending the negotiation of a just peace.

For the most obvious consequence of present oil development in Sudan is that all Sudanese revenues from the various projects and concession sales go directly to the brutal Khartoum regime of the National Islamic Front. These revenues, presently accruing at a rate of \$500 million per year, are unfettered by any credible mechanism insuring equitable distribution or productive use. On the contrary, the Khartoum regime has spoken openly of using oil revenues to build a domestic armaments industry, and of using oil revenues to extend the fighting indefinitely. The doubling of acknowledged military expenditures over the last two years suggests that on this issue we may take Khartoum at its word.

Moreover, the presence of Western and Asian oil companies in Sudan provides the regime with a veneer of international respectability, one which has been used expertly and with highly unfortunate consequences for the tenuous peace process. Insulated economically and diplomatically by oil development, Khartoum has steadfastly refused to negotiate in good faith with opposition parties, most particularly on the key issues of southern self-determination and the relation of state and religion. Believing that oil revenues will allow for a final military solution to the "southern problem," and that corporate interests in oil profits will prevent serious international pressures from being brought to bear, Khartoum feels that time is on its side and that it need not negotiate seriously.

A telling example of the regime's attitudes is reflected in a statement made a year ago by Abdelbagi Kabir, deputy director of Sudan's peace and humanitarian affairs department. Commenting on the impending (and in the event damning) Canadian report on the presence in Sudan of Canada's Talisman Energy, Mr. Kabir said:

"The investment by Talisman and other [oil companies] shows there [is] no truth to the idea that Sudan [is] a deeply divided state with fundamental internal problems. We think this foreign investment could only be evidence of tranquillity and a prosperous atmosphere." [Reuters newswire, Jan 13, 2000]

This stands in stark contrast to one of the central findings of the Canadian report: "It is difficult to imagine a cease-fire [in Sudan] while oil extraction continues, and almost impossible to do so if revenues keep flowing to the [oil consortium partners] and the Government of Sudan as currently arranged."

[Report of the Harker Assessment Mission, January 2000 (Ottawa), Page 16]

And yet Canada has failed to restrain Talisman's activities in Sudan, and thus ironically confirms Mr. Kabir's disingenuous optimism.

Just as significant as the role of oil revenues in sustaining Sudan's civil war are the direct and savagely brutal consequences of oil development in the south. Report after report has confirmed that the oil companies extracting and exploring for oil in southern Sudan enjoy a physical security that has consistently taken the form of massive scorched-earth warfare, directed against the indigenous populations.

Amnesty International, the UN Special Rapporteurs for Sudan, Human Rights Watch, the Canadian assessment report, and most recently the British humanitarian organization Christian Aid—all have revealed the same obscenely destructive consequences of "security" for oil development: villages and foodstocks burned, strafed and bombed; men killed, sometimes in mass executions; women are murdered, raped, abducted; children enslaved; young and old mutilated and tortured. The purpose is to wreak a destruction so complete as to make return to the oil regions pointless and terrifyingly dangerous.

These are not surmises; these are not a few anecdotes; these are the conclusions deriving from massive documentation, first-hand reporting and interviewing, aerial surveillance, and overwhelming photographic evidence from the ground.

What must concern American policy-makers and legislators are not simply these terrible realities, but the fact that the governments whose multinational oil companies are operating in Sudan have yet to accept responsibility for the consequences of such corporate presence. Canada has allowed Talisman Energy to operate without restraint. Sweden has yet to discipline Lundin Oil. Petronas, the state-owned oil company of Malaysia, has been actively supported in Sudan by a propaganda celebration orchestrated in Kuala Lumpur. And China National Petroleum Corporation, the most active participant in Sudan's oil development projects, is vigorously supported by the People's Republic of China, which indeed owns China National Petroleum.

Despite the overwhelming evidence that oil development is the occasion for massive scorched-earth warfare, and that oil revenues are sustaining Sudan's civil war, the governments of Canada, Sweden, Malaysia, and China have done nothing to take responsibility for these realities.

Troublingly, American capital markets play host to several of these companies, and as a result, American capital is presently sustaining oil development in Sudan. Talisman Energy trades on the New York Stock Exchange, Lundin on the NASDAQ,

and a virtually wholly owned and governed capital surrogate of China National petroleum Corp. (PetroChina) trades on the New York Stock Exchange. Indeed, last year's Initial Public Offering of PetroChina generated almost \$300 million for China National Petroleum Corporation, capital now available to expand exploration and oil development efforts in southern Sudan.

I am firmly convinced that these circumstances warrant the strongest possible non-military response by the US Congress, as well as the Executive Branch. Though oil development is a troubling reality in a number of places around the world, nowhere is it as massively destructive and obstructing of peace as in Sudan. And nowhere is corporate complicity in oil-driven destruction as obvious and morally vicious as in Sudan. Given the scale of Sudan's human catastrophe, I believe the United States should impose capital market sanctions on oil companies presently active in Sudan. I believe that unless Talisman Energy, Lundin Oil, and China National Petroleum Corporation suspend all oil-related activities in Sudan, they should be denied their American exchange listings, pending their withdrawal from Sudan or the negotiation of a just peace. In the particular case of China National Petroleum Corporation, the capital market sanctions should be directed at their surrogate, PetroChina.

Why capital market sanctions? And why for Sudan only? Unlike trade sanctions, capital market sanctions—the denying of access to US capital markets—would be extremely focused, produce none of the collateral damage so often associated with trade sanctions, and generate immediate effects. Indeed, even the credible threat of American capital market sanctions would have devastating and ultimately unsustainable effects on the share price of targeted companies. Talisman Energy and Lundin Oil would face a stark choice: remain in Sudan and see share price plummet as American capital, and capital market trading, were denied them—or suspend operations in Sudan. The former is not a likely choice, and the suspension of activities in Sudan by these two Western corporations would send the clearest possible signal to Khartoum: make peace, or see your prospects for Western technology and technical expertise, Western economic integration, and Western capital access begin to wither.

Capital market sanctions directed at Chinese participation in Sudan's oil development have the potential to be an even more effective tool for pressuring Khartoum to make peace. For China is unlikely to withdraw from Sudan, its premier off-shore oil source. China has since 1995 been a net importer of oil, with domestic consumption growing at a rate of 10% a year. Moreover, its economy is especially vulnerable to petroleum price shocks like the one we've recently seen. They will likely continue to operate in Sudan. But they have immense capital market vulnerability, needing in the near- to mid-term to capitalize over 100 state-owned enterprises if they are to compete domestically under the WTO terms negotiated last year.

If PetroChina, their flagship IPO, is de-listed from the New York Stock Exchange because of its connections to parent China National Petroleum Corporation and Sudan's oil development projects, they will rightly see their capital market prospects as significantly diminished. There could be no greater incentive for them to pressure Khartoum to make peace, and thereby remove a serious obstacle to greater US capital market access. It is important to remember that no one has invested as much in Sudan as China, in all economic spheres. And no one has more ruthlessly shielded the Khartoum regime from effective UN diplomatic pressures. If Beijing speaks, Khartoum will listen.

Even as I note the potency of American capital market sanctions, I must make clear that I believe they should be deployed only in the most exceptional of circumstances. American capital markets are one of our greatest strengths in the world economy; their size, stability, and transparency are quite simply singular, and their integrity is a matter of great importance. Capital market sanctions are a regime of last resort.

