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IMPLEMENTING U.S. POLICY IN SUDAN

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BEFORE THE

SUBCOMMITTEE ON AFRICAN AFFAIRS

OF THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

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IMPLEMENTING U.S. POLICY IN SUDAN

THURSDAY, JULY 11, 2002

U.S. SENATE,
SUBCOMMITTEE ON AFRICAN AFFAIRS,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:34 p.m., in room SD–419, Dirksen Senate Office Building, Hon. Russell Feingold (chairman of the subcommittee), presiding.

Present: Senators Feingold, Frist and Brownback.

Senator FEINGOLD. Today, the Subcommittee on African Affairs takes up a complex and compelling case, the case of Sudan. For our purposes today, we are stepping out of what might be called the weak states framework that we have been using in our hearings to look at situations in Somalia and Liberia, and the Democratic Republic of Congo.

It will come as no great shock to the administration that I am using those hearings and that framework to try to draw attention to those situations, and to try to suggest that the United States needs to focus on them in a more serious and coherent and committed fashion.

I have tried to make the point again and again that it is in the United States' interests to develop a long-term approach to engagement in these difficult places, rather than just abandoning them to criminal opportunists and abusive warlords.

But today, we talk about Sudan. And Sudan has the attention of the administration. It seems to me to be a focus of this administration's most significant policy initiative in the region. The President and the Secretary of State have spoken out about Sudan. The President appointed Senator John Danforth to be his Special Envoy for Peace in Sudan. USAID Administrator Andrew Natsios was named Special Humanitarian Coordinator for Sudan. As a result of Senator Danforth's efforts, the International Eminent Persons Group has investigated means for preventing abductions and slavery and has reported on its findings. And in the case of Sudan, no one is talking about a quick fix. Clearly everyone involved with the administration's initiative recognizes that a long-term commitment is required if we are serious about helping the Sudanese people end the nightmare in which they have lived, and in too many instances, died, over these many years.

So I give the administration credit for making this issue a priority, but I give Sudan advocates even more credit, because it was their work over the years that got Sudan on the agenda in the first place. Human rights activists, advocates focused on fighting reli-

gious persecution, individuals and groups most appalled by the persistence of slavery in Sudan, humanitarian professionals horrified by the desperate conditions in much of the country, Sudanese refugees haunted by their own memories and working to help their countrymen: These voices made the difference and joined with many voices long concerned about Sudan's involvement in international terrorism. These voices have moved the truth from Sudan from obscurity to the baseline for policy.

Finally, we are at a point at which we do not need to have another hearing establishing the brutal nature of the conflict. We do not need another hearing to conclude that gross human rights abuses are committed regularly in Sudan. We do not need another hearing establishing that parts of the country persist in near-constant state of humanitarian crisis.

Obviously, we have to keep these truths in mind. We must remember there are an estimated two million who have died in just the past decade from war-related causes and that millions more have been displaced, but we must also move beyond stating the gruesome statistics to focus at last on actions and responses.

And in that vein, we do not need to have a hearing to try to identify the administration's policy goals. They have been clearly identified: To ensure that Sudan is not a base for international terrorism, to end the civil war through a just and lasting peace, to secure unhindered access for humanitarian efforts, and to improve human rights conditions for the Sudanese people.

I do not question these objectives. I accept them and I applaud them. I have called this hearing today because I am trying to figure out exactly where we are in the process of pursuing them and precisely how we plan to move ahead.

Many in Congress want to use capital market sanctions and disclosure provisions which are contained in the House version of the Sudan Peace Act to apply pressure to the Government of Sudan. I have made my position clear on that issue. But the administration opposes these provisions. We should talk about that point of contention, and as you know, many of my colleagues are deeply committed to these provisions. But the sanctions are not the focus of this hearing today. Regardless of our disagreements on that issue, we ought to be able to find a way to move our policy agenda forward.

So let us explore how we might do that. What are the tools in our policy toolbox beyond the capital market proposal? What kind of leverage do we have with the parties? What incentives and disincentives can we hold out to encourage behavior that will bring us closer to achieving our goals?

And to take the toolbox analogy a little bit further, what about the nuts and bolts of implementation? Do we have the personnel, the resources, the appropriate mechanisms for decisionmaking that are required to move this policy forward in four very challenging areas? Are we moving quickly enough, or are our efforts languishing for lack of a sense of urgency or effective means of execution?

Let me give some examples of the kinds of issues I would like to explore. Senator Danforth succeeded in getting both the Government of Sudan and the Sudanese People's Liberation Army to agree

to allow a monitoring team to verify their stated commitment not to intentionally attack civilian targets. That happened in the spring.

But as I understand it, we still have no monitors on the ground, and reports of attacks on civilians persist. So what are we waiting for?

Or to take another example, one of our policy goals is to improve the human rights situation in Sudan. The Eminent Persons Group made 16 recommendations in its report on Slavery, Abduction, and Forced Servitude in Sudan. Who is following up on these recommendations? Is the Bureau of Democracy, Human Rights, and Labor involved in developing and executing a concrete plan to pursue these recommendations? I have a long list of questions along these lines.

And so we have the attention of the administration at very high levels. We have a number of different segments of the American public interested in the issue. We have a tremendous amount of will here in the Congress to make progress in Sudan.

And as Chairman of the Subcommittee on African Affairs, I look at these ingredients and really marvel at them. This is a remarkable set of assets to bring to bear on an African issue. I hope that we will make the most of them.

And with that, and certainly in recognition of what a tremendous asset he is in this regard, I turn to the ranking member, Senator Frist, whose personal commitment to Sudan is truly extraordinary and whose partnership I greatly value on all of the subcommittee's endeavors, but on this issue really most of all.

[The prepared statement of Senator Feingold follows:]

PREPARED STATEMENT OF SENATOR RUSSELL D. FEINGOLD

Today, the Subcommittee on African Affairs takes up the complex and compelling case of Sudan. For our purposes today, we are stepping out of the weak states framework that we have been using to look at situations in Somalia, Liberia, and the Democratic Republic of the Congo. It will come as no great shock to the Administration that I am using those hearings and that framework to try to draw attention to those situations, and to try to suggest that the United States needs to focus on them in a more serious, coherent and committed fashion. I have tried to make the point, again and again, that it is in the interest of the United States to develop a long-term approach to engagement in these difficult places, rather than abandoning them to criminal opportunists and abusive warlords.

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rorism, these voices have moved the truth about Sudan from obscurity to the baseline for policy.

Finally, we are at a point at which we do not need to have another hearing establishing the brutal nature of the conflict. We do not need another hearing to conclude that gross human rights abuses are committed regularly in Sudan. We do not need another hearing establishing that parts of country persist in a near-constant state of humanitarian crisis. We must keep these truths in mind, we must remember that an estimated two million people have died in just the past decade from war-related causes, and that millions more have been displaced, but we must also move beyond stating the gruesome statistics to focus at last on actions and responses.

And, in that vein, we do not need to have a hearing to try to identify the Administration's policy goals. They have been clearly identified: to ensure that Sudan is not a base for international terrorism, to end the civil war through a just and lasting peace, to secure unhindered access for humanitarian efforts, and to improve human rights conditions for the Sudanese people. I do not question those objectives. I accept them and I applaud them. I have called this hearing today because I am trying to figure out exactly where we are in the process of pursuing them, and precisely how we plan to move ahead. Many in Congress want to use capital market sanctions and disclosure provisions, which are contained in the House version of the Sudan Peace Act, to apply pressure to the Government of Sudan. I have made my position clear on that issue. But the Administration opposes these provisions. We should talk about that point of contention—and as you know, many of my colleagues are deeply committed to those provisions—but the sanctions are not the focus of the hearing today. Regardless of our disagreements on that issue, we ought to be able to find a way to move our policy agenda forward.

So let us explore how we might do that. What are the tools in our policy toolbox beyond the capital market proposal? What kind of leverage do we have with the parties; what incentives and disincentives can we hold out to encourage behavior that will bring us closer to achieving our goals? And to take the toolbox analogy a bit further, what about the nuts and bolts of implementation? Do we have the personnel, the resources, the appropriate mechanisms for decision-making that are required to move this policy forward in four very challenging areas? Are we moving quickly enough, or are our efforts languishing for lack of a sense of urgency or effective means of execution?

Let me give some examples of the kinds of issues I want to explore. Senator Danforth succeeded in getting both the Government of Sudan and the Sudanese People's Liberation Army to agree to allow a monitoring team to verify their stated commitment not to intentionally attack civilian targets. That happened in spring. But as I understand it, we still have no monitors on the ground, and reports of attacks on civilians persist. What are we waiting for? Or to take another example, the Eminent Persons Group made sixteen recommendations in its report on Slavery, Abduction, and Forced Servitude in Sudan. Who is following up on these recommendations? Is the Bureau of Democracy, Human Rights, and Labor involved in developing and executing a concrete plan to pursue those recommendations? I have a long list of questions along these lines.

And so we have the attention of the Administration at very high levels. We have a number of different segments of the American public interested in this issue. We have a tremendous amount of will here in the Congress to help make progress in Sudan. And as Chairman of the Subcommittee on African Affairs, I look at these ingredients and marvel at them. This is a remarkable set of assets to bring to bear on an African issue. I hope that we make the most of them.

Senator FEINGOLD. Senator Frist.

Senator FRIST. Thank you, Mr. Chairman. And I appreciate your organization of these hearings and the pacing and the nature that we have built up to a hearing like today with the background that we certainly had in this Congress, and I think built on the last Congress. And I appreciate that very much, because we are here today to examine where we are, a little bit about where we have been, but I think most importantly where we go. And I want to thank you for holding this particular hearing.

I do want to welcome all of our witnesses today and thank them for the effort they put forth both to be here and in their preparation for their written and oral statements.

Mr. Chairman, as you know, I have a great interest in the people of southern Sudan, and I have traveled there many, many times now, and twice in the last year. I spent most of my time in the South, but have also been in the Nuba Mountains, have been in the Blue Nile region, Pabong, and throughout the South.

Typically, I will go into the Sudan not as a United States Senator, but as part of a medical team, and I spend much of my time operating out of a hospital in southern Sudan where there was no hospital about 7 years ago. Today, this little clinic that didn't exist 3 months before my first trip there, now serves a healthcare region for about 350,000 people. It is the only healthcare facility within about 150 miles. People literally walk days to come to that particular facility.

What is remarkable about it—and I think it fits so much into what our witnesses will talk about today—is that a facility like that is so much more than just a healthcare clinic delivering healthcare. It very much becomes a symbol of hope and a symbol of the future of what Sudan can be like, to capture the rich texture of the wonderful people there, the tremendous natural resources that are there, that symbol of hope.

Samaritan's Purse, the group that I work with, also runs a hospital in Kurmuk and has delivered tons of food to beleaguered peoples up in Nuba Mountains and the Upper Nile. Like Catholic Relief Services, who we will hear from shortly, faith-based organizations like Samaritan's Purse have done much to bring real life and vitality back to the region of southern Sudan.

Mr. Chairman, if I might, I would also ask unanimous consent that some written testimony by Samaritan's Purse be made a part of this record today.

Senator FEINGOLD. Without objection.

[The information referred to follows:]

PREPARED STATEMENT OF KEN ISAACS, INTERNATIONAL DIRECTOR OF PROJECTS, SAMARITAN'S PURSE

I have served with Samaritan's Purse, the Christian relief organization headed by Mr. Franklin Graham, for fifteen years. I have visited Sudan on nearly one hundred occasions since 1997. Mr. Graham is an advocate for the oppressed in Sudan. Samaritan's Purse has many programs throughout the opposition-held areas.

Let us be clear on one thing: The National Islamic Front controls the government of Sudan, has declared Jihad against its own citizens, and works toward that goal to the fullest extent possible. This is the same government that harbored Osama bin Laden for five years.

There is a beacon of hope among the opposition groups. However, this beacon is attacked and confounded by the actions and PR spin of the National Islamic Front. This beacon is powerful and will not be denied nor extinguished.

The Sudanese people have a vision of a "New Sudan" and speak of a country united where all Sudanese are participants, where there is separation of religion and state, where people are free to speak, where they can exercise self-determination, and where their children can be educated. In this New Sudan, there is no slavery and there is no Sharia Islamic Law.

The tragedy of Sudan is well known but little understood. Since 1989, an estimated two million people have died. This is equivalent to one World Trade Center attack every week for the last thirteen years. Many define the war as religious, racial, regional, or oil-driven. These elements exist, but the root of the war lies in a simple, yet vital concept—FREEDOM. Freedom to determine their future, freedom of worship and speech, freedom to elect leaders and to live without terror. The war is about human dignity and liberty. It is between the people of Sudan and the National Islamic Front—between the oppressed and the oppressors.

The war is not just about Islam versus Christianity. There are many Christians in the opposition in the South, but in Blue Nile, east Sudan, and Nuba, most are Muslims. All of these Muslim populations experience the same attacks and persecutions as the Christians.

The war is not just about race. Although there are elements of apartheid, thousands from the Arabic culture are joining the black Africans in the fight.

The war is not just about North versus South. If that were true, how could one explain the multitudes from the North that have joined forces to oppose the National Islamic Front?

The war is not just about oil. While oil plays a significant role in the war, it has never been a motivating force for the opposition to take up arms. From the National Islamic Front perspective, oil revenue serves to bankroll their helicopter gunships, tanks, armored vehicles, and weapons factories. The National Islamic Front has a scorched-earth policy to remove people from oil concession areas. From the opposition's perspective, the oilfields are strategic in denying its income to the National Islamic Front.

Again, stated simply, the war is about FREEDOM.

Despite attempts of the regime to portray itself as an advocate of peace, their actions contradict their words. If they are serious about peace, then one would expect to see fundamental, not cosmetic, changes in the way they treat their own people. Today, Samaritan's Purse is delivering emergency food and medicine to victims of recent bombings in oilfield regions. The Samaritan's Purse hospital in Lui has been bombed numerous times, and I have experienced the terror that comes with such an attack.

Some say the war in Sudan is not "winnable," but the morale of the opposition forces is strong. They have little to live for and everything to die for in pursuit of a land of peace for their children. Their overall ability should not be underestimated.

The opposition forces will not lay down their weapons until there is a comprehensive and participatory political solution that will lead to guaranteed freedoms. They do not trust the National Islamic Front to keep their word on any agreement because they have broken every agreement for the past thirteen years. The people know conditions will not improve until there is a government committed to respecting basic human rights and liberties. They do not see that happening under the repressive National Islamic Front.

Many see the opposition forces as fragmented, ethnically driven, and incompetent to rule. Some of that is true, but they are committed to a New Sudan, and they represent a better option for stability in this region than the National Islamic Front. Unfortunately, they lack the public affairs capability to share their message internationally. Domestically, they lack the basic tools such as radio stations, newspapers, and schools to educate the population on principles of "rule of law" and democracy.

