

# REVIEWING THE SUDAN PEACE ACT REPORT

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HEARING  
BEFORE THE  
SUBCOMMITTEE ON AFRICA  
OF THE  
COMMITTEE ON  
INTERNATIONAL RELATIONS  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

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## REVIEWING THE SUDAN PEACE ACT REPORT

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TUESDAY, MAY 13, 2003

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON AFRICA,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC.*

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

Mr. ROYCE. This hearing of the Subcommittee on Africa will come to order.

Over 2,000,000 Sudanese have died over the last two decades due to causes directly related to their country's war, which has run for the better part of those two decades. This startling fact needs to be repeated and repeated again; otherwise the world will forget the suffering of this African country.

Religious, ethnic, cultural and economic clashes have put Sudan in turmoil. No matter how complex this conflict may be, we need to be crystal clear that it is the Government of Sudan that bears responsibility for the suffering of the Sudanese people.

With President Bush's signing of the Sudan Peace Act last year, legislation authored by Mr. Tancredo and actively supported by several Members of this Committee, including Ranking Member Payne, it became the law of this land to recognize that the National Islamic Front Government is committing genocide. This is as severe a charge as can be leveled.

The Administration, as well as Special Envoy John Danforth, has taken the right view of the current peace negotiations between the government and the SPLM. They will not be open ended. The Administration has reported, as required by the Sudan Peace Act, that negotiating progress has been made over the last 6 months.

On balance, I agree, so we should continue our support for the current negotiations, but the reality is that perpetual negotiations are not in the cards. This does not mean that Sudan will fade away. Congress will not let it, nor will the President, who has forcefully stated his commitment to ending this crisis. If the current peace negotiations founder, I am sure that the Administration will be moved to adopt a new Sudan policy.

This hearing aims to review the April 21 certification by the President,

“that the Government of Sudan and the Sudan People's Liberation Movement are negotiating in good faith and negotiations should continue,”

in the President's words. He also reported,

“Both sides have made significant progress negotiating a just and comprehensive peace for the people of Sudan.”

There are concerns about these conclusions, which Members certainly will express. Beyond that, it would be helpful to hear from the Administration what specific benchmarks it expects the parties to meet before the October 21 report. This communication will help make the Sudan Peace Act report as valuable a tool as it can be in helping bring about a just peace in Sudan.

We should be thinking about how the Administration might intensify its pressure on the parties as negotiations come to a head. If we are at the make or break point, what direct role might the Secretary of State or the President play in sealing a peace deal? The United States is the world's superpower. This is a devastating conflict. The Administration should be planning to intensify and elevate its involvement to help Kenyan General Sumbeiywo, who we should acknowledge has performed well as head mediator.

Of course, if the two parties reach a comprehensive peace agreement, which would be a considerable achievement, we would be perhaps only halfway home; maybe not even that far. Africa is littered with abandoned peace agreements. We would need to do all we could to see that Sudan would have a real peace, not a paper peace.

I would like to send a message to the National Islamic Front Government that its cooperation with the U.S. in fighting terrorism is not a license for spreading terror in southern Sudan. Checking terrorism and bringing about peace in Sudan are both key United States interests. We are coming to see with greater clarity, I believe, that a regime that sanctions lawlessness or terror within its borders cannot be a reliable partner in the war on terror.

The nature of a regime, how it treats its people and its international cooperation fighting terrorism are indivisible. Millions and millions of Sudanese crave peace. They are northerners, they are southerners, Christians, animists, Muslims. Our country's task is to use what tools we have to cajole and marginalize and intimidate those on all sides who believe in or profit from war.

The Administration has shown an unprecedented commitment to Sudan and has helped reach substantial, yet by no means adequate, achievements fostering peace in a country that has suffered through decades of war. Its efforts deserve our support.

Before I go to our Ranking Member and then to Frank Wolf for opening statements and to Mr. Tancredo, I would like to make a few remarks on behalf of Walter Sisulu, and I would like to say that on behalf of this Subcommittee we would like to extend condolences on the death of Walter Sisulu to the South African Government, to the African National Congress and to his wife, Alberta, and his entire family.

He died on Monday, May 5, at the age of 90 in Johannesburg. Mr. Sisulu was a founding father of the new South Africa that emerged with the one person/one vote election that made his friend and fellow inmate on Robin's Island, Nelson Mandela, President in 1994.

Walter Sisulu and his family paid a high price for the democracy. He served 26 years in apartheid era prisons, but never lost hope. Finally justice prevailed. Mr. Sisulu, like Nelson Mandela, who he recruited to the ANC and mentored, did not fall prey to bitterness. The title of an editorial in the *Sunday Times* of Johannesburg referred to “a man as great as he was humble.” Let us all learn from his example.

I would now like to turn to the Ranking Member of the Subcommittee, Mr. Payne of New Jersey, who has worked for so many years for peace in Sudan, for any statement he would like to make.

[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

WASHINGTON, D.C.—The following is the opening statement of Africa Subcommittee Chairman Ed Royce (R-CA-40) at this afternoon’s hearing on the Sudan Peace Act Report:

“Over two million Sudanese have died over the past two decades due to causes directly related to their country’s war, which has run for most of the last several decades. This startling fact needs to be repeated and repeated again; otherwise, the world will forget this suffering African country.

“Religious, ethnic, cultural and economic clashes have put Sudan in turmoil. No matter how complex this conflict may be though, we need to be crystal clear that it is the government of Sudan that bears responsibility for the Sudanese people’s suffering. With President Bush’s signing of the Sudan Peace Act last year, legislation authored by Mr. Tancredo and actively supported by several Members of this Committee, including Ranking Member Payne, it became the law of this land to recognize that the National Islamic Front government is committing genocide. This is as severe a charge as can be leveled.

“The Administration, as well as Special Envoy John Danforth, has taken the right view of the current peace negotiations between the government and the SPLM: they will not be open ended. The Administration has reported, as required by the Sudan Peace Act, that negotiating progress has been made over the last six months. On balance, I agree, so we should continue our support for the current negotiations. But the reality is that perpetual negotiations are not in the cards. This doesn’t mean that Sudan will fade away: Congress won’t let it, nor will the President, who has forcefully stated his commitment to ending this crisis. If the current peace negotiations founder, I’m sure that the Administration will be moved to adopt a new Sudan policy.

“This hearing aims to review the April 21 certification by the President, ‘. . . that the Government of Sudan and the Sudan People’s Liberation Movement are negotiating in good faith and negotiations should continue.’ The President also reported, “Both sides have made significant progress negotiating a just and comprehensive peace for the people of Sudan.” There are concerns about these conclusions, which Members certainly will express. Beyond that, it would be helpful to hear from the Administration what specific benchmarks it expects the parties to meet before the October 21 report. This communication will help make the Sudan Peace Act Report as valuable a tool as it can be in helping bring about a just peace in Sudan.

“We should be thinking about how the Administration might intensify its pressure on the parties as negotiations come to a head. If we are at the make or break point, what direct role might the Secretary of State or the President play in sealing a peace deal? The U.S. is the world’s superpower. This is a devastating conflict. The Administration should be planning to intensify and elevate its involvement to help Kenyan General Lazaro Sumbeiywo, who we should acknowledge has performed well as the head mediator.

“Of course, if the two parties reach a comprehensive peace agreement, which would be a considerable achievement, we’d be perhaps only half way home. Maybe not even that far. Africa is littered with abandoned peace agreements. We would need to do all we could to see that Sudan would have a real peace, not a paper peace.

“I’d like to send a message to the National Islamic Front government that its cooperation with the U.S. in fighting terrorism, to the extent it exists, is not a license for spreading terror in southern Sudan. Checking terrorism and bringing about

peace in Sudan are both key U.S. interests. We're coming to see with greater clarity, I believe, that a regime that sanctions lawlessness or terror within its borders can't be a reliable partner in the war on terror. The nature of a regime, how it treats its people, and its international cooperation fighting terrorism are indivisible.

"Millions and millions of Sudanese crave peace. They are northerners, southerners, Christians, animists, Muslims. Our country's task is to use what tools we have to cajole, marginalize, and intimidate those on all sides who believe in or profit from war. The Administration has shown an unprecedented commitment to Sudan, and has helped reach substantial, yet by no means adequate, achievements fostering peace in a country that has suffered through decades of war. Its efforts deserve our support."

Mr. PAYNE. Thank you very much, Mr. Chairman, and let me also acknowledge that I certainly would like to have myself associated with the remarks about Mr. Sisulu. I think that, as we all know, he was a great leader, and Mr. Mandela, in his own way, would say that if it was not for Walter Sisulu there would not be a Nelson Mandela. Those are some great men, and they have done a great justice for the world.

Mr. Chairman, let me first express my thanks to you for calling this very important hearing. I am pleased to see the Honorable Walter Kansteiner, Assistant Secretary for African Affairs, as a witness. I would have hoped that the Administration would have had more than one witness because of the importance of this issue and the humanitarian aspect seems to be missing with just one Administration witness.

However, let me say that this is a very important hearing. Perhaps no other African country has dominated the political debate in Washington as Sudan has done in recent years. Why? Because the situation in Sudan is heart wrenching. From slavery to genocidal war, the Sudan tragedy is unmatched in its harshness and brutality.

Let me put this in perspective. I am sure you have heard of the numbers. Out of an estimated population of 9,000,000 people, more than 2,000,000 have died, have been killed. Over 4,000,000 have been displaced, and 500,000 have been made refugees in neighboring countries.

The numbers are equal in proportion to 64,000,000 Americans killed if we were looking at this in context of the United States. Sixty-four million Americans killed, 128,000,000 Americans displaced, and 15,000,000 American refugees. That is the proportion of this tragedy.

Let me also remind people as to who is largely responsible for these heinous crimes against humanity. The National Islamic Front Government in Khartoum. Lest we forget, this is the same government that ousted a democratically elected civilian government in 1989, that provided safe haven to Osama bin Laden and his al-Qaeda terrorist organizations for 5 years, and this is the same government that has maimed, killed and engaged in modern day slavery.

Not surprisingly, the people responsible for all of these atrocities are still in power. We talk about United Nations tribunals and world courts and crimes, criminals. The Government of Sudan should be tried rather than negotiated with, but are these people going to be accountable for the mayhem they caused over the past decade? Are we going to simply forgive and forget because the NIF government say we have changed?

Mr. Chairman, I am deeply troubled by these developments. The Administration's report argues that the NIF government and the SPLA are negotiating in good faith because the parties want to continue negotiations and that steady progress has been made. Yet the same report details obstructionism and violence perpetrated by the NIF Government against civilians in clear violation of recently signed agreements.

How is that good faith negotiations? Does that mean that you can kill, maim, enslave and violently displace civilians as long as you are talking in good faith?

In July 2002, the parties agreed on two key issues, self-determination and a referendum for the south and Shari'a for the north. While this agreement is seen by some observers as a major breakthrough, the agreement also gives legitimacy to a brutal regime whose ideology is based on extremism.

What message is this in the agreement, and what is it sending to the majority of Muslim northerners who have fought this regime? Extremism is acceptable in one part of the country and not the other? How about the southerners who live in Khartoum that are not Muslims? How about the leaders of the SPLA who might join the central government?

In conclusion, Mr. Chairman, I cannot argue against southern leaders who chose to negotiate with this regime. Perhaps they felt they had no other choice. With oil revenues increasing and sophisticated weapons being purchased and aircraft being used, perhaps they felt that at this point in time negotiation was the only tool.

After all, it is their future, it is their country, and it is their people. Therefore, we certainly have to respect the opinions of the southerners who are negotiating. I just hope that we are not and that they are not being taken for a long ride by the charm architects of the NIF Government.

I am also keenly aware that life for many people in southern Sudan has improved in recent months, and this is a good thing. We hope that it will continue and that we have much more to do.

With that, I yield back the balance of my time.

[The prepared statement of Mr. Payne follows:]

PREPARED STATEMENT OF THE HONORABLE DONALD M. PAYNE, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. Chairman, let me first express my thanks to you for calling this important hearing. Perhaps no other African country has dominated the political debate in Washington as Sudan in recent years. Why? Because the situation in Sudan is heart-wrenching. From slavery to genocidal war, the Sudan tragedy is unmatched in its harshness and brutality.

Let me put this in perspective. I am sure you have heard of the numbers: out of an estimated population of nine million people more than 2 million have been killed, 4 million have been displaced, and 500,000 have been made refugees in neighboring countries. These numbers are the equivalent in proportion to 64 million Americans being killed, 128 million Americans displaced, and 15 million refugees out of the entire U.S. population.

Let me also remind people as to who is largely responsible for these heinous crimes against humanity: the National Islamic Front Government in Khartoum. Lest we forget, this is the same government that ousted a democratically elected civilian government in 1989, which provided safe haven to Osama bin Laden and his Al-Qaeda terrorist organization for five years. And this is the same government that has maimed, killed, and engaged in modern day slavery. Not surprisingly, the people responsible for all these atrocities are still in power. Are these people going to

be accountable for the mayhem they caused over the past decade? Are we going to simply forgive and forget just because the NIF says it has changed?

Mr. Chairman, I am deeply troubled by these developments. The Administration's report argues that the NIF government and the SPLA are negotiating in good faith because the parties want to continue negotiations and that steady progress has been made. Yet, the same report details obstructionism and violence perpetrated by the NIF government against civilians in clear violation of recently signed agreement. How is that good faith negotiations? Does that mean that you can kill, maim, enslave, and violently displace civilians as long as you are talking?

In July 2002, the parties agreed on two key issues: self determination and a referendum for the south and Shari'a for the North. While this agreement is seen by some observers as a major breakthrough, the agreement also gives legitimacy to a brutal regime whose ideology is based on extremism. What message is this agreement sending to the majority of Muslim northerners who have fought this regime? Extremism is acceptable in one part of the country and not the other? How about those southerners who live in Khartoum that are not Muslim? How about the leaders of the SPLA who might join the Central government?

In conclusion, Mr. Chairman, I cannot argue against southern leaders who choose to negotiate with this regime. After all, it is their future, their country, and their people. I just hope that we are not and they are not being taken for a long ride by the charm architects of the NIF. I am also keenly aware that life for many people in southern Sudan has improved in recent months. This is a good thing and we must do more.

Mr. ROYCE. Thank you.

Like Congressman Payne, Congressman Frank Wolf and Congressman Tom Tancredo have traveled to the Sudan, and recently Frank Wolf traveled to the Horn of Africa, bringing attention to the famine there. He had an op-ed in Sunday's *Washington Post* on that experience. He has been tireless in his devotion to Africa, and it is an honor to have him with us here today, and we would like to ask him to make an opening statement.

Mr. WOLF. Thank you, Mr. Royce. I will be brief, about 3½ minutes. There is a bill coming up to name a building after Congressman Hall, and I said I would be over there when that came up.