But if there is a compelling case for their deployment, Sudan clearly presents it. 18 years of war marked by genocidal ambitions have left over 2 million dead and more than twice that uprooted and displaced. The regime in Khartoum is bent on using oil revenues to extend this massive catastrophe, and in the process has conducted a savage scorched-earth campaign to provide security for the oil companies generating those revenues. It is morally incumbent upon Americans to deny access to our capital markets, even as such action will almost certainly have the effect of pressuring Khartoum into a more tractable negotiating posture. We have hardly begun to slide down some slippery slope of capital market interference if we declare, in response to the most destructive civil conflict in half a century, that we will not permit American capital to flow to companies sustaining that conflict.

No doubt there are questions about how such sanctions would work, and concerns about precedent. I stand willing to answer all such questions to the best of my abil-

ity. But I would submit that Sudan's agony puts a fundamental question before us: are we willing to take all effective non-military steps to pressure Khartoum to negotiate a just peace? And if not, if American capital is allowed to continue to sustain the oil-driven destruction of Sudan, how can we claim to be free of complicity in that destruction?

Mr. PAYNE. Mr. Roger Winter.

STATEMENT OF ROGER WINTER, EXECUTIVE DIRECTOR, U.S. COMMITTEE FOR REFUGEES

Mr. WINTER. I am Roger Winter and I am with the U.S. Committee for Refugees. Thank you for having me here today. The NIF government has crossed the line. It is very important to be cognizant of this line. It has been the case previously that an argument could be made that things were happening locally in Sudan that were genocidal, such as the essential liquidation of the people of the Nuba Mountains.

I argue now that it is no longer the case that we are able to talk simply about things that are genocidal but not genocide. It is increasingly clear that the widespread, intentional pattern of uprooting, dispersing, destroying and assimilating so-called "enemy" civilians in south Sudan is genocide, not just genocidal, and the path and pattern of that genocide is actually accelerating. The NIF government sees itself as on a roll as it depopulates oil areas of "unreliable" citizens by any means necessary, and it does this in the face of international inaction.

And as somebody as you know, Mr. Chairman, involved with you back in 1994 with respect to Rwanda, this has all of those signs. The situation in Rwanda was one of those situations where these terrible things were happening, where the U.N. had abandoned any constructive role with respect to Sudan, where Europe had effectively abandoned any constructive role with respect to Sudan, and one in which the U.S. Government abandoned any constructive role. President Clinton even said he didn't know there was genocide going on. But nobody will be able to say this about Sudan.

I presented in written testimony nine points. I am not going to review them, but let me make a couple of statements from them. First of all, it is the National Islamic Front government that is the obstacle to just peace in Sudan. It isn't the north, it isn't Muslims, it isn't Arabs. It is the National Islamic Front government. That government is an extremist government.

It is important that we understand the difference between that government and all the people of the north. It is important to understand there is no moral equivalence in the combatants to this conflict. The government is clearly the primary abuser. The victims are the civilians of the south, and in the east in particular. Oil is genocide's lifeblood, and only a tough U.S. leadership stance can make a difference.

What can Congress do? I would suggest there are some things that can come on line fairly quickly. First of all, all of us here in the U.S. are talking about resolving or addressing the situation in Sudan without actually talking to some of the key players. What I mean is the National Democratic Alliance, including all of the opposition groups and including the Sudan People's Liberation Movement, the Beja and others who have a stake in a just peace in Sudan. The U.S. is not actually listening to them very clearly. We

dialogue with Canada, we dialogue with Europe, we dialogue with China, all of whom develop blood oil.

We even dialogue with the National Islamic Front government, but we have no regular, consistent dialogue with the opposition. They are part of the solution here, and if we extend and broaden dialogue with them, it would send a very clear signal to the National Islamic Front.

Number two, we should quickly approve the resolution dealing with blood oil that you announced as being introduced today, Mr. Chairman. A quick resolution of that kind will be a shot across the bow to some of those oil companies that are thinking of getting involved in Sudan. It urges the Administration to take clear steps to deny capital market access and expand sanctions regarding oil. The point is, it would be a very clear signal and signals right now are very important.

Third, it is, I think, important to enact the Sudan Peace Act, but I would argue, only if substantially amended. It needs strengthening; condemnation and reports are inadequate in this case. It needs to be amended to codify current sanctions by the United States on financial and trade transactions because these exist only in executive order right now. They are not codified.

The bill, I would argue, needs to reinsert capital market sanctions that were passed by the House last October and ought to be restated again. I would argue for an amendment for firm action to try to approach the issue of the NIF restricting access to famine and humanitarian programs as terribly important, because there is an emerging famine in Sudan right now, with at least 2.5 million people at risk.

I handed out and would like to make available for the record a list of places that today—this is up to date through today—the government in Khartoum is restricting access to. There is a list of 15. Actually, there are more than 15 if you count the Nuba Mountains that need to be recognized as being denied access to food and famine supplies right now.

It is terribly important that we do a variety of things like that to strengthen the Sudan Peace Act, because only if it is strengthened will it be seen as a signal that NIF will actually hear.

I argue, fourthly, that the Congress should do something to assure that the \$10 million that you already appropriated last year, last fall, actually gets used. It hasn't been used up to this point, and in some ways it is an unfulfilled promise by this Congress, because you did, in fact, appropriate it. The funds are to be used to empower civil society in south Sudan, in the east and elsewhere; and it is very important that it be deployed quickly because, again, it would be a very clear signal to the NIF.

And lastly, I would urge the Administration—I would ask you to urge the Administration to instruct the U.S. Representative to the United Nations to seek U.N. Security Council condemnation of aerial bombardment. Regardless of what you have heard from any source, including from this panel, about the cessation of bombing, that is not the case. And attached to my testimony you will see a list of confirmed bombings that have occurred this month, and even up through last week; the bombings include bombing the World Food Program drop zones when an actual food drop is in motion,

and rebombing Kauda in the Nuba Mountains, which some of you will recall is the location of the diocesan school that was bombed in February of last year with substantial loss of life among children.

So don't get fooled, bombing continues to occur. And please look at the list; it is a verified list.

With that, let me just say this. I have been involved in Sudan for 20 years. The American people are watching Sudan like I have never seen before. They are waiting for action. Both of these Committees have been exceedingly helpful in the past. There is a critical mass, I would argue, in the Congress for taking a strong and effective approach to Sudan, but you need to be clear that this is the only African country in which there is a substantial, growing, activist, bipartisan and diverse popular constituency, and that constituency wants to know from the Congress, wants to know from the new Administration, what is going to be done to end this tragic situation.

Thank you.

Mr. ROYCE. [Presiding.] Thank you, Mr. Winter.
[The prepared statement of Mr. Winter follows:]

PREPARED STATEMENT OF ROGER WINTER, EXECUTIVE DIRECTOR, U.S. COMMITTEE FOR REFUGEES

I commend the House Subcommittee on Africa for convening today's hearing on policy options for the United States on the catastrophic situation in Sudan. The involvement of the Subcommittee is desperately needed. Eighteen years of virtually non-stop civil war and harsh Sudanese government repression have produced in Sudan the world's worst human rights and humanitarian disaster. Yet the world has largely ignored the situation. Sudan merits the attention of this and every other body that is concerned about human rights in today's world.

I hope that the interest in Sudan displayed today by the Subcommittee will be sustained in the months to come. The members of this panel can provide impetus for a deeper commitment to the emergency in Sudan by Congress, the Administration, and the United Nations. Some members of Congress already are heroically involved. I urge you all to play a leading role in helping to strengthen U.S. policy toward Sudan.

ROLE OF U.S. COMMITTEE FOR REFUGEES

The U.S. Committee for Refugees (USCR) is a non-governmental, non-profit agency dedicated to defending the rights of uprooted peoples worldwide.