What the people of Sudan need most is the moral backing of the United States Government to pressure the National Islamic Front. The United States Government's commitment to remain engaged is vital to bring peace to Sudan. Such measures will be signals to the National Islamic Front that change is inevitable.

The Sudanese are denied the basic freedoms that we hold dear—life, liberty, and the pursuit of happiness. The United States Government should continue to encourage these pursuits and desires of the Sudanese people and lend them our moral and political support in order to find freedom and liberty and to alleviate human suffering.

MINE INCIDENT AT LAUDA, NUBA MOUNTAINS, SUDAN

Nuba Mountains—Mine incident at Lauda, agricultural project of Samaritan's Purse

Samaritan's Purse has been working in Nuba for two years. Presently there are 4 fulltime staff on the ground in Nuba. Samaritan's Purse had been involved in supplying emergency supply before the cease-fire, and since the cease-fire has undertaken a USAID funded agriculture project. This project consists of supplying six tractors, trailers, and implements for large scale farming to supply food for the residents and thousands of returnees since the cease-fire. An important part of the program is training selected drivers in the proper use and care of the equipment. Due to the seasonal rains, timing is of the highest importance to ensure crop production and adequate food supply for the area.

On June 11, 2001, one of the tractors going to the Lauda site was destroyed by a landmine. There were 8 or 9 passengers riding on the fender wheel-wells of the tractor. Three people were killed instantly by decapitation. A fourth died at the

SPLA camp where the surviving victims where moved. A fifth victim, the Secretary of Agriculture, Muhammad Tutu, died in the WFP airplane (evacuating 5 injured) while en route to Chukudum hospital. That night another man died in the hospital at Chukudum. On June 12, Samaritan's Purse arranged flights in a SP DC3 to return the bodies to Nuba for burial. The total dead from the landmine incident is six with three more severely wounded, two of them with limb amputations.

There have been several reports issued about the incident. Samaritan's Purse staff, on the ground in Nuba, notified the international office in North Carolina within four hours of the incident and supplied the correct number of dead and wounded at that time. (This communication is by satellite phone and is held periodically with the SP HQ.) A Samaritan's Purse nurse accompanied the 5 airlifted victims to Chukudum and notified the HQ of the death of Mr. Tutu within two hours of his passing. This level of accurate information did not come from any official international sources until at least 48 hours later.

Ken Isaacs, of Samaritan's Purse, notified USAID immediately of the landmine incident by phone to Roger Winter and Brian D'Sylva. They had not heard of the incident before that time.

Since the incident there have been at least three investigations held by the JMC, OLS, and most recently the combined investigation of the JMC and SPLA.

The information in this report is given from Samaritan's Purse field staff, Dale and Kris Hamilton. Kris accompanied the most recent investigation team to the incident site but *she was not a part of the investigation.* Kris went to see the tractor damage and encourage the drivers who are afraid to continue plowing due to the landmine incident. On June 28 she gave a verbal phone report to Ken Isaacs. A written report from Nuba is being prepared and should be available in several days.

In the most recent investigation, a Norwegian Colonel headed the team. They went to the site by helicopter and waited for nearly three hours to interview witnesses from both the GOS and SPLA sides. It is our understanding the SPLA has identified four suspect individuals and their names from these witness interviews.

As noted in earlier reports, two tractors had been using the road for the previous two days. That means that for at least two days, two tractors, made two trips on the "road." This is a total of 9 passes over the incident area without explosion. (The day of the explosion the first tractor passed ahead and was slightly out of the track, and thus passed safely).

The "road" is hardly a road, but in fact a fresh path across a field that had only been in use for seven days and not before.

It is not sensible that a mine, especially an anti-tank mine, would have been planted there when no traffic had been going there before the work of the tractors began.

The most recent investigation was headed as stated above by a Norwegian Colonel, but Kris did not get his name. Kris reports, "The colonel made a point to walk to where I was, about 300 meters away. He told me, 'It is obvious to me that this mine was laid with intent.'" He went on to explain he would write this in his report and the report would go to his commanding officer.

This information and all of the truth must come out to ensure the cease-fire and the needed production of food.

The Hamilton's are veterans of Africa. They have lived and worked there for over 25 years. Dale is a pilot and Kris is a public health nurse. They are calm, level-headed individuals and not inclined to exaggeration.

IMPACT

The drivers are afraid to continue plowing the fields in the Laudo area for fear of another mine.

Samaritan's Purse has purchased 8 mine detectors and is in process of sending them and an instrument instructor to the area to train and equip security men in order to sweep the fields daily.

The tractor is beyond repair although some spare parts can be salvaged.

Samaritan's Purse has purchased hand tools for use as a means of compensating for the loss of the tractor.

The people of Nuba are motivated to farm the fields but are very unsettled about the situation in general. Previous issues had come up but were not known to Samaritan's Purse field staff. Quoted from a preliminary OLS security report: (The report incorrectly calls the program FAU when it is Samaritan's Purses activity.)

THE LADO INCIDENT—30 MAY 2002

4. With reference to para. 3a-n above and 'Trip Report' dated 02 Jun 02—para 24a-d; *why did JMC not advise Samaritan's Purse,* who are directly responsible for

the FAU programme being conducted at present, that problems were experienced in LADO on the 30 May 2002. These problems may have been indirectly associated with this present incident; *the report clearly indicates that the problems were initiated from the local GOS Commander;* as a reminder of the situation and the statements issued by the GOS Commander, they were stated as follows;

Beginning of—"Extract from 'Trip Report' dated 02 Jun 02—para 24a-d"

"On Mr. ABDOULAYE BALDE's arrival I moved to KAUDA with a task from the WFP Team with reference to a violation from GOS at TOLEDO. This was reported to JMC and thereafter a team from the JMC was deployed to LADO on the UN aircraft C088W to conduct an initial investigation. It was found that it was a violation not from TOLEDO, but from the GOS Cdr at LETHNON who had decided that the people of LADO were to be denied 'freedom of movement' etc. The restrictions stated by the GOS Cdr were as follows;

"a. The population of LADO are to remain within their Pyam.

"b. Any person moving out of the LADO Pyam would be detained.

"c. The people of LADO are to stay away from the 'lowland' farming areas and if they are found to be in the area, they will be detained.

Note: 'they will be detained'—not for example, 'due to the area having possible landmines'.

"d. There are six (6) people of the LADO Pyam already detained at LETHNON. (Identities established and names forwarded to JMC Headquartems-HQ)

"25. From the inquiry, it was decided to go via the General at KADUGUILI who is the Cdr of the area and would be instructed by JMC to rectify the problem, as per the 'cease fire agreement'. As stated above, their are/were six (6) detained people at LETHNON from LADO. This is against the 'cease fire agreement'. On arrival back at JMC Sector One (1), a report was written by the 005 monitor and forwarded to JMC HQ and thereafter, to the General in charge of the area."

CONCLUSION

The incident has not been investigated and clarified adequately enough to resolve the questions and conflicting information known by the people on the ground. *There must be resolution in the investigation* and *the results need to be supported by evidence that can be accepted.* Questions need to be answered.

If the evidence and testimony show that this is a mine intended for the agricultural program, then the JMC, with backing from member countries, must seek out the individuals responsible and hold them accountable. If this mine has been recently laid, it would be a flagrant, malicious, and outrageous violation of the cease-fire and a deliberate attack on a humanitarian work funded by the USAID.

The Samaritan's Purse field staff feel there is significant evidence *that the mine was a recent plant* and not an old planted landmine as asserted in early reports. This is of grave concern since it implies a direct attack was made against Samaritan's Purse, a humanitarian organization. If this is the case, the cease-fire has been broken and the attack can be considered aimed to prevent the production of desperately need food for the people of Nuba. *It is actually an attempt to starve civilians.*

A futher field report from Samaritan's Purse will be forthcoming and Samaritan's Purse awaits the official report from the JMC/SPLA investigation.

We are deeply concerned for the well being and safety of our staff. We are deeply concerned for the progress of the agricultural program and the survival of thousands of Nuba people whose survival depends on this project.

KEN ISAACS
International Director of Projects,
Samaritan's Purse.

Senator FRIST. I also join the chairman in applauding the work of Senator Danforth and all the efforts that he and his staff have made over the past year to further the goal of peace in Sudan.

The road to peace is a bumpy road, as we all know, that has been well traveled. There are and have been many setbacks, but if you look at the progress that has been made by Senator Danforth, I

think everyone will agree that it is real, that it is bringing the people of the southern Sudan closer to achieving peace.

I do consider today's hearing as a progress report on an issue that clearly is of substantial importance to this administration. As the chairman pointed out, the administration has really focused a great deal of attention on the Sudan.

Will we achieve a negotiated settlement among the parties? What are the administration's objectives today? What is the plan for achieving them, given that we have made some progress? We must be reasonably certain that an agreement among the parties is sustainable over time. And that means it must be verifiable, that it must withstand the test of time.

I do hope that our witnesses will reflect on, based on their experiences, what they consider are the important components or a sustainable peace.

In the past, I do not believe Khartoum has lived up to its agreements. Can we expect them to in the future? Khartoum continues to bomb civilians and ban relief flights, leading to the starvation of thousands. My colleagues have heard me describe my work in hospitals in southern Sudan. I have seen people brought in with injuries that clearly resulted from bombings. I have seen where the church next door to the hospital has been bombed. The evidence of bombings is very, very real.

Clearly, these sorts of things cannot continue. Samaritan's Purse had very recently, about a month ago, June 11, another terrible loss. Five of its staff were killed while riding a tractor at Lauda. There is some evidence that this was a deliberate attack and that the mine had been very recently placed.

I hope to hear from the witnesses on how we can ensure that a negotiated settlement can be carried out, particularly by the government in the North, including their thoughts on the kinds of tools we need to ensure that Khartoum honors its commitments. Indeed, I would like to know even if we should believe they are serious at this point in time about these commitments in the first place.

The banning of relief flights, unilateral declarations that humanitarian aid and relief in the west Upper Nile be dictated by Khartoum, all of these are of considerable concern.

Now, Mr. Chairman, again I appreciate you for putting forth this hearing today. I also look forward to hearing also about some of the positive things—we hear so much about the negative things—like USAIDs southern Sudan Agricultural Revitalization Project and the Sudan Basic Education Program, which I believe, are a basic but major step forward in bringing much needed development to southern Sudan.

So, Mr. Chairman, with that, I thank you for the opportunity to make that opening statement and look forward to hearing from our witnesses.

Senator FEINGOLD. Thank you very much, Senator Frist.

I have a statement here from Senator Boxer, who wanted to be here, but she had a scheduling conflict, so I will enter this into the record, if there is no objection.

[The statement referred to follows:]

PREPARED STATEMENT OF SENATOR BARBARA BOXER

Senator Feingold, thank you for chairing this hearing on "Implementing U.S. Policy in Sudan." As the Committee's leading expert on Africa, you have been a strong voice for the Sudanese people who have suffered too long from a long and violent conflict and well-documented human rights abuses carried out by all sides. Mr. Chairman, I commend you and Senator Frist for focusing our attention on this important issue.

There is a true humanitarian crisis in Sudan today. The number of people in need of emergency food aid—3 million—is staggering. It is a fact that of the 2 million people killed during the long-running civil war, a large number died from hunger. Perhaps most troubling of all is that much needed humanitarian assistance has been used as a weapon of war. Denying access to humanitarian assistance is among the worst of all human rights abuses. Civilians who have gathered around food distribution centers have even been attacked and killed.

It is a disgrace that slavery continues to be a problem in Sudan. Human Rights Watch and other respected organizations have reported on how the Khartoum government provides automatic weapons and support for fighters who attack southern villages and capture men, women and children from rebel-controlled areas. They are forced to work for free in homes and in fields, punished when they refuse, and abused both physically and sexually. According to a March 2002 Human Rights Watch report, "the government of Sudan is responsible not only of knowingly arming, transporting and assisting the slave-raiding militia, it also is responsible for not enforcing its own laws against kidnaping, assault, and forced labor."

Mr. Chairman, I hope that we can break the impasse that has prevented us from moving forward with legislation to address some of these abuses. U.S. leadership on this issue is crucial and I sincerely hope that we can play a productive role in bringing to an end the longest running ongoing civil war in Africa.

Senator FEINGOLD. We will now turn to our first panel. Today, we will hear from Assistant Secretary of State for African Affairs, Walter Kansteiner, who is just back from Nairobi and Khartoum, where he has been working on these issues. And, Mr. Secretary, as always I certainly appreciate your willingness to be here today to answer our questions and to, if you will, go into the weeds, if necessary, to figure out some of the specifics. And I would ask you to proceed with your testimony at this time.

STATEMENT OF HON. WALTER H. KANSTEINER, ASSISTANT SECRETARY OF STATE FOR AFRICAN AFFAIRS, DEPARTMENT OF STATE, WASHINGTON, DC

Secretary KANSTEINER. Thank you, Mr. Chairman. I would very much like to take this opportunity to give you a status report of where we are on the peace talks and some of that process that is unfolding in Kenya today.

As you mentioned, Mr. Chairman, the administration has identified three very clear goals and we are striving to keep focused on those goals for Sudan.

The first, of course, is to deny terrorists' use of Sudan as a safe haven. I would be happy to go into detail on some of that counterterrorism coordination, perhaps in a different setting. But I might just say that Ambassador Frank Taylor, who is the anti-terrorist coordinator at the State Department, joined me in my trip to Khartoum, where we discussed the expectations that we have with the Government of Sudan on this subject. And the Sudanese understand that their cooperation is appreciated but there are a good many other requirements that still remain. They understand that I would be happy to go into any further detail at a different session.

The second area of concentration and focus for our policy, as you mentioned, is the humanitarian one. The tragedy in Sudan is too well known by all of us.

And, Senator Frist, you have experienced it firsthand.

We have all seen it, and it is something that we constantly need to remind ourselves. It motivates us to seek that peace process that is ultimately what will end the tragedy.

Currently we have a situation in the upper western Nile which I think my colleague, Roger Winter, will discuss in greater detail as the expert on the humanitarian relief. Roger has a very good grasp of exactly what is happening.

But I leave it with just saying that the OLS, the Operation Lifeline Sudan agreement, has not been lived up to expectations. Access is not being given. We made it very clear during our recent trip to Khartoum that we will settle for nothing less than full and unhindered humanitarian access to all of southern Sudan.

The third area that is our policy focus is, in fact, the peace process. And under the leadership of Senator Danforth, Secretary Powell and President Bush, we have remained very focused on this and, in fact, our State Department team is right now in Nairobi working with the peace process. I would like to spend just a little time going into some detail on what we saw and where we are.

The peace process began on June 17 in Nairobi, led by General Lazaro Sumbeiywo, the Kenyan army commander, who is the chairman of the Intergovernmental Authority on Development [IGAD] regional organization that is hosting the talks. I might add that General Sumbeiywo is an extremely capable and competent military professional that has immediately caught the attention of both negotiating parties, that he is a serious man, and he expects certain things to happen in these peace talks, or the Kenyans and the IGAD friends of Sudan are simply not going to waste their time.

