



Statement for the Record: Save Darfur Coalition

“Sudan: A Review of the Administration’s New Policy and a Situation Update”
House Foreign Affairs Committee – Subcommittee on Africa and Global Health
December 3, 2009

Mr. Chairman, Ranking Member Smith, and distinguished Members of the subcommittee, the Save Darfur Coalition appreciates the opportunity to comment on the critical issue of peace in Sudan.

The Save Darfur Coalition represents over 180 faith-based, advocacy, and human rights organizations that all support an end to the genocide in Darfur and a comprehensive peace for Sudan.

First, let us be clear about the facts on the ground. Over 2.7 million Darfuris remain in internally displaced persons camps; over 4 million Darfuris rely on humanitarian assistance; the March 4th expulsions of humanitarian aid groups have left critical reporting gaps as to the real situation on the ground in Darfur and greatly increased the vulnerability of the civilian population; the peace process in Darfur appears moribund; violence in South Sudan is increasing; the National Congress Party remains recalcitrant; and all of this is occurring with elections just a scant five months away.

The Administration has put forward a viable strategy for helping resolve Sudan’s interlocking crises and achieving its three critical objectives: (1) Definitively ending conflict, gross human rights abuses, and genocide in Darfur; (2) implementing the North-South Comprehensive Peace Agreement that results in a peaceful post-2011 Sudan, or an orderly path towards two separate and viable states at peace with each other; and (3) ensuring that Sudan does not become a terrorist safe haven.

We appreciate the strategy’s emphasis on calibrating incentives and disincentives directly to conditions on the ground in Sudan, as well as the clear determination that the U.S. must lead and coordinate the fragmented efforts of the international community. In our public response to the new policy’s release, we have underscored that success of the policy depends on implementation. We believe that there are elements that are key to the policy’s effective implementation and would like to take this opportunity to highlight these critical elements.

Our central concern is the need for increased emphasis on the implementation of the aspects of the Comprehensive Peace Agreement that focus on political transformation. Without such a transformation, the prospects for long-term peace and stability in Sudan and the region are slim. The key to lasting peace in Sudan is ending the dominance of a NCP-led government which represents a minority of a minority of the Sudanese people by creating open space for Sudanese to resolve their differences without the need to resort to extreme violence.

In addition, the administration should provide greater clarity on the indicators, incentives, and disincentives that it is considering as part of its quarterly progress reviews. In particular, we feel that it is important to make public the measures by which the credibility of the national elections in April will be judged. At the least, the “classified annex” in which much of this information is believed to reside should be shared with Congress.

Additionally, successful implementation of the strategy will require a true multilateral approach, which the policy itself calls for, but which to date we have not seen much in evidence. We were deeply disappointed by President Obama’s failure to emphasize publicly the importance of mutual cooperation on Sudan policy to President Hu Jintao in China during his recent visit. As you all know, China remains a key diplomatic, military, and economic supporter of the Khartoum government, and thus can play a critical role in resolving the conflicts which have plagued Sudan.

Elements that we believe are essential to effective implementation of the new strategy are:

- (1) Addressing political repression through the country
- (2) Emphasizing the democratic transformation aspects of the CPA
- (3) Supporting non-Darfuri Sudanese civil society efforts
- (4) Promoting justice, judicial reform, and good governance
- (5) Messaging to Darfuri rebels about the urgency of a united platform for negotiations
- (6) Recognition of the National Congress Party (NCP)’s short and long-term strategies and interests

We also continue to advocate for the following:

- (1) Greater public transparency regarding the indicators, incentives, and disincentives the administration is using to judge success – particularly the metrics by which April’s national election would be deemed credible or not
- (2) The development of a true multilateral coalition to lead peace efforts on Sudan
- (3) The strengthening of the Darfur peace process
- (4) Adequate resources for the Office of the Special Envoy

Addressing political repression throughout the country

We are concerned that the strategy does not address the broad human rights situation in Sudan. The continuing crisis in Darfur denies millions of Sudanese the hope of a normal life free of violence and political repression. Adequate civilian protection is also an urgent need in South Sudan. The administration’s strategy does a good job of highlighting these immediate concerns. But those are not the only human rights challenges facing Sudan today, and indeed the Comprehensive Peace Agreement provides a framework for addressing the broader concerns. A challenge is that it is not clear whether either CPA party is committed to implementing the parts of the CPA that address those concerns.

As the administration implements the strategy, we urge it to:

- (1) Express support for the human rights and civil liberties of all Sudanese, not just those in Darfur and South Sudan

- (2) Press the Government of National Unity (GNU) to reform the country's national security laws to be consistent with international human rights standards and to implement the 2005 Bill of Rights
- (3) Pay close attention to the fragile Eastern Sudan Peace Agreement
- (4) Support the work of Sudanese human rights defenders who have been systematically targeted over the years, including many who were forced to leave the country in March 2009
- (5) Consider initiating a dialogue with all the primary Sudanese political parties

Emphasizing democratic transformation

The national elections scheduled for April 2010 could give Sudanese the opportunity to choose their own leaders for the first time in more than 20 years. But the strategy document and comments from administration officials provide neither benchmarks for considering the elections to be "free and fair" or "credible" nor a commitment to making them so. If the Government of National Unity does not pass and effectively implement necessary laws allowing freedom of press, freedom of speech, and freedom of association and ending the arbitrary powers of the security services, the election has no chance of credibility – no matter the level of American largesse for logistical support. We are dubious of the value of moving forward with elections at all if there is no open political space in which they can be contested. Again, the creation of that political space is a key component of the CPA, a vital part of fully implementing the CPA, and the key to ending the myriad Sudanese conflicts.