During the past 20 years, USCR has been deeply involved in documenting, reporting, analyzing, and advocating on human rights and humanitarian issues in Sudan. USCR has conducted more than 30 site visits to Sudan over the years. I personally have conducted assessment trips to Sudan on behalf of USCR every year since 1988, including three last year and, most recently, in January of this year. USCR readily shares its analysis and recommendations with Congress. This is the fourteenth time that USCR has formally testified about Sudan to a Congressional panel since 1989, and we remain in regular contact with appropriate Congressional staff as human rights abuses and humanitarian suffering in Sudan continue unabated.

USCR published two major reports on Sudan in recent years: *Follow the Women and the Cows: Personal Stories of Sudan's Uprooted People*; and a groundbreaking study entitled, *A Working Document II: Quantifying Genocide in Southern Sudan and the Nuba Mountains 1983-1998*. USCR continually publishes updates on the humanitarian situation in Sudan and is working with sources on the ground in the region to document aerial bombings of civilian and humanitarian sites by the Sudanese government. A USCR statement about Khartoum government bombings in 2001 is attached.

Measurements of Sudan's Crisis

By virtually any measurement, the human rights and humanitarian situation in Sudan is cataclysmic:

Sudan is suffering the longest uninterrupted civil war in the world. The current conflict has persisted for 18 years. The country has been embroiled in civil war for 34 of the past 45 years, since independence in 1956. People all over Sudan are suffering as a consequence. The south is in extremis.

More than 2 million Sudanese are estimated to have died of causes directly or indirectly linked to war and repressive Sudanese government policies. An average of more than 300 people per day die because of war-related causes in Sudan, according to the best available estimates. Sudan's death toll is larger than the combined fatalities suffered in Bosnia, Kosovo, Afghanistan, Chechnya, Somalia, and Algeria. Twice as many Sudanese have perished in the past 18 years than all the war-related deaths suffered by Americans in the past 200 years.

More Sudanese are uprooted than any other population in the world. More than 4 million Sudanese are internally displaced, and nearly a half-million are refugees outside the country. One of every nine uprooted people on the face of the earth is Sudanese.

A largely man-made famine killed tens of thousands of people in southern Sudan during 1998. There is a major threat of famine in 2001. Sudan's 1998 famine affected an estimated 2.5 million people. The government in Khartoum denied humanitarian agencies access to the famine zone for the number of months needed to assure widespread suffering and loss of life. Civilians were caught in a starvation trap. There is a need to guard against such action by the Sudan government this year.

Slavery exists in Sudan. Annual slave raids by government-allied militia have pressed uncounted tens of thousands of southern Sudanese children and women into slavery.

Most of southern Sudan's 5 million people have absolutely no access to schools or reliable health care. The impoverishment of southern Sudan's population—the region of the country that has endured the brunt of Sudan's long civil war—is virtually unprecedented in today's world. Eighteen years of violence and deliberate population displacement by the government have reduced much of southern Sudan—an area the size of Texas—to virtual medieval conditions.

Sudan is the only place in the world where the government routinely bombs civilian targets—hospitals, schools, relief centers, market places—and the world stands by mutely. Sudanese government planes bombed civilian targets at least 167 times last year and no fewer than 20 times so far this year, according to data compiled by USCR from reports of relief workers in the field. That is an average of more than three bombings per week. This is a conservative total—scores of additional bombings went unreported and uncounted. A day-by-day list of most known bombings during the past 15 months is attached. USCR also can provide the Subcommittee with a recent five-minute video depicting the effects of a deadly bombing attack. The Sudanese government's aerial bombs deliberately kill and maim innocent people and force massive numbers to flee their homes and their fields, adding to the country's vicious cycle of food shortages and impoverishment.

Policy Considerations and Options

All policy approaches to the conflict in Sudan will ultimately founder if they deal only with symptoms and not causation. A comprehensive strategy must include both. The following are or relate to elements of an effective approach to Sudan.

1. *The principal goal of U.S. policy on Sudan should not be merely peace at any cost, but rather a just peace.*

A peace of the cemetery is unacceptable. So too is one that leaves the south gutted and depopulated, or that leaves the Khartoum regime's northern political opposition in chains or in exile. To achieve a just peace requires either genuine change on the part of the National Islamic Front (NIF) government, or its demise.

2. *The NIF is the obstacle to a just peace.*

The NIF staged its coup in 1989 specifically to abort peace. An accord had been reached between the then-democratically elected government, the Sudan People's Liberation Movement, and the other major parties such as the Democratic Unionist Party. The accord dealt adequately with southern political aspirations and the separation of religion and state. The NIF, as an extremist group, regarded that formula as unacceptable and killed it. The bulk of the more than 2 million deaths in Sudan's conflict, as a result, are the fruit of NIF actions.

Since taking power, the NIF government has purged social institutions that might present challenges to its power, voluntarily opened its borders to agents of international terrorism, adopted a genocidal pattern of uprooting, dispersing, destroying, and assimilating what it views as "enemy" civilians, and has been the recalcitrant party to the IGAD peace negotiations. The NIF has regularly manipulated the UN's Operation Lifeline Sudan to curtail humanitarian aid deliveries to needy civilians

when such manipulation is convenient for the regime's military purposes. The NIF has established a marked pattern of refusing to live up to its commitments.

3. *The NIF appears to believe it can win and is winning the war, with the help of international oil development. The Khartoum regime thus has no incentive to negotiate a just peace.*

The NIF has made a public commitment, now backed by official figures, to increase its war-making capabilities dramatically and to insulate itself from international pressure. The Sudanese government has made a major commitment to create an internal arms industry.

The impact of these efforts is already visible on the ground. In January, I visited northern Bahr-El Ghazal Province near the oil fields. I saw for the first time huge bomb craters—much larger than any I have seen before; and new patterns of bombing designed to destroy or push from the oil fields the southern civilians who have lived there all their lives. I also saw the maimed bodies of people severely wounded by helicopter gunships that the Sudanese government increasingly unleashes on villages to depopulate oil-producing areas.

The oil concessions granted to foreign oil companies cover a vast percentage of the territory of south Sudan and, consequently, the homes of a huge portion of the south's population. The NIF has found that conducting its campaign to conquer the south in conjunction with foreign oil development mutes much international criticism.

If this "cleansing" of civilians is successfully carried out "to secure the oil fields," only a shell of an inhabitable south will be left.

4. *In order for real peace negotiations to begin, international policy makers should disabuse the NIF of its belief that the world will continue to stand by passively and allow it to win the war through terror, starvation, and the mass elimination of the civilian population of southern Sudan.*

The world community, led by the United States, should help create an environment for successful negotiations by leveling the negotiating playing field; it should, for the first time, intervene politically to force the NIF to negotiate seriously for a just peace.

If the UN is politically incapable of protecting the civilian victims of this conflict (and China and others are likely to render the UN so), and if the bulk of the developed West (Canada and most of Europe), normally prime defenders of human rights, are for their own economic interests prepared to stand by while the south is liquidated just as the people of the Nuba Mountains virtually already have been, the United States either should itself provide that needed protection or enable the NIF's Sudanese opposition (the NDA, including the SPLA) to do so. They have the will and should not be denied the right to defend their families if no one else will.

While the Sudanese opposition has its flaws, it is far superior morally to the NIF. Neutrality, or inaction, in the face of what is occurring in Sudan, would be thoroughly immoral.

5. *A strategy that threatens Sudan's oil development can quickly have a strong impact on Khartoum and can bring the NIF to the negotiating table for serious discussions.*

Foreign oil companies operating in southern Sudan have no commitment to the NIF; they seek the oil and the profits. In doing so they choose to ignore the suffering of the Sudanese people.