Let me just thank you for your faithfulness and for your persistence and for your strength and also Mr. Payne and Mr. Tancredo. From the bottom of my heart, I think the people of southern Sudan owe all three of you a lot of credit.

My interest in Sudan began in the late 1980s after visiting southern Sudan at the height of a major humanitarian crisis. I have been to Sudan four times, my most recent trip in 2001. Mr. Chairman, the people of southern Sudan, as you said and Mr. Payne said and Mr. Tancredo agreed, have suffered for far too long. This must end. We have lost a whole generation of southern Sudanese to the war. Even if this conflict ends tomorrow, it will take another generation to undo four decades of deliberate and systematic neglect and destruction by successive governments in the north.

I am enormously grateful, Mr. Chairman, as you said, with regard to President Bush that President Bush continues to show strong leadership and interest on this matter. Thanks to the dedication of many people—church leaders, human rights activists, Members of Congress like yourself and others—Sudan now has a constituency that it never had, a committed constituency determined to see a just and a lasting peace.

Mr. Chairman, the Administration's recent report to Congress on Sudan as required by the Sudan Peace Act recommends the continuation of negotiations between the government and the SPLM.

I agree with the Administration's memorandum of justification. Let me briefly explain my justification.

I believe that a peaceful solution to the Sudan crisis is the best available option at this time and that limited progress has been made in the talks. More importantly, the parties themselves agree that the negotiations should continue and that a just peace can be achieved.

My support for continued negotiation does not mean that the government's behavior is acceptable. As documented in the Administration's report, the government has repeatedly violated agreements it has signed in recent months by attacking civilian targets, obstructing relief delivery, deploying troops and weapons in clear violation of the cessation of hostilities agreement.

The government also continues to build roads and garrisons in order to expand oil development by systematically, and I might say violently, displacing innocent civilians from their homes. The Bush Administration should make it clear to the NIF that there will be consequences for the wanton disregard for human life.

In conclusion, Mr. Chairman, as the peace process enters its most critical phase, a more direct and assertive engagement by the United States might be necessary. The Kenya-led negotiations have made important progress, but serious and difficult issues are yet to be resolved.

I would strongly recommend, if you and the others believe it appropriate, the U.S. host a security arrangement talk in Washington. The United States has the expertise, the political clout as you said, the leverage to help resolve the difficult issues. Negotiations over security arrangements are likely to focus on guarantees, and there is no government better suited to assume that kind of responsibility than the United States.

If there is success, Mr. Chairman, through your effort and Mr. Payne's and Mr. Tancredo's and the President's and Secretary Powell and Mr. Kansteiner and Mr. Winter and the others, I would call on the President to host a signing ceremony on the White House lawn.

With that, I thank you for the opportunity to testify. I will stay as long until they call for the vote. Thank you very much.

Mr. ROYCE. Thank you, Congressman Wolf. We will raise that with the Administration, and we are sure you will too.

We will now go to the author of the Sudan Peace Act, Tom Tancredo of Colorado.

Mr. TANCREDO. Thank you, Mr. Chairman. Thank you very much for holding this hearing. I am, of course, slightly encouraged by parts of the report, but I must admit that we have all described the glass as we see it here. Most have suggested that the glass is half full.

I am afraid that I do not have that same impression. I believe that the accomplishments, although there are some to be lauded, are few and far between and overstated in terms of their importance toward achieving the final goal.

Let me just review, if I could, some of the events subsequent to the signing of the Sudan Peace Act of October 21, 2002, in order to clarify the chronology of events that occurred that led me to the

conclusion that we have not made the kind of progress that I had hoped.

On October 21, the President signed the Sudan Peace Act. Mid November 2002, the Sudanese Air Force began to drop bombs on the Kassala region in eastern Sudan when the Sudanese military mounted a ground offensive against an opposition force associated with the SPLA. January 3, the Government of Sudan began utilizing helicopter gunships in place of the aerial bombardments that they had previously used in southern Sudan.

January 20, 2003, the Civilian Protection Monitoring Team investigated and confirmed that government allied militia had attacked Lara and Mayan Jur, as well as the Village of Leel. All three areas are important U.N. food distribution sites.

February 6, 2003, the U.S. Civilian Protection Monitoring Team issued its final report on military activities in Western Upper Nile. The report confirmed that government forces continued military buildup in Western Upper Nile and other areas in violation of the cessation of hostilities agreement.

The report also concluded that in the Mayom, Mankien, Lara, Tam and Leel areas, military attacks against villages and non-combatant civilians had been conducted by the Government of Sudan and its forces. It also concluded that many thousands of civilians had been forcibly displaced from their villages during the fighting in Western Upper Nile from December 31 to January 30, 2003.

February 11, 2002, the State Department condemns the Government of Sudan for attacks by its army and its militia allies against displaced civilians during operations in the Western Upper Nile region that occurred in December and January. These condemnations were based on the previous CPMT report.

March 2003, U.N. Special Rapporteur for Human Rights Gerhart Baum submitted his last report to the UNHCR stating that, "The overall human rights abuses have not decreased." Despite this, the UNHCR upgraded Sudan's status from Item 9 to Item 19.

March 7, 2003, the Civilian Protection Monitoring Team was grounded and was not permitted to further investigate violations until a few days before the April 21, 2003, deadline for the Sudan report.

This has been sort of a verbal description of what has occurred. These are pictorial descriptions given to me by people who have just returned from the Sudan. They are pictures all too often seen—the death, the destruction, the murder, the rape. Taken as recently as last month, by the way.

I recognize all too well that the challenge provided by the act was enormous. I also recognize that there will be obstacles to accomplishing the final goal, but I think that we are not benefitted and the goal is not made closer to us by glossing over the kinds of things that I think pose the greatest problems to achieving peace in that region, which I think to a large extent the report, as I have read it, does.

I am just saying, Mr. Chairman, that although I certainly agree that some degree of progress has been made, it is far too little and leaves me with a great hope that we will be doing anything in 6 months from this date besides saying more progress has been made. That is not enough.

We can do this dance forever. We can be continually waltzed around the floor by the Khartoum Government, but eventually the music has got to stop, and we have to do something.

Thank you, Mr. Chairman.

Mr. ROYCE. Thank you, Mr. Tancredo.

We will go now to our first panel. Mr. Walter Kansteiner was sworn in as Assistant Secretary of State on June 4, 2001. Prior to assuming his duties at the Department of State, Mr. Kansteiner was a founding principal of the Scowcroft Group, Director of African Affairs on the National Security Council staff, the Africa specialist on the Secretary of State's Policy Planning staff and a member of the Strategic Minerals Task Force for the Department of Defense.

Thank you, Walter, for being with us here today.

**STATEMENT OF THE HONORABLE WALTER H. KANSTEINER III,  
ASSISTANT SECRETARY, BUREAU OF AFRICAN AFFAIRS, U.S.  
DEPARTMENT OF STATE**

Mr. KANSTEINER. Thank you, Mr. Chairman. I am honored to have the opportunity to appear before you today and discuss President Bush's determination consistent with the Sudan Peace Act and your government's efforts to achieve a just and comprehensive peace in Sudan.

Mr. Chairman, as you said, with peace we are only halfway home, and so Mr. Roger Winter is going to discuss that second half, which is focused on humanitarian and development challenges that are ahead if in fact peace is achieved.

Today I am pleased to be able to report that substantial progress has been made toward such an accord. Much remains to be accomplished, as you all have pointed out. The glass is only half full. However, I want to take this opportunity to ask for the Subcommittee's continued support as we intensify our efforts to end the war and the suffering that you all have described.

The people of Sudan need to hear a clear message that the U.S. Congress wants to see a just and comprehensive peace, that the United States will remain engaged, but that window is now. We stand ready to support reconstruction and development in a post-war Sudan.

As Secretary Powell has stated, the situation in Sudan remains one of the greatest humanitarian tragedies in the world today. This focus on Sudan sends a positive message to the leadership and people of that country that we are serious in wanting to help.

President Bush, the Secretary and I have established as one of our highest priorities ending this appalling situation, and we are convinced that the only viable means to do so is through a peace accord that addresses the legitimate grievances of the people of the south.

I believe that the possibility to achieve a lasting peace is better today than it has ever been in the long history of this conflict. That is why, on April 21, President Bush sent his determination to the Congress that the parties are negotiating in good faith and that the United States must remain engaged.

That determination reflects three overriding considerations. One, the parties have made significant progress in the negotiations. The

Machakos Protocol laid out an unprecedented framework for the negotiations by addressing the issues of religion and the state and the south's right to self-determination, and that, gentlemen, is the crux of the peace deal, the south's right to self-determination.

The parties have now had substantial discussions of all the outstanding issues, including power and wealth sharing, security issues and the status of the three marginalized areas. On February 6, the parties signed a memorandum of understanding that attached 30 pages of agreed text on power and wealth sharing. This includes language on the structure of the government and the economy.

Most importantly, the text contains provisions to ensure a democratic framework, in effect a bill of rights for the new Sudan. The language sets out the structures of the government of national unity during the 6½-year interim and the constitutional review process. The agreed text on wealth sharing states in general terms the framework for sharing resources with the south and addresses how the issue of petroleum resources will be used and monitored.

Secondly, General Sumbeiywo, the Kenyan mediator of IGAD, wrote to Secretary Powell to request that the United States remain engaged. I, as has the Chairman, would like to take this opportunity to thank Lazaro Sumbeiywo for doing a superb job as he pushes these negotiations forward.

Third, the peace process represents the best opportunity to end the violence and suffering in Sudan and to address the legitimate grievances of the southerners. President Bashir and the Chairman of the SPLA, Dr. John Garang, recognized this in their early April summit when they reaffirmed their commitment to the peace process and made an unprecedented pledge to bring the negotiations to a successful conclusion by the end of June. We think it is very important that the parties themselves put out a marker that they will reach conclusion by the end of June.

Picking up on the commitment made by President Bashir and Chairman Garang at their summit, General Sumbeiywo has laid out a time table for concluding the negotiations by this target date of late June. We are working closely with our Troika partners, the Norwegians and the British, and with General Sumbeiywo to support these intensified efforts to reach an accord. These efforts are wide ranging and include high level engagement with all parties and development of ideas that may be useful to General Sumbeiywo as he leads the mediation.

Now that the parties have moved into the end game, and we do believe this is the end game, we have sent a senior team to the peace talks to work closely with General Sumbeiywo in Nairobi. As part of that intensified engagement, I met with Vice President Taha a few days ago in London. Taha told me that he wants to achieve a peace settlement and looks forward to normalizing relations with the region and with the United States.

I reminded him that normalization was contingent on irreversible cooperation on peace, counter terrorism and humanitarian access issues. Separately, in a recent telephone call, Special Envoy Jack Danforth spoke with President Bashir and also emphasized those commitments that we need from them. The coming weeks will test the credibility of both Taha and Bashir's statements.

I have also spoken to Chairman John Garang and invited him to come to Washington, which I hope he will do so toward the end of this month. I speak regularly with General Sumbeiywo to ensure close coordination and cooperation as we move forward in these final weeks of the negotiations. While I was in South Africa last week, I also met with President Museveni of Uganda, who is often a key player in the region.

At the same time, we are holding both sides to the commitments that they have already made, particularly the cessation of hostilities agreed in the memorandum of understanding of October. When the government and its allied militias mounted military actions in the Western Upper Nile late last year, we and our Troika partners, along with General Sumbeiywo, insisted that the fighting cease. We publicly condemned these attacks, and as a result of this pressure, the government and the SPLA signed an addendum providing for the pull back of forces to their pre MOU locations. Never before has this happened in the conflict.

The fighting late last year should put into perspective how difficult this process is, but also how far we have come. Serious fighting has broken out at various times during the negotiations, but this time, with some outside assistance, the parties themselves have found a way to get back to the peace process and to get it back on track.

The cessation of hostilities agreement provides for the establishment of a Verification Monitoring Team, the VMT, to monitor these agreements. Disagreements over the modalities to do so have delayed the foundation of the VMT, and General Sumbeiywo is holding both parties to their commitment and expects the VMT to be up and running.

I might add we are assisting in that standing up of the VMT. In the meantime, our Civilian Protection Monitoring Team, the CPMT, will continue to monitor the cessation of hostilities, while at the same time carrying out their responsibilities to investigate all attacks against civilians.

The CPMT, which has been operating since October, has helped deter attacks against civilians by casting a spotlight on those responsible as it did in February. I might add they had an excellent report, which, Mr. Tancredo, you referred to, which I think really peeled back the truth and showed what was happening. Again, this is an unprecedented act in this conflict, and we are encouraged that the CPMT is now back up and running and on a daily basis doing its job.

I would like to point out that the United States has continued to speak out on the government's unacceptable violation of human rights. The Department's human rights report documents Sudan's record of denying fundamental freedoms. Secretary Powell and I and other senior officials intervened directly to try to obtain a resolution condemning Sudan's human rights shortcomings at the U.N.'s Human Rights Commission. We made it clear that the defeat of the Sudan resolution sends the wrong signals to Khartoum.

Unfortunately, the Commission failed to live up to its mandate and passed the resolution. Regardless, we will work hard to maintain the international spotlight on human rights violations in Sudan.

Mr. Chairman, we are under no illusions regarding the challenges which must still be overcome in order to achieve a peace settlement. A great deal of mistrust remains between the two sides, yet there are grounds for cautious optimism.

Both sides are war weary and realize that they cannot win the conflict. The peace process has fueled a growing constituency for peace through the country that crosses ethnic, religious and political affiliations. The leadership of both sides appear to be reaching out to other parties and groups to position themselves for coalition building in a post peace Sudan.

Both sides know that there is a large peace dividend for reconstruction and development, but only if there is peace. At the same time, we have reiterated to the Sudanese government that normalization of our relationship is dependent upon their cooperation to achieve a just and comprehensive peace.

At their summit a month ago in Nairobi, President Bashir and John Garang acknowledged these growing international expectations and desire of their constituencies for peace by setting their goal of an agreement by the end of June. We have made clear to both sides that we want to see results.

Mr. Chairman, in conclusion I will say that there is much hard work ahead of us. We recognize that, but I truly believe that this is an historic opportunity. The window is open. We have to push through and see this peace come to the country that deserves it so desperately.

I cannot guarantee you that peace will be achieved, but I can assure you that we will do our utmost to help the parties work out a just and comprehensive agreement. They now realize, I believe, that doing so is in their own best interest. The leadership of both sides and the people of Sudan need our engagement and our prayers.

Thank you, Mr. Chairman.

[The prepared statement of Secretary Kansteiner follows:]

PREPARED STATEMENT OF THE HONORABLE WALTER H. KANSTEINER III, ASSISTANT SECRETARY, BUREAU OF AFRICAN AFFAIRS, U.S. DEPARTMENT OF STATE

Thank you very much, Mr. Chairman. I am honored to have the opportunity to appear before this Subcommittee to discuss the President's determination consistent with the Sudan Peace Act, the reports mandated by the Act, and our government's efforts to achieve a just and comprehensive peace settlement in Sudan.