These first 2½ weeks, have been relatively successful in the sense that both parties have sent appropriate level delegations. They have entered into serious talks. They are open to ideas from the negotiator, the mediator from Sumbeiywo.

And they also, interestingly enough, are open to the fact that the United States, the Norwegians and the British have now been made official observers and, in fact, somewhat acting as advisors to the IGAD chairman. That seems to be working quite well, and we are looking forward to progress on that front.

Specifically, General Sumbeiywo has put out a framework, a skeleton, if you will, of what the key issues are that are going to have to be negotiated over the next few months. Right now, the one that they are focused on, as of today literally, is the question of self determination for the South. It is a tough, but key element of any deal.

What does that term "self determination" mean? General Sumbeiywo, with the help of the American and British and Norwegian observers, is starting to flesh out some of these definitions. What does it mean to be in command of your own future, if you will? What does self determination mean in terms of autonomy and powers to the region? Does it mean they can have their own justice

system? Does it mean they can have their own taxation system? Can they stand and hold an army?

What does it mean for the South to say that the will of the people will be heard? Is that a referendum? And if that is a referendum or a vote, does that come in 5 years, 6 years, 2 years?

So these are all the questions that are now being laid out for both sides, and that the mediator is actively pushing to get answers from. He is defining the parameters for the debate, and the parameters for what the deal must include. There are other issues that are going to have to be gotten to as well. Self determination is the first and probably the cornerstone.

But they are going to have to look at power sharing. If there is autonomy for the South, then does that mean there is some kind of confederate system sitting up in Khartoum? And, if so, what role does the South play in that confederacy? What kind of representation do they have in Khartoum?

If state and religion is going to be addressed, we are going to have to talk about Sharia. And if Sharia applies to the South, in what form? If it applies to the entire country, in what form? So the whole notion of state and religion is going to be a critical issue.

Power sharing includes resource sharing. That would include oil and the revenues from oil, and how these will be used effectively with representation from all regions having access to those resources.

So those are the tough issues that General Sumbeiywo and the IGAD process are putting out on the table.

When I met with representatives from both sides—Dr. John Garang of the SPLA as well as President Bashir and Vice President Taha in Khartoum, I got the sense that both sides realized that this was the first opportunity in a long time that they both had to negotiate a serious, long lasting, and I would include "just," peace for that country. I was gladdened to see that they were both serious about it.

But we are still in fairly early days. There are going to be some tough decisions coming up in the next few weeks. But I think we will be able to tell within the next 2 or 3 weeks where these negotiations are going.

Right now, the time table is July 20. The negotiations will take a break. We are encouraging both sides to not leave Nairobi on July 20 without some kind of agreement on some framework.

There does not have to be a comprehensive peace plan including a cease-fire on July 20. We are realists. We know that would be great if it happens, but we have to be realistic. But we do expect there to be some agreement on some structure.

Until that day is reached where we have a comprehensive peace settlement, the reality is that both sides are fighting and talking. Of great concern, of course, are the allegations of the attacks on civilians that, Mr. Chairman, you mentioned, particularly by the Government of Sudan. This is in direct contravention of the agreement signed in March of 2002 by both sides not to target civilians. That was one of the Danforth points.

So we have, in fact, now put together a team led by retired Brigadier General Lloyd of the U.S. Army, who is now in Sudan putting together that civilian monitoring team to which you made ref-

erence. It was slow going, quite frankly, to get that team staffed and up and running. We had a whole number of difficulties including some internal administration, quite frankly, difficulties with sanctions that prohibit involvement in Sudan. So we had to go back and get our own sanctions lifted so we could do this.

But nonetheless, it is there. It is going to be a verification unit that has serious military experience, because that is what it is going to take to check some of these civilian bombing targets. And we are looking forward to having that fully staffed and running in the very near future.

The other initiatives that Danforth laid out in his report, including the Nuba Mountains initiative, are going relatively better in the sense that they are up and running. And as you know, the Nuba Mountain cease-fire has now been extended for another 6 months, and we are very pleased to see that go forward.

A Norwegian general is actually in the lead on the Nuba Mountain cease-fire. That cease-fire is holding. In fact, food and humanitarian assistance are getting into the Nuba Mountains for the first time in many, many years.

You mentioned the Eminent Persons Group chaired by Penn Kemble and Ambassador George Moose. They have traveled to Sudan on a number of occasions. Their recommendations are excellent.

That group is an independent body, if you will. It is not part of the U.S. Government; its members are European, American and African. We are making sure that they, in fact, do have a chance to implement their recommendations. And we are now looking for resources and funding to make sure that that group stays together and can, in fact, make those recommendations a reality.

The fourth area in the Danforth report is the "Days and Zones of Tranquility." We understand that that is actually going better than it did initially. We had a very rough start but now we are seeing people and animals being vaccinated for a whole host of diseases, polio, rinderpest, guinea worm. And the guinea worm work that the Carter Center has been very, very faithful and very good about and very effective with, continues. And so we are pleased to see that going.

Let me conclude by saying we are, as diplomats, cautiously optimistic in these peace negotiations. In fact, I am probably more than cautiously optimistic. I am optimistic, because I sensed that there was a real will by both sides to take this opportunity that is now available for them in the negotiations that are ongoing in Kenya, and to do something with it.

Time will tell. In fact, I do not think it will be that long. And we will be able to know. But I got the sense that the involvement of the international community, particularly the U.S. Government, is making a difference, and they recognize that this is an opportunity. And we are hopeful and we are going to continue to work hard to make sure that it comes to fruition.

Thank you very much.

[The prepared statement of Secretary Kansteiner follows:]

PREPARED STATEMENT OF HON. WALTER H. KANSTEINER, ASSISTANT SECRETARY OF STATE FOR AFRICAN AFFAIRS

Thank you very much, Mr. Chairman. It is indeed an honor to appear again before this Subcommittee, this time to discuss the Administration's commitment to bring about a just peace settlement to end the tragic civil war that has raged in Sudan since 1983.

Today, I would like to discuss the latest policy developments concerning Sudan, including my recent trip to Khartoum and Nairobi where I met with the leaders of the Sudan People's Liberation Movement and the Government in Khartoum.

When the Administration first laid out its policy towards Sudan, it identified three elements. First, we would deny the use of Sudan by terrorists as a harbor or safe haven. Second, we would ensure humanitarian access to southern Sudan, and third, support a just and comprehensive settlement of the civil war that has raged there since 1983.

9/11 injected a degree of urgency into our counter-terrorism cooperation with Khartoum. The President defined the Government's choice in stark terms: you are either with us, or you are against us. The Government appears to have calculated that it could not be against us. While I cannot discuss the sensitive details of their cooperation in this unclassified setting, I can with confidence characterize their current cooperation as acceptable, but as the President said, still more is required. Our Counter-terrorism Coordinator Ambassador Frank Taylor and I just returned from meetings with the senior leadership in Khartoum on July 2, where we discussed our expectations for continued cooperation. We also made it clear to them that a good record of cooperation in counter-terrorism, vital as it might be, does not provide a free ride on other requirements—particularly humanitarian access and a just peace.

Since February 2002, the authorities in Khartoum have aggravated the human tragedy in Sudan more than usual by denying complete humanitarian access to the famine-threatened region of Western Upper Nile. This is in direct contravention of the terms of the Operation Lifeline Sudan agreement they signed with the UN and the Sudan People's Liberation Army (SPLA). We at the Department of State, our colleagues at USAID, and the President's Special Envoy for Peace former Senator John Danforth have repeatedly protested this failure on the part of the Sudanese Government to honor its agreement and to safeguard the well-being of its citizens in southern Sudan. I raised the issue directly with President Bashir and Vice-President Taha in Khartoum on July 2. Bashir offered us humanitarian access to 18 locations in southern Sudan, including four in Western Upper Nile. I made it clear that we would settle for nothing less than what the Government has promised to give us: full and unhindered humanitarian access to all of southern Sudan. I delivered a similar message on our deep disappointment that the Government's campaign in the South continues to violate the human rights of its citizens by denying them access to needed humanitarian assistance. I want to take this opportunity to reiterate these messages to the Government of Sudan.

Prospects are quite positive for the peace process that began June 17 in Nairobi. Lieutenant General Lazaro Sumbeiywo, Kenyan army commander, has provided determined and capable leadership for the Intergovernmental Authority on Development (IGAD) regional organization hosting the talks. Our diplomatic team in Nairobi is providing day-today support for the talks. The British, Norwegians, Swiss and Italians are providing similar assistance. Here in Washington, we have assembled an inter-agency Sudan Programs Group headed by a "Chief Operating Officer" for Sudan policy, Ambassador Michael Ranneberger, to manage the day-to-day work of implementing policies and programs related to the peace process. Presidential Envoy for Peace former Senator John Danforth, will travel to Europe next week to consult with our European friends and allies on peace process strategy and will encourage increased financial support for humanitarian and peace process operations. Former Senator Danforth plans another trip to Kenya and Sudan next month to encourage continued forward movement in his meetings with Garang, Bashir and other key figures in the peace process.

General Sumbeiywo's objective is to secure agreement by the parties to a framework by the end of the month, and to achieve a just and comprehensive settlement agreement by the end of the year. These are extremely high goals, but he believes they are eminently doable and that the parties possess the political will to reach agreement. The United States is fully committed to work with the parties to make General Sumbeiywo's goals a reality.

Until the day that a just and comprehensive peace settlement is reached, the cold reality of the civil war in Sudan is that the two parties will continue a policy of talk and fight. Most recently, the SPLA recaptured Kapoeta, and the Government took Gogrial. Of greater concern are the allegations of attacks on civilians by the

Government of Sudan in contravention of the agreement signed in March 2002 by both sides not to target civilians. The fog of war and the scarcity of on-the-ground reporters who can collect and report the facts have made it difficult to verify these claims. To help establish ground truth capacity, I have sent retired Brigadier General Herb Lloyd to Khartoum to establish and head up a verification unit. It will consist of two groups, each with fixed-wing aircraft: one fifteen person group in the northern area and a ten person group in the southern area. The mission of each will be to investigate first-hand any reports of attacks on civilians and report their findings to the U.S. Government. We will report verified attacks on civilians as violations of the Geneva Code, to which Khartoum is a signatory. More importantly, and of more immediate importance to the Sudanese Government, we will interpret any such violations as an indication of bad faith vis-à-vis the peace process that will have a direct, negative impact on prospects for improved bilateral relations.

Mr. Chairman, the civilian verification unit to monitor attacks on civilians is only the latest of four initiatives the Administration is pursuing to test the seriousness of commitment of the parties to achieving peace, and to create conditions on the ground to help end the vicious cycle of war. The first of these initiatives to be implemented was the cease-fire in the Nuba Mountains, for which we created a Joint Military Commission (JMC) together with the "Friends of the Nuba Mountains," which includes Norway, Britain, Switzerland, Italy, Germany, France and Canada, among others. A Norwegian general, served by Swedish and British deputies, heads the JMC. As a result of the stabilizing influence that the JMC's verification efforts have brought, we have seen something approaching a return of normalcy to the Nuba Mountains. Internally displaced people are returning to their homes. Normal economic activity is resuming. Prisoners of war are being exchanged. Goods and people are moving across the cease-fire lines. We have received word from both sides that they agreed to a six-month extension of the cease-fire through January 2003, whereupon they would under the terms of the agreement considered another extension. I will chair a meeting of the "Friends of the Nuba Mountains" at senior level here in Washington on July 31. It will evaluate the work of the JMC, outline its work for the next six months, and encourage other countries to support the JMC's work both financially and with the transfer of uniformed military officers to staff the JMC. The success of the Nuba Mountains cease-fire gives us tangible indications of what a comprehensive peace agreement could accomplish not only in the South, but throughout all of the Sudan.

Another of our initiatives was the creation of an international group of eminent persons, chaired by former Deputy Director of USIA Penn Kemble and Ambassador George Moose, which traveled to the Sudan to investigate slavery and issued a series of concrete recommendations for eliminating this nefarious practice. It refuted the Khartoum Government's weak assertion that there is no slavery in Sudan, as well as the equally weak assertions of some European intellectuals that what we call slavery is nothing more than a traditional practice of abductions. The commission's report, available on the State Department Web site, made it clear that slavery exists in the Sudan, and that the Khartoum regime uses slavery as a tool in its war on the people of southern Sudan. We are now in the implementation phase, and are considering ways that the civilian verification unit can be used to investigate and report the incidence of slave raids by the Khartoum Government and its militia allies.

The fourth and final initiative was the "Days and Zones of Tranquility," under which both sides would allow government and non-governmental organization personnel to vaccinate people and animals against polio, rinderpest and guinea worm in southern Sudan. I understand that the effort was successful in protecting thousands of people against polio. The Khartoum Government and SPLA have hindered progress with the rinderpest and guinea worm inoculations. USAID and non-governmental organizations continue to administer vaccinations where they can, while we have made it clear to both parties that we expect them to honor their agreements to permit access to the other affected regions.

Let me say a few words about Sudan's efforts to improve its status as a neighbor in the sensitive Greater Horn of Africa neighborhood. Khartoum has demonstrated a desire to improve regional stability through support for Ugandan efforts to free the captives of the terrorist Lord's Resistance Army and capture its renegade leader, Joseph Kony. The Sudanese Government reversed its policy of support for Kony and the LRA by allowing the Ugandan military to hunt the LRA in southern Sudan with the help of Khartoum's military. While this reversal of support for a prominent, destabilizing terrorist organization is promising, the international community awaits the results of this effort.

Mr. Chairman, I want to close my prepared testimony by assuring you that the Bush Administration is committed to ending the cycle of violence and suffering in

Sudan by pursuing a just and comprehensive peace in Sudan. We support the Senate version of the Sudan Peace Act, which shares those same goals. Our approach is to focus on the big-picture process of achieving a just and comprehensive end to the war and suffering in Sudan, and not to become bogged down on a divisive issue that would do little to advance the cause of peace. This will remain our position so long as we judge that the Sudanese Government is serious about the peace process.

Mr. Chairman, I would like to thank you again for the opportunity to discuss the Administration's efforts to end that war and to safeguard the safety and well-being of all of Sudan's citizens.

Senator FEINGOLD. Thank you, Mr. Secretary. We certainly appreciate that report and look forward to asking you some questions about it.

But, first, we will listen to Mr. Roger Winter, who we also have with us today, from the U.S. Agency for International Development, where he is the Assistant Administrator for Democracy, Conflict and Humanitarian Assistance.

STATEMENT OF HON. ROGER WINTER, ASSISTANT ADMINISTRATOR FOR DEMOCRACY, CONFLICT AND HUMANITARIAN ASSISTANCE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT [USAID], WASHINGTON, DC

Mr. WINTER. Yes. Thank you. I am going to focus on the humanitarian issues specifically and not have to cover quite as broad a waterfront as Walter has to do.