7. *The NIF should be required to take several concrete steps as evidence that it is genuinely willing to engage in a serious peace process.*

a. The NIF's continued aerial bombardments of civilian targets must end. The bombardment of hospitals, relief centers, schools, and markets is clear evidence of the NIF's commitment to total military victory and ruthlessness against its own people. If the bombings continue, the United States should pursue an entirely punitive approach. The U.S. government should regard each bombing as a violation of international humanitarian law. U.S. officials should pressure or embarrass the UN Security Council into appropriate action.

b. The NIF must end its policy of denying humanitarian access to needy civilians in the Nuba Mountains region, and must cease its routine denial of humanitarian access to locations in southern Sudan that fit its military strategy.

The NIF has consistently utilized food as a weapon, with virtual impunity. The international community, led by the United States, should negotiate or impose an entirely new approach to Operation Lifeline Sudan. Support should be increased for humanitarian agencies working in southern and central Sudan independently of OLS.

Relief workers warn that substantial food problems will likely escalate this year. The clear NIF record of deliberately denying food to vulnerable civilians leaves us all with no excuse for inaction.

8. *A U.S. Special Envoy on Sudan could be useful, if the right person is chosen and given the right mandate.*

The State Department has been seriously divided on U.S. policy toward the NIF for years. As a result, the State Department's effectiveness toward Sudan has been compromised, and previous U.S. Special Envoys have failed.

President Bush should appoint as Special Envoy a person of great and impeccable stature in a public ceremony, and should equip the Special Envoy with a strong mandate to achieve a just peace in Sudan. Treating the appointment of a U.S. Special Envoy as a major foreign policy priority for the first time would dramatically change and energize the international dynamic on Sudan.

My suggested candidate would be former Senator Sam Nunn. Appointment of both a Special Envoy and an Ambassador to Sudan would guarantee confusion.

9. *European governments cannot lead on international policy toward Sudan. The United States alone is positioned to do so.*

The political will of European governments on Sudan has always been weak, with few exceptions such as Norway. The craven dash to Sudan by European oil companies has further compromised European governments' abilities in this regard.

This contrasts with the United States, where a strong bipartisan constituency exists in Congress on Sudan. Moreover, a large and energetic grassroots constituency that cares passionately about the suffering in Sudan has emerged in the United States. The New York Times recently mischaracterized that constituency as "the religious right." In fact, the American constituency on Sudan is much broader and diverse, joining Roman Catholics, mainline Protestants, evangelical Protestants, other non-churched individuals, college students, African Americans in growing numbers, Sudanese in America in all their variety, and many others. The American public would support a strong U.S. policy in support of a just peace in Sudan.

Finally, the United States is the only country that can guarantee a just peace after one is negotiated. This country is the only one able to create the environment in which a just peace can be negotiated.

These, Mr. Chairman and members of the Subcommittee, are my thoughts about Sudan's conflict, which is much more than a conflict.

I remember the excuses the UN, the U.S. government including President Clinton, and the bulk of European governments made to cover up their reluctance to get involved and their ultimate failure to confront genocide in Rwanda in 1994. President Clinton even said he didn't know.

No one will be able to use those excuses in the case of Sudan.

Thank you.

Mr. ROYCE. Pastor Kusunoki

**STATEMENT OF REVEREND GARY I. KUSUNOKI, CALVARY
CHAPEL, RANCHO SANTA MARGARITA**

Rev. KUSUNOKI. My name is Gary Kusunoki. I am the pastor of Calvary Chapel of Rancho Santa Margarita, California, and the Director of safe harbor international relief.

I just returned this past Saturday from my seventeenth relief and assessment trip to south Sudan, visiting several areas in northern Bahr El Ghazal, western upper Nile and the oil fields around Bentiu.

On this trip Safe Harbor delivered more than 38 metric tons of badly need food, medicine and other supplies, many of them to no-go areas.

Last week, I visited the town of Nyhialdui, approximately 4 to 5 miles south of Bentiu, in an area that is being cleared for oil development by the government of Sudan. Three weeks ago a government-backed militia burned the town of Nyhialdui to the ground.

According to the witnesses, the militia attacked very early in the morning, burning houses and shooting men, women and children. People ran in panic and children were separated from their parents. An unknown number of people were killed. As far as my eyes could see, there were burned huts and buildings.

I do have notes from that area. We are estimating that more than 25,000 people were displaced as a result of that attack and have now moved to other locations further south. We were also given estimates of up to 200,000 people who are currently displaced in that area. They are without shelter, water, food or medical care, and they are in desperate need.

Without immediate intervention this area and many others like it, it will begin to experience famine. In one village in West Aweil, the people are beginning to strip the trees of leaves and seeds which, while edible, result in diarrhea and hasten the process of dehydration. The last rainy season was insufficient, resulting in a poor harvest unable to support the current population without even considering the added burden of the displaced.

The situation in south Sudan is critical and has been ignored for far too long. Constructive engagement, in my view, has been tried and has failed. The longer we delay, the higher the cost in human lives and suffering. We cannot allow this travesty of justice to continue any longer.

I would respectfully submit four recommendations:

First, food, medical supplies and transportation must be made immediately available to organizations working outside the umbrella of the U.N. Operation Lifeline Sudan. These are organizations that are willing to brave the no-fly zones and take aid into the areas of greatest need. Unfortunately, small budgets, limited access to supplies and the unavailability of large aircraft severely hamper their efforts.

Second, President Bush should do whatever is necessary to bring about peace and justice in south Sudan. The appointment of a high-level internationally recognized envoy would go a long way in achieving this goal.

Third, the United States and its allies should institute and enforce a military no-fly zone over south Sudan such as the one that is currently in place in Iraq.

Finally, we as a Nation must not tolerate those governments who would oppress and persecute their people based upon religion or skin color. We should treat Sudan as a pariah nation, just as we treated apartheid in South Africa many years ago. The system of

apartheid and prejudice in South Africa pales in comparison to the crisis of human slavery and genocide taking place right now in Sudan.

As a pastor, I cannot in good conscience look the other way as my brothers and sisters in Christ and other innocent people are being victimized. I have cared for the wounded. I have prayed and cared for their sick and starving children. I have buried their dead. I have seen the devastation left in the wake of bombs dropped by the government on civilian targets. I cannot sit silently by, because I have seen firsthand the horrors done by this country that sanctions slavery and genocide.

Psalm 82 calls us to defend the cause of the weak and fatherless, maintain the rights of the poor and oppressed; rescue the weak and needy, deliver them from the hand of the wicked.

I am also here as a father because this genocide has impacted my family. Two of my five daughters have been adopted from the Sudan. Both their mothers were brutally murdered by the government-backed militia. My oldest daughter watched as her mother and most of her family were murdered in cold blood in March 1998. She herself was shot in the right leg as she ran for her life. I have had to answer my 5-year old when she asked me what this war did to her mother. My wife Carol and I have comforted our oldest adopted daughter Rebecca as she has relived the terror of her family's murder over and over again in her dreams.

Please, for the sake of the children, stop the killing.

How many more men, women and children must die in this holocaust taking place in the 21st century? How much longer will the United States and their leaders stand by and ignore this genocide that is on a far larger scale than that of Rwanda. I pray that we will not have to offer another apology. If not our Nation, who will have the moral courage to stand for what is right? Someone has got to care.

Thank you.