Today I am pleased to be able to report that substantial progress has been made towards such an accord. Much remains to be accomplished, however, and I want to take this opportunity to ask for the Subcommittee's continuing support as we intensify efforts to end the war and suffering in Sudan. The people of Sudan need to hear a clear message that the Congress wants to see a just and comprehensive peace, that the United States will remain engaged—but that the window of opportunity is now—and that we stand ready to support reconstruction and development in post-war Sudan. As the Secretary has stated, the situation in Sudan remains one of the greatest humanitarian tragedies in the world. In 36 years of conflict, two million persons have died, four million are internally displaced, and 500,000 are refugees. Our focus on Sudan sends a positive message to the leadership and people of that country that we are serious in wanting to help.

President Bush, the Secretary, and I have established as one of our highest priorities ending this appalling situation, and we are convinced that the only viable means to do that is through a peace accord that addresses the legitimate grievances of southerners. I believe that the possibility to achieve a lasting peace is better than it has ever been in the long history of this conflict.

That is why on April 21 the President sent his determination to the Congress, pursuant to the Sudan Peace Act, that the parties are negotiating in good faith and

that the United States should remain engaged. That determination reflects three overriding considerations:

First, the parties have made significant progress in the negotiations. The Machakos Protocol laid out an unprecedented framework for the negotiations by addressing the issues of religion and the state, and the south's right to self-determination. The parties have now had substantial discussions of all the outstanding issues, including power and wealth sharing, security issues, and the status of the three marginalized areas of southern Blue Nile, Abyei, and the Nuba Mountains. On February 6 the parties signed a Memorandum of Understanding (MOU) that attached thirty pages of agreed text on power and wealth sharing. This includes language on the structure of the government and the economy. Most important, the text contains provisions to ensure a democratic framework for post-war Sudan and respect for human rights—in effect a bill of rights for the new Sudan. The language delineates the structures of the government of national unity during the six and-a-half-year interim period and the constitutional review process. The agreed text on wealth sharing lays out in general terms a framework for sharing resources with the south and addresses the issue of how petroleum revenues will be used and monitored. In a report to the President prior to the determination, Presidential Special Envoy Danforth also concluded that significant progress has been made and recommended that the United States remain engaged.

Second, General Sumbeiywo, the Kenyan mediator of the peace talks being sponsored by the Inter-governmental Authority on Development (IGAD), wrote to Secretary Powell to request that the United States remain engaged. I want to take this opportunity to express our deep appreciation to General Sumbeiywo for the superb job he is doing to push forward the negotiations.

Third, the peace process represents the best opportunity to end the violence and suffering in Sudan, and to address the legitimate grievances of southerners. President Bashir and the Chairman of the Sudan People's Liberation Movement (SPLM), Dr. Garang, recognized this in their early April summit when they reaffirmed their commitment to the peace process and made an unprecedented pledge to bring the negotiations to a successful conclusion by the end of June. The alternative to a peace accord is a protracted conflict that neither side can win and that will result in unimaginable suffering for the Sudanese people.

Picking up on the commitment made by President Bashir and Chairman Garang at their summit, General Sumbeiywo has laid out a timetable for concluding the negotiations by the end of June. We are working closely with our Troika partners, the United Kingdom and Norway, and with General Sumbeiywo to support these intensified efforts to reach an accord. These efforts are wide-ranging and include, among other steps, high-level engagement with both parties and development of ideas that may be useful to Sumbeiywo as he leads the mediation. Now that the parties have moved into the end game, we have sent a more senior team to the peace talks to work closely with General Sumbeiywo. As part of this intensified engagement, ten days ago I met in London with Sudanese Vice President Taha. Many observers consider Taha hostile to the peace process and to improved relations with the United States, and I wanted to talk directly with him about these issues. Taha told me that he wants to achieve a peace settlement, and looks forward to normalized relations with the United States. I reminded him that normalization was contingent on irreversible cooperation on peace, counter-terrorism and humanitarian access issues. Separately, in a telephone discussion with Special Envoy Danforth following the Sudan Peace Act determination, President Bashir emphasized his desire to reach a peace settlement by the end of June. The coming weeks will test the credibility of both Taha's and Bashir's statements. I called Chairman Garang to brief him on the Taha meeting and to invite him to Washington. I talked with General Sumbeiywo to brief him, to ensure close coordination as we move forward, and to invite him for a separate visit to Washington. I also held a meeting in South Africa with President Museveni to discuss the next steps in the peace process.

At the same time, we are holding both sides to the commitments they have already made, particularly the cessation of hostilities agreed to in a Memorandum of Understanding last October. When the government and its allied militias mounted military actions in the Western Upper Nile late last year, we, our Troika partners, and General Sumbeiywo insisted that the fighting cease. We publicly condemned these attacks. As a result of this pressure, the government and the SPLM signed an addendum providing for the pullback of forces to their pre-MOU locations. Never before has this happened in the history of this conflict.

The fighting late last year should put into perspective how difficult this process is, but also how far we have come. Serious fighting has broken out at various times during the negotiations but this time, with outside assistance, the parties themselves have found a way to get the peace process back on track quickly and to de-

velop a mechanism to prevent future hostilities. The cessation of hostilities agreement provides for the establishment of a Verification Monitoring Team (VMT) to monitor the agreement. Disagreements over the modalities to do so have delayed the foundation of the VMT, but General Sumbeiywo is holding both parties to their commitment, and expects to have the VMT up and running soon. In the meantime, the parties agreed that the U.S.-led Civilian Protection Monitoring Team (CPMT) would help monitor the cessation of hostilities while at the same time carrying out their responsibilities to investigate attacks against civilians. As the Secretary's report documents, there has been no aerial bombardment since the signing of the cessation of hostilities agreement.

The CPMT, which has been operating since last October, has helped deter attacks against civilians by casting a spotlight on those responsible, as it did in its February report definitively documenting the responsibility of the government and its allied militias for the military actions in the Western Upper Nile. Again, this is unprecedented in the history of this conflict.

I would like to point out, Mr. Chairman, that the United States has continued to speak out on the government's unacceptable violations of human rights. The Department's Human Rights Report documents Sudan's record of denying fundamental freedoms. The Secretary, other senior officials, and I intervened directly to try to obtain a resolution condemning Sudan's human rights shortcomings at the United Nations Human Rights Commission. We made it clear that the defeat of the Sudan resolution sends the wrong message to Khartoum. Unfortunately, the Commission failed to live up to its mandate and pass the resolution and renew the mandate of the Special Rapporteur. Regardless, we will work hard to maintain the international spotlight on human rights violations in Sudan. In addition, the Secretary's report on war crimes pursuant to the Sudan Peace Act calls attention to terrible abuses that have been committed by both sides, but particularly the government, during the course of the conflict. The report will be widely utilized in the coming UN General Assembly and subsequent Commission on Human Rights sessions.

The CPMT, together with the three other tests for peace launched last year as a result of the efforts of Special Envoy Danforth, have contributed to a significant reduction in violence and atrocities, and have helped build a positive climate for the negotiations. The cease-fire in the Nuba Mountains has held, and the population is beginning to see the benefits of peace. The report of the Eminent Persons Group on slavery called world attention to this longstanding problem and, in doing so, helped to focus attention and discussion on a heinous and abhorrent activity. In addition, thousands of people and animals have been vaccinated as a result of the "days of tranquility" initiative.

At the same time, we have worked closely with the President's Special Humanitarian Coordinator on Sudan, USAID Administrator Natsios, to ensure that all needy populations receive vitally needed humanitarian assistance. I know Administrator Natsios will go into greater detail on the humanitarian situation. But I want to mention some significant improvement in assistance delivery over the last few months. Last fall, when the Sudanese government reacted to the SPLM's capture of Torit by greatly restricting access, the United States led an initiative to mobilize international pressure to force the government to honor its commitment to unrestricted humanitarian access. As the Secretary's report on humanitarian access stated, the situation has substantially improved. While some procedural obstacles must still be overcome on a day-to-day basis, humanitarian assistance is generally flowing to needy populations. For the first time, the United Nations is providing humanitarian assistance to Southern Blue Nile. Efforts are continuing to open up access into war-affected areas in eastern Sudan.

Mr. Chairman and members of the Committee, we are under no illusions regarding the challenges, which must still be overcome in order to achieve a peace settlement. A great deal of mistrust remains between the two sides. Yet, there are grounds for cautious optimism. Both sides are war-weary and realize that they cannot win the conflict. The peace process has fueled a growing constituency for peace through the country that crosses ethnic, religious, and political affiliations. The leadership of both sides appears to be reaching out to other parties and groups to position themselves for coalition building in a post-peace democratic Sudan, and that is a good sign.

There is unprecedented international engagement with the parties to encourage a settlement. At the urging of the United States and our Troika partners, the international community has come together to spell out to each side the tangible benefits of peace. Both sides know that there will be a large peace dividend for reconstruction and development if, but only if there is peace. At the same time, we have reiterated to the Sudanese government that normalization of our relationship is dependent upon their cooperation to achieve a just and comprehensive peace agreement

and to implement it in good faith; to allow unrestricted humanitarian access; and to cooperate fully against terrorism.

At their summit a month ago in Nairobi, President Bashir and Chairman Garang acknowledged these growing international expectations, and the desire of their constituencies for peace, by setting their goal of an agreement by the end of June. This also reflects their realization that the United States will not remain engaged indefinitely. We have made clear to both sides that we want to see results, that we will not support an open-ended process. That is the clear message both sides heard in the President's determination pursuant to the Sudan Peace Act.

Mr. Chairman, there is much hard work ahead if we are to grasp what I truly believe is an historic opportunity to achieve peace. The Sudan Peace Act is serving as important leverage with both sides. I cannot guarantee you that peace will be achieved, but I can assure you that we will do our utmost to help the parties work out a just and comprehensive agreement. They now realize, I believe, that doing so is in their own best interest. The leadership of both sides and the people of Sudan need our engagement and our prayers.

Mr. ROYCE. Thank you, Secretary Kansteiner.

Now, in your remarks you state that the Administration has sent a more senior team to the peace talks to work closely with General Sumbeiywo. If peace negotiations are coming to a head, if this is anticipated in June as been suggested, is the Administration prepared to bring in the most senior Administration officials to seal a deal, maybe even including the President himself?

I think Congressman Wolf would want me to ask if the Administration is considering sponsoring negotiations on American soil, the point that he raised in his opening statement.

Mr. KANSTEINER. Thank you, sir. Indeed, the senior most leadership in this Administration is committed to seeing this peace deal come through, and that would include both Secretary Powell and President Bush, although I hardly can speak for either of my bosses. But I know that they are personally committed to seeing the tragedy of Sudan come to an end.

Mr. ROYCE. Well, the point that I was raising and that Congressman Wolf raised was the consideration as you begin to make closure on this of utilizing either one of those two senior most Administration officials in order to seal a deal. That is a point that Congress would like to—

Mr. KANSTEINER. Sure.

Mr. ROYCE [continuing]. Raise with you to take back to the Administration.

Mr. KANSTEINER. Right. I am confident to say absolutely. Both the President and the Secretary would be eager to jump in and help.

Mr. ROYCE. And the other point that we wanted to raise was the concept of finalizing negotiations here if it looks as though you have a—

Mr. KANSTEINER. I think that is an interesting idea. I would yield to General Sumbeiywo. He has done a superb job in the mediation so far. If he saw that as a positive step that would enhance the process, by all means. We would welcome it to come here.

Mr. ROYCE. Walter, if you were going to recap what substantial concessions you saw the government in Khartoum making and the SPLA making, what would you rank as the substantial achievements here today?

Mr. KANSTEINER. I think on the Machakos process itself, and let us just set aside some of the Memoranda of Understandings (MOUs) and cease fires, although I think that is incredibly impor-

tant, as is the Nuba Mountain agreements and the various other agreements that have actually been solidified.

In the Machakos process itself, the power sharing, and this is a subjective analysis on my part. I would say we are 80 percent of the way there. We have reached agreement, or I should say, the parties have reached agreement on the structure of the parliament. They are close on percentages of seats reserved for the south. They are close on cabinet makeup. They are close on senior leadership positions, i.e. Presidents and Vice Presidents.

On the wealth sharing, they understand that it is more than just "do I get 15 percent of the oil revenues or do I get 80 percent of the revenues." It is more about how do you pull together a budget for the country? How do resources like oil revenue flow to the regions? Does it go to states or provinces? How does that work? We are getting some very good work done on that, and there is a real understanding that it is a budgetary process.

I think the security issue remains very difficult. That is the one we are really going to have to work on in these next 6 weeks.

Mr. ROYCE. The other issue that you raise in your report, in your written testimony, is you say, "Some procedural obstacles must be overcome on a daily basis to ensure the unimpeded delivery of humanitarian aid."

What are these procedural obstacles that have to be overcome for these deliveries on at times almost a daily basis?

Mr. KANSTEINER. I would yield to Roger Winter on that. I think he has a better grasp of exactly what the flight entailments are.

When they do come up it does reach the political level, and we are engaged. Recently the report is that they are going relatively well, the humanitarian deliveries.

Mr. ROYCE. The last question I wanted to ask you about was the rhetoric that we have heard out of Khartoum and out of the SPLA. Are the two parties tempering their rhetoric, and which party's rhetoric is worse? How is this recorded in your report?

Mr. KANSTEINER. At times the rhetoric, particularly out of Khartoum, is extremely unhelpful because that public position then has to be explained in private, and you have just chewed up a day and a half explaining that your public position is maybe not quite what it appeared in the newspaper and so that is unfortunate.

We have not seen too much grandstanding, quite frankly. We have seen less and less of that as we have kind of gone from early this year to February, March, April. It started getting more serious.

I just got a call from Michael Ranenberger, who heads up our Sudan Task Force who is in Nairobi right now working on the Machakos peace process. He said that atmospherics, if you will, are very positive. They are getting some real work done on these last remaining issues.

Mr. ROYCE. All right. Thank you, Secretary Kansteiner.

We will now go to Ranking Member Don Payne, who has the longest tenure of any Member of Congress in terms of engagement and trying to bring peace to Sudan.

Mr. PAYNE. Thank you very much, Mr. Chairman. I am sorry. I had looked at the agenda and saw that Mr. Natsios was not here, and I did not look through the papers to see that Mr. Winters will

be coming up later. There was a little different format. I should have looked through the papers. I did not realize that the Administration had another witness because normally they come up together.

There is a Verification Monitoring Team, a VMT, and a Civilian Protection Monitoring Team. Now, could you tell me, if you know the details, what these two teams are? I know that the Civilian Protection Monitoring Team from March 7 to April 11 was not allowed to move around or to do what they were supposed to do. Could you clarify what these two teams are and how they are working now?