As the administration implements the strategy, we urge it to:

- (1) Demonstrate strong American and multilateral leadership to push the NCP to create an atmosphere suitable to holding elections
- (2) Make public the measures by which it will be judging the credibility of the elections

Supporting non-Darfuri Sudanese civil society efforts

Secretary of State Clinton spoke about the need to empower Sudanese to solve their own problems, and we all agree that this is the ultimate goal of our advocacy and General Gration's hard work. The strategy document, though, does not appear to take account of many significant and promising efforts within Sudan by those working for peace, justice, and democracy. One such effort is rallying around the Juba Declaration by political parties and civil society. While the strategy document does mention engaging Darfuri civil society, it does not address how the U.S. government can strengthen the hand of tireless non-Darfuri activists and peacemakers within Sudan. Their monitoring and reporting of pre-election conditions will be critical in assessing whether "free and fair" or "credible" elections can take place.

As the Administration implements the policy, we urge it to:

- (1) Hold consultations with leading Sudanese civil society organizations (particularly those operating in northern Sudan – not just Darfur and South Sudan) and opposition political parties

- (2) Strengthen the voices of civil society and human rights defenders by pushing the National Congress Party to end its crackdown and grant these individuals and organizations more freedom to operate

Promoting justice, judicial reform and good governance

The strategy addresses the need to support international efforts to bring those responsible for genocide and war crimes in Darfur to justice. It also commits the United States to working with Darfuri civil society to support locally-owned accountability and reconciliation mechanisms that can make peace more sustainable. These are important priorities. At the same time, there will not be sustainable peace in Sudan until Sudan's leaders undertake serious structural reforms in the overall judicial and political systems, including those that affect the lives of Darfuris. As such, the U.S. Government must promote judicial reform and good governance in all of Sudan.

As the Administration implements the strategy, we urge it to:

- (1) Push the Government of National Unity to implement legal and judicial measures to end impunity in Darfur, such as:
 - (A) appointing non-partisan judges, including in the special courts
 - (B) ensuring the independence of courts, reviewing police investigation, arrest and prosecution procedures and replacing the chief justices and police commanders in the three Darfur states
 - (C) holding all government forces and associated militias accountable for their violations of international humanitarian law, such as attacks on civilians; destruction of property, livelihoods and means of sustenance, including wells and granaries; murder; forcible transfer of populations; and inhumane acts such as torture and rape
 - (D) amending the provisions in the police law, the criminal law and the criminal procedural law that give the police and security personnel immunity.
- (2) Push the Government of National Unity to amend the legal authorities of the National Intelligence and Securities Service (NISS) to make their activities more transparent and make them accountable to other national institutions
- (3) Push the National Congress Party to accept verification by a third party audit of the government's oil production and sales figures upon which the revenue sharing depends, and push the Government of National Unity to pass legislation that requires oil companies to disclose their payments

Messaging to rebels about the urgency of a united platform for negotiations

The strategy speaks of the need to unify the various Darfuri rebel movements, and administration officials have rightly spoken of the need to bring a cross-section of Darfuris together around common negotiating positions. These are important steps. Finding the most effective way to motivate recalcitrant movements and leaders is not easy. While we caution against pressuring the movements into signing an agreement, we support using all available influence to get them to the negotiating table.

As the administration implements the strategy, we urge it to:

- (1) Be clear in its messaging (which can be critical but should not be disrespectful or personal) to the Darfuri rebel movements that they have responsibilities to represent their people's concerns
- (2) Be prepared to use disincentives against the most recalcitrant movement leaders if they are not willing to participate in good faith in negotiations

Recognition of the NCP's short-term and long-term interests and strategies

As it should, the strategy refrains from speculating on the short-term and long-term interests and strategies of the always-deft NCP leadership. With that said, it is important that the administration recognize privately that the NCP appears to have one paramount short-term goal – legitimizing itself in the 2010 elections – as a means to achieving its long-term goal of retaining its tight grip on power. It would be a Pyrrhic victory (at best) for the U.S. to negotiate away free and fair elections in exchange for conflict resolution in Darfur or conflict prevention in south Sudan. A newly “legitimized” but un-reformed NCP will continue its repressive policies in northern Sudan and behave as an irresponsible neighbor to an autonomous Government of South Sudan as well as other states in the region. It is difficult to see how lasting peace and stability can be achieved unless the NCP makes a strategic decision to open up political space and allow access to power to be contested peacefully.