[The prepared statement of Rev. Kusunoki follows:]

PREPARED STATEMENT OF REVEREND GARY I. KUSUNOKI, CALVARY CHAPEL, RANCHO SANTA MARGARITA

Good afternoon. My name is Gary Kusunoki, I am the senior pastor of Calvary Chapel of Rancho Santa Margarita, California and the director of Safe Harbor International Relief, a church based NGO operating in South Sudan for the past five years. I just returned this past Saturday from a relief and assessment trip to South Sudan visiting several areas in Northern Bahr El Ghazal, Western Upper Nile, and the oil fields around Bentiu. On this trip Safe Harbor delivered more than 38 metric tons of badly needed food, medicine and other supplies to these areas.

On Monday, March 19th, I visited the town of Nyhialdui, approximately 4 to 5 miles south of Bentiu and in an area that is being cleared for oil development by the government of Sudan. On March 6th, 2001, the town of Nyhialdui was burned to the ground by the Sudan Peoples Defence Force, a government backed militia. According to witnesses, the militia attacked very early in the morning, burning houses and shooting men, women and children. People ran in panic and children were separated from their parents. An unknown number of people were killed. As far as my eye could see were burned huts and buildings. We are estimating that more than 25,000 people were displaced as a result of that attack and have now moved to other locations further south. We were given estimates of up to 200,000 people who are currently displaced in that area. They are without shelter, water, food or medical care and are in desperate need.

Without immediate intervention, this area, and many others like it will begin to experience famine. In one village in West Aweil, the people are beginning to strip the trees of leaves and seeds which, while edible, result in diarrhea, and hasten the

process of dehydration. The last rainy season was insufficient, resulting in a poor harvest unable to support the current population without even considering the added burden of the displaced.

As a pastor, I cannot in good conscience look the other way as my brothers and sisters in Christ and other innocent people are being victimized. I have cared for their wounded. I have prayed for their sick and starving children. I have buried their dead. I have seen the devastation left in the wake of bombs dropped by the government on civilian targets. I cannot sit silently because I have seen first hand, the horrors of this war.

Psalm 82 verses 3 and 4 call us to: Defend the cause of the weak and fatherless; maintain the rights of the poor and oppressed. {4} Rescue the weak and needy; deliver them from the hand of the wicked.

I am also here as a father. Two of my five daughters have been adopted from the Sudan. Both their mothers were brutally murdered by the government backed militia. My oldest adopted daughter Rebecca, at 11 years old, watched as her mother and most of her family were murdered in cold blood, in March of 1998. She, was shot in her right leg as she ran for her life. This genocide has impacted my family. I have had to answer my five year old, when she asked what the war did to her mother. My wife and I have comforted Rebecca as she relived the terror of her families murder in her dreams. Please, for the sake of the children, stop the killing. It is time for peace.

The situation in South Sudan is critical and has been ignored for far too long. Constructive engagement has been tried and has failed. The longer we delay the higher the cost in human lives and suffering. Two million have already died since 1983 and 4.2 million are currently displaced. We cannot allow this travesty of justice to continue any longer. I would respectfully submit four recommendations:

- Food, medical supplies, and transportation, must be made immediately available to organizations working outside the umbrella of the UN Operation Lifeline Sudan. These are organizations that are willing to brave the no fly zones and take aid into the areas of greatest need. Unfortunately, small budgets, limited access to supplies and the unavailability of large aircraft severely hamper their efforts.
- President Bush should do whatever is necessary to bring about peace and justice in South Sudan. The appointment of a high level, internationally recognized envoy would go a long way in achieving this goal.
- The United States and it's allies should institute and enforce a no fly zone over South Sudan, such as the one currently in place in Iraq. This will stop the senseless and cruel bombing of civilian targets.
- We as a nation must show our intolerance towards those governments who would oppress and persecute their people based upon religion or skin color. We should treat Sudan as a pariah nation, just as we treated South Africa years ago. This is more than prejudice, it is genocide.

Thank you.

Mr. ROYCE. Thank you, Pastor; thank you very much for your testimony today. And I thank you all.

I would like to begin by asking Pastor Kusunoki a question. In your comments you tell of witnessing 25,000 people being displaced as a result of a recent attack by the Sudan people's defense forces, and you said huts and buildings were burnt as far as the eye could see.

Why do you think these attacks are escaping media attention?

Rev. KUSUNOKI. I believe part of the reason is because they are in the no-go areas. They are in the areas that the government of Sudan has created as a buffer zone, that are in the proposed concessions for the oil fields. So it is very difficult to get into the area. There are only a few groups that are even willing to go and operate in those areas, and there are only one or two charters that are willing to fly us into those areas. So one of the biggest reasons is just the inaccessibility.

The other, I would say, would be the danger. There is considerable danger in going into these areas. They are unstable. They are

insecure by U.N. Standards. These are Level 4 areas, and I don't know that the media is willing to take the risk in those cases.

Mr. ROYCE. In the past, we have heard testimony from family members who have had their daughters sold into slavery, their sons massacred before their eyes. What will happen to the people of this town burned to the ground? Are they going to move further south? Are there any humanitarian organizations available to provide them assistance? Will the troop trains come down and will they be rounded up and sold into slavery like so many, many before them? What do you think will happen there?

Rev. KUSUNOKI. Everyone has already moved further south. What is going to happen is that they are in areas that already have very little food and don't have a sufficient level of food to feed the current population. Because of the added pressure of the displaced, we are going to see in the relatively near future famine that is going to hit that area very severely, and these people are going to die.

There are very few organizations. Our organization was the only one that had flown relief into that area in the last few weeks, and was the only one in the last several months that had been into the specific village or town that we went into. So there are very few. That is not an area that is slated or even considered by the U.N. For food drops, and apart from intervention outside of OLS, there is not a lot of hope.

Mr. ROYCE. You recently delivered 38 tons of food and medicine supply to the needy population of southern Sudan. Are these people helped by Operation Lifeline.

Rev. KUSUNOKI. In that particular area, no, they are not.

Mr. ROYCE. I was going to ask Mr. Reeves a question.

There are oil reserves waiting to be developed throughout the world, not just in Sudan; but you know, this Subcommittee held a hearing last year on West Africa, on the other end of Africa, about the emerging energy resources there, and we have heard from the new democratic government of Nigeria that they would like to double their oil production.

Well, my question is this: Given other opportunities, why are energy companies apparently rushing into Sudan, given the difficulties of doing business there? Is there something about the cost of doing business there that makes Sudan an attractive place to pump oil, rather than the other opportunities?

And my second question is, what motivates the Chinese state oil company to operate in Sudan.

Mr. REEVES. Two excellent questions. In fact oil production in Sudan is relatively cheap by world standards. The Muglad Basin, which runs from eastern Chad really to the Red Sea, is an oil reserve of, as yet, indeterminate size, but it may run to the many billions of barrels of reserves, and some of the more southerly concession areas are especially promising. In fact, most of the oil companies are finding that their exploration efforts yield more promising results the further south they go. So this may, in fact, be an enormous reserve, much, much larger than the approximately billion barrels that have so far been determined.

Your second question again?

Mr. ROYCE. Well, let me ask an additional question. It goes to the question of why not other alternatives? How susceptible are these Sudanese oil fields in the south to sabotage, including this 1,000-mile pipeline to the Red Sea?

And what has been the extent of the SPLA military activities against oil facilities?

Mr. REEVES. Well, in fact, if you look at a concession map of the oil regions of southern Sudan, you see that they reach almost from the Ugandan border up to north of Bentiu. We are talking about almost the entire Upper Nile Province, reaching into Southern Kordofan Province. The SPLA has not, so far, successfully attacked in a major way the oil infrastructure. There have been attacks on the oil pipeline as it approaches Eritrea. There have been attacks and seizures of individual wells, but the security is very, very extensive.