Mr. KANSTEINER. Certainly. The CPMT, the Civilian Monitoring Team, is an idea that grew out of primarily the U.S. Government. Jack Danforth was very instrumental in this. In some of the early tests that we put forward to both the government and the SPLA, it has proven to be a very effective tool in that it investigates attacks on civilians, so that is U.S. funded primarily.

The other Troika members, the Norwegians and the U.K. have been supportive in that, but it is a primarily Troika-U.S. funded mechanism that grew out of some of our initial work with both sides.

The VMT is actually an IGAD instrument. That is under General Sumbeiywo's domain and control, and that will verify the cease fire and perhaps the peace negotiation mechanism.

The VMT, though is not up and running, would do similar—not exactly the same, but similar—type work as the CPMT. They check on violations, troop movements, and attacks on civilians. So while the VMT takes root, the CPMT will assist.

We provide aircraft for the verification monitoring. We have quite a few staff members out there on the ground both in the south and in Khartoum, so we will assist the VMT as it begins.

Mr. PAYNE. Okay. Thank you very much. There is reported that there may be troop movements in the Abyei area. I understand that there is increased exploration for oil, and, judging from past experiences, when this happens the oil becomes a major factor in the displacement of local population.

I wonder what, if anything, is being done to ensure that the people of the Abyei region are beneficiaries and not victims pushed off the land and exploited and the oil taken. Is this area being monitored or checked?

Mr. KANSTEINER. It is very much, and your analysis is exactly correct. When oil field areas are being opened up by the government, they in fact do displace people. That is how they get in. They push people off, and they open up the territory for exploration. That has been a pattern we have seen.

Because of that, we have insisted that road building in the south in this oil region cease, especially a road south to Adok. Using our various government sources from various agencies, we have made the determination of late that there is no road building to the south toward Adok going on. That is a very good sign, and we are very pleased about that.

To your point, sir, that monitoring has to be continued, and we will be diligent.

Mr. PAYNE. Okay. Thank you very much. I yield back.

Mr. ROYCE. Thank you. We will go to Mr. Tancredo of Colorado.

Mr. TANCREDO. Thank you, Mr. Chairman.

Mr. Secretary, as I review this and listen to your statement, I again want to encourage you and to tell you that I do appreciate, sincerely appreciate, the efforts of you and the State Department to implement the Sudan Peace Act in its entirety.

There are a couple of things that I still need to get a little clear in my own mind as to how you see them, and they go to this. It has again been my observation over the last several years that the biggest problem we have had in trying to actually get this process moving in a real way and not a charade, but a real way, is that the status quo actually benefits the people who are leading the forces on both sides.

The fact that there has been an ongoing conflict for so many years there helps create a situation in which all the players see themselves in relation to that reality and have a hard time seeing where they would be in some other reality, and I mean on both sides here. I want to emphasize that I fear that that feeling has impeded our ability to get the south moving just as well as the north.

I guess I am wondering when you said that both sides now see that it is in their best interests to proceed toward peace. Why? How do they see that? Why is it in their best interest to do exactly what they have done to get to the sort of precipice and move back, move to the side, go around? Let us talk. We can always have meetings.

That seems to be the modus operandi, and it seems to be rewarded by us writing reports saying that progress has been made. That is what worries me is they look at it and say, you know, if there is not really some action that the United States is going to take unilaterally probably because we already know what the United Nations is all about, what is in it for them? How do we change the view of reality to say that in a peaceful world I will be okay?

Mr. KANSTEINER. Great question. I think the benevolent answer is that they see that this will end the war and suffering of their people, and maybe this is overly naive. But I actually think there is political leadership on both sides that truly do want to end the suffering.

I think there are some realpolitik reasons going on, too. There is a desire to exploit natural resources. There is a desire to see if they can improve their political positioning, and in fact it is interesting. There is political jockeying going on right now, and I mean not only intra north and intra south, but also between the north and the south.

This is breaking open. This is a new, a different, and I hate the word, but it is a new paradigm. I mean, this is changing. It might not work. You know, they might come right up to that edge and pull back from that precipice and say "no, no, no. It is too scary." The new framework may be just "too scary," but they are getting pretty close.

Mr. TANCREDO. Before oil was an issue, perhaps the primary instigating factor of the conflict was the imposition of Shari'a law, the sort of radical Islamic element in Khartoum and their attempts to expand their political as well as religious influence over the

south. I understand that some discussion, and perhaps you could even call it an agreement, has been reached about how Shari'a law would be implemented or the fact that it would not be forced upon the south.

The interesting aspect of this that I would like you to expand upon is exactly what you think would happen in Khartoum itself, especially with the thousands of people who are there today, refugees in the oddest sense of that whole thing, you know, refugees from the south going to Khartoum, but there they are, and how they would be treated and also the sort of symbolic importance of having the capital of the country being a more secular environment.

Mr. KANSTEINER. It is one of the tough issues that remain. Shari'a for the south, they have worked that out. The Government of Sudan conceded the issue. But the issue is Shari'a in the capital. Will there be Shari'a in the capital or not? That is the question that is on the table at Machakos literally today and probably will be for the next few weeks.

There have been some suggestions as esoteric as the law is in your heart, and if you are a Christian or an animist from the south then you abide by the mores and laws that remain in your heart even if you are in Khartoum, so the physical place where you are does not matter. It is what you believe in and, hence, the law is only enforced on your individual beliefs.

That is going to be tough. I do not know how we do that. There are also notions that Khartoum might be a federal capital with special liberties, toleration, whatever one wants to call it. It is one of the last nitty-gritty, tough items.

Mr. TANCREDO. Yes. You know, it is one thing to say that you can follow your heart wherever you are and you believe in whatever you believe in regardless of the physical location, but it is quite another to have your head chopped off as a result of that belief. There are 2,000,000 people who are presently living in Khartoum who would be subject to that kind of abuse if this were not part of the overall agreement.

As I say, when you look back at this conflict you realize this is where it really started. This is why it is so hard to get to where you are trying to go because this is what underlies all the rest of the stuff—oil and the raids and all the rest of it. This is really where we have to focus on how to achieve the goal.

Thanks, Mr. Kansteiner.

Mr. KANSTEINER. I agree. Thank you.

Mr. PAYNE. Will the gentleman yield? I just want to say that I could not emphasize that more that that is the basis. If that is not on the table, this is not going anywhere.

Unless there is going to be an honest discussion about Shari'a being the law of the land and everyone must abide by that law, then there is no agreement. It cannot be. I would like to know if these are the points. Like I said before, oil before anything else. That was the dividing point. Is that taken off the table?

Thank you.

Mr. ROYCE. We will go to Mr. Wolf of Virginia.

Mr. WOLF. Thank you, Mr. Chairman, and thank you for allowing me to be here.

Just one question, and maybe you covered it. What are your thoughts about moving the peace talks to Washington so that you can more actively participate? Secondly, if there is an agreement signed, would the Administration have it at the White House?

Mr. KANSTEINER. Thank you, Congressman. In fact, Chairman Royce did ask that question, and the answer is we think that is a very interesting idea. We would yield to General Sumbeiywo on his discretion there. If he thinks it would be helpful to move the talks to Washington, we would welcome that.

Indeed, if there is a signing or a ceremony of some kind, I am sure that it would be at the highest level, and I am sure President Bush would want to be involved.

Mr. ROYCE. That completes our first panel. Secretary Kansteiner, we thank you.

We will now go to our second panel.

Roger Winter was sworn in as Assistant Administrator for Democracy, Conflict and Humanitarian Assistance of the U.S. Agency for International Development on January 31, 2002. Winter was director of USAID's Office of Foreign Disaster Assistance immediately prior to assuming his current position.

Prior to joining USAID, Mr. Winter was the executive director of the U.S. Committee for Refugees. He also served in the Carter and Reagan Administrations in the former Department of Health, Education and Welfare where he was director of the U.S. Office of Refugee Resettlement.

Through these positions, Mr. Winter has more than 20 years of experience with refugee issues, and it is good to have you with us today.

**STATEMENT OF THE HONORABLE ROGER P. WINTER, ASSISTANT ADMINISTRATOR FOR DEMOCRACY, CONFLICT AND HUMANITARIAN ASSISTANCE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT**

Mr. WINTER. I have a statement for the record, and I will try to summarize real quickly where I think we are with respect to the humanitarian and development aspects of the relationship with Sudan.

I am going to focus on that because it is our responsibility at USAID because Andrew Natsios, the Administrator of USAID, is the Special Humanitarian Coordinator for Sudan, because the mortality and suffering are so high in Sudan that it is a major political factor in all of the aspects that we are discussing and because, in my opinion, the people of Sudan except at the center are the most deprived people on the earth.

The humanitarian problems have centered around three particular issues over time. There is access to needy civilians in the Operation Lifeline Sudan areas. Secondly, access to needy civilians in areas that are not part of Operation Lifeline Sudan. Third, the issue of attacks against humanitarian programs and civilians generally. Almost exclusively, these attacks and denials and access have been at the hands of the Government of Sudan.

USAID, having a responsibility for this aspect, has been very, very active. We have led a donor group to put pressure on the government. It has been meeting in Geneva, in New York, in Nairobi,

in Khartoum and in other locations. We have also tried very hard to make the Government of Sudan understand that everything that happens in the humanitarian sphere in Sudan is political, every aspect of it.

All right. What has happened with the efforts we have tried to orchestrate? First of all, with respect to access in the Operation Lifeline Sudan areas, basically what was the pattern was that the United Nations, which operates Operation Lifeline Sudan, would request of the government and the SPLA the ability to go into a location and feed or otherwise meet the needs of the population. The parties, the Government of Sudan or the SPLM, could approve or deny.

That was a pattern that resulted for a long period of years in large scale denials of access to the United Nations, and there were many, many cases where requests simply got lost in a very deadly bureaucracy in Khartoum. A request would be made, and the government would say we have never heard of the place, or they would simply never answer.

The system has entirely changed as a result of this process. It is no longer the case that the U.N. requests approval to go into a location. As a result of the work of the donor group that I spoke of a moment ago, they simply have to notify the government and the SPLM that they intend to go to those locations.

That is a system that has been in place since October and it has held, so we are no longer confronted with the issue of the Government of Sudan denying Operation Lifeline Sudan the opportunity to go to a location to meet the needs of the population.

What that means is different things in different places, but just for example where a number of you have been, Eastern Equatoria, a major part of southern Sudan, one of the three traditional provinces of southern Sudan. That has been closed. That had been closed for the previous 4 years. There was no ability of Operation Lifeline Sudan to go there for 4 years. Because the system has now changed as a result of this pressure operation as it were, it means places like that, the people in them, can be served now. That is a substantial improvement in the humanitarian situation.

The second area I mentioned was the issue of access to war zones which were not covered by Operation Lifeline Sudan's mandate. They included places like the Nuba Mountains or Southern Blue Nile. As you know, the issue of the Nuba Mountains was one undertaken by USAID and then Special Envoy Danforth at the very beginning of this initiative. When the agreement was reached, it opened up the Nuba Mountains for much simpler arrangements on humanitarian access.

One area that has been consistently denied for a long period of time is called Southern Blue Nile. Southern Blue Nile is one of the three marginalized areas that are covered under the three disputed areas as part of the Machakos talks. Just 2 months ago, the Government of Sudan finally agreed that the international community could, with its approval basically, meet the needs of the population in Southern Blue Nile, so that is an improvement that is 2 months old.

There are some places where we still cannot serve. It includes the Eastern Front, the areas off the border with Eritrea, and so

overall these areas not served by Operation Lifeline Sudan there have been significant improvements, but the Eastern Front is yet to be adequately dealt with. It remains to be sorted out.

The issue of attacks. I think the image that most of us have with respect to attacks against civilians and humanitarian programs might be that particular instance when World Food Program flights were coming in, and thousands of people were on the ground. They were getting ready to air drop food, and the Government of Sudan planes flew over and dropped bombs on the population, nearly hitting the World Food Program drop plane.

That is what we remember, but it is only a memory at this point. There are no more aerial bombardments of that kind. That does not mean there are not any problems, but it does mean there is no more aerial bombardment.

We had particular problems with respect to Government of Sudan forces targeting food supplies and granaries and crops, burning them and that kind of thing. We had plenty of instances where government forces would attack civilians to kill or displace them, rendering them vulnerable, dependent on the outside world.

We still have some problems with those things, quite frankly. It is not perfection, but I would have to say on the score card that the ending of the aerial bombardments is a major improvement. It has improved the way NGOs and others of us in the humanitarian community do our programs in the war sectors of Sudan.

At the same time, I have to say that the situation in Western Upper Nile remains an ugly blot on an otherwise positive trend. On balance, therefore, I would say substantial improvement in humanitarian access and our ability to serve the needs of the population. Overall, most of the war zones of Sudan are now accessible to us. That is a substantial improvement.

Overall, we are able to address the needs of the bulk of the war affected civilian population. It is not 100 percent, but it is a significant improvement from what we had before. The persistent, festering sore is Western Upper Nile, the Eastern Front civilians are not yet addressed, and, of course, we have a new conflict zone in Darfur which is not being adequately addressed either.

Now, what happens from here if peace is achieved? First of all, we do not intend to dismantle the humanitarian machinery we now have in place any time soon. We agree with Senator Danforth that the ground of Sudan is littered with agreements that ultimately failed in one way or another. We want to be positioned over time to see that we can respond to humanitarian needs if the peace agreement for some reason or other goes sour.

Secondly, I should say that we expect humanitarian needs will actually go up with the peace agreement. That may sound strange, so let me tell you why. First of all, we are now in a position, as I just indicated, to meet the humanitarian needs of populations in territories we could not access before, but even more than that, as one of you pointed out, there are between internally displaced people and refugees 5,000,000 displaced southerners, and a lot of them want to go home really bad. Some of them have already started gravitating toward their home areas.

Mr. Tancredo, you mentioned the 2,000,000 in the Khartoum area. We actually estimate that as many as 2,000,000 of the

5,000,000 that are scattered around the country and outside the country are going to go home rather quickly; 2,000,000 people on the move to locations that have been war zones that are entirely destroyed. There is not anything there. The humanitarian needs, we believe, will actually go up with peace at least for a couple of years until things settle down.

Now, development of the country, and particularly the south, is obviously a major priority for us. We are already in the process, under an initiative of Administrator Natsios of putting in place very substantial \$20,000,000 programs for the creation of or re-creation of an educational system in the south, and of putting in place an agricultural extension service and an agricultural development program that are managed by our Africa Bureau and our regional office in Nairobi.

We intend to invest more resources in health clinics, in micro-enterprise programs and such. We have budgeted \$66,000,000 for development efforts. We are talking about these efforts for the south of Sudan. It will require every penny of those resources. We have some money on the development side. Frankly, the money on the humanitarian side is exceedingly tight.

