

## **U.S. Policy Toward Sudan and South Sudan**

### **Testimony before the House Committee on Foreign Affairs**

#### **Subcommittee on Africa, Global Health, Human Rights, and International Organizations**

**February 26, 2014**

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Thank you for the opportunity to testify, Chairman Smith and Ranking Member Bass, at this extremely vulnerable moment in the history of Sudan and South Sudan.

A little over three years ago, in advance of the referendum for South Sudan's independence, the great fear of Sudanese and the broader international community was the potential for a return to war between the north and south of the country, a war that was perhaps the second deadliest globally since World War II. That crisis was averted because of immense international pressure, which resulted in a peaceful referendum and the birth of the world's newest country, demonstrating the power of preventive U.S. diplomacy when the international community is united, proactive, and engaged.

Today, however, the biggest threat to the people of Sudan and South Sudan are raging civil wars within their own countries. Mass atrocities, war crimes and crimes against humanity are being committed in the context of wars in both countries. Although the headlines for the last two months have been dominated by conflagration in South Sudan, conditions in Sudan's Darfur region have deteriorated, and government's bombing campaigns have intensified in the Nuba Mountains and Blue Nile. The potential for a complete interruption in oil production threatens economies in both countries with implosion and bankruptcy. Conflict has interrupted the planting season, and with the rainy season fast approaching, humanitarian crises are spiraling out of control in both countries.

The threat does not end at the two countries' borders, however. South Sudan's eruption has threatened to regionalize the war in ways not seen since the 1990s. On the one hand, Uganda has overtly intervened militarily in support of Juba's government. On the other hand, allegations are increasing that both Eritrea and Sudan are covertly providing support to the South Sudanese opposition forces, though firm evidence has yet to emerge. Sudan's history of supporting some of the ringleaders of South Sudan's armed opposition is deep, and South Sudan-supported Sudanese rebels are alleged to be siding militarily with Juba's forces in areas near the border of the two countries. Both countries still remain deeply interconnected and in many ways interdependent, and neither can be at peace if its neighbor is at war. Ethiopia has strongly warned Uganda to pull out its forces, with an unknown "or else" attached.

## **WANTED: A PEACE STRATEGY FOR THE SUDANS**

A nightmare scenario is unfolding in this region. To counter it more effectively, the United States and broader international community need to construct a peace strategy for the Sudans. At this juncture, the U.S. is largely reacting to fast-developing events on the ground, primarily by deploying its very capable Special Envoy to the region and by providing generous amounts of humanitarian aid. Given the escalating crisis being faced by the two countries and the threat posed by a regionalization of the wars, a much more robust and proactive approach is needed. A broader strategy for the two Sudans would at a minimum beef up efforts on four fronts: peace, democracy, accountability, and the leverage to impact these goals.

### **Diplomatic Surge**

When the pre-referendum crisis was unfolding, the U.S. dramatically upgraded its diplomatic strategy. In addition to deep engagement by President Obama, Susan Rice and Hillary Clinton, the U.S. deployed as many as three envoys at the time: General Scott Gration, Princeton Lyman, and then-Senator John Kerry. All the diplomatic work paid off, when an alliance was forged with China and other countries to pressure Khartoum into allowing the referendum to occur on-time and peacefully, averting a return to deadly conflict at the time.

The escalating crises in Sudan and South Sudan today demand a similar diplomatic surge. One special envoy, no matter how capable Ambassador Don Booth is, pales in comparison to the current diplomatic requirements. The wars in both countries are so complex they require their own envoys, and the interplay between the two conflicts and the broader region demands a deeper political team upon which the two envoys can rely. Therefore, a second special envoy should be named for the escalating regional crisis, with duties divided between the new envoy and Ambassador Booth. Senior Foreign Service officers, including retired ambassadors, and regional experts should be deployed to embassies in the region and Beijing to support the work of the two envoys.

Specifically, the United States needs to become more deeply engaged in the efforts to forge effective peace processes in both countries. We've learned over and over the lessons of failed peace processes over the last decade in Sudan, and at a minimum past mistakes need to be avoided. In Sudan, that means no longer accepting the stove-piping of conflict resolution initiatives in Darfur, eastern Sudan, and the Nuba Mountains and Blue Nile. What is required there is one unified peace negotiation process for all of Sudan's conflicts, which includes both armed and unarmed opposition groups and civil society organizations to discuss democratic governance and transition issues. Will that be difficult to create? Yes. But anything less

ensures continued war. So the U.S. needs a full-time envoy working on the construction of such a process.

In South Sudan, it's important to remember that well over half of the countries in the world that emerge from conflict return to war within a few years. South Sudan has had its explosion, and now has a second chance to reboot. The odds for a sustainable peace in South Sudan increase proportionately with the degree to which the overall peace process is inclusive of political parties, civil society groups, and regional interests. This necessitates a broader peace strategy. We will need to look beyond the examples of the deals previously constructed in the Horn or East Africa, and certainly in the Sudans, where deals lacking any transparency or accountability are cut between the men with the biggest guns are the norm. National dialogue, SPLM reform, elections, constitution making, and governance will all presumably be discussed in the peace process, but everything is put at risk if these efforts aren't inclusive. Most analysts agree that the closing of political space was instrumental in raising tensions with no release valve. Just as with Sudan, a full-time envoy is needed to work non-stop with regional governments in helping to craft such an inclusive process and ensure its success.