You pointed out very correctly that Sudan is on the screen for many, many folks right now; much more than we have ever seen before. I have been involved in Sudan for 20 years, and I think it is because of President Bush's personal involvement and publicly expressed interest, it is because of the Danforth initiative generally, it is because of the perhaps almost surprising success in the Nuba Mountain cease-fire, which all over Sudan has enthused people; and while it is imperfect as all of us are, it certainly has created a bottom-up groundswell for peace. And it has clearly helped bring our European allies closer together with us in terms of how we approach Sudan.

So I believe there is an opportunity here, but approaching the opportunity needs to be tempered with some of the ground-based realities that we have to overcome, too. And I know my colleague, Walter, understands that.

I believe that specifically in the area of Government-of-Sudan-instigated problems regarding humanitarian access and related issues, those are, in fact, the fatal flaw in their approach to the U.S. Government initiative and the opportunity it presents.

There is a clear disconnect between some of what they say and what actually occurs on the ground in the humanitarian sphere. So I would have to say the opportunity is real. The U.S. initiative is serious. We are all trying very hard to move this forward.

The way the Sudanese Government is approaching the humanitarian issues is distinctly undermining this initiative, I would say, at this point. It regularly imposes formal barriers on flight access, humanitarian flight access. It institutes bureaucratic restrictions that impede deliveries to those in desperate need.

They target humanitarian programs directly. These actions amount to what I believe to be a deliberate strategy that they think they can get away with, even while moving forward with re-

spect to improving bilateral relations and so forth. The disconnect is between those public statements and what the security apparatus of the state of Sudan actually does in the field.

We have an immediate concern, that is Western Upper Nile, or a unity state, as some would say. This is a place in which there has been essentially blanket closure of humanitarian access for a period of months.

This is a real problem for us, because not only does it mean we cannot respond adequately, but we do not even know adequately, in many cases, from our own information.

The U.N. tells us that as many as 300,000 people are at immediate risk, but we know there is 1.7 million people who are closed off from humanitarian services in the South because of closure by the Sudanese Government.

Most recently, there has been somewhat of a focus on the fact that for the month of July, because the humanitarian flight access issue is a monthly issue, the United Nations has to go monthly to the Government in Sudan and say, basically, "Please give us access to these locations."

And we did get a blip up for the month of July of what appeared to be 18 locations. We have done at USAID a detailed analysis of those 18 locations, and it is not what you would call a major breakthrough in any way, shape, or form. In almost all cases, they are not new locations that open up new populations in desperate need to us. That does not mean there are not some, because there is one in particular that does give us a new opportunity.

But in general, it is not—and if you wish a written summary of these 18 locations, we would be happy to provide it to you, as well as a map for the record.

[The information referred to follows:]

ANALYSIS OF GOVERNMENT OF SUDAN FLIGHT CLEARANCE LIST—JULY 2002

The Government of Sudan (GOS) flight clearance list for humanitarian flight access comes from the translation of a letter from the GOS Humanitarian Aid Commissioner to the United Nations Coordinator in Sudan.

The list contains three categories:

1) Locations where the ban on flights has been lifted;
2) Locations where flights have been denied; and
3) Locations that the GOS says are not properly identified.

Locations approved

Bahr el Ghazal: Awada, Lunyakaer, Nyamiell, Ajiep, Gogrial, Bararud, Baau, Akom, Akoc, Akuem, Akop.

Western Upper Nile (Unity State): Ninger, Mankien Gumriak, Akuem.

Upper Nile: Fagag, Madeng.

Equatoria: Tambura.

Under the first category (locations where flight ban has been lifted), eleven are in Bahr el Ghazal, six are in Upper Nile and one is in Western Equatoria. One of the locations, Akuem, is repeated in Western Upper Nile and Bahr el Ghazal, leaving only 17 approved locations. Gogrial, which appears on the Bahr el Ghazal list, has recently come under the control of GOS. Tambura is a surplus food producing area and has no humanitarian access value. The only significant location from a humanitarian perspective is Gumriak, which is in Western Upper Nile. Gumriak, in Ruweng County, contains over 70,000 people, all of whom are in need of food and nonfood assistance, according to the United Nations.

Air access is extremely important so that OLS flights can assess the area. With the onset of the rainy season, travel by road is very difficult. Maximum air access is essential immediately. Populations are already moving and probably taking ref-

uge in swamps. Finding these populations at a later date, without immediate air access will be problematic.

Locations denied

Denial of the location south of the line Kapoeta, Torit, Juba (except Tambura). This is seven locations.

Bahr el Ghazal: Buoth, Maulual Akon, Acumcum, Alek, Lietimom, Yirol, Mapel.

Western Upper Nile: Duar, Toy, Biem, Wicok, Kuey, Bow, Baow, Ganyliel, Bieh.

Equatoria: Yei, Kapoeta.

Under the second category (locations where flights have been denied), there are 23 on the list. Nine are in Western Upper Nile and are all important areas for accessing civilians. In Bahr el Ghazal, Malualakon is a new area denied. Here, the population can be accessed by an alternative airstrip, but it is in poor condition.

Some of these places have been denied for months without rationale. Yirol, for example, is denied, although it is far away from any conflict. Denial of locations in Equatoria is once again problematic. While places on the East Bank, like Nimule, were previously accessible by road from Uganda, recent U.N. security assessments suggest that activity of the Ugandan Lord's Resistance Army makes the area unsafe.

Locations "unknown" to GOS (and therefore denied)

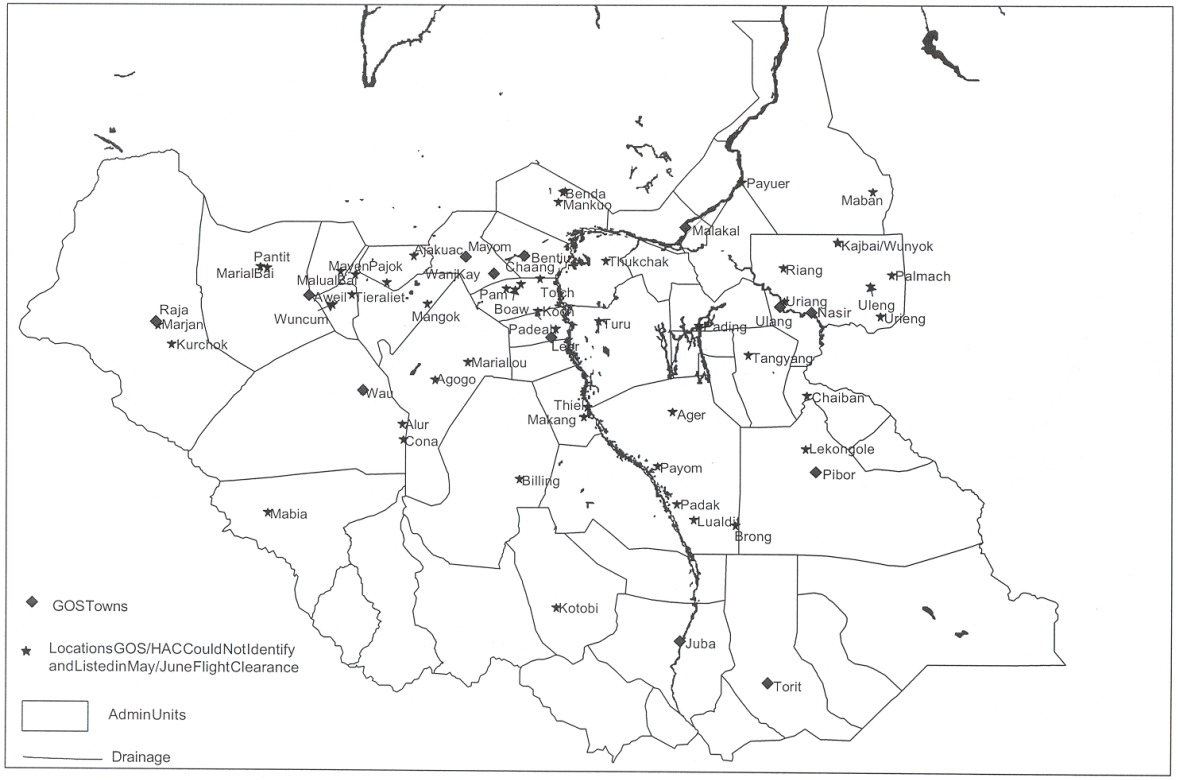
Bahr el Ghazal: Agago, Alakuac, Alor, Ayuang, Cong, Koryom, Karchok, Wor Alt, Moarcor, Malek Akol, Malualbai, Mangar Angui, Manjuk, Mankui, Marial Bai, Marial Lou, Marjan, Maban Pajok, Pantit.

Upper Nile: Ager, Benda, Borong, Chaang, Chaiban, Chotbura, Darjo, Kelero, Kengen, Kotheah, Majany, Pajang, Barn Bora, Urieng, War, Wuleng, Wunyok, Thokchak.

Equatoria: Mabia, Kak, Kulaby.

Under this third category (locations that the GOS says are not properly identified), the GOS claims that the locations are "unknown". In June, the United Nations provided the GOS with a map showing the 41 locations that they denied in June. These are the same locations that they denied once again in July, using the same justification. Important locations from a humanitarian perspective in Western Upper Nile and Bahr el Ghazal are denied. (See map that follows.)

LocationsGOS/HACCouldNotIdentifyandListedinMay/JuneFlightClearance



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Mr. WINTER. It is amazing how bureaucratic this system gets. So, for example, when the U.N. supplied this month's request for flight access clearance, it included much of what has been requested in the past. The government actually denied access to a number of places that it has approved consistently over a long period of time for the first time this time, saying they cannot identify those locations.

It is the kind of thing that we will go back and we will raise that with the government, and then 3 or 4 weeks from now, they will come back again. We are always into this back and forth kind of a process that slows everything down.

Our immediate concern in the humanitarian sphere is Western Upper Nile. We are immediately concerned because some of the dynamics parallel what happened in January 1998 in western Bahr el Ghazal. Not all of the dynamics do, but some of them do.

And what was the result of the combination of events on the ground and the closure of flight access by the Government of Sudan? The result was that 100,000 people died who did not need to die. This is why we are so concerned about Western Upper Nile.

Second, we have a continuing concern about this issue. This is not a new issue for us. This current regime came to power June 30, 1989. Since it came to power, it has been manipulating the humanitarian programs, and most specifically humanitarian access by the U.N. and the NGOs to desperate populations.

So it is not a new issue. It is, unfortunately, an issue that has almost become routine. We, the international community, have not figured out precisely how to deal with this.

For example, in much of the entire State of Equatoria, much of Equatoria has had blanket closure for more than 3 years. The areas have not been conflict zones for more than 3 years, but nevertheless they are closed to us. And it opens up our own personnel and the NGO personnel to really serious risks, because the areas, while not being primarily government-SPLM conflict zones, are unstable zones.

By denying us flight access, what it means is we have to send our people in on the ground. It has cost a fair number of lives of humanitarian workers.

OK. Is this part of a strategy? I do not know. But there is no logical explanation for closing down a big chunk of an entire state over a long period of time like this when it has not been a battle zone between the two warring parties.

Perhaps, third, I would point out we have an emerging concern on this issue. So we have an immediate concern, a persistent concern, and now an emerging concern.

This current government has long chafed under the OLS regime. They have wanted it to be subject to their military strategy, in my opinion. And that has been the nature of the actions they have taken.

But more recently, what they have begun to do is very coherently and forcefully push to move the entire humanitarian operation inside the parts of Sudan that are under government control.

That is what USAID Administrator Natsios feels is absolutely unacceptable. The proposals of the Sudanese Government are to move them, the operations, into government-controlled areas, to

put monitors in places like Lokichokio, Kenya that actually check out each and every flight that would go from there to the South, to require visas for humanitarian workers to work in the South, even though they are in areas that are not under the control of the government. It is an emerging concern.

We have started a series of meetings with our European donor colleagues, Japan and others, to coordinate amongst the donors on all of these particular concerns that I have laid out for you.

I think the issue is that the U.S. peace initiative, which we all in the administration support, is really predicated on Senator Danforth's conclusion that there is sufficient goodwill amongst the parties to justify our moving forward.

It increasingly gets harder to see goodwill when you are confronted with a blizzard of activities like this that have been engaged in by the Sudanese Government. Obviously, the preferred solution here is that the government realizes this is the fatal flaw in its strategies and listens to Walter Kansteiner when he tells them that we want unfettered humanitarian access across the board to needy civilians. So we should use our every capacity to achieve this.

If that does not happen, as we have indicated publicly elsewhere, it is our intention in USAID to try seriously to explore with our donor colleagues a new approach that eliminates the possibility of a unilateral veto by the government on humanitarian access.

The U.S. peace initiative is too important and it has too much potential to be undermined by the kind of Government-of-Sudan actions that I have outlined as problematic for us.

Thank you.

Senator FEINGOLD. Thank you very much, Mr. Winter.

[The prepared statement of Mr. Winter follows:]

PREPARED STATEMENT OF HON. ROGER WINTER, ASSISTANT ADMINISTRATOR FOR DEMOCRACY, CONFLICT AND HUMANITARIAN ASSISTANCE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT [USAID]

Mr. Chairman, and members of the Subommittee, thank you for inviting me to testify here today. As many of you know, this is a critical time for Sudan. The Intergovernmental Authority on Development (IGAD) peace process is well underway, with senior representation by both parties to the conflict. At the same time, a major military offensive is affecting thousands, and access to humanitarian services has been denied to hundreds of thousands more. This demonstrates the dichotomy of Sudan. The country is riding a fine line between opportunity and disaster.

Under this Administration, the U.S. government has been thoroughly engaged on Sudan. President Bush personally has made a number of strong statements about the conflict in Sudan; Senator Danforth has extended his term as the President's Special Peace Envoy; and USAID Administrator Andrew Natsios, the President's Special Humanitarian Coordinator for Sudan, has committed more resources to Sudan than in any other year in the last decade, especially in development assistance for southern Sudan.

I will focus my testimony today on the ways that humanitarian activities can enhance the ongoing peace process and how diplomatic intervention can further humanitarian goals.

During the first phase of the U.S. initiative under Special Envoy Danforth, USAID and the Department of State worked exceedingly well together to test the willingness of the Government of Sudan (GOS) and Sudan People's Liberation Movement (SPLM) to move toward a just peace, while at the same time improving the lives of war-affected people in Sudan. That link between humanitarian programs and the peace process will remain strong over the next six months.

Although most of USAID's funding will support continuing programs in the sectors of health, food security, education and economic revitalization, new initiatives linked directly to the peace process will include: improving humanitarian access to

populations in need; preparing the South for peace whatever its final form; expanding programs that cross GOS-SPLM front lines to reinforce local reconciliation; addressing underlying causes of vulnerability in marginal regions of northern Sudan; and following up on the previous Danforth initiatives, especially on the humanitarian efforts in the Nuba Mountains.