Our development programs are not planned, at this point, for the government controlled areas that remain as a result of the sanctions, of various pieces of legislation, the fact that the current government came to power by a coup, the fact that they are severely in arrears on many of the loans and other things. All of those things bar us from doing much in the way of developing programming in government controlled areas any time real soon.

Our focus, therefore, is going to be in the south and in particular in the transitional zone. The transitional zone is the place where north and south meet where the sort of, if you will, tectonic plates of the two cultures and societies scratch against each other.

It is that part of Sudan that is most war-torn. It is where the Nuba Mountains are. It is where the Southern Blue Nile is. It is where Abyei is. It is the place that can be manipulated by extremists on every side. It is the place that, if there is a peace, can be the fault line that creates new conflict. It is there that USAID intends to focus.

For example, in Abyei. Abyei is a location right on the border between north and south where we are already making major investments. Today we are putting water systems in. There is a local piece that we are trying to support. It has brought together certain populations that are in the government-controlled areas, certain populations that are in the Sudanese People Liberation Movement (SPLM) controlled areas, and even brought in Arab populations from further north into a cross line, a cross community program that we believe will do a great deal to mitigate slavery, and that will also do a great deal to cement the peace.

We have fielded our Office of Transition Initiatives operation into the south right now. It is setting up independent media. It is providing technical assistance to the SPLM administration because it will be part of a fledgling government entity. It is providing civil society programming, and it is designed to open up political space. Those latter two programs we will also put in place in the north.

Our focus is very heavily on the first 6 months after peace, what we call the pre-interim program. We just led a major inter-donor effort in the Hague. It resulted in an agreement between the Government of Sudan (GOS) and the SPLM to do joint planning on what programs they want to see put in place so there are no surprises for either side.

Just this past Saturday, the staff behind me here today conducted a several-day session with the government and the SPLM people to set up a joint planning mechanism for what will happen programmatically in the first 6 months. In my view, we have in fact seen a lot of progress. Of course, it is ultimately up to the Sudanese parties, but the United States has been indispensable.

In my personal view, it is terribly important to keep this process intact and keep it moving forward. Some of you know me from before. I have always been a hardliner on Sudan and on the government, but I think a reasonable peace deal can be struck.

I think that is thanks very much to the personal interest of the President, it is thanks very much to the critical bipartisan support and activism from this Congress and to the energetic, effective advocacy of a lot of constituency groups, including thousands and thousands of individual American citizens.

I think we have made some progress. Yet, I acknowledge we still have a ways to go.

Thank you.

[The prepared statement of Mr. Winter follows:]

PREPARED STATEMENT OF THE HONORABLE ROGER P. WINTER, ASSISTANT ADMINISTRATOR FOR DEMOCRACY, CONFLICT AND HUMANITARIAN ASSISTANCE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. Chairman, I would like to thank you for calling this hearing on Sudan at such a critical moment in time. In just a few days, May 16 will mark the 20th anniversary of this conflict. We hope it is the last. Sudan is at an historic milestone where the main parties to the civil war are seriously engaged in a peace process that may result in a just peace that ends this tragic war. Although the result is not certain and difficult points must still be negotiated, the parties know that they now have the best opportunity in many years to achieve peace.

A significant force behind the peace process is the serious and sustained engagement of the international community. The U.S. Government is the lead force, with the Department of State and the U.S. Agency for International Development (USAID) working closely together to use agreements on humanitarian issues as entry points for broader political agreements. The Nuba Mountains is the best example of this, where the U.S. approach transformed an intense war and severe food shortage in 2001 into a regional ceasefire with international monitors, vastly improved humanitarian access, freer movement of populations across political lines, and the beginnings of economic recovery. Heightened U.S. involvement in the peace process, led by the Department of State, has been matched by major new USAID development programs in opposition areas to prepare Sudan for peace.

Since the enactment of the Sudan Peace Act in October, the humanitarian situation in Sudan has improved dramatically. No longer is the Government routinely denying access to humanitarian agencies working under the Operation Lifeline Sudan (OLS) framework. USAID joined with other agencies in the Administration in recommending that the President certify that the Government of Sudan and the Sudan People's Liberation Movement are negotiating in good faith and that negotiations should continue. I believe that certifying to the contrary would have essentially aborted the peace process, and this is not an acceptable outcome.

Despite all of the positive changes though, I am not unaware of the problems that exist and the crucial steps that must be taken to make any coming peace agreement just and lasting. Because there has been a pattern of violating agreements, I continue to worry about attacks on relief sites, attacks on civilians and human rights abuses. Any agreement must ensure that these transgressions do not reappear..

Today I will focus on the status of gaining unimpeded humanitarian access, the humanitarian challenges that remain, the development issues that must be addressed if this peace process is to be successful, and the steps that USAID has taken in preparing for peace.

#### HUMANITARIAN ACCESS

*Background.* The denial of humanitarian access by the Government of Sudan has long been the cause of great suffering in southern Sudan. For the first time in many years, I can say that we have greatly improved humanitarian access.

In 1989, the then Government of Sudan (GOS), the United Nations, and the Sudan People's Liberation Movement (SPLM) signed an agreement of negotiated access to southern Sudan. It was established as the main avenue for assisting the Sudanese population affected by war. Each Sudanese party was afforded the right to deny access requested monthly by the UN Operation Lifeline Sudan (OLS) for security reasons. Several months after OLS began operations, the present government came to power and began regularly denying OLS access to numerous locations. The government invariably cited the security of international staff as the reason for denial, although OLS security officials, USAID humanitarian staff and non-governmental organizations with in-depth knowledge of the situation on the ground often disputed the government's security assessment.

*Improved Humanitarian Access.* USAID led an international effort to mobilize donors to uniformly pressure the GOS for unimpeded humanitarian access. On October 15, 2002, after the denial of access had become a crisis in September 2002, the GOS and the SPLM signed a memorandum of understanding (MOU), stating again that they agreed to allow unimpeded humanitarian access to all of Sudan. On October 25, a smaller technical group met with the UN and agreed to the form in which the MOU would be implemented. Essentially, they agreed to a notification system whereby the UN would simply notify the parties of its intended locations and the parties would not have the opportunity to deny these flights. So far, this agreement has held and access has been greatly expanded. The southern tip of Sudan, in Eastern Equatoria, for instance, was denied humanitarian assistance for four years. This area has been regularly receiving assistance since October 2002. Several key areas of Western Upper Nile, such as Leal and Lara, also started receiving assistance from OLS in October. While NGOs operating under the OLS umbrella have benefited from increased access, organizations outside OLS, which are continually supported by USAID, have expanded operations due to increased security.

After the signing of the MOU, the Government of Sudan initially regarded Southern Blue Nile as outside the agreement, because it was not historically a part of Operation Lifeline Sudan. Thanks to pressure by the international community, this was reversed, and in March 2003, humanitarian assistance began going into Southern Blue Nile. Non-OLS programs in Southern Blue Nile have also been able to function much more effectively. Before the cessation of hostilities, one organization nearly closed its program there when its compound and a nearby fuel store were nearly hit by a GOS bomb. Since the ceasefire, they have been able to effectively carry out their programs. These are major improvements in the last year, but obstacles remain.

#### *Humanitarian Challenges.*

1. Southern Blue Nile. While the GOS, for its part, has agreed on paper to unrestricted access to Southern Blue Nile, significant bureaucratic systems remain which make implementing programs cumbersome and difficult. While the UN has been very busy with planning for peace and other efforts, it has not matched its public commitment to the people of Southern Blue Nile with action. The UN is in the unfortunate position of having to follow cumbersome GOS requirements, and its own bureaucracy often moves at a slow pace. USAID and Department of State attempts to visit GOS-held sections of the area have been rebuffed by the GOS.
2. Western Upper Nile. Western Upper Nile has seen a continuation of conflict and helicopter attacks since the MOU for a cessation of hostilities was signed in mid-October. However, no direct militia attacks on civilians have been reported in the last month by OLS Security. Non-governmental organizations have wanted to access certain populations in Tam and Kerial, but these areas are too close to GOS positions, which make NGOs fearful of delivering assistance there. We are also concerned that the road and garrisons are preventing many displaced communities from returning to their home areas in time to plant this rainy season (which begins in May and June). In addition, since people's livelihoods require seasonal movements with cattle to and from the river, they must seasonally cross

the road to reach critical dry season grazing areas. These communities are currently unwilling to cross this road due to continuing GOS harassment and looting of cattle.

3. Eastern Front. The Parties agreed to allow UN access to the Eastern Front (along the Eritrean border) in mid-January but so far, no such activities have been implemented. The problem here is in part that the UN has not aggressively pushed the parties for access to this area, despite a very desperate and needy population. USAID is providing assistance through two organizations, but the UN system is needed to deliver adequate levels of aid to the population at large.
4. Darfur. Tensions regarding the marginalization of the people of Darfur that have simmered for many years erupted into armed opposition against the Government in February. Tension increased in April when opposition forces attacked the capital of North Darfur and reportedly destroyed some aircraft. This region is also suffering from its third year of drought, and is one of the marginalized parts of Sudan with poor infrastructure and services. USAID staff recently visited the area and can confirm that these factors together create a very serious humanitarian situation. USAID has committed resources through NGOs to develop improved access to water, a critical area of need in Northern Darfur, as well as primary health care in Western Darfur. World Food Program food that was delivered to the main towns has not been distributed because of insecurity that keeps international staff and vehicles inside their compounds. Even if a political solution is achieved, Darfur will require an enormous amount of aid for a substantial period of time to raise its people's well-being to acceptable standards.

#### *Post-Peace Humanitarian Plans*

I realize that peace may well be imminent and humanitarian needs will still be pervasive in a post-peace environment. The war-affected regions of Sudan have long been isolated by conflict and lack of infrastructure. If peace is achieved, assistance programs will be able to reach areas where access has long been impossible. In spite of the large amount of international assistance to Sudan, many communities are not receiving basic services such as primary health care and education, nor do they have access to clean water. The immediate challenge will be to expand humanitarian programs to reach these populations.

With a formal end to fighting and increased access to many areas, refugees and the internally displaced will start to move back to their home areas. Although the number of prospective returnees is still unknown, some estimates are that as many as 2 million of the more than 5 million refugees and internally displaced people will begin to move. It will be critical to make sure that historically densely populated areas where people will likely return have the infrastructure to accommodate them in the first six months after their arrival. One such area is Abyei, located on the dividing line between North and South, also called the transitional zone. Abyei has historically acted as a gateway between North and South. Its population is less than 5,000, compared to more than 85,000 in the past. USAID is intervening heavily in this area now.

The stability of this entire transitional zone is also important in maintaining the overall peace agreement. In past peace agreements, tribal warfare has helped to destabilize larger peace processes. USAID is focusing on this zone with parallel programs on both sides of front lines, with some activities that cross front lines. In many cases local populations are tired of the civil war and working to reconcile among themselves as well. Seeing economic benefits from such reconciliation will be critical in helping them seal the agreements reached.

Overall, USAID is leading an international effort to provide rapid and tangible benefits to Sudanese in the first six months after the peace agreement. This program will also build public confidence in the ongoing process of political transition.

#### PLANNING FOR PEACE

In June of last year, USAID began inviting donors and the UN to periodic meetings in order to discuss the problems with humanitarian access and to plan joint actions. Since October, the focus has shifted to joint coordination on planning for peace. The latest meeting in The Hague expanded the actors to include other international organizations such as the World Bank and the Sudanese Parties. The purpose of the meeting was to pass on the process of setting program priorities to the Sudanese leadership.

Just this past Saturday (May 10), the parties met, under US facilitation, to talk about capacity building for the pre-interim period and setting program priorities in the first 6 months after a peace agreement is reached. The meetings were more productive than expected, with the parties reaching agreement on key principles, pri-

ority areas and modalities for capacity building and a Joint Planning Mechanism for the quick-start program to be co-chaired by both sides with U.S. facilitation. A long-term focus of this same donors group will be development during the six-year interim period.

#### TRANSITION TO DEVELOPMENT

USAID has been focusing much of its resources on issues and challenges that must be addressed if the Sudan peace process is to be successful.

##### *Transition Initiatives*

USAID's Office of Transition Initiatives (OTI) has begun work in Sudan for the first time. It plans to link ongoing southern Sudanese peace processes and peace-building efforts to initiatives that promote good governance practices to increase the participation of southern Sudanese in their governing structures. The OTI program focuses on critical transition issues in southern Sudan, such as increasing access to balanced information, promoting good governance, providing conflict resolution expertise in areas vulnerable to violence, and supporting people-to-people peace processes. OTI is also exploring opportunities to support quick-impact projects if a peace agreement is signed.

OTI's program in southern Sudan supports activities that will focus on building independent media in southern Sudan, conflict resolution mechanisms and tangible peace dividends, and good governance.

##### *Development Challenges*

As may be expected, Sudan's development challenges are enormous. Nearly twenty years of conflict in the current phase of the civil war has destroyed what limited physical infrastructure existed in southern Sudan. Schools, health clinics, courthouses, roads, bridges, wells, and markets have all been damaged or destroyed. In marginalized northern Sudan, the physical infrastructure has deteriorated over the years as energies and finances were sapped by the war.

The war has also damaged the social fabric needed to recover and develop. Traditional Sudanese cultures have proven to be amazingly resilient at the local level, but most regional institutions have simply not survived the trauma of war. Civil society is weak throughout the country and government structures are barely functional in the south. In the north, there is little political space outside a handful of traditional political parties, and dissent is treated harshly by the ruling National Islamic Front.

Economic recovery is underway in the stable areas of the south, but markets are tiny and businesses are few. A recent USAID-sponsored survey found that the two largest opposition-held towns in the south, Rumbek and Yei, respectively, only have about 2,500 and 1,500 micro and small enterprises. Market support institutions and services that usually nourish and sustain economic recovery, such as micro-finance institutions, business support services and training centers, do not yet exist.

The war has also done great damage to the potential of individual Sudanese to contribute to their own development. At least two generations of southern Sudanese have not had access to basic education. An estimated 4-5 million people have been internally displaced, including 2 million living in shantytowns around Khartoum. Repeated famines and food shortages have added to the misery, killing thousands and causing widespread malnutrition and abject poverty. Thousands of children recruited into the SPLA were demobilized in 2001, but communities have had minimal resources or opportunities to offer them.

##### *USAID's Program in Support of the Peace Process*

To address the numerous development challenges, USAID, in close collaboration with Sudanese stakeholders and our international partners, is now putting in place a new three-year strategy for Sudan. We have analyzed a broad range of possible scenarios, given the fluid and evolving situation there, and identified which development issues must be addressed to support a successful peace process. The Machakos peace plan now under negotiation calls for a six-month "pre-interim" period of preparation followed by a six-year interim period of southern autonomy. Power-sharing and wealth-sharing arrangements are to be further worked out between the national unity government and the southern autonomous government. Security arrangements will provide for a separation of forces. The Machakos negotiations are the best hope for peace Sudan has had since independence.