### **Democracy Promotion**

Globally, U.S. support for Democracy/Governance (DG) programming is down sharply. In Sudan and South Sudan, the need for this kind of support is greater than ever. In both countries, the U.S. should consider a substantial increase in assistance to Sudanese and South Sudanese civil society actors, women's associations, youth groups, and political parties (including the civilian wings of the Sudan Revolutionary Front coalition) to build their capacity and bolster efforts to promote political transformation. In order to support the SRF's development of political, negotiations and humanitarian aid delivery capacity, the State Department needs a legal authorization from this Congress in the form of a notwithstanding authority. This will remove the legal handcuffs currently preventing this assistance from going forward.

In both Sudan and South Sudan, civil society could benefit substantially from a shift in US policy. It is essential that a premium is placed on amplifying independent voices and giving them the tools to effectuate change within their unique contexts. In both countries, there is a strong case for the inclusion of civil society at the negotiating table, instead of leaving the big decisions to those carrying guns. In both, it makes sense to empower local actors to monitor for human rights violations, distribute humanitarian assistance and organize themselves. In Sudan, it makes sense to offer civil society activists seeking to use American communications tools and technologies a boost by issuing a General License D. In South Sudan, it makes sense to support a feedback loop between the Addis process and the countryside. It remains essential that the countries' leaders are confronted by their populations' viewpoints and perspectives.

### **Accountability, Justice and Reconciliation**

No peace process in Sudan or South Sudan has ever held anyone accountable for any crime committed in the context of war. For sustainable peace to have a chance in both countries, impunity has to end for war crimes and crimes against humanity. The flip side of the coin requires inter-communal mechanisms of reconciliation that can provide a bridge back to coexistence between local communities that have been divided and mobilized against each other for years. That process is becoming more urgent by the day particularly in South Sudan, where mobilizing and recruiting soldiers and militia is occurring in some places along ethnic lines. Compensation for crimes will be key to ensuring justice is restorative, not just punitive.

Forging a cohesive national identity remains the greatest challenge facing both the Sudanese and South Sudanese people. This challenge has only been heightened by the atrocity crimes ongoing in both places. True accountability will require components of both justice and reconciliation. South Sudan needs a truth-telling process focused on building social cohesion and peace messaging. However, it also needs justice and accountability. Since its justice system is embryonic, a “hybrid court” is the most appropriate model. The U.S. government and the broader international community can't leave this to the African Union's Commission of Inquiry, which is not a prosecutorial tool. In Sudan, ICC indictee Ali Kushayb, who was spotted at the scene of new crimes in Darfur in the last year, must be held accountable. The U.S. should work internationally and regionally for his arrest as one step towards ending impunity.

### **Leverage Building**

To achieve the objectives above, much greater U.S. leverage must be built through a variety of avenues. In both countries, the U.S. and broader international community must be prepared to deploy incentives and pressures in support of serious negotiations. Creating real penalties for those undermining peace prospects and support for those who demonstrate serious resolve would be an important assist to the mediators and democracy-building processes like the constitutional reviews in both countries and hoped-for credible elections.

The U.S. should be working with a number of other countries to begin to develop these instruments of leverage. This includes high-level engagement with China to see what is possible for the U.S. and China to do jointly. Some consideration should be given to the expansion of the Troika (the U.S., UK, and Norway) to include Beijing in a Quartet aimed at greater influence.

Targeted sanctions are one instrument to create some accountability for the commission of war crimes and undermining of peace efforts. The African Union has already put targeted sanctions

on the table for South Sudan, and the U.S. should do so as well. If the UN Security Council is not amenable to utilizing this tool, the U.S. should work with interested countries to deploy them in coalition with others.

In response to Sudan's war crimes, the U.S. should lead a multilateral effort to target the Khartoum government's economic lifelines by labeling Sudan's gold as "conflict-affected," supporting additional sanctions designations by the UN Sudan Sanctions Committee, and ensuring that any debt relief is made contingent on an end to the wars inflaming Sudan's periphery and transformational political reform.

Neighboring countries involved or potentially involved in the South Sudan conflict also need to be subject to international pressure. Currently, Eritrea is covered by sanctions for its support for armed elements inside Somalia. A credible investigation should be initiated to determine whether Eritrea is providing resupply support to South Sudanese rebels as has been alleged. If evidence corroborates these reports, those sanctions should be expanded from Somalia to South Sudan. Such an investigation should also attempt to determine if Sudan is providing similar support as has been alleged.

In order to move talks forward in Addis, one of the sticking points will be the degree to which Ugandan forces remain visibly deployed in South Sudan. The U.S. relationship with President Museveni could influence Uganda to redeploy its forces, which in turn would deliver a positive atmospheric improvement for the peace talks. This issue is increasingly threatening both the forward movement in the Addis talks and the possibility of further regionalization of the conflict, so the U.S. should bring to bear its influence to ensure a rapid redeployment of Uganda's forces. Just as important, though, the U.S. should be exploring with Uganda how to use their joint influence with the Juba government to move it to more constructive positions regarding the governance issues that helped lead to the current crisis.

## **CONCLUSION**

The track record of the U.S. Congress, and particularly this Subcommittee, has been clear over the past three administrations regarding Sudan and South Sudan. Congress has often led on the policy front, pressing successive administrations to do more to achieve American objectives in this war-shattered region. Sudan and South Sudan need such leadership more than ever before. It is not an exaggeration to say that millions of lives hang in the balance.