While recent developments give cause for hope and justify energetic U.S., engagement, optimism must be tempered. Historically, the GOS's record on humanitarian assistance to war-affected civilians is not at all good. The GOS continues to send contradictory signals on its commitment to supporting humanitarian efforts. While the government takes steps forward on the geographically limited Danforth initiatives, it takes steps backward in the overall provision of unhindered humanitarian access. Currently hundreds of thousands of war-affected and displaced Sudanese in Western Upper Nile are denied access to assistance by GOS flight bans.

In Western Upper Nile, the area where the fiercest fighting is taking place, the government has prevented aid agencies from delivering life-saving food and other commodities. It is this combination of active conflict and denial of access that created a famine in 1998 in Bahr el Ghazal, where up to one hundred thousand people died. If the current situation cannot be changed in Western Upper Nile, and the GOS continues its manipulation of food and other assistance, such as the limitations the GOS has placed on flight access in the month of July, there is a strong risk that we will again witness the unnecessary deaths of tens of thousands of innocent Sudanese.

Full access for aid agencies to deliver life-saving humanitarian assistance is our number one priority. The main avenue for assisting the Sudanese population affected by war is through Operation Lifeline Sudan (OLS), an international relief program based on an agreement between the United Nations (UN), SPLA, and GOS negotiated in 1989. At that point, the former Government of Sudan gave OLS unfettered access because the warring parties were participating in a peace process. It was all too clear to the international actors at that time that, in the Sudan context, humanitarian access was a necessary precursor for successful peace negotiations.

When the current government in Sudan came to power two months later, it began frequently and habitually denying access to OLS in violation of the agreement. USAID, with strong and persistent Congressional interest, began supporting NGOs working outside the OLS in order to minimize civilian deaths. The non-OLS initiative was not designed to be a complete program meeting overall needs, but to fill gaps in the larger OLS program caused by the GOS manipulation of OLS. In an ideal situation, where the warring Sudanese parties fully respect the principle of humanitarian access, there would be no need for agencies to work outside a common U.N. framework.

In recent months, access by international agencies to civilians in need has eroded dramatically. The GOS is now proposing major revisions to the current OLS framework to increase its control. In June, in Western Upper Nile (the focus of the current humanitarian crisis), the GOS cleared six organizations to work in only five locations for five days, far short of what is needed. If access to this area does not improve immediately, famine may result.

The GOS impedes access in two ways—by outright denial of access to certain locations, and by adding bureaucratic steps that encumber the monthly flight clearance process. Given its limited ability to negotiate with a member state, the U.N. has requested donors to engage the GOS bilaterally in parallel humanitarian access negotiations.

It is clear that the U.S. and other donor governments must assume a forceful and unified stance towards GOS non-compliance with various humanitarian agreements it has made to date. On June 27, in Geneva, USAID convened the humanitarian arms of eight donor countries to seek consensus on coordinated donor actions on humanitarian access. I can tell you that all of the governments present were in sync on the humanitarian access issues. On June 28, Administrator Natsios released a statement, and from this, a formal demarche was given to the GOS. It called on the Government of Sudan to approve without delay all flight clearance requests made by the UN/OLS for the month of July. This, however, has not happened.

While the initial increase in the numbers of locations given access for July 2002 shows an increase of 18 locations, a further analysis shows a different picture. The number of places to which the GOS denies access, saying they cannot be identified properly, remains the same at 41. Amazingly, some of these locations "unknown" to the GOS, such as Marial Bai and Marial Lou in Bahr el Ghazal, are places OLS has been flying to for years. Those locations are well known, and have been previously approved by the GOS. There were 23 locations that were categorically denied access in July. Of these 23 locations, nine were in Western Upper Nile, seven in Bahr el Ghazal, and the rest in Equatoria. The continual denial of locations in

Upper Nile is especially problematic because U.N. reports show large unmet needs and a population that is largely displaced. Out of the five locations approved in Upper Nile, only three are actually in Western Upper Nile, the worst hit area. Almost all of Equatoria continues to be denied as it has been for more than three years. The only positive result is the approval of one location in Ruweng County, where a U.N. assessment shows the entire population of 74,000 in need of food and non-food items.

The United States specifically and donor governments generally must be willing to define and articulate the consequences of GOS non-compliance, and they must be ready to apply these consequences swiftly when a violation of an agreement occurs. The U.S. government must link unimpeded access to an end goal of improving bilateral relations between the United States and Sudan. If the GOS has real or perceived concerns about military assistance being delivered to the SPLA from outside sources, it must address these issues through other mechanisms, not through the manipulation of humanitarian aid to desperate at-risk civilians.

In the meantime, USAID will continue to build the management and logistical capacity of humanitarian non-OLS partners to make them a more effective avenue for essential aid. To be consistent with Congressional intent, the amount of USAID disaster assistance other than food in southern Sudan going to organizations outside OLS has increased from 13 percent in 1998 to 45 percent last year. We will continue this strong support for non-OLS agencies as long as the humanitarian access crisis continues. Non-OLS partners continue to be a major part of our humanitarian response, and we will not allow the GOS to portray this valuable assistance as anything less than meeting a humanitarian imperative for the long-suffering civilian population of southern Sudan.

Humanitarian access is not peripheral to the larger peace process. The issue of unimpeded humanitarian access is a benchmark that must be reached for a genuine peace process to move forward. It is the necessary proof of good intentions toward desperate civilians in the South. As President Bush has said, "Sudan's government cannot continue to talk peace but make war, must not continue to block and manipulate U.N. food deliveries, and must not allow slavery to persist."

A second USAID priority for the next six months is to promote stability among different ethnic groups along the line of conflict so that an eventual just peace is not engulfed by tribal warfare. In many countries, new peace agreements often unravel because civil society is not ready for peace. One can imagine such a scenario in Sudan. The Sudanese have been dependant on disaster assistance for many years and have had their ability to again achieve self-reliance dramatically undermined. Administrator Natsios has heard repeatedly from southern Sudanese affected by the war of their desire to again be self-reliant. For this reason, USAID has committed $42.5 million over the next five years in longer-term development programs, concentrating on agriculture and education in southern Sudan. Implementation of these programs will begin by the end of September of this year.

Historically, certain areas of Sudan have served as gateways between cultures and across the historical North-South divide, and for the movement of people and commerce. Increasing stability around these gateways will draw internally displaced persons (IDPs) back to their home areas and build upon local peace initiatives. Recovering markets will give peaceful economic alternatives to slave raiders, that is, "trade not raid." Growing peaceful interaction among ethnic groups will enhance stability. In the next six months, USAID expects to commence or expand these cross-line programs in the Nuba Mountains and Abyei/Twic. We will facilitate the return of IDPs to areas of origin, and will support economic livelihoods.

Our third priority is expanding humanitarian assistance to northern Sudan. Most of USAID's humanitarian assistance to northern Sudan goes to displaced southerners living in urban areas. Northern Sudan also suffers from cyclical droughts, to which USAID responded with relief programs in the mid-1980s, the early 1990s and in 2001. USAID's drought response in 2001 restored the principle of neutrality for U.S. humanitarian aid by expanding our program to include drought-affected northerners. This action also had a political resonance given the increasing bilateral engagement. This was appreciated by other donors who perceived U.S. Sudan policy in the past as being unbalanced.

Our area of focus in northern Sudan over the next six months will be Northern Darfur and the Red Sea Hills, following up the current emergency drought response with a program that addresses underlying causes of vulnerability. Additionally, possibilities currently exist for some of the 2,000,000 IDPs in the greater Khartoum area, as well as urban IDPs in other northern cities, to return to their home areas in the South. Such opportunities will vastly increase should the peace talks succeed. Other permanent solutions will also be supported for IDPs who may choose to remain in the north.

Finally, USAID will continue to follow-up on the Danforth Initiatives. The highest priority is in the Nuba Mountains where, it is clear that diplomatic and humanitarian cooperation is essential for saving lives and furthering the peace process. In August, 2001, Administrator Natsios initiated negotiations an an airlift of eight metric tons of food in the Nuba Mountains, an area that had been previously isolated and specially targeted by the GOS. The successful delivery of the food in August was followed by an extended military stand-down to permit a humanitarian assessment of the region and larger deliveries of assistance. Both the delivery and the stand-down required the State Department's direct involvement and support. These humanitarian interventions, in turn, helped pave the way for the Special Envoy Danforth's successful negotiation and implementation of a formal cease-fire agreement in Nuba.

The Nuba Mountains cease-fire has not been perfect. Even though expanded humanitarian assistance was part of the agreement, implementation of the food assistance program there was blocked by the GOS from February until several days before Andrew Natsios' visit in June of this year.

The cease-fire is also not without risks for humanitarian workers. Just last month, a USAID-funded tractor in the Nuba Mountains hit a landmine after a GOS military officer detained groups traveling in and out of one small area. Six persons died and several others were wounded. There have been several investigations to determine whether the landmine had been newly planted, but regardless of when it was planted, one must question whether the spirit of the cease-fire agreement truly trickles down to the local commanders.

These weaknesses are real, and I believe the cease-fire is not replicable in toto. However, there are many positive aspects of the Nuba Mountains cease-fire agreement and its international monitoring that may be of use in other high-conflict areas of Sudan. When the formal Nuba Mountains cease-fire agreement was signed, the enthusiasm of the local population grew more rapidly than was anticipated, and civilians and commerce began to move more freely. The impact of the Nuba cease-fire outside Nuba has been striking; the local reconciliation has triggered "grass-roots" discussion and anticipation of peace far beyond the borders of the Nuba Mountains.

The degree to which the warring parties respect the agreement to protect civilians from attack has significant humanitarian consequences. Since March, when both parties signed this agreement, repeated bombings, continuing reports of gunship attacks, and the ongoing forced displacement of civilians, indicate that the agreement has had little positive humanitarian impact in Western Upper Nile or Bahr El Ghazal, the two regions most likely to serve as a "proving ground" for true commitment to protect civilians. Preliminary reports on the month of June show more attacks recorded than in all of the other months this year combined.

Additionally, the GOS imposition of flight denials in these regions all but prevents even ad-hoc monitoring of the agreement. In the absence of either a mechanism for impartial monitoring and investigation, or a reversal of the GOS flight denial patterns, there is little hope that the current situation will change. Finally, if the February attacks on Bieh that killed twenty-four civilians serve as an example, even the strongest international condemnation of attacks is not likely to produce adequate results. (The GOS has yet to take definitive steps to prevent a similar incident.) As a monitoring mechanism is implemented and as increased international focus on the protection of civilians in Sudan grows, it is also clear there must be well articulated consequences for violation to assure the agreement takes adequate hold.

Mr. Chairman, I have outlined some of the political and administrative actions needed for the humanitarian work to be successfully accomplished. Sudan's needs may actually increase in the short-run, especially if prospects brighten for a negotiated settlement and USAID will be expected to respond to those needs. We will continue to consult with you as this situation evolves.

I would like to thank the subcommittee once again for allowing me to testify today. I have worked on Sudan for twenty years. I believe there are significant prospects for peace, but it must be a just peace, and it cannot be negotiated while atrocities take place. If the Government of Sudan is serious about peace, it must give unrestricted access to war-affected civilians in humanitarian need. That must happen now—not one month, two months, or three months from now. The world cannot wait; the people of southern Sudan cannot wait.

Thank you.

Senator FEINGOLD. We will start the questions for panel one. We will do 10-minute rounds. And I will start. I will ask the first questions for Mr. Kansteiner.

Mr. Winter, if you want to add something, please speak up.

Mr. Kansteiner, you noted the civilian bombing verification team will be fully staffed and operational in what you called the very near future. What does that mean? Does it mean by the end of this month?

Secretary KANSTEINER. We are getting the report back from General Lloyd probably at the end of this month, so we will look toward probably end of the summer before it is fully staffed.

Senator FEINGOLD. End of August?

Secretary KANSTEINER. Yes, I would say. I would say that would be a very good target.

Senator FEINGOLD. What will be the team's mandate?

Secretary KANSTEINER. The team's mandate will be to, in fact, check and verify any attacks that have been reported and attacks that affect civilian populations.

There will be two centers. One will be in Rumbeck in the South, and one will be in Khartoum. And we will have fixed aircraft and probably some helicopters available to get those verification teams out to the site and inspect and look and see exactly what happened, who did what to whom, when and where. And then that report comes back to the U.S. Government and the international community.

And the leverage that that verification has, we hope, is that both combatant sides will recognize that there is an objective, independent team out there that is going to describe and analyze exactly what happened, and the ramifications will flow from that.

Senator FEINGOLD. OK. And in the Danforth report, it refers to a staff of 15, and your written statement refers to 25 staff. What is accurate, and what is an adequate number to do the job?

Secretary KANSTEINER. Twenty-five is what we believe is going to be needed for this. And we have the funding—Charlie, how is—what do we have the funding for?

Colonel SNYDER. Five million dollars.

Secretary KANSTEINER. We have $5 million from the U.S. Government that will go into it, and we are hoping that we will get additional resources from other international community participants. In fact, Senator Danforth is going to Europe next week to discuss with our European allies not only our policy and our tactical approaches, but also some of these resource requirements.

Senator FEINGOLD. It is a pretty big country, obviously. Is 25 enough?

Secretary KANSTEINER. We think that that is probably going to be enough. Remember, they will be housed in one of those two locations and they will have aircraft available to them and so they will go out and inspect when an incident has occurred. We are certainly willing and able, we believe, financially to up that staffing number, if needed.

Senator FEINGOLD. And I think you, at least described or alluded to the logistical support that the team will have, but just go over that again.

Secretary KANSTEINER. Two aircraft?

Colonel SNYDER. Two aircraft.

Secretary KANSTEINER. Two aircraft to start with these two centers; and if additional aircraft is needed, we will make sure that they will get it.

Senator FEINGOLD. And the financing is $5 million.

Secretary KANSTEINER. Yes, $5 million from the United States. Hopefully, additional resources will come from our primarily European allies.

Senator FEINGOLD. And the goal is to total how much?

Secretary KANSTEINER. What do we have at total budget?

Colonel SNYDER. We can do it with $5 million, but we would like to get $8 million.

Secretary KANSTEINER. We could do it with $5 million, Colonel Snyder says, but we would like to get $8 million.

Senator FEINGOLD. OK. You described that the information would come back that the team collects and that it would be analyzed. And you said certain things would flow from that.

What kinds of action would it trigger if it is verified that the bombing is continuing?

Secretary KANSTEINER. Well, I think it is part and parcel of what Roger Winter was referring to in the sense that these different channels are unique, but they all interface with each other at some point.