We are supporting the peace process and meeting associated development needs in several ways. First, USAID is directing all its programs toward the goal of preparing the Sudanese for peace, starting now, even before the peace agreement is signed. Second, we have closely collaborated with our international partners to de-

velop a multi-donor, six-month action plan for assistance programs on two tracks: one for short-term, quick start projects in the pre-interim period and another for longer term projects that will build Sudanese self-reliance and capacity to undertake their own development.

1. Programs for the Pre-Interim Period. Once a peace agreement is signed, USAID plans to provide development assistance through community-identified, small-scale projects such as schools, health clinics, rural roads and water points to complement the above-mentioned humanitarian programs. Many projects will target communities receiving returning IDPs and refugees to lessen conflict over resources. These projects will be highly visible and quickly delivered to war-torn communities where the benefits of peace can be dramatically illustrated.
2. Longer-term development projects. Our long-term development programs for southern Sudan are already underway, and more are planned to start this year. Following Administrator Natsios' visit to Sudan in July 2001, he announced the creation of two new five-year initiatives: the \$20 million Sudan Basic Education Program and the \$22.5 million Southern Sudan Agriculture Revitalization Program. Through these programs we are training teachers, rehabilitating schools, establishing agribusiness training centers to help entrepreneurs get the business skills they need and starting a microfinance institution that will provide small loans. In addition, we are helping southerners to strengthen their civilian administrations; rebuild courthouses, train judges, and carry out civic education programs. We are repairing roads that are critical to the delivery of relief, and will soon begin a program to improve road and telecommunications infrastructure across the vast spaces of southern Sudan to promote recovery of markets and trade. In FY 2004, we have increased USAID's request levels for development assistance and child survival and health to \$66 million to help southern Sudan in its reconstruction efforts.

#### CONCLUSION

I would like to close with some observations gleaned from our experience with development efforts in southern Sudan in recent years, especially the experience of the Sudan Transitional Assistance for Rehabilitation (STAR) program. We are convinced that it is vital to emphasize Sudanese ownership and participation in all our programs, so they take the lead in their own development and become more self-reliant. Equally important is to emphasize equity, especially between women and men and between Sudan's many ethnic groups, so that our assistance does not contribute to unequal access to resources, hence spawn new conflicts. We also have learned that our development investments will go nowhere without capable leadership, good governance, and a sound legal and policy framework. We are therefore implementing technical and logistical assistance to those southerners who will make up the departments of the future government of the autonomous southern entity. Finally, we have learned that everything takes time in southern Sudan, so we are not waiting. We have already started.

Mr. ROYCE. Thank you, Roger.

Let me go to the steps that would have to be taken to encourage some of those internally displaced people in the Western Upper Nile to return to their homeland near the oil road in order to begin planting crops before the rainy season comes.

Do you see any actions, concerted actions that could be taken that would—

Mr. WINTER. Yes. I am not aware that anybody is going home right now—

Mr. ROYCE. Yes.

Mr. WINTER [continuing]. So it is a remaining problem, but then again I do not think the security conditions are necessarily right for it.

Mr. ROYCE. And what steps, in your view, are necessary?

Mr. WINTER. To the best of my knowledge, we had the road that was discussed earlier that comes down through Lara and leading toward Adock. The government was building on that road. As they would go along that road, they would clear out the civilian popu-

lation, and they would either place new garrisons along the road, or they would strengthen those garrisons.

The population in the area is not likely to return to the area with the forces that displaced them in the first place still present. It is also the case that their way of life is entirely disrupted by the road because many of these people are pastoralists. They need to move from one side to the other and so forth.

I think to the best of my knowledge, and I say this to the best of my knowledge, there is no drawing down of those garrisons at this point. There is no return to the areas, the lines they were behind previously, so I suspect we will not get a return of those populations until something along those lines happens.

Mr. ROYCE. As you say, internally displaced on the move are 2,000,000, and I guess there are another 3,000,000 if you add up refugees in other countries, Sudanese and southern Sudanese in Khartoum.

What are the economic prospects for Sudan and for these people if there is a durable peace and the appropriate macro economic framework that would be required. As you have pointed out here, there are old ways of life, pastoral or farming and migratory actions that people have taken in the past that with the new infrastructure garrisoned as it is has been negated as a possibility.

I mean, what do you see on the macro economic side as you begin to plan for assistance, development assistance, as well as humanitarian assistance?

Mr. WINTER. There are several parts to that. Let me focus first on the internally displaced persons or IDPs, and so forth and also respond to Mr. Tancredo, who expressed a little bit of surprise, although I know he knows the issue, about 2,000,000 people being in Khartoum.

It is common for people who are displaced to flee to cities. The unanimity of cities, the grouping of populations in cities. It happens on every continent in every civil war I have practically been involved with, so it is not that it is unusual.

I think we have a lot of people who will return quickly. They have had it up to here. They want to go home. In some cases it is old people who want to go home. They want to die in the old home area. It is that kind of thing that will draw the initial groups.

We also have some who are very anxious to reclaim their land, but their land has just laid there for years and years and years. It is grown over. There are not water systems available for irrigation and all that. It is all destroyed. It is gone.

What we are trying to do is provide the kind of inputs through our agricultural programs, health clinics and so forth that will help draw them back to their home places to help them fulfill the dream they want fulfilled, which is to go home.

I think a lot of the others will ultimately go home too. They just will not go home in the first wave. What we are saying is up to 2,000,000, based on surveys that have been done, could be in the first wave. We think others will go. Then there will be some who will never go back. There are kids who have grown up in Khartoum who do not know any other place but Khartoum because they have been essentially in cultural exile in Khartoum for a long period of time.

Now, what would they go back to, and what are the prospects for Sudan? What I can tell you is that we have been involved, as has the State Department, with the World Bank, with the International Monetary Fund, and with a variety of the other international institutions, the African Development Bank and so forth, and all of us are involved in a process of planning for development in Sudan and, most particularly, but not only, the south.

Sudan is not by nature a poor country. Not only does it have oil; it has tremendous capacity for agriculture. I can remember when I was younger we used to talk about Sudan being the bread basket of much of Africa. It could be that. It cannot be that in its current state of war, of non-peace and of extreme poverty and destroyed infrastructure.

Our intention is, and we are already working with the World Bank and others to try to deal with some of those aspects, our own investments. Our own investments will also include infrastructure. There is no paved road in the south. There is hardly an intact bridge anywhere. All of those things are going to have to be dealt with if we are going to be able to access markets in a substantial degree.

Will peace make a difference? Absolutely. If you look at the very western part of southern Sudan, what we call Western Equatoria, it is a food surplus area. We are actually able to have crops that we help the local population market and distribute elsewhere in south Sudan, because that part of Sudan has been relatively peaceful. If there is a peace that works and if we make the proper inputs, it ought to be economically viable, in my view.

Mr. ROYCE. With respect to the Chad-Cameroon pipeline, we have a template for something that in theory, Roger, might work in order to have an auditable, verifiable way to set aside funds for infrastructure.

Have you given any thought to how some type of scheme along that line might be applicable for the south with respect to the oil revenues and the share that ultimately is agreed to for development assistance for the south?

Mr. WINTER. I cannot say I have. I can say we have at USAID, but I am not capable of explaining to you that level. I would be happy to give you some written feedback about that.

Mr. ROYCE. We can talk later about that.

Okay. I would like to go to Mr. Don Payne, the Ranking Member.

Mr. PAYNE. Thank you very much for your report. It certainly is clear that you have a good grip, a good grasp of Sudan and what is necessary in the post war period. I thank you for all your many years before joining State Department and all the work you have done keeping the issue alive. Hopefully we will see a peace in our time.

I am glad you mentioned the agricultural part because I think that is very important. I know that Administrator Natsios has an interest in agriculture. I know USAID sort of withdrew in the last decade or two, but do you see the emphasis being strong enough to really try to restart that whole agriculture in Sudan because of its great potential and the fact that it had such tremendous resources in the past?

Mr. WINTER. Sudanese are good farmers, those that have land to work and who are brought up in a farming tradition. A lot of people who do not know Sudan well—I know you do know it well—think of it as a desert. The south is anything but a desert. There are rivers. There is water. It is a little uneven and gets raggedy sometimes, but it is in fact an arable countryside in much of the south.

You know, the fact is that, in our judgment I should say, it has the capacity to be viable with peace. Initially you are going to have small-scale farming in the south. Of course, in the north you have mega agricultural schemes. That may not be quite as adaptable in the south, but we do believe that exports to surrounding countries are possible. We do believe that it can become a major agricultural hub for the region.

Ethiopia has land that cannot be used anymore. Countries like Eritrea, Djibouti, and others are very limited in what they are able to produce agriculturally. Sudan can supply them and lots of other places. That land has been laying there just waiting to be used.

Mr. PAYNE. Thank you. Thank you very much.

The educational system has really suffered during this long civil war, and I would imagine in the plan, the post war plan, that there would be a strong educational program going.

Secondly, though, there has been a real loss in higher education because of the disruption of the educational system in general. I wonder if there has been any thought of not only the primary and secondary schools, but how do we jump start the higher education where we have in the past many Sudanese from the south who were great scholars and educators and so forth, that coming back?

Mr. WINTER. Well, as somebody said earlier, we have lost a generation or two of southern Sudanese, and that is really true.

What Administrator Natsios did was put in place as a beginning an effort to get at basically almost a teachers college approach to producing teachers and being able to pay teachers to set up about 300 schools. That is something that is in motion now.

Obviously there are no really secondary or above high school-level capacities in the parts of the south controlled by the Sudanese People's Liberation Army, or SPLA. There need to be. I cannot tell you that we will have a deal because it would be premature, but we have had some discussions with some of the Africa Studies programs in some of the American universities about a consortium of them helping to establish some capacity in the south.

We have also had some earlier discussions with associations of colleges and universities of a religious character about the possibility of their helping get institutions like that up and running in southern Sudan. We do not have any deals yet. We do have discussions going on.

Mr. PAYNE. Okay. Just finally, we just had a resolution passed in our foreign aid assistance bill last week—Congressman Smith started an educational program for East Timor—of around \$5,000. I think some time ago we had some legislation similar to that passed to try to bring some college students to the United States.

I think it is, of course, much more cost effective to do everything there. However, I think it is important that we bring top students

to the United States to attend some of our colleges so that they get a feel of our democracy and are more well rounded to go back.

I would like to talk to you further about that program. I think tucked in somewhere I had a bill passed a couple years ago, but I have not had much activity on it. We will look into that.

Just lastly, I had a little question about the military. I hear no talk about that. What happened to the Government of Sudan's army and the SPLM?

Mr. WINTER. There is an additional issue than what you just mentioned, and that is the so-called militias that are part of the problem of the chain of command and how things sort themselves out in Sudan.

Presumably there is going to be ultimately a deal as part of the Machakos talks on what the nature of a national or sectional armies will be. I cannot really speak to that. What I can tell you is there will be presumably a significant number of people from militias and possibly from the two armies who will need to be demobilized. Demobilization is something we are familiar with.

Our Office of Transition Initiatives and other capacities within USAID are into demobilization programs. We do have the kind of resources that help people get established with a demobilization package in a farming life or whatever may be appropriate for them. They are not perfect. I will be viewing one program in Angola next week, for example, to see how it is going. Demobilization will clearly be there.

As you know, we have already done some demobilization, or I should say some of the NGOs have, with respect to children soldiers who have been demobilized by the SPLA as part of corresponding with international norms. So that kind of thing can work.

Mr. ROYCE. Without objection, I would like to submit a document by Amnesty International making recommendations for U.S. policy.

We will go to Mr. Tancredo.

Mr. TANCREDO. Thank you.

Roger, you got me to thinking about what you are talking about in terms of what resources we could bring to bear subsequent to a peace agreement, especially in the area of human resources and the kind of skills that will be needed in the development of civil society.

I thought about the fact that I have gone around the country speaking on this issue often and meeting people, and there are thousands of Sudanese people here. I just wonder if there is any effort or should there be any effort on our part or should we just hope in a sort of serendipitous return to Sudan bringing their skills with them?

Is there something we should do or contemplate in that regard with the talent pool that we are building right here?

Mr. WINTER. Right. I have a couple of thoughts about that. First of all, within Sudan we will help people go home in organized programs. For Sudanese people who are outside Sudan, if they have been in the United States a long time, it is often the case that they cannot move quickly because they are enmeshed in our society. They may be working. They may have property. Their kids may be in school. For all of those reasons, it is often the case that they can-

not move quickly, and they would have to make major economic adjustments.

The International Organization for Migration, which is an inter-governmental organization, but not a United Nations organization, has a program they call Return of Talent. What that Return of Talent program involves is exactly trying to address what you are talking about. It helps move people back who have skills that are needed by the society that they left.

I am not technically competent on the program, but it provides a couple of years' worth of basically a salary differential to help ease their transition back economically into that society. It does a number of things like that. We would be looking to see if that program can be accessed by Sudanese.

Mr. TANCREDO. Good.

Mr. WINTER. We do have ways of talking to IOM, and we do frequently do business with them of one sort or another.

Mr. TANCREDO. I am just glad to hear that they are thinking about that.

Let us return for a minute to the issue and the problems in Khartoum, especially with those 2,000,000 or more people who are essentially living in squalor. First of all, could you categorize the nature of their existence? Specifically, am I right in what I have just said and how I have characterized it?

Is it a situation that requires our attention immediately? If it is, what can we possibly do about it, given what you were talking about in terms of the obstacles maybe even presented by the law? Is there a need perhaps for some amendment to the State Department reauthorization? Maybe we could request a rule that would allow us to provide and get an amendment that would give you the opportunity to provide assistance to those people if that is necessary.

Mr. WINTER. First of all, if you have the opportunity at any time soon to fly into Khartoum, as you go over the city you will see these smudges on the ground. That is the displaced persons living locations.

They tend to be separated from the rest of the city out in the desert a bit; not far, but a bit. They tend to be undeveloped areas and without resources, without water, without much in the way of programs. Some people have worked their way into the underground economy, and they work in these agricultural schemes and in a variety of other ways.

They are basically not well integrated into society. Some of their cultural practices do not fit real well in Khartoum. The women like to brew local beer like they would in their home areas, and they wind up getting in trouble with the police. Those kind of things happen. It is a problematic existence for those people.

Mr. TANCREDO. It sounds like some of my ancestors, by the way. They got in trouble for brewing. Sorry. Go ahead.

Mr. WINTER. Yes. It is not moonshine. It is a traditional drink.

Mr. TANCREDO. Okay. All right.

Mr. WINTER. Of course, moonshine may have been traditional too.

Mr. TANCREDO. It was, yes.

Mr. WINTER. In any event, we believe that a lot of those people will want to return. They were people who went away to get out of the crossfire.