The scorched earth warfare that the government of Sudan has conducted has created a cordon sanitaire that has made it virtually impossible for the SPLA to deploy resources that would allow for major military attack on the infrastructure in the Unity and Heglig fields. But the new field south of Bentiu that is being explored by Lundin Oil of Sweden is an example of what we can expect to see as oil development proceeds further south—more scorched earth warfare, more villages destroyed, more and more of the south ripped apart and consolidated into a large government-controlled concession area.

Mr. ROYCE. Let me ask a question of Dr. Morrison.

In your testimony you said, by many accounts, Khartoum attaches considerable importance to the prestige of having normal relations with the world's most powerful nation, the U.S. What accounts are you relying on in making that statement?

Does this desire for better relations with the U.S. indicate that Khartoum really wants to negotiate a resolution to this conflict? Is that what you feel might come about as a result of this impulse? And what gives you reason to believe that that is a desire on the part of Khartoum, to have better relations with the United States?

Mr. MORRISON. Thank you. You have asked two questions really.

The first is, do they attach importance to the prestige of relationship with the U.S. And there I think it has been conveyed in a number of communications and expressions, and it has to do with the fact that we are the lone superpower in the world and we hold the key to Sudan restoring any good standing in the world community and having access to Bretton Woods institutions, to the Paris Club, to being treated with respect in international fora. And as long as we are hostile, we stand in the way of that; and that is the most important basis of U.S. leverage over Sudan.

As to whether that means that if we put heightened energy and pressure in our dialogue with Khartoum upon getting a serious peace process moving forward, whether or not we will see the kind of response we want, that is uncertain. Our argument is, we don't have a whole lot of choices. We should test that systematically in concert with other major powers and see what happens. And to categorically dismiss that as a hopeless exercise is to cut yourself off from opportunities at this point that are essential to trying to end the war in Sudan.

Mr. ROYCE. My final question to all the panelists is about what has been done with these oil revenues, with the hard currency that Sudan has obtained? Do you see evidence that this has been used to build health infrastructure or for education, for public purposes, or has it gone primarily to wage this military conflict in southern Sudan?

Mr. MORRISON. Our estimate is that since the advent of oil 2 years ago, the defense budget expenditures have doubled, and Sudan now pumps 200,000 barrels per day and derives roughly half a billion dollars a year in revenues. In the next 2 years it is projected to rise to 400—to 450,000 barrels. You can make the assumption that those flows will increase and their access to resources for equipping your military will rise accordingly. That is the major trend line.

As to what investments are being made in the north, I don't think there has been any noticeable comparable jump in expenditures. There has been a lot of effort at trying to create macroeconomic stability within the north in order to bring Sudan back into compliance with the IMF.

Mr. ROYCE. But in terms of clean water or more for education or health, there is—

Mr. MORRISON. Not to my knowledge.

Mr. ROYCE [continuing]. No evidence that it is being budgeted for that purpose?

Rev. KUSUNOKI. Mr. Chairman, I can tell you, from my point of view in the field, I have not seen any evidence of those types of programs in the oil field areas that—where development is going on.

Mr. WINTER. I can tell you from my own visits as recently as 8 or 10 weeks ago that there is evidence of how the revenues are being use, and they are being clearly used for military purposes. The nature of bombing has changed. If you had seen the bombs in Sudan—and almost anybody who has taken a trip to Sudan in the past would have seen the relatively unsophisticated bombs that were dropped, the sort of shallow pits that are left behind; I can tell you what I saw in January were huge cones going down into the ground, breaking rock—an entirely different kind of bomb is being used, and the pattern in which it is being used is different, and what the people report on the ground is a pervasive presence of helicopter gunships.

So you can see people who were shot up in one way or another, and their story is helicopter gunships. They are being driven off the oil concession territories, that you can see.

Mr. REEVES. And I would point out, just as an addendum, that the IMF report on Sudan's macroeconomic situation, the confidential report of November 2000, indicated not only a doubling of acknowledged military expenditures; and certainly their military expenditures have exceeded—is a far greater amount than what they have acknowledged.

But the IMF report also points out that the agriculture sector is significantly undercapitalized, that the government of Sudan is not providing to the agricultural bank of Sudan adequate capital for the agricultural needs of a country that some have argued could be the breadbasket of Africa. I would also point out that there is a major industrial complex, that has very recently opened, that is

dual use, both military and nonmilitary use. This will enable an expansion of Sudan's domestic armaments industry.

Mr. ROYCE. Thank you, Mr. Reeves.

I am going to go to Mr. Payne, the Ranking Member of our Committee now.

Mr. PAYNE. Thank you very much. I just was looking at Dr. Morrison's report, and first of all, I really commend you for being able to get together 50 distinguished individuals, human rights, congressional staff, former policymakers, refugee advocates, for the meetings that you have had and the report that you have given. However, I am a little bit, maybe, surprised that—at the recommendation of one that we should immediately open up the embassy, that you question whether the Bush Administration will have any sustained commitment. You doubt whether—you say there is significant doubt that the capital market sanctions are politically or technically feasible, that there is a—it is fantasy to believe that humanitarian and other nonlethal assistance will effect a regime change in Khartoum and reverse the south's declining fortunes. You doubt—uncertain about what leverage the U.S. even has over the southern opposition. You question the inability of the U.S. to have an influence over European partners.

Just reading, then what do you suggest? I mean, if after all these meetings with all of these distinguished people you conclude that we ought to open up the embassy and really that the flawed policy that has gone on before, that—what is your recommendation?

I mean, you say carrot and a stick. There is nothing but carrot; what is the stick? Why would they change when they are getting more money? Why would they decide they are going to all of a sudden want to get along?

I am really baffled at your conclusions, and I am just reading these key findings.

Mr. MORRISON. Well, Mr. Payne, the uncertainties that I emphasized in that report are reflective of many of the discussions that we have actually had with some of the critics of the report. There are uncertainties there as to our ability to use our leverage in these ways. There is uncertainty about how or whether the Europeans can be moved toward our position.

I am simply trying to be very realistic about how tough it will be to get results. But at the end of the day, this group concluded that there should be an initiative launched by this Administration on a multilateral, sustained, high-level basis to try to end the war, that it is worth the cost. We have enough at stake in Sudan—we have heard much today, this afternoon, about what is at stake and that many of the instruments that we have attempted to use have proven deficient in trying to bring about a change in the situation, that would dampen and end the war and bring about an improved human rights situation, improved governments and the like; and so we have laid out our—

Mr. PAYNE. Let me—we are running out of time, and I only have a few minutes.

Okay, I agree with the fact that things have not worked; we have never had a standing room only group here either. The assumptions that I find are of the past, I think that even the flawed policy of the past Administration at least has increased the level. We

even had nonlethal assistance to the south in the past, but because of pressure from NGOs in Sudan the Clinton Administration was forced to veto that. They said, don't do it; the NGOs, they said, you have got to use OLS, anybody else will fail.

I almost take each of your conclusions and actually turn them around, based on what you are saying. And there are uncertainties; I mean, you know, we can walk outside and get run over by a bus. There are uncertainties; there is no question about that. It is uncertain I will be here next time; I have got a reelection coming up.

So what I am saying is, after all of that, after all this work, it appears that we come up—it would appear that we couldn't come up with urging the Bush Administration to move, using nonlethal assistance, empowering the people of the south. But to open up—the only thing I see here is, you say, open up the embassy and let everybody discuss. What is different? And my time is running out; I won't even ask a question.