So if the humanitarian access continues to be unacceptable or civilian bombing continues—and I am going into hypotheticals here, so I need to be a little bit careful. You know, if civilian bombings are, in fact, verified, that there was not a military target, that it was a civilian target, I think that you would have to assume that it would impinge some way upon not only the general bilateral relationship that we have with Khartoum, but I think it would also impinge upon the peace process itself. And that is high stakes. And we hope that both sides know that that is high stakes.

Senator FEINGOLD. We have been talking about the international Eminent Persons Group and the careful report they presented on Slavery, Abduction, and Forced Servitude in Sudan. Has either the report or the accompanying recommendations been translated into Arabic or any other languages? And to what extent has this report been disseminated in Sudan or elsewhere outside of the United States?

Secretary KANSTEINER. Yes, they are actually translating it into Arabic now. I believe it has been translated into a European language; I think French, they did it. There is an excellent participant. He is an archeologist.

And not to go too into detail, but the European position on some of these slavery issues has been somewhat different than ours. And so this report is somewhat of a breakthrough in the sense that we gained real consensus with our European allies that not only is this problem real and apparent and that the Government of Khartoum is not doing nearly enough, but then they also agreed on some of the implementation mechanisms that might, in fact, slow this down or prevent this, the slavery. There is——

Senator FEINGOLD. When will the Arabic translation be done, and when can I reasonably expect that the various versions of this will be disseminated, and how broadly will it be disseminated?

Secretary KANSTEINER. That is a good question. Hopefully, within the next few weeks, but we will definitely get back to you on that.

[The following response was subsequently received:]

The Arabic translation of *The International Eminent Persons Group on Slavery, Abduction and Forced Servitude in Sudan* was complete on September 5th. The Bureau of International Information Programs is placing the translated report on its Web site. The Placement of the document on this Web site assures world-wide distribution to our posts. Our posts' public diplomacy sections then can easily download, print and distribute the document. In addition, overseas academics, the general public and others can easily access this report at *http://usinfo.state.gov/homepage.htm* or via a search engine.

Senator FEINGOLD. OK. I am still not 100 percent certain about what the consequences are for continued civilian bombing. It is not going to deter this activity unless there is some sense of clear consequences. Obviously you mentioned the impact of the bilateral relationship and the fact that it could have a negative impact on the peace process, but I guess I am looking for something a little more precise.

Secretary KANSTEINER. You know, I think it gets to your earlier reference about what is in our toolbox? You know, what are some of these sticks or wrenches or screwdrivers, or whatever?

And I think that they are sometimes subtle and sometimes not so subtle. The relationship between Khartoum and Washington is one that is fraught with many problems, both historical and current.

I think there is a general will in Khartoum that they would like to better that relationship. They would like to better it for the sake of having a good relationship with the superpower on Earth and all that means. I think they would like to have a better relationship with us because of our position in the international financial institutions and our ability to reduce their access to the IFIs.

They have a host of reasons why they want this relationship to be a more normal one. And I think if we make it clear to them and, quite frankly, that in diplomatic channels we have, that things like civilian targeting, targeting of civilian population groups and installations and institutions, it is unacceptable and they will not get a better relationship with us.

Senator FEINGOLD. I am pleased you mentioned some of those, because I do think this is a good forum to put on the record what some of these issues and potential consequences are.

Several of the recommendations of the Eminent Persons Group relate to the need for additional human rights monitoring and research into the practice of slavery in Sudan. And the group notes that information has been difficult to obtain because both parties to the conflict have obstructed research into the practice.

And I wonder if you could talk about the motivations behind this kind of obstructionism. The Khartoum Government, of course, must believe that it gains more from tacit acceptance of this practice than it would gain from a full scale assault on the practice of slavery. Do you think that is true? And, if so, what motivates the calculation of Khartoum on this issue in your view?

Secretary KANSTEINER. As I read the report that the Eminent Persons Group put together, and as I speak to people like Penn

Kemble and George Moose who were terrific in their leadership on that, it seems as if the real motivation behind Khartoum on this entire issue is one of payment. It is through this allowing the slavery to occur that they can pay various militias and warring tribes to go do their dirty work, to do their military offenses in areas that they might not normally operate on a traditional command and control basis.

So I think it is their way of saying to some of these militia, "Go in. Do what we need you to do. And your booty of war is to rape, pillage and plunder, and take the slaves if you need to take them, and we will look the other way."

This is, you know, analysis that has been suggested by not only the Eminent Persons Group, quite frankly, but by other NGOs and other folks that have researched this whole issue.

Senator FEINGOLD. Senator Frist, I am just going to ask the other half of that question and then turn to you.

On the other side, I am even more sort of intrigued and concerned by the fact that the group finds that the SPLM has obstructed investigations into slavery when it is primarily in the communities in the South that are affected by the crime. Could you discuss their reluctance to address this issue more forcefully?

Secretary KANSTEINER. And, Mr. Chairman, I think that is even more complicated, quite frankly. And I am not an anthropologist or a sociologist that I completely understand it, but it seems as if there is inter-ethnic and inter-tribal competition that would in some instances encourage one segment of the population to participate in this practice, No. 1, for gain, capital gain, but, No. 2, as a way of payback or, in fact, as a way of waging war.

So there is cooperation with those slavers from outside against a local clan or a local group for either payment or payback.

Senator FEINGOLD. Thank you very much.

Senator Frist.

Senator FRIST. Thank you, Mr. Chairman.

Mr. Kansteiner, as I mentioned, when I was in Sudan last January, I had the opportunity to take care of a number of patients, but one that I remember very dramatically was someone who came in from about 20 kilometers away from our facility with an injury sustained to the kneecap, a shattered kneecap so that he was not able to walk, from a bomb that was dropped. I also mentioned the land mine injury that Samaritan's Purse had 2 weeks ago.

On these repeated trips, it is hard for me to, in my own mind, say maybe the government is going to really be serious, the government of the North, when we have this continued bombing, playing games with relief flights that we know occur. At the same time you go to Nairobi and you come back a little more optimistic with regard to the peace talks at the table. And Khartoum talks peace, but it just seems like the actions say otherwise again and again and again.

Could you give us, again, just two or three examples of why you are a little more optimistic about why this is a regime that we can deal with? Are they serious, or are they just stringing us along?

Secretary KANSTEINER. Senator, I ask that question to myself every day, quite frankly, when Sudan comes up on my desk. I think that the Danforth agreement is cause for some optimism.

To get the Government of Sudan to agree to a Nuba Mountain cease-fire was postive. That cease-fire negotiation took place in Switzerland over the course of about 11 days. It was an intense, tough negotiation with the military as well as political leaders, but we got there.

And it has not been a perfect cease-fire, but it is a cease-fire in terms of the African context that has held, and it is pretty good. And folks in the Nuba Mountains are extremely grateful.

So I think when you see examples like that or the Days of Tranquility which has been reasonably effective, it does give us some hope.

In an area that we have not touched on very much today—perhaps it is not appropriate, but on the counter-terrorism side, we have seen real cooperation there.

So, you know, maybe we are grasping at straws here, but there are some inclinations. There are some rays of sunshine to suggest that perhaps we can deal with these folks, and perhaps that they will live up to their agreements.

Senator FRIST. When people throughout the world and throughout this country come forward and say, "Well, the cooperation in terms of counter-terrorism, that is good, even though we," meaning people who are asking, say "we may not have access to all the information, but we will trust you that that is good and that is coming along well. But are you, the United States, using that as a mirror that causes us to reflect where we have huge problems that have been there for decades now in terms of the basic famine, war, terror that has gone on long before September the 11th?" What is the response?

And I understand that great progress has been made in terms of cooperation from anti-terrorism. But at the same time, I want to be able to answer the question, "Yes," but nothing else has changed.

Secretary KANSTEINER. The cooperation on terrorism has been good, as I mentioned, and I am not sure that we are going to know if the cooperation on the cease-fire or on the peace process itself is real for another few weeks.

I think we are in a situation right now in Nairobi where there is, on the table, a very serious and very real outline that could bring this country to peace. It is an outline or a skeleton, if you will, that has a lot of gaps in it. I mean, it is bone and no flesh or meat.

So it has got a long way to go. But it is a skeleton that is there, and both sides are engaged in a process of discussion and negotiation. And I think we have got to let that play out.

Senator FRIST. Well, I hope that we can all share your cautious optimism as we go forward.

Let me just jump to an issue that we hear a lot about and I think it is important for us, again not to focus on because it is not exclusive, but at least to mention it, and that is the issue of capital market sanctions.

The original Sudan Peace Act originated in this subcommittee 3½ years ago in its first version. And the House of Representatives overwhelmingly passed a version of the Senate version of the Sudan Peace Act in June 2001 that included a provision that would

ban foreign businesses from doing business in Sudan, and from raising capital in U.S. capital markets. This is section 9 of the House bill. You and most of your colleagues know the wording of that.

Section 8 of that bill also imposes capital market sanctions on these foreign companies if they do not comply with certain provisions of disclosure. I guess putting together in the debate and the question of where we are in conference, I guess it really boils down to a question of: What is the administration's position today on capital market sanctions? And then from that, what impact would section 8 and section 9 have on U.S. capital markets?

Secretary KANSTEINER. I am happy to respond to that. It is an issue that, I think, the Secretary of the Treasury has engaged in a fairly detailed way, and so I would yield to the Treasury Department on this.

The administration position is that we much prefer the Senate version of the Sudan Peace Act. We very much share the goals of both the Senate and the House version. That is, we want to see peace in Sudan.

The tactic of section 9 and section 8, we think, is not an appropriate tactic right now. And we think that we can use the other tools in the toolbox, as the chairman would say, more effectively at this time.

Senator FRIST. The purpose of these would be to put in place pressure on the Government of Sudan. If enacted, section 8, section 9, would these achieve that desired purpose?

I understand they have the toolbox working along and you put your faith, hope, hard work, sweat and tears in that. But incrementally, would these sanctions have the desired effect of putting pressure on the government to respond in a more deliberate, honest and straightforward way?

Secretary KANSTEINER. I do not think they would, and I do not think they would do so in relationship to the precedent they would set. I think we have got some good tools in our toolbox, and I think we ought to use them. And I think we ought to use them effectively. And if it does not work and that toolbox turns out to be inadequate, then I think we need to come back to you all and discuss how we go forward.

Senator FRIST. I have one final question on this. Are there companies that are involved in oil development in Sudan that would be directly affected by these capital market sanctions today?

Secretary KANSTEINER. As I understand it, the—and Treasury would be probably more apt and more capable to answer this. But as I understand it, there are just a limited number of oil companies in Sudan right now.

The Malaysians are there. The Chinese are there. There is a Canadian oil company that is there. And I believe the Canadian oil company is, in fact, listed either on NASDAQ or the New York Stock Exchange.

So they would probably be most directly affected.

Senator FRIST. In your opinion, would enactment of capital market sanctions help or hinder Senator Danforth's efforts with regard to the peace process in Sudan?

Secretary KANSTEINER. I think right now they would hinder.

Senator FRIST. Thank you, Mr. Chairman.

Senator FEINGOLD. Thank you.

I will begin a second round. And I want to go back to the Eminent Persons report. But first let me follow on Senator Frist's last questions. Would the President veto a bill that contained capital market sanctions?

Secretary KANSTEINER. Let me come back to you. I would like to take that question for the record.

Senator FEINGOLD. Fair enough.

[The following response was subsequently supplied:]

At the July 11 hearing, I was unable to indicate whether the President would veto a bill that contained capital market sanctions. I still cannot address the President's future actions, especially regarding a measure upon which the House and Senate have not yet agreed.

Senator FEINGOLD. Let me ask you, again, about the Eminent Persons report. It recommends that the United States in collaboration with other governments should establish a mechanism to followup on these recommendations. What steps are you taking to establish such a mechanism?

Secretary KANSTEINER. We are actively working with the Eminent Persons Group now to see how they can keep their group together, No. 1. And there seems to be very much will to so do. As I mentioned earlier, it is a group that is not part of the U.S. Government. In fact, they are very proud that they are not under any government guidance. But we do see a real need to keep that good work going. And we think it is important, as do other governments.

In fact, we have been talking with the Norwegian and British Governments in particular, but we are going to talk to others, about how we can, in fact, effectively find resources for this Eminent Persons Group to continue and roll out an implementation process and procedure.

So we are looking for resources. We are willing to give U.S. Government moneys to make sure that they stay up and running, and we hope that our allies will do the same.

Senator FEINGOLD. When can we expect the roll out that you just described?

Secretary KANSTEINER. I do not want to speak for Penn Kemble, who is the director, and the chairman, but I got the impression that he wanted to move in terms of the next quarter.

Senator FEINGOLD. Quarter of this year?

Secretary KANSTEINER. Yes, in the next few months.

Senator FEINGOLD. OK.

Mr. WINTER. May I add a couple of comments on this piece?

Senator FEINGOLD. Yes, Mr. Winter.

Mr. WINTER. There were aspects of the slavery and abduction project that relate to USAID. We have already funded a well-established international agency that was already in the region where most of the slavery activity occurs.

We have already provided a grant to them to provide additional eyes and ears for monitoring purposes on slavery and abduction. As Walter said, to some degree, this is a manipulation by the government of groups for military strategic purposes.

We will be investing perhaps $1 million in the immediately affected regions to try to improve the relationships between the two groups.

I can tell you from personal experience, about 6 weeks ago, we met with the head of the actual Arab tribe, Missarea, who have done most of the slaving. They indicated very clearly to us that they are observing, at least for the moment, a cessation of this activity; and that the activity was done by them, they would say publicly to us, at the behest of the government. It has been costing them, as well as the Dinka population.

They are looking to back away from it at this point. It is for local groups, like that, that we are intending to invest what we call resources for crossline programs, so that we can pick up on that local peace process, and actually build it, because these people do not need to naturally kill each other off. This is part of, I think as Walter indicated, a government strategy.

Senator FEINGOLD. All right. I am going to now go to a subject that Senator Frist was getting into, and it has to do with this whole dilemma of seeking assistance in fighting terrorism, while at the same time wanting to achieve so many of the goals that we have tried to achieve with regard to Sudan.

And I think the questions about implementing our policy goals with regard to terrorist threats are probably, as you suggested, in general best left to secure settings. But I do want to get into one part of it in this open hearing.

As we push Khartoum to take clear steps to ensure that Sudan is not a haven for international terrorists, I assume that we are offering them incentives for progress and disincentives for failure. That is generally how we try to influence behavior in any situation like this.

Well, what about a scenario in which the Government of Sudan is being very cooperative on the counter-terrorism front but completely uncooperative with regard to these other policy goals, like human rights and humanitarian access? It would seem to me that the only way this would work would be a scenario in which incentives and disincentives involved are separate and distinct for these different policy initiatives. Otherwise, we risk losing leverage to reward behavior in one area and leaving ourselves without any tools to use in another. Do you think this is the case?

Secretary KANSTEINER. I do. And I think it is one of those situations where your relationship with a country is not single-faceted. It is multi-faceted. And this is very much one of those cases.