Mr. TANCREDO. But can we help them now? That is my point.

Mr. WINTER. Right. Yes. We are helping them now, but it is on a limited basis.

Our Office of Foreign Disaster Assistance has humanitarian programs there. In my view, if we had the resources we need to expand those programs, given the point in time that we are at, more than anything else, what we need to do is actually help them move.

Mr. TANCREDO. Yes. I am just trying to determine whether or not there is some action we need to take here. You mentioned in your testimony, or maybe it was in response to a question, that the law actually, the Sanctions Act I think or something else prevented you from delivering services beyond the area controlled by the south, and that is why I wondered.

Mr. WINTER. We are not in a position to do development programming in areas controlled by the Government of Sudan because of the sanctions and those other provisions of law.

Yes, I think that right now we can actually do most of the programming we need to do.

Mr. TANCREDO. Okay.

Mr. WINTER. The agency is still working on this question at this time. We are not ignoring the question, but things are in flux and we should have much more direction soon.

Mr. TANCREDO. Okay. Take your time.

Mr. WINTER. Let me come back to you.

Mr. TANCREDO. Sure.

Mr. WINTER. The more developmental they are in character, the more we are restricted by the sanctions.

Mr. TANCREDO. Lastly, the problem with the infrastructure there is so great that I wonder to what extent you think our costs would be decreased by the fact that peace breaks out, if it does, in terms of actually transporting food and materials?

I mean, right now it is heavily transported by air and this is very expensive. One wonders what you would be able to do, how much you would be able to reduce the costs by being able to use whatever land transportation there might be.

Mr. WINTER. I think we have spent about \$1.5 billion on humanitarian programs since the NIF Government came in. We are spending perhaps \$120,000,000 a year on humanitarian programs.

We ought to be able over a couple of years to reduce that dramatically, and I would dearly love to see those kind of resources invested in continuing development programs in the south. That is really what they need. It is going to take a good number of years to restore that society the way it needs to be done in order for the country to be able to function the way the people of that country would like to see it function.

Mr. TANCREDO. Thank you very much, Roger.

Thank you, Mr. Chairman.

Mr. ROYCE. Thank you. We again really want to thank Administrator Winter for his testimony, and I think we have had the opportunity to talk optimistically here today about moving from a transition of humanitarian assistance to development assistance.

I think although all of us would like to be optimistic, and certainly those of us here as original co-sponsors appreciate the analysis you have given us, I think we all realize this is a massive challenge, and I think to face that challenge we are going to need an intensified effort and intensified pressure on an ongoing basis from all sides and certainly need to ratchet up the pressure from the Administration and from Congress.

Again, Assistant Administrator Winter, thank you so much for your testimony.

We are adjourned.

[Whereupon, at 3:48 p.m. the Subcommittee was adjourned.]



## A P P E N D I X

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### MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE FRANK WOLF, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF VIRGINIA

Mr. Chairman, let me first express my appreciation to you and Members of the Subcommittee for holding this important hearing on Sudan and for allowing me to testify.

My interest in Sudan began in the mid-1980s, after visiting southern Sudan at the height of a major humanitarian crisis. I have been to Sudan four times. My most recent trip was in January 2001.

Mr. Chairman, the people of southern Sudan have suffered for far too long. And this must end. We have lost a whole generation of southern Sudanese to this war.

Even if this conflict is to end tomorrow, it will take another generation to undo four decades of deliberate and systematic neglect and destruction by successive governments in the North.

I am enormously grateful that President Bush continues to show strong leadership and interest on this matter. Thanks to the dedication of many people—from church leaders to human rights activists to dedicated Members of Congress—Sudan has a constituency; a committed constituency determined to see a just and lasting peace.

Mr. Chairman, the Administration's recent report to Congress on Sudan, as required by the Sudan Peace Act, recommends the continuation of negotiations between the Government and the SPLM. I fully agree with the Administration's Memorandum of Justification.

Let me briefly explain my justification. I believe that a peaceful solution to the Sudan crisis is the best available option at this time and that limited progress has been made in the talks.

Most importantly, the parties themselves agree that the negotiations should continue and that a just peace can be achieved.

My support for continued negotiations does not mean that the government's behavior is acceptable. As documented in the Administration's reports, the government has repeatedly violated agreements it has signed in recent months by attacking civilian targets, obstructing relief delivery, and deploying troops and weapons in clear violation of the Cessation of Hostilities Agreement.

The government also continues to build roads and garrisons in order to expand oil development by systematically and violently displacing innocent civilians from their homes.

The Administration should make it clear to the NIF that there will be consequences for their wanton disregard for human life.

In conclusion, Mr. Chairman, as the peace process enters its most critical phase, a more direct and assertive engagement by the United States is crucial.

The Kenya-led negotiations have made important progress, but serious and difficult issues are yet to be resolved.

I strongly recommend that the U.S. host the security arrangements talks in Washington. The United States has the expertise, political clout and leverage to help resolve difficult issues.

Negotiations over security arrangements are likely to focus on guarantees; and there is no government better suited to assume that kind of responsibility than the United States.

And if we succeed, I call on President Bush to host the signing ceremony at the White House.

PREPARED STATEMENT OF UNITED STATES COMMISSION ON INTERNATIONAL  
RELIGIOUS FREEDOM

Following the Commission's establishment by the International Religious Freedom Act of 1998, Sudan was one of the first three countries to be the focus of the Commission's attention. For the past three years, the Commission has identified Sudan as the world's most violent abuser of the right to freedom of religion and belief. The Commission has concluded that the government of Sudan is responsible for egregious human rights abuses, including the forcible displacement of civilian populations, widespread bombing of civilian and humanitarian targets, abduction and enslavement by government-sponsored militias, banning or impeding humanitarian relief operations, and severe restrictions on religious freedom. The Commission has made policy recommendations on Sudan in each of its annual reports, including in its 2003 annual report released today, in addition to issuing a special report on Sudan in April 2002.

Several of these recommendations have been adopted. President Bush prominently raised the situation in Sudan in a major address in May 2001. The President appointed former Senator John Danforth as Special Envoy for Sudan in September 2001. The Administration has also taken several steps to alleviate the humanitarian crisis of the Sudanese people, including designation of U.S. Agency for International Development (USAID) Administrator Andrew Natsios as Special Humanitarian Coordinator for Sudan and several reforms undertaken by USAID. All of these efforts implement directly or indirectly recommendations of this Commission.

PROGRESS OF PEACE NEGOTIATIONS

On April 2, 2003, Sudanese President Omar Hassan El-Bashir and Sudan People's Liberation Movement/Army (SPLM/A) Chairman John Garang issued a joint communiqué suggesting that a final peace agreement would be reached by the end of June. President Bush reaffirmed the commitment of the U.S. government "to support the implementation of a comprehensive agreement when it is finalized this June." According to a press report, an unnamed State Department official has gone so far as to declare an impending agreement a "diplomatic touchdown." Furthermore, a letter last month from the government of Sudan (GOS) to concerned American citizens dismissed concerns about the progress of peace negotiations and again committed to a just peace by June.

The Commission is perplexed at this level of optimism when so many significant issues remain to be negotiated between the parties. Nevertheless, if an agreement is not reached by the end of June, the President and Congress should re-evaluate if the GOS has engaged in good faith negotiations to achieve a permanent peace agreement. If it is determined that the GOS has not negotiated in good faith, then the President should consider initiating those measures laid out in Section 6 (b)(2) of the Sudan Peace Act. The Commission will continue to monitor closely the progress of peace negotiations.

The Commission is also concerned that the GOS has not been held accountable for significant violations of agreements it has made with the SPLM/A as part of the ongoing peace negotiations. The February 2003 report by the Civilian Protection Monitoring Team (CPMT) clearly states that the GOS violated these agreements on numerous occasions by launching lethal attacks on civilian targets. While the United States publicly condemned these attacks, the Commission is concerned that the GOS has not been held accountable for these actions. We fear the GOS will conclude that it can violate its agreements with without cost while continuing to negotiate in peace talks.

Indeed, reports from the CPMT indicate that the GOS is using this period during the cease-fire to rearm and build-up its military presence in garrison towns in southern Sudan from which it could launch offensives should the peace talks end in failure. The Administration should demand a significant reduction of GOS forces and military equipment in southern Sudan. As discussed below, the April 21 State Department report to Congress did not adequately address the increase in GOS troop levels in the south since the signing of the Machakos Accord or GOS arms purchases during the same time-period.

Moreover, the Commission is extremely concerned by reports that the CPMT has been thwarted by the GOS in carrying out its mandate. We have received reports that the GOS has, without justification, grounded the CPMT plane beginning on March 7. The Commission urges this Committee to determine if full CPMT operations have resumed. If not, the U.S. government should take appropriate steps to ensure that CPMT resumes its operations. The extensive use of CPMT information by the State Department in its reporting under the Sudan Peace Act illustrates how

critical that body is to advancing peace negotiations and assessing the progress of those negotiations, as required under the Act.

STATE DEPARTMENT REPORTING UNDER THE SUDAN PEACE ACT

The Commission credits the Administration for becoming engaged on the issue of bringing peace to the people of Sudan, for working toward a peace agreement, and for other salutary aspects of its policies on Sudan. Nevertheless, the State Department's reporting is deficient in several important respects under the requirements of the Sudan Peace Act. While the reports note GOS violations of ceasefire commitments and state that these violations must stop, they do not give an accurate picture of the situation, nor do they articulate consequences for further violations. In particular, the reporting does not adequately address the fear that the government of Sudan is delaying progress in peace talks in order to advance its military might and strategic position vis-a-vis the SPLM/A, thereby seeking a military victory over the south rather than a negotiated peace.

Several specific issues are discussed below regarding the State Department's reports required under Sections 8 and 11 of the Sudan Peace Act.

SECTION 8—REQUIRED REPORTING REGARDING THE CONFLICT IN SUDAN

*Financing and Construction of Oil Infrastructure and Pipeline.* Very little information is provided in the report on Khartoum's military expansion made possible by growing oil revenues. Despite credible reports, the government's acquisition and use of increasingly advanced weapons systems and expansion of its military are not addressed. Troop and material movements of the GOS in the south since the beginning of the Machakos Accord are also not adequately described, as numerous reports indicate that the GOS has increased its military presence in the south during this period.

*Effects of Oil Infrastructure on Local Populations.* The reporting on displacement of civilians from oil areas is weak. It presents no conclusion by the State Department on the GOS' policy regarding forced displacement from oil areas; it merely repeats a select few of the reports of others. For example, the report does not cite the conclusion of the UN Special Rapporteur on human rights in Sudan, Gerhart Baum, that the GOS has been using oil revenues to fund its war effort and that oil exploitation has clearly led to a worsening of the human rights situation, including regarding religious freedom, in Sudan. Moreover, the State Department fails to cite many of its own conclusions from its previous human rights reports. The State Department has stated in its 2002 Sudan Country Report on Human Rights Practices that the GOS continued its efforts to strengthen control over oil producing areas in Western Upper Nile. The human rights report describes how GOS forces routinely killed, injured, and displaced civilians, and intentionally destroyed clinics and dwellings during offensive operations in these areas. The State Department also concluded that there were confirmed reports of government-allied militia intentionally attacking noncombatant civilians in oil areas, looting their possessions, and destroying their villages.

*Extent to Which Oil Financing Was Secured in the United States or With Involvement of United States Citizens.* With respect to U.S. financing of oil development in Sudan, the report merely restates provisions of U.S. law that prohibit U.S. persons from engaging in certain financial transactions concerning Sudan. However, it does not discuss the loophole in U.S. sanctions law previously identified by this Commission. According to the interpretation of the Sudanese Sanctions Regulations by the Treasury Department's Office of Foreign Assets Control, a U.S. person may purchase shares offered by a foreign company that does business in Sudan so long as the proceeds are not "earmarked" for a project in Sudan and the company's business in Sudan is not a predominant part of its overall business.<sup>1</sup> Indeed, one NGO has reported that a major partner in the consortium operating Sudan's largest producing oil field, Petronas, the Malaysian state oil company, has raised money through a debt offering in the United States as recently as last year. The State Department's report also does not mention that several of the foreign companies involved in Sudan oil list their shares on U.S. stock exchanges.

*Extent of Aerial Bombardment by the Government of Sudan.* This section of the report incorrectly describes a lull in air attacks, and fighting in general, from July to September 2002. The GOS and its militias went on a major offensive in Western Upper Nile at the end of July, about a week after the government signed the

<sup>1</sup>For more information, see the USCIRF annual reports of 2000, pp. 29–32, and 2001, pp. 126–127.

Machakos protocol. These attacks were reportedly supported by helicopter gunships, and displaced over 100,000 people.

SECTION 11—REQUIRED REPORTING ON INFORMATION ON WAR CRIMES, CRIMES AGAINST HUMANITY, GENOCIDE, AND OTHER VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

In this report, the State Department does not adequately address the concerns of Congress that acts of genocide, and possibly other international crimes, have been committed by the GOS and that the United States should amass a body of information on these crimes.

The Department has collected and reviewed information for this report only from January 2002 to present. The report itself focuses only on the period from the passage of the Sudan Peace Act (October 21, 2002) through March 2003. However, the Act does not specify a timeframe for this report. The Commission has strongly recommended accountability for international crimes, and collection of this information is a significant aspect of a just peace. The Commission believes that this report should cover the period beginning at least as far back as the initial ceasefire agreement in early 2002. In Sudan, with difficult communication and travel conditions, it can take several months for information about atrocities to emerge and be investigated and verified. To start reporting on incidents no earlier than October 21, 2002 minimizes a long-standing pattern of government violations. Congress should ensure that future reports cover the complete relevant time period.

The Department states that for this report it collected and reviewed “available material relevant to the requirement,” but it does not appear to have conducted any independent research either in southern Sudan or among the substantial refugee populations in neighboring countries. In addition, no findings or conclusions are presented in the report, and there is no analysis of the data that is presented in light of the applicable legal norms pertaining to war crimes, crimes against humanity, or genocide.

Moreover, there is a misleading tendency throughout the report to present an equivalency between the actions of the GOS and the SPLM/A, especially the sections on ground offensives and on slavery/abductions. For example, the report refers to an investigation of the International Eminent Persons Group in May 2002 that concluded that both the GOS and SPLM were guilty of forced abductions. However, it does not go into any detail about the extent to which both parties were guilty.