In my opinion, there is nothing different in Khartoum that would change at this point, and I will yield to other Members because there is a vote on. And thank you.

Mr. MORRISON. Mr. Payne, if I may just summarize what we are calling for.

What the commission is calling for is that the Administration join with Norway, Britain, key regional states, the U.N. Secretariat in launching a major international, intensive, high-level effort to end the war through a negotiated settlement that we push for a settlement that would be an interim arrangement of one Sudan, two systems; that we begin an intensive, international-level, international planning exercise for a self-governing south, to lay the basis for a viable self-governing south.

We are calling for enhanced pressures upon both parties to come to the table and enhanced inducements to come to the table.

We are talking about introducing intermediate confidence-building measures to move the process forward, and we are talking about enhancing our diplomatic capacities through a special envoy and restaffing our embassy. I don't think we should get hung up on the question about whether it is an ambassador or not. Getting a capacity diplomatically is essential to getting some results.

We are also saying, if you put all of your emphasis on unilateral sanctions, you are not going to get anywhere. If you put all your emphasis upon humanitarian assistance, that will not correct the overarching reality, which is that this Khartoum security situation is getting larger and larger. Its advantages are growing bigger and bigger—

Mr. PAYNE. But how about all of them together with the new Administration with a new charge, with a bipartisan group of Congresspeople that we have never seen before?

I think the opportunity is here. I am optimistic. I looked at your report, and it comes up as pessimistic. To sit down and talk to them at this time I don't think will change a single thing with them. I think we have got to hurt them; we have got to figure out how you hurt them.

Up to now, what we have done has not been enough to hurt them. We have got to hurt them some way to bring them to their knees so that they stop this genocide that has been going on for

40 years. We have no more time. We can't wait anymore. We can't sit around, while Rome is burning, and fiddle. We have no more time. Time has run out. We have got to act now.

Mr. ROYCE. I think that was very well put by the Ranking Member. I thank you, Mr. Payne.

We probably have time for one additional question from each of the Members. I have a statement for the record from Mr. Meeks, and without objection, I will submit that into the record. We have been leaving throughout the testimony this afternoon for votes on amendments on the budget, and the final passage of the budget is up at this time and we have approximately 6 more minutes.

So I will go to Mr. Tancredo, if he has a question. I will ask you to keep your answers brief.

Mr. TANCREDO. My question will also be brief.

I should say, however, that although there are many things in this world that are uncertain, it is sure that one of the things that perhaps is not uncertain is whether or not Mr. Payne will be back here after the next election. I think that is nothing we really have to worry about.

Mr. Winter, first of all, let me tell you that from my point of view, the Sudan Peace Act is a place-holding document right now. It is not what we will see eventually come out of this Committee. There will be a lot of attention to it and, I hope, a lot of changes incorporating many of the things you said.

You did refer, however, to something. You referred to capital market sanctions which were in the House-passed bill last year, but—am I mistaken? I mean, what are you exactly referring to? I do not remember anything like that in any other legislation that has ever passed this body.

Mr. WINTER. There was, in fact, language to that effect in the bill passed by the House last year—didn't bring a quote.

Mr. TANCREDO. Capital market sanctions.

Mr. REEVES. I may have it a little bit better in mind, but it was clearly the expressed sense of the Congress that the U.S. capital markets should exclude those companies operating in Sudan, that they be denied their American exchange listing. The language was quite—reported by the Financial Times of London, which—

Mr. TANCREDO. I thought this was a unique—frankly, I thought this was a unique proposal being brought forward now, and that we had not dealt with before; but nonetheless, I am glad to know that may be the case. I was just simply not recalling it.

Mr. REEVES. It was, in fact, part of the original bill introduced by Senator Frist into the Senate and was reintroduced into the House-passed bill on October 24, 2000.

Mr. TANCREDO. Well, you know, I really don't know—in fact, I do know. I see the red light. So, never mind, the time is up evidently. Thank you very much for your comments today.

Mr. ROYCE. Thank you and I want to thank all of our witnesses. This has been a very difficult subject, and we appreciate your different views. It has been very helpful to the Committee.

And let me say we also thank each of you for traveling here today to make this testimony. And especially let me say that to Pastor Kusunoki; we appreciate you traveling all the way from California.

So thank you, and with that said, this hearing stands adjourned.
[Whereupon, at 4:05 p.m., the joint meeting of the Subcommittees was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

ADDITIONAL QUESTION POSED BY CONGRESSMAN PITTS, TO MR. ERIC REEVES, AND
RESPONSE

Question from Congressman Pitts:

What is the likelihood that the war will end with the South gaining independence as its own nation?

Response from Mr. Eric Reeves:

I believe that it will be exceedingly difficult for the south of Sudan to come into existence as its own nation—and that even if it were to do so, this would not guarantee either peace or stability. That said, I believe that the people of the south are quite likely, in any true referendum, to vote for secession from the north.

In other words, I believe that south Sudan can become its own nation, can achieve self-determination, only AFTER peace. It is not the cause of peace, but the result of peace.

Southern self-determination has been the linch-pin of peace negotiations between the Government of Sudan (GOS) and the opposition forces for years now. The GOS formally committed itself to the principle of self-determination as a basis for peace negotiations in 1997, but has consistently reneged on that commital. It must also be said that Egypt adamantly opposes southern self-determination, and has been quite public and vehement in its objection. The OAU is also quite reluctant to see African nations partitioned. Peace negotiations must overcome both these sources of objection if they are to accord the south the right of self-determination.

But certainly the people of the south can no longer be denied. They have suffered too much, they feel they have too much to gain by escaping northern domination. The first step to self-determination is the negotiation of a peace that is just, and which formally and irretrievably recognizes the right to a referendum on self-determination. This peace agreement must receive very solid international guarantees, with the US clearly in the lead. We must also recognize that if southern Sudan secedes, it will become instantly the poorest and least developed country in the world. And it will very likely continue to be racked by various forms of conflict, especially between Nuers and Dinkas. We must be prepared to give peace in southern Sudan a true chance, providing both developmental assistance and the diplomatic resources to effect “people to people” reconciliation (here the Wunlit accord is a beacon of hope).

But I don't think that the south can be simply cut loose precipitously from the north: Khartoum's military presence in the south is an immense problem, and it will not disappear by fiat or declaration. Our task is to convince Khartoum that it has more to gain from peace than from war; right now, it thinks the opposite. For this reason, capital market sanctions—going directly after oil revenues and oil partners sustaining the regime—is the most effective non-military means of pressuring them.

This is not a “silver-bullet solution”, and I would urge the consideration of the enforcement of a “no-fly zone” for GOS military aircraft over the south, and for putting in place the means to insure unfettered humanitarian relief, wherever it is needed in the south. The first of these proposals would revitalize southern agriculture, now suffering terribly from the despair that has been generated by the incessant Antonov attacks. It would also be a clear signal to Khartoum of American resolve to end their brutal campaign against the south.

But again, the key to southern Sudan's becoming its own nation is for peace to come, a peace built on the principle of southern self-determination.

US GOVERNMENT MUST ADOPT A "PEACE FIRST" POLICY TOWARDS SUDAN

A JOINT STATEMENT BY CARE, WORLD VISION, INTERNATIONAL RESCUE COMMITTEE AND
SAVE THE CHILDREN

Background

The crisis in Sudan is not just "another" emergency. Sudan has been devastated by a civil war for 33 of the last 44 years. This civil war is probably the worst ongoing conflict on earth now and one of the major causes of instability in the region. In the latest 18-year phase of the war, two million people have died, according to some estimates—more than the combined casualties of the last decade's conflicts in Bosnia, Chechnya, Somalia, and Rwanda.