As the administration implements the strategy, we urge it to:

- (1) Insist that elections in Sudan be free and fair so that they can serve as a catalyst for democratic transformation in the country
- (2) Avoid making short-term deals with the National Congress Party that will inevitably lead to renewed internal conflict in Sudan and future conflict between Sudan and its neighbors

Indicators, Incentives and Disincentives

It is understandable that most of the details about incentives and disincentives were contained in the classified annex. But the absence of those details raises questions about how the administration views the potential use of such pressures as expanding the arms embargo, multilateral sanctions, or debt-relief. Likewise, many questions are raised in the absence of knowing exactly what indicators the administration intends to use in order to measure progress or lack of progress during the quarterly reviews. There was also little mention in the strategy of pressing the Government of National Unity to abide by previous UN Security Council resolutions that ban offensive military flights in Darfur, demand the disarmament of the *janjaweed*, require cooperating with the ICC, and impose an arms embargo in Darfur.

Given the lack of details in the public strategy document, we urge the administration to make public its response to the following questions:

- (1) What are the indicators of progress and lack of progress?
- (2) At a minimum, were the indicators agreed to in the interagency process and are they spelled out in the classified version of the strategy?
- (3) How will the U.S. respond to continued offensive military flights in Darfur?
- (4) How will the U.S. respond to the disproportionate use of force by the Sudanese government?

- (5) How will the U.S. respond to continued harassment and detentions of Sudanese human rights defenders?
- (6) In what ways is the U.S. monitoring the surge of violence in south Sudan, including the provision of arms to militias?
- (7) Does the U.S. consider the leveraging of debt-relief as an effective incentive and disincentive with the Government of National Unity?
- (8) What mechanisms of pressure will the U.S. use to convince the Darfuri rebel movements to attend the upcoming peace talks?

Multilateral Approach

The Administration committed to reconstituting, broadening, and strengthening the multilateral coalition that helped achieve the signing of the CPA and to working to transform widespread international concern about Darfur into serious multilateral commitments. Such leadership by the U.S. is desperately needed. In fact, we have repeatedly heard from our international partners and contacts that governments in Europe – particularly the British and French – are looking to the U.S. for leadership. They are eager to support a robust policy to deal with Sudan's interlocking crises, but desire to do so in unison with the U.S.

Given the lack of details in the public strategy document, we urge the administration to address the following questions:

- (1) How will the U.S. work to build and strengthen an international coalition?
- (2) Specifically, how will the President, Secretary of State and other principals participate in the effort to generate multilateral support for this strategy?
- (3) Why didn't President Obama publicly raise Sudan during his recent trip to China?
- (4) Which countries and institutions does the U.S. plan to target as priorities?
- (5) How does the U.S. plan to engage the Troika, French government and European Union to multi-lateralize its efforts?
- (6) How will the administration respond to the recommendations of the African Union Panel on Darfur?
- (7) Will the U.S. use its full voice, vote, and influence at the International Monetary Fund to block the consideration of debt-relief for the Government of National Unity?

Strengthening the Darfur peace process

The strategy document states that the U.S. will establish and maintain a dialogue with armed movements in Darfur and solicit support for the peace process from Sudan's neighbors. As the U.S. begins to provide direct support to the AU-UN Joint Chief Mediator for Darfur and encourage the broad participation of actors in the process, including representatives from civil society, a number of questions remain unanswered. We have recommended that General Gration develop a program for the active engagement of Darfuri civil society in the formal peace process. Based on past initiatives, such a program will require significant international political backing and sufficient resources to be successful. We suggested that Mandate Darfur provides a useful model.

Given the lack of details in the public strategy document, the administration should address the following questions:

- (1) Will the U.S. support the civil society efforts of the Joint Chief Mediator?
- (2) Does the U.S. plan to provide capacity-building support to the Darfur rebel movements and to civil society?
- (3) Has the U.S. considered supporting the public relations and media work of Darfuri civil society leaders inside Darfur and Sudan and with the international media?
- (4) Has the U.S. considered developing and monitoring feedback belts between civil society leaders involved in the formal negotiations and their communities, organizations, and camps in Darfur?
- (5) Is the U.S. committed to ensuring that at least 30% of the civil society representatives are women?
- (6) Has the U.S. begun to map the Diaspora's civil society and rebel connections?

Adequate Resources

The policy review sets out a number of challenging objectives; however, it fails to state whether the Office for the Special Envoy for Sudan currently possesses the adequate resources to be successful.

Given the lack of details in the public strategy document, we urge the administration to address the following questions:

- (1) Does General Gration feel that he has the necessary personnel and resources to achieve the Administration's objectives?
- (2) Are there any authorizations or appropriations from Congress that are needed?

Conclusion

The path to peace in Sudan will not be quick or easy. We appreciate General Gration's energy and enthusiasm to seek resolution of Sudan's conflicts, and believe the administration's policy provides an adequate framework to that end. As mentioned previously, however, the key to this strategy's success lies solely on its implementation, particularly whether the administration insists that the NCP implement those areas of the CPA which might threaten the NCP's grip on power. We look forward to continuing to work with the administration and Congress to achieve our shared goal of peace throughout Sudan.