They are all unique. Counter-terrorism is very different than humanitarian access, which is very different than the peace process ongoing in Nairobi.

And yet, they do bleed over into one another. And I think we have to give ourselves the flexibility, and I sense from the subcommittee that you want us to give ourselves the flexibility, that if there is severely bad behavior in one area that we just do not turn a blind eye to it and carry on going down the path as if it is not happening in another area.

Senator FEINGOLD. That is right. And I am wondering how plausible you think it is that the United States will use meaningful disincentives, sticks if you will, to respond to failures on the humani-

tarian front, if we are enjoying cooperation on counter-terrorism issues.

From press reports, that might be the situation we are finding ourselves in. What kind of sticks have we employed in recent months?

Secretary KANSTEINER. There are a number of sticks and even—you can even cross the fields and go back into them. For instance, on the counter-terrorism side—and, again, I do not want to get into too great a detail in this setting.

Although there has been good cooperation at that, the humanitarian situation is not adequate. In fact, it is not acceptable. And hence what the Government of Sudan may have thought deserving in that counter-terrorism area is unlikely to occur because of the other area.

So we are saying to Sudan that there are, you know, multiple parts of our policy toward this country but that, in fact, they do intertwine with one another.

And I think the same is true vis-à-vis the peace process. And the peace process is something that we have been working extremely hard on and, as Senator Frist said, have poured a lot of blood, sweat and tears into. But it is not sacrosanct. And if there is not cooperation in the other two channels, then the peace process and our involvement in it will be affected.

Senator FEINGOLD. Mr. Winter.

Mr. WINTER. Yes. May I just add that I think, while this has been conveyed over and over and over again to the Sudanese Government, they do not seem to hear it. In all candor, every time we meet with them, we tell them that much of the U.S. popular support and congressional support for the U.S. position with respect to the Government of Sudan is driven by their good behavior or bad behavior on the humanitarian issues.

We tell them that candidly. Andrew Natsios tells every single official he meets with when we go on these trips. We sit across the table from them and look them in the eye and say, "You have to understand our dynamics, because if you want a U.S. initiative, you do not want it undermined by this." They have not seemed to grasp it yet. It is not because the message has not been put to them many times.

Senator FEINGOLD. Why do we not get into some of the specifics of the humanitarian access? And this is for both of you. What steps have been taken to respond to the Government of Sudan's ban on humanitarian flights in Western Upper Nile?

You were talking about this, Mr. Winter.

And what has been the consequence for the Government of Sudan? And what can be done for the Sudanese civilians in the Western Upper Nile despite the ban? Mr. Winter, do you want to start with that?

Mr. WINTER. Let me start with the second part of the question. We have a mechanism. It is not an entirely sufficient mechanism, but we have a mechanism for trying to respond to humanitarian needs when, in fact, the government through normal processes does not enable us to react. And that is the use of non-OLS organizations.

The bans that are put in place are bans, or negative responses, to U.N. requests for access. So if they ban the U.N. program, we use wherever we can non-OLS NGOs who are prepared to do this kind of work and take the risks that are involved in going without approval. We have expanded, in fact, our resources going in with a number of non-OLS NGOs into the affected areas of Western Upper Nile.

I cannot say that I can see a huge price having been paid yet by the Government of Sudan. There was, I believe, a 1-month standdown on the peace process in reaction, but mostly I think it has been a public shame approach on our part.

Senator FEINGOLD. Do you want to follow on that?

Secretary KANSTEINER. Well, I would say the price that is paid is that the relationship has not been normalized.

Senator FEINGOLD. Say that one more time.

Secretary KANSTEINER. I think the price that has been paid is that the relationship between the two countries has not been normalized. It is not a normal relationship. And it is not normal because they have not given us unhindered access. And they know it and they realize it and it is in their calculation, and it is in their power to change it. They know what they have got to do.

Senator FEINGOLD. A moment.

[Pause.]

Senator FEINGOLD. Excuse me, Mr. Kansteiner. You may finish.

Secretary KANSTEINER. Yes.

Senator FEINGOLD. I just wanted to determine if Senator Frist was coming back right now or not. Had you finished your answer?

Secretary KANSTEINER. Yes, sir.

Senator FEINGOLD. Well, I am just going to continue then with a third round, and obviously when Senator Frist comes back, we will go back to him, but thank you for your answer to that.

And I will ask both of you: What is the current status of the recent dispute over where OLS flights should originate? What is the U.S. Government's position on the Government of Sudan's demand that relief flights must originate from northern Sudan as opposed to Lokichokio in Kenya? Has this issue been resolved?

Mr. WINTER. It is not resolved. It is what I referred to in my opening statement as this emerging problem. First of all, as you are aware, the head of USAID, Andrew Natsios, is the designated Special Humanitarian Coordinator for Sudan by the President. So this is directly in his purview, and it is he who spoke the word "unacceptable" with regard to this kind of proposal.

It is unacceptable because the track record of the Government in Khartoum on humanitarian issues would prohibit any rational person from giving them full control of a humanitarian operation that affects the people of the South, and I think that is pretty clear.

The initiative that they are taking now seemed to be forcefully presented to the U.N., coupled with the idea that they might place in Lokichokio, Kenya observers who would inspect flights that were taking off for locations within the conflict areas of Sudan. This is another aspect which is unacceptable.

They have also talked about instituting a regime that would require visas for all humanitarian workers that go into the South, even though they do not control the areas at all. And that too, to

us, is unacceptable. So their proposal has not moved forward. All right. So in that sense of the word, I think our reaction has blocked their insistence.

However, we have gone further. When this materialized, we organized a group of donor governments' representatives in Geneva to talk about dealing with the immediate as well as the longer-term issues, the ones that you are raising now in terms of humanitarian access.

We have another meeting in Geneva with about eight other donor governments for the humanitarian programs on the 29th of this month. That is specifically designed to see if we can see concurrence amongst ourselves as to how to deal with the longer-term issue about structure of the humanitarian issue programs.

Senator FEINGOLD. Mr. Kansteiner, in the past, Egypt and Libya were engaged in an alternative peace initiative that competed with IGAD and allowed the parties to the conflict to play various negotiators off each other.

Libya is always something of a wild card. But say a little bit about Egypt. Has the Egyptian approach to Sudan fundamentally changed, and did their interests change here?

Secretary KANSTEINER. We think that their long-term interests remain the same, quite frankly. What we are pleased with is that the Egyptians are now recognizing that the IGAD process, led by General Sumbeiywo, right now has the lead.

The Egyptians clearly want to be a participant in this process and we, in fact, will keep them very much included and informed of the process going on in Nairobi. And they have been helpful at times, coming up with some good ideas because that Egyptian process did have some worthwhile concepts and ideas and Sumbeiywo has done a very good job of kind of incorporating some of those notions into the process, so right now we feel that the Egyptians are playing a helpful role. And we want to keep them included.

Senator FEINGOLD. Secretary, last month, you told the House International Relations Committee that oil revenue is critical to the solution of Sudan. And I am told that Senator Danforth has expressed the same view.

Could you tell me why you think that oil will be a force for peace in Sudan, when competition for valuable resources has been a force driving conflict in so many other places in Africa, in Sierra Leone and the Congo, for example? What is different about this situation?

Secretary KANSTEINER. Well, we think that the oil revenues can be part of the entire power sharing structure. And that power sharing is one that is going to be negotiated and is being negotiated right now.

That power sharing includes autonomy for the South. It includes participation of all groups in some kind of transition Government in Khartoum. It includes resource sharing.

How they do that, I think we need to leave to the parties. But there have been some interesting ideas proposed. There have been some ideas floated that perhaps there needs to be an escrow account established where certain moneys right now go into an escrow account to be used in the future for various regions of the country.

There are some interesting models out there. And I think it is our job—in fact, we have asked a number of experts in this area—to come up with a synthesis of some of these models and share it with the two groups.

What happened in the North Sea is a very different situation, but it was a resource sharing of a kind, where Scotland got a disproportionate share than the rest of the U.K. on the North Sea oil. Indonesia has played around with and very effectively used resource sharing for different areas.

So there are some interesting models out there, and I think our job is to show how innovative and creative we can be for the use of this money in the future.

Senator FEINGOLD. Thank you. My last couple of questions, before I turn to Senator Brownback, are more in the sort of nuts and bolts area.

As the United States pursues multiple policy aims in Sudan, coordination would seem to be difficult. What are the internal mechanisms within the administration to ensure that our efforts on all these fronts are coordinated and properly sequenced?

Secretary KANSTEINER. That is a good question, and it is an administrative one that we now have our hands around quite capably, I believe. And that stems from the Sudan Programs Group that we have now formed, housed at the State Department under the Africa Bureau. This, the Sudan Programs Group, is really an interagency group. It has folks from a number of communities within the Federal bureaucracy, State Department, AID, and there are a number of different agencies that are involved.

The CEO of that, if you will, the chief operating officer is Ambassador Mike Ranneberger, who has been our Ambassador in Mali, and who is returning from Bamako as we speak. And he will, in fact, be the chief operating officer of that interagency group called the Sudan Programs Group.

They have a lot of tasks at hand. They are extremely helpful to the Nairobi team, which is really the on-the-ground negotiating team that is assisting there. But they are also looking out after the Nuba Mountain cease-fire, the civilian targeting group that is going to be legged up.

So they have got a number of tasks. But we think it is adequately staffed and it is under good leadership, so we are looking forward to that for——

Senator FEINGOLD. So you do think there is enough people to pursue the goals daily, to seize on every opportunity as these issues come forward?

Secretary KANSTEINER. Yes, sir. Right now we do. I could envision where it would need to grow, but right now I think it is adequate.

Senator FEINGOLD. Enough people on the ground in Sudan?

Secretary KANSTEINER. We believe we do. We are going to have to up that, and we have plans to up our presence. We have some security situations there that need to be looked at. Our buildings are deficient, so we have got some resource questions that we internally have to grapple with, and we are doing so.

Senator FEINGOLD. How about our liaisons with the humanitarian community, both OLS and non OLS? Are they adequate?

Secretary KANSTEINER. I believe they are. I think AID has done a terrific job on that, and our hats are off to them. They work it every day.

Senator FEINGOLD. Do we have a permanent presence following the IGAD process? How many people——

Secretary KANSTEINER. We do. And that is what I am referring to as Team Nairobi. They are there. "They" are basically four people, four U.S. folks, that are attached to our Embassy Nairobi or attached to Embassy Khartoum.

Senator FEINGOLD. Is this their exclusive responsibility, or are they dealing with all the very important things that are happening in Kenya as well?

Secretary KANSTEINER. No, sir. This is their exclusive responsibility. This is all they are focused on.

Senator FEINGOLD. Thank you very much.

I am delighted to see my colleague Senator Brownback here. I ask you for a statement or a line of questioning.

Senator BROWNBACK. Thank you, Mr. Chairman. And thank you for hosting this hearing. I really appreciate you taking it on and having a hearing on what I think is a very important foreign policy issue for us, our relationship with Sudan.

I am glad to see two good friends. Mr. Winter is the gentleman who first took me into the Sudan and introduced me to the topic, so I appreciate seeing you here as well.

I was not able to hear your testimony and some of the questions, so what I ask may be repetitive. And if you will please put up with that, I would appreciate that, because I do have some issues I want to raise.

I have heard consistently from people that they are appreciative of the Danforth work, of what has been taking place, but they are concerned that the cease-fire in the Nuba Mountains area has allowed the prosecution of the war to take place more aggressively by the Government of Sudan in other areas of the country, so that it has had this positive effect in one area and a substantially negative effect in other areas. Is that accurate, and can we stop that?

Secretary KANSTEINER. Senator, I think it is partially accurate. The cease-fire in the Nuba Mountains has, in fact, brought the end of hostilities, so humanitarian assistance can get into an area of Sudan that, you know well, has not had that kind of assistance in 8 or 9 years. So there has been very positive outcome on that.

The down side is exactly how you just described. There has been, it seems, some squeeze the balloon and, you know, the air goes somewhere else. It does seem that some of that has occurred.

We do not have completely accurate intelligence on that, quite frankly, but it does seem that has occurred and makes the current peace talks in Nairobi all that much more imperative that we get to it, because——

Senator BROWNBACK. Can we pressure the Sudanese Government to, you know, not move troops from one area to another and start attacking there? Have we been raising that with the Government of Sudan?

Secretary KANSTEINER. We have, as well as the SPLA because they have participated in the same type of movement of certain as-

sets. So both sides know that that is not what the Nuba Mountains cease-fire was intended to do.

Senator BROWNBACK. Roger, do you have a comment on this?

Mr. WINTER. This is Walter's area on the intelligence and the military aspects.

Senator BROWNBACK. OK. What it appears—this is a view from some distance away. It appears as if the Sudanese Government is doing a smart thing from their perspective in participating with us on the war on terrorism, and helping in some aspects of it.

Is this being done just to slow our focus down on helping the people throughout the country, so that we do not focus on the Government of Sudan? Because here is a terrorist regime, by our determination, by State Department determination. Here is a slave state that continues to allow slavery to occur in that country. Here is where Osama bin Laden came from and, arguably, probably still has assets or his henchmen still have assets, in the Sudan.

Are they helping us a little and getting away with a lot as a result of that?

Secretary KANSTEINER. And we have been discussing this, Senator. And we are concluding that, in fact, their cooperation on counter-terrorism is good. We would be happy to go into a different setting to describe it in some detail for you if you would like.

But at the same time, their efforts on counter-terrorism are not totally segregated from the rest of the factors that make up that bilateral relationship with us, namely humanitarian access and the peace process.

Each of these channels are unique, but each of these channels are interlinked. So Sudanese cooperation on counter-terrorism while denying us access to certain parts of the South will not buy them a better relationship with the United States, and they know that.

Mr. WINTER. They do not change their behavior. They have not changed their behavior yet in that regard, and that is the problem. They certainly have been told the one does not substitute for the other. Walter has done it most recently in Khartoum a few days ago.

But we have repeatedly talked to them about this. We have repeatedly said that this is the fatal flaw in their approach to dealings with the United States, that much of the support, the broad-based support that exists in the Congress and in the population as a whole, is really focused on the issue of how they behave in the humanitarian context.

It is very clear they continue to behave very poorly. So while they have been told repeatedly, they certainly have not gotten the message yet clearly enough.

Senator BROWNBACK. I just hope down the road—I appreciate their cooperation on counter-terrorism issues. I am glad they are doing it. But the rest, as you note, Mr. Winter, continues unabated.

I held in my arms yesterday a 2-year-old girl from the Sudan whose mother had been a slave, had died. At 18 months of age, she weighed 12 pounds, had been adopted by a Canadian family, and it just keeps going on.

I would hope that while they are helping us in our strategic focus right now in the war on terrorism, which is a very positive thing

that they are doing, that the rest of this has to change. And this is a chance for the Government of Sudan to change and to mend its way. And if they do not, I hope we do not lose focus on these horrific human rights abuses that just continue.