RECOMMENDATIONS:

The Commission continues to propose the following recommendations as issued in its 2003 annual report released earlier today. The U.S. government should:

- urge that, because Sudan is to continue in the near future as a unified State, national institutions such as the military, law enforcement, and the highest level of the judiciary, be secular;
- oppose the application of Sharia law to non-Muslims wherever they may reside in the country;
- insist that the capital of a reunited north and south Sudan, most likely Khartoum, be a place where people of all faiths can worship freely and where the laws are reflective and respectful of all religions and legal traditions in Sudan;
- ensure that adequate funding is supplied to the Civilian Protection Monitoring Team (CPMT);
- insist that the concerns of the peoples in the contested areas of the Nuba Mountains, Abyei, and Southern Blue Nile be fairly and comprehensively resolved and support the repatriation of civilians displaced from these areas;
- disperse funding quickly for humanitarian purposes that will be supportive of the peace process and immediately release funding to build civil society and to promote economic development in southern Sudan; Congress should appropriate immediately the \$100 million in aid this year for southern Sudan, as well as in FY 2004 and 2005, as authorized in the Sudan Peace Act “to prepare the population for peace and democratic governance;”
- continue to keep in place existing sanctions on Sudan and refrain from upgrading diplomatic relations with the government in Khartoum;
- continue to push for access for delivery of humanitarian assistance and expand humanitarian relief where it is most needed; and
- build upon the work of the International Eminent Persons Group (IEPG) to combat and end the terrible practice of abduction and enslavement by govern-

ment-sponsored militias, such as establishing a permanent monitoring mechanism.

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BRIEFING ON THE CIVIL PROTECTION AND MONITORING TEAM SUBMITTED BY  
AMNESTY INTERNATIONAL

URGENT NEED FOR CONTINUED HUMAN RIGHTS MONITORING IN SUDAN

Amnesty International welcomes the progress towards a peace agreement in Sudan but continues to have serious concerns about the internal conflict that has led to the deaths of an estimated 2 million people and the displacement of a further 4.5 million, mostly civilians, in the last 20 years. These include the targeting and killing of civilians; rape and other torture; forced recruitment, including of children; and destruction of homes and property. Abuses have been carried out by both sides.

Despite the human rights violations committed by both parties to the conflict the issue of building mechanisms to secure respect for human rights has not been included in the peace negotiations. Neither have most of the recommendations adopted under resolution (2002/16) on "The situation of human rights in Sudan", at the 58th session (2002) of the United Nations Commission Human Rights, been implemented. Amnesty International would like to stress the importance of continued human rights monitoring to ensure an end to violations by both the Sudan government and the Sudan People's Liberation Army (SPLA). The United States (US) has played a fundamental role in the peace process in Sudan. The US special envoy, John Danforth proposed a framework for peace negotiations that comprised four tests for the two main parties to the conflict in Sudan, to prove their commitment to a peace process. These were:

- 1) The signing of a ceasefire agreement for the conflict in the Nuba Mountains, allowing humanitarian access, to be monitored by a team international personnel;
- 2) An agreement by both sides not to attack or target civilians or civilian objects in the war in the south, also to be monitored, by a verification mission of international professional staff;
- 3) The appointment of a commission consisting of eminent persons from many countries, that would investigate and make recommendations for practical solutions to the problem of slavery in Sudan; and
- 4) Respect for "zones of tranquillity" in the conflict areas, enabling humanitarian agencies to send aid and carry out polio vaccinations and campaigns against rinderpest and guinea worm.

Though both parties to the conflict agreed to the four tests they have not yet fully implemented them, in particular the agreement on not attacking civilians and civilian objects. Unless effective monitoring mechanisms are in place, allowed to operate unhindered by both parties to the conflict and given the international support and legitimacy necessary to operate effectively, human rights violations will continue and real peace for the Sudanese will remain as distant as ever. The lack of effective monitoring mechanisms allows a state of impunity that exacerbates the human rights violations on the ground and is likely to lead to further abuses. Unless peace is accompanied by human rights safeguards and justice it will remain an abstract term with little real significance for the population. In order to ensure an end to human rights violations justice must prevail and impunity must end.

*Conflict in the South and borders: Monitoring human rights violations*

In March 2002 the Sudan People's Liberation Army (SPLA) and the Sudan government signed an agreement to reconfirm their obligations under Article 3 of the Geneva Conventions and protect non-combatant civilians and civilian facilities from military attack. This agreement led to the creation of the Civil Protection Monitoring Team (CPMT) to assess compliance with the agreement and make recommendations. Both parties to the conflict also agreed to grant the CPMT unrestricted access to all areas of the country. The CPMT is mainly composed of former US military personnel, though some civilian experts on Sudan joined the team later, and operates out of the US embassy in Khartoum and Rumbek in the south of the country. The CPMT became operational in October 2002 and has proved effective in clarifying which specific forces have been engaged in attacks against civilians and how these attacks occurred. However despite the signing of the agreement not to attack civilians both parties to the conflict have continued to target civilians and civilian facilities. The CPMT has not investigated all reports of attacks on civilians since the signing of the agreement in March 2002. Since 7 March 2003 its investiga-

tions have been blocked by the Government of Sudan. Amnesty International would like to make recommendations as to how the CPMT could be improved and strengthened, and used as a model to ensure the protection of non-combatant civilians and civilian facilities in other conflicts.

The first incident to be monitored by the CPMT was the killing of 12 civilians in Mundri village on 21 September 2002. The investigation, which was made public in December 2002, found that the Sudanese army was not responsible for the killings because the missile fired from an Antonov plane was aimed at a piece of artillery and not at them directly. The report criticised the SPLA for placing artillery pieces close to civilian targets. This first report was produced by the CPMT at a time when civilian experts were not part of the team. As a first report this is an important first step in monitoring the killings of civilians in conflict situations, it also offers some interesting insights into the manner in which civilian deaths were caused. However Amnesty International regrets that the report does not consider the principle of proportionality in causing the death of 12 civilians through shooting a single artillery piece and the possibility that the Sudanese Antonov could have made its attack from another direction, thereby avoiding injury to civilians.

After renewed fighting broke out in the oil rich areas of Western Upper Nile in January and February 2003 the CPMT sent teams from Khartoum and Rumbek to investigate. They found that Sudanese government forces and militias allied to them had targeted attacks on civilians and civilian objects in the province and looted agricultural produce. As a result of repeated attacks between 1 and 14 January the inhabitants of the villages of Lara and Lingara abandoned their villages. Many villagers found refuge in the village of Leel, whose population had at that time increased to 8,000 people. Most of the people who had found refuge in Leel had been attacked by Sudan government forces and allied militia who decided to advance through that area thereby avoiding engaging with an SPLA force to the north of the village. In addition, the mission found:

*“Non-combatants have been abducted, including men/boys (for military service), while women and children, have been taken to GoS controlled towns (probably Mankien, Mayom, and Bentiu) where the children are held captive and women forced to provide manual labor and sexual services (based on multiple interviews with escaped abductees, both male and female).”*(Para 2, Principal Observations, (b)2)

Further investigations are needed to monitor the situation of the people referred to above. Amnesty International urges the US government to implement the recommendations (outlined below) on strengthening the CPMT as a monitoring mechanism to ensure that attacks against civilians and civilian objects are thoroughly investigated.

*Recommendations for monitoring human rights violations:*

The CPMT has an extremely important role to play in ensuring the protection of civilians in Sudan. It has widened its mandate to ensure that it can also investigate other major human rights violations against civilians such as abduction, rape, enforced recruitment and recruitment of child soldiers. Further international pressure is needed to ensure that such events are not repeated and to ensure that those responsible are brought to justice.

The need for continued international pressure on the Sudan government to respect human rights is paramount to ensuring the establishment of a lasting peace. Unless effective human rights monitoring mechanisms are in place all parties to the conflict can continue to operate with virtual impunity. The establishment of the CPMT was the first step on the way to monitoring human rights violations on the ground. However the effectiveness of this body could be greatly consolidated by working closer with other agencies such as the Office of the High Commissioner for Human Rights (OHCHR) and the Special Rapporteur.

Although the focus of the CPMT is on the current human rights violations in the context of war, Amnesty International feels that it is very important that the team investigate past killings such as those that took place in Maban in April 2002. Little is known about the exact date of these killings other than they occurred in late April 2002 and were carried out by soldiers from the Boing Sudan army garrison in southern Blue Nile province. Soldiers from the garrison attacked four villages, Liang, Dengaji, Kawaji and Yawaji, of the Maban people. They reportedly used 60 mm mortars, rocket-propelled grenades, 12.7mm heavy machine guns and AK-47 assault rifles to kill scores of villagers. Others escaped into the bush where many of the wounded died. There were no SPLA or military targets in the villages and many of those killed were children who were then reportedly thrown into their burning huts. The extent of the killing was not known until January 2003 when US

and Canadian members of Evangelical church organizations visited the villages after the end of the rainy season. Amnesty International has called on the Sudanese Government and the CPMT to investigate the killings.

In order to be an effective monitoring mechanism the CPMT needs to be strengthened by including more people with a good understanding of the region and a professional and recognized knowledge in human rights law and practice; be accorded sufficient resources in order to make proper investigations and conclusions, which can be reported at once. This involves:

- focusing on the victims of human rights violation to determine the nature and pattern of abuses;
- a strong presence in the field, including long stays in the field when appropriate in order to take time to conduct interviews in a in-depth and sensitive manner;
- make the names of civilians killed and the manner of their death public, as well as those of other victims of human rights violations and the abuses they have suffered;
- follow up investigations to find out if previous reports of attacks against civilians and other human rights violations have been acted on and if the situation on the ground has changed;
- ensuring that all reports of killings of civilians, are adequately investigated and made public;
- ensuring that monitors are impartial and have a good knowledge of the Geneva Conventions and international human rights standards and wide experience in their applications;
- ensure that all monitors receive adequate training on human rights research and interview techniques where necessary;

*Conflict in Darfur and the need for a Commission of Inquiry*

Certain areas of the country such as Darfur, in the western Sudan, are not covered by the current peace negotiations. Over the past few years hundreds of civilians, mostly from sedentary agricultural groups like the Fur, Masalit and Zaghawa, have been killed or wounded, homes have been destroyed and herds looted by nomadic groups in Darfur. Sometimes dozens of civilians have been killed in a single raid. For instance, on 28 April 2002 the village of Shoba, near Kabkabia, was attacked at dawn by an armed group, which killed at least 17 people and injured 16 others. At the beginning of January 2003, another village, Singita, 14 km south of Kas was also attacked by armed horsemen. About 25 people are reported to have been killed, including 10 persons who were shot and allegedly subsequently thrown into a fire by the attackers. In both places, homes and crops were burnt down and cattle and other herds were looted by the attackers.

The sedentary groups have complained that the Government forces have failed to protect them and suggest that the attacks are an attempt to drive them from their lands. Government sources point out that dozens of members of the security forces have also been killed and lay the blame for clashes on desertification. Government responses to the armed clashes resulted in human rights abuses: community leaders and other individuals have been held incommunicado without charge or trial for up to seven months; others have been sentenced, sometimes to death, in Special Courts which can operate without the presence of a lawyer.

On 14 February a group of armed Fur and other groups, calling itself the Sudan Liberation Army, attacked a convoy of security forces near the village of Martajelo in Jebel Marra, killing at least 12. Since then there have been other attacks by the SLA on government forces who have responded by attacking villages and making arrests.

Recent killings in Darfur are not in the mandate of the CPMT and have not been fully investigated. There is an acute danger that the situation may deteriorate into another Sudanese war.

Amnesty International has called on the government to set up a Commission of Inquiry into the escalation of violence in Darfur. So far no Commission of Inquiry has been set up and attempts at reconciliation appear to have failed. Amnesty International now urges the international community to put pressure on the Government of Sudan to set up an inquiry which could clarify to the people of Darfur and the world the complex factors which have led to the present escalation of violence in the region. Above all, it could identify mechanisms which are in accordance with human rights standards to protect effectively the population from attacks. If an internal commission of inquiry is not set up, an international commission of inquiry under the auspices of the United Nations or on the lines of the Eminent Persons

Group which inquired into slavery, should be considered. In order to be effective any Commission of Inquiry should respect the following principles:

- members appointed on this Commission should be known for their independence and their impartiality and should include people with a profound understanding of the region they are investigating and a professional and recognized knowledge in human rights law and practice.
- such a commission should be accorded sufficient time and adequate resources in order to make proper investigations and conclusions;
- witnesses and victims of attacks and other human rights abuses should be encouraged to come forward to give evidence without fear and with protection against any reprisals;

The findings and the recommendations of any Commission of Inquiry should be made public and easy for the Sudanese people to access and should be implemented.

Sudan finds itself at a historical juncture where the foundations of a post conflict society are being laid down. The US government needs to maintain its pressure on all parties to the conflict to ensure that this historical opportunity is grasped and the potential for peace and respect for human rights fully realised rather than merely signed up to.

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ISSUE BRIEF ON SUDAN SUBMITTED BY AMNESTY INTERNATIONAL

AN OPPORTUNITY TO INCREASE THE PROTECTION OF HUMAN RIGHTS

During the last 20 years, over 2 million people have been killed and 4.5 million people have been displaced as a result of civil war in Sudan. The last two years saw significant steps towards building a lasting peace as a part of international initiatives led by the United States. Unfortunately both parties, particularly the Sudanese Government, have violated various agreements and there have been outbreaks of renewed fighting in Darfur. Despite these setbacks, there is a critical opportunity for the United States to improve the protection of human rights in Sudan by strengthening the mandate and capacity of the Civil Protection and Monitoring Team (CPMT), as part of the upcoming review of the Sudan Peace Act.

During the last two years, one of the most effective initiatives include the agreements brokered by former Senator John Danforth that comprised four main points: 1). A cease-fire between both parties; 2). An agreement to end attacks against civilians or civilian objects in the south, and agreement to be monitored; 3). The establishment of an international commission to recommend solutions; 4). The agreement that both sides would respect "zones of tranquility" in the conflict areas. These initiatives also led to the establishment of the CPMT, whose mandate includes assessing both parties' compliance with the above points, and making recommendations for action. The CPMT will play a critical role in ensuring the protection of civilians in Sudan and has widened its mandate to allow it to investigate other major human rights violations against civilians such as abduction, rape, enforced recruitment and the use of child soldiers.

Frequent violations by both sides of the conflict only underscore the need for continued international pressure. Unless effective human rights monitoring mechanisms are secured, all parties to the conflict will continue to operate with impunity. Establishing the CPMT was the first step towards monitoring human rights violations on the ground. However, the CPMT must be expanded and strengthened through its consolidation with the Sudan Peace Act. By emphasizing monitoring as a mode of ensuring the protection of human rights, the Sudan Peace Act shall become a forceful and comprehensive mechanism for building lasting peace.

*Amnesty International USA Recommends That*

The United States Government

- Strengthen the CPMT as a monitoring mechanism to ensure that attacks against civilians and civilian objects are thoroughly investigated
- Ensure that all monitors receive adequate training on human rights research and interview techniques where necessary, that they maintain a strong presence in the field and that they are impartial

*Amnesty International is a worldwide grassroots movement that promotes and defends human rights. For additional information please contact Adotei Akwei, Africa Advocacy Director, Amnesty International USA. 202.544.0200 x234.*