The war has displaced more people than any other conflict. There are 4.5 million Sudanese who continue to wait in limbo, uprooted from their lives and livelihoods while the different sides in this conflict—the Sudanese government, the Sudan People's Liberation Army and the various Sudanese militia and warlords—are all pursuing a war that cannot be won.

Sudan has become the site of the largest humanitarian operation in history. According to the United Nations, the situation continues to deteriorate as 3 million people will require emergency food assistance in 2001 due to drought. This dire situation is further complicated by the political manipulation of humanitarian access and humanitarian assistance by all warring parties. The areas of greatest risk in the north include Kordofan and Darfur, and areas of the south include Bahr el Ghazal and the Upper Nile Regions.

Oil has begun to flow in Sudan. The government of Sudan is now generating 200,000 barrels per day at an estimated return of nearly \$500 million last year. Production is expected to double by 2003 and within a short period of time could make Sudan a new mid-level oil exporter. Oil has the potential for being a genuine engine for development and could benefit all the people of Sudan. Under current conditions, however, it is doing little to improve the well-being of Sudan's people. Instead, it is evident that serious conflict and mass displacement are occurring in oil production areas which have exacerbated the plight of the people in the south and other contested areas. Those involved in oil production have a responsibility to ensure that the production of oil does not contribute to the escalation of war, but rather that it supports a just and lasting peace and serves equitably as a positive asset for the Sudanese people.

The horrors inflicted by this war on the Sudanese people are immense. Previous U.S. administrations have focused on terrorism, human rights abuses, abduction and other consequences of this war without addressing their root cause. It is our position that a U.S. policy focused on ending the war is the only effective way to address these problems. Therefore, the first priority of both U.S. and international efforts should be the establishment of a just and sustainable peace—this is both a short and long-term solution to problems of human rights abuses and the continual humanitarian crisis and should now be the highest priority and focus of U.S. Sudan policy.

The IGAD peace process and the efforts of its International Partners Forum for ending Sudan's war are now stalled. Despite its earlier achievement of the Declaration of Principles and its subsequent endorsement by both sides in 1994, the recent work of the IGAD has gone nowhere. However, any future serious initiatives for peace should build from its more successful work.

Neither the U.S. nor the international community has committed sufficient, focused and sustained diplomatic leadership or priority to help forge a viable, long-term peace. Other regional peace initiatives have also stalled. Unfortunately, for the past few years, in spite of their work together in IGAD, European and U.S. policies have often been working at cross purposes: while the U.S. pursued a policy of isolation and containment, the Europeans have been building political and economic bridges. This lack of cohesiveness and attention has suited both sides of the conflict and has helped prolong the war.

As humanitarian agencies, working on both sides of the conflict, we call attention to the human costs of this political and military stalemate. Our respective agencies, with longstanding commitments to the people of Sudan, have worked on the ground for several decades, and we know that a diplomatic solution is the only answer to the crisis. We are committed to improving the lives of the Sudanese, regardless of ethnic origins, political associations, religious beliefs, or gender. Our organizations have grown to realize that this is not a winnable war. Its continuation can have only one outcome: more suffering, dislocation and death for the people of Sudan and destabilization of the region.

As international humanitarian organizations, we would be the first to state *that more humanitarian assistance, alone, is not the solution to the crisis of Sudan*. Peace for the people of Sudan is the first step in a solution—not a peace at any price—but a just and sustainable peace that is arrived at through diplomatic and political means. Humanitarian assistance should not serve as a substitute for diplomacy.

An effective U.S. Sudan policy must include the following:

- *Craft a Sudan peace policy with the primary objective of ending the conflict and establishing a just peace for the Sudanese people.*

Any genuine effort to find peace must involve principled engagement with all sides. Isolation or confrontation will not further the cause of peace—although principled engagement can include both carrots and sticks. The international community, and especially the US Government, must use its influence and leverage to bring Africa's longest running war to a close. We call on the U. S. Government and all members of the international community to make ending the war in Sudan a high priority, using their influence with the different sides to promote a peaceful resolution.

- *Work to forge a common policy approach for a just peace.*

An immediate priority for the U.S. should be forging a consistent, principled and common approach with concerned European, Canadian, Middle East, Asian, African states and the Sudanese themselves so that a unified and coherent policy position for ending the conflict and achieving a just peace is in place.

If peace is to be a reality, it is necessary to engage Khartoum, the surrounding African and Arab states, concerned European, Canadian and Asian governments with the U.S., in a sustained and disciplined dialogue. Multi-state interests supporting the various factions have helped sustain the conflict in Sudan. High level U.S. diplomatic engagement, led by the Secretary of State, with a clear and principled mandate, will allow the U.S. scope in working with all concerned internal and external actors.

- *Serious and sustained diplomatic engagement involving the Secretary of State and dedicated high-level diplomatic support.*

Because of the multiple complexities of this issue and the high priority that the U.S. government should attach to ending the civil war and making the achievement of a just peace the centerpiece of its Sudan policy, we believe that the political skill to solve this entrenched crisis requires the attention and direct leadership of our Secretary of State. To support Secretary Powell, we would suggest that high-level diplomatic capacity be afforded to this effort with authority to participate in the formulation and execution of all U.S. government policy related to the search for a just peace in Sudan. This diplomatic support should report directly to the Secretary of State and be given full-time staff and adequate financial resources to carry out their mandate. This, in conjunction with the attention of the Secretary of State, would be a strong indication that achieving peace in the Sudan is a high priority for the U.S.

- *Humanitarian relief needs to be increased, expanded and used for relief and development assistance only, not war assistance.*

Using the Beneficiaries Protocol that was signed by the two main parties to the conflict, the United States and the international community need to press for greater humanitarian aid access in contested areas, such as the Nuba Mountains. Because famine is imminent in western and southern areas of Sudan, there needs to be a simultaneous increase in humanitarian relief, especially for vulnerable internally displaced persons.

Short-term emergency interventions alone are inappropriate in a region suffering from long-term conflict. Even as the war goes on, humanitarian agencies need to have support for long-term capacity development projects in north and south Sudan which will bolster indigenous capacity in all sectors, from agriculture, to education, to health services and the building of civil society and responsible governance.

Under no circumstances, however, should development and relief assistance be used to fuel the conflict. The US should not manipulate humanitarian aid to support combatants. Providing direct food or other non-food humanitarian assistance to the SPLA would undermine aid in the South by creating ambiguity between humanitarian and military aid. This ambiguity endangers genuine aid efforts, jeopardizes the lives of innocent and vulnerable civilians and puts at risk the work of humanitarian agencies.

Conclusion

Peace in the Sudan may be achievable, if the international community invests sufficient diplomatic resources. Many groups have submitted reports and recommenda-

tions, such as the Center for Strategic and International Studies, the U.S. Catholic Bishops, the Comboni Missionaries, Human Rights Watch, and Christian Aid to name a few—all share a common refrain: *that this civil war with all its horrific consequences must be brought to an end and that a just and sustainable peace must come to Sudan for all its people*. In addition, these reports and statements provide a variety of perspectives and points of view that are useful starting points for discussion and the development of an improved policy framework for Sudan. Humanitarian assistance alone cannot end the tragic cycle of Sudan's suffering—a politically and diplomatically arrived at peace is the only solution.

We welcome the careful and deliberative process that the Administration is taking in developing its policy framework for Sudan and sincerely offer our assistance and insights as this new policy takes form.