I mean, I understand the near term objective. I also understand that there are millions of people that are continuing to suffer greatly under some of the most inhumane conditions that exist anywhere in the world today.

And I hope we do not lose that focus on a long-term basis, that "You may work with us now on this, and we are appreciative of that. You have got to change your ways on these other things."

Secretary KANSTEINER. No. We very much share that sentiment with you.

Senator BROWNBACK. And share it with the Government of Sudan?

Secretary KANSTEINER. We certainly do.

Senator BROWNBACK. How do they respond to that?

Secretary KANSTEINER. They respond by eking out 18 new places that we can deliver food in, the 18 that Roger referred to, which is an unacceptable response. Food deliveries need to be totally unhindered throughout the South. So the government will often take a mini step that is inadequate. That is how generally they respond to these kinds of things.

Mr. WINTER. We suggested to them that the proof of their good intentions with respect to the peace process is, in fact, how they deal with the war-affected civilians. They do not seem to have comprehended it fully yet, I must say.

Senator BROWNBACK. I think if we are a year or two from now and we are in the same situation, a little bit of cooperation on counter-terrorism, but slavery continues, they continue to be a terrorist state, they continue to treat their own population the way that they are, that a number of people are going to want to push—certainly I will—a much more aggressive stance for us toward the Government of Sudan.

And I think we cannot let them just kind of buy off with a little bit of cooperation the horrible agenda of what they are doing to so many of their people.

Secretary KANSTEINER. And I agree with you, Senator. And I think that the peace process under way right now in Nairobi is one for which we will get a feel for the success of that effort a lot sooner than 2 years from now. I think we are going to have a sense of which way it is going to go fairly quickly.

Senator BROWNBACK. I just feel, to me, they have a golden opportunity. And they could or they appear to be blowing it, and not reforming the system.

I appreciate the work of both of you. I know each of you fairly well. I know you are hard on this subject, that you want to see the Sudanese people living free. And so I appreciate your long-term commitment to the Sudan and to the people there that have suffered so much.

Mr. Chairman, again I really appreciate you holding this hearing. You did not have to do that, and I appreciate you doing it.

Senator FEINGOLD. Well, thank you, Senator Brownback. And obviously we recognize the tremendous importance of this country and this situation and admire your commitment on the issue.

And I want to thank both of you for your tremendous patience, and especially Secretary Kansteiner for your participation in all the hearings this year. We are very pleased with the series of hearings we have had. And you have been a great contributor to them, so thank you very much.

Secretary KANSTEINER. Thank you. It has been my pleasure.

Senator FEINGOLD. We have an excellent second panel today. I would ask them to come forward at this time.

We will start this panel. As I said, it is an excellent private panel of witnesses.

Mr. John Prendergast is the co-director of the Africa Program at the International Crisis Group. During the Clinton administration, he served as Special Advisor to the U.S. State Department specializing in conflict resolution initiatives in Africa.

Prior to joining the State Department, Mr. Prendergast was an executive fellow of the United States Institute of Peace and, before that, Director for African Affairs at the National Security Council.

Sir, it is good to have you with us again, and I will have you start with your testimony.

STATEMENT OF JOHN PRENDERGAST, CO-DIRECTOR OF THE AFRICA PROGRAM, INTERNATIONAL CRISIS GROUP, WASHINGTON, DC

Mr. PRENDERGAST. Thank you very much, Senator Feingold. We appreciate the opportunity to testify and for your continuing concern about this issue. All of us appreciate it deeply.

I come to you today with three simple messages. And in my eternal dissatisfaction with my own written material, I am just going to diverge from the text and tell you what I think.

The first message is that peace is possible now. The second message is that the substance of that peace matters greatly. And the third message is that we will not make peace in Sudan unless our leverage is greatly increased over and above what it is now.

The first point, that peace is possible, flows from our assessment at the International Crisis Group that an unprecedented window of opportunity has opened up since September 11 for peace in Sudan, and that a well designed peace process can be a crowbar to force that window wider until a comprehensive peace agreement is reached in Sudan.

Such a comprehensive peace, in turn, is really the best vehicle for achieving all of the key U.S. objectives that you and that Walter outlined earlier, including counter-terrorism, which means we need to put more energy, more effort and more resources into that pursuit of the peace process than we are in any of the other areas, because it is the best guarantee for meeting our objectives.

The second point is that the substance of this comprehensive peace matters greatly. Sudan is not a conflict among warlords over spoils. There are real issues backed by fundamental principles for which people are prepared to fight and die in large numbers.

And as Walter pointed out, there is one issue above all that threatens to derail the peace in Sudan, the issue of self-determination for Sudanese people.

Mr. Chairman, I travel frequently into southern Sudan and travel all around that area, and I can tell you from personal experience that the commitment of southerners to a self-determination referendum grows stronger with each passing month, with each new attack, and with each denial of access by Khartoum for humanitarian aid deliveries.

The problem is that the mediators continue to underestimate this sentiment, believing if they can get the SPLA to compromise on this point, then the government will compromise on other issues and they will come to closure.

In fact, the reverse is true. If the mediators, and the United States as the key observer and a participant actually in the mediation, if those mediators maintain strong support for the referendum, the self-determination referendum, this will oblige the SPLA to compromise on other issues and create the most important internal pressure on Khartoum to implement whatever agreement that it would make with the SPLA because it seeks to create a more positive incentive for unity of the country.

At present, there are mixed signals from the United States and others, and these have undercut this point of leverage in a great degree. This stems from a desire to reassure Khartoum that the unity of the country is not at risk.

Ironically, this attitude puts the unity of the country at greater risk, as it further alienates southerners who almost universally feel that they have suffered so much that they simply cannot compromise on this fundamental issue, and are quite prepared to continue the war no matter what odds they might face.

And this then leads us to the third point, that assuming we get the objective right—in other words, assuming that the self-determination referendum is fundamentally understood as a basic element of the agreement. If we get that right, then we still do not stand a ghost of a chance of having peace in Sudan until the U.S. Government takes the lead in organizing and coordinating serious pressures and incentives that will be deployed in the service of the peace process.

My written testimony, which I have already submitted, is almost entirely a toolbox of these pressures and incentives, so I have already tried to outline all those. But I just want to highlight one overarching point that you asked about earlier, Senator Feingold, since we will not have time really to go into a list of these issues. And the point is this: All of this leverage, all of the leverage that we are talking about should be deployed in an all-or-nothing scenario.

In other words, when you normalize relations, lifting economic sanctions, ending Sudan's isolation, providing support through the IMF and the World Bank, ending support to the opposition, and we ought to increase it now, and ceasing any other meaningful pressure, this should only occur when a comprehensive peace agreement is being implemented.

And that approach has to be multi-lateralized to the maximum extent. If President Bush's clear indication of support for peace is

to be implemented seriously in Sudan, that requires high level of diplomacy in Europe, Asia and the Middle East in an attempt to unite key governments in a common effort toward peace in Sudan.

Senator Danforth can begin this next week with his trip and this calls for—but this calls for the involvement of Secretary Powell and Mr. Armitage more directly. That would be the measure of U.S. commitment to peace in Sudan.

Thanks very much.

Senator FEINGOLD. Thank you very much, sir, for your testimony.

[The prepared statement of Mr. Prendergast follows:]

PREPARED STATEMENT OF JOHN PRENDERGAST, INTERNATIONAL CRISIS GROUP

In the last two decades of Sudan's civil war, there have been few hopeful moments, and few windows of opportunity for making peace. In the aftermath of the September 11 terrorist attacks, one of those moments arrived, and the window of opportunity for peace opened. For a number of reasons, however, the window is closing quickly. If more serious leverage is not immediately brought to bear on the warring parties in the context of the current peace talks taking place in Kenya, the window will slam shut, condemning the Sudanese people to cumulative levels of death and destruction with few parallels to any conflict since World War II.

THE ANSWER TO ALL QUESTIONS: A JUST AND COMPREHENSIVE PEACE

The U.S. has a number of fundamental policy objectives in Sudan: countering terrorism, promoting human rights and democracy, ending the war, and supporting humanitarian assistance. All of these objectives are best addressed through a comprehensive peace agreement which both reforms the central government and provides for the exercise of self-determination for southern Sudanese.

More than any other country in the world, the U.S. has the ability to move the Sudan peace process forward. The U.S. has decided to focus on making the IGAD process in Kenya a more serious one. So far, U.S. efforts have been useful but by no means sufficient. This is why today's hearing is so timely.

In the topsy-turvy debate over Sudan policy, the very idea of a negotiated settlement has come under fire by those who see negotiating with the Khartoum government as useless. That may be proven true, but in the absence of a new U.S. policy objective which has not yet been formulated, such a view abandons the Sudanese people, particularly southerners, to endless war. In fact, southern Sudanese are prepared to continue the war indefinitely in the absence of a just peace, a factor that continues to be underestimated by mediators. But as long as an opportunity exists to end the conflict through the conclusion of a comprehensive peace agreement, we must urgently and diligently pursue that objective.

To be clear, in order for peace efforts to have a chance of succeeding, the objective of the negotiations must emphasize a just settlement. There are indications from the ongoing talks in Kenya that mediators and observers are pulling back from support for self-determination in the form of a referendum with the full complement of options, including independence. It cannot be emphasized enough that southern Sudanese will continue the war, no matter what the cost or the outlook, if this fundamental element of any potential solution is not part of the deal in some form. Modalities can certainly be negotiated, but the essential principle appears to be under assault, and this guarantees the failure of the negotiations. It is not too late to rectify this.

THE MISSING INGREDIENT IN THE PEACE PROCESS: LEVERAGE

Because the divergent positions of the parties are so entrenched, it is unlikely that they can be reconciled through conventional facilitation alone. More forceful diplomatic intervention—of which leverage is the key element—will be required than is currently envisioned. Therefore, the most visible missing ingredient of a potentially successful IGAD peace effort is coordination of pressures and incentives.

Leverage does not grow on trees. It is created through leadership in the development of a multilateral strategy of carrots and sticks, and its judicious execution. Despite the influence the U.S. actually possesses over the warring parties, American diplomats have frequently claimed in the past that they lack the leverage to move the parties toward peace. Such claims increase perceptions among Sudanese parties that the leverage the U.S. does in fact enjoy will not be used during the negotia-

tions—perceptions that in fact reduce outside leverage in the manner of a self-fulfilling prophecy.

To be effective, pressures and incentives must be multilateral. As the actor with the most potential leverage and the only one whom all Sudanese parties believe can make peace, the U.S. should take the lead in organising the judicious and tactically opportune application of these carrots and sticks. This may be the single most important contribution the U.S. can make. Leverage can be increased both through actions and positions taken in the context of the peace process, and through wider policies pursued by the U.S. Both are discussed below. All of these require U.S. leadership but would have much greater effect if pursued—through the G-8, EU and other bodies—with our European allies as well as with other countries with influence.

BUILDING LEVERAGE THROUGH THE PEACE PROCESS ITSELF

The peace process itself provides a number of opportunities for the U.S. to increase its leverage on the parties in support of peace:

1. *Support Self-Determination:* U.S. support for the right of self-determination for the southern Sudanese people—in the form of a referendum with the full scope of possible outcomes—provides the single most important point of leverage on both parties for moving them toward a negotiated settlement. In the absence of U.S. support for this position, the SPLA eventually either will walk away from the talks or at best make no meaningful compromises on any other issue, and the Khartoum government will have no incentive to compromise as well, as it will get what it wants without giving anything up. On the other hand, U.S. support for self-determination will oblige the SPLA to compromise on other issues, while creating the most important internal pressure on Khartoum to implement whatever agreement it makes with the opposition in order to create the strongest case for maintaining a unified Sudan. At present, mixed signals from the U.S. and others have undercut this point of leverage, and it is clear that the mediators underestimate the depth of southern Sudanese sentiment in support of an independence referendum.

2. *Include the Northern Opposition:* No agreement can be truly comprehensive if it does not involve or gain the acceptance of the political parties that comprise the bulk of the Sudanese electorate. Northern opposition parties in the umbrella National Democratic Alliance, as well as the Umma Party, should be involved more directly in the IGAD process. Their inclusion will act as a moderating influence on the Khartoum government and the SPLA, and will better position all actors to support the implementation of any agreement. Until now, the U.S. and the IGAD states have not made the widening of the process a priority.

3. *Strategize With the IGAD Neighbors:* When the U.S. was closely coordinating its Sudan policy with Ethiopia, Eritrea and Uganda, additional leverage was generated which resulted in the acceptance by Khartoum of the IGAD Declaration of Principles. Now that the Eritrea-Ethiopia war is concluded, it is time again to make a concerted effort to reconstruct the partnership and focus it on bringing about a negotiated solution to the Sudan conflict. This requires more focused, consistent and high level U.S. diplomacy than that deployed currently.

4. *Strategize With Egypt:* Understandably, focus on Egyptian policy has centered on its inflexible opposition to any discussion of southern self-determination, a damaging position that limits Egypt's role in any peace process. Less understood, however, is Egypt's underutilized leverage that it could apply particularly on Khartoum. Egypt has a vested interest in a reformed Sudanese state, with a more moderate government. If strongly and consistently engaged at high levels by the U.S., it could be a partner eventually in developing and providing the kinds of serious concessions and guarantees that the Khartoum government must accept to make unity desirable to southern Sudanese. The U.S. also must have the hard discussions with Egypt, again at very high levels, on the Egyptian posture regarding self-determination.

5. *Strategize With the EU:* The U.S. should work at high levels to convince the EU that normalization of its relations with Khartoum should be made contingent solely on implementation of a comprehensive peace agreement, rather than on achievement of numerous short-term individual humanitarian and human rights benchmarks as is currently the case. Senator Danforth's upcoming trip to Europe would be an ideal opportunity to initiate greater efforts in this regard.

6. *Include the Pentagon:* U.S. leverage with both parties is enhanced by the degree to which the U.S. Defense Department is perceived to be backing the

process in a tangible way. To wit, one of the most effective elements of the successful U.S. effort to resolve the Eritrea-Ethiopia war was to include U.S. military officers as part of the U.S. negotiating team, and to allow the team to travel on U.S. military aircraft. Pentagon support for U.S. involvement in the Sudanese peace process in the form of personnel and logistics is non-existent at present, and would be similarly useful now, even more so after September 11.

7. *Issue an Ultimatum:* High level U.S. officials should make clear a basic reality of U.S. domestic politics: if Khartoum obstructs the peace process and is the reason for its demise, the U.S. will have no choice but to walk away from the engagement required of a peace process and escalate its policy against the government, with very uncertain outcomes given the increasing frustration of the American constituency on Sudan. The SPLA should be equally warned that if it is responsible for collapsing the talks it will find far less sympathy in Washington for its cause.

BROADER CARROTS AND STICKS IN SUPPORT OF THE PEACE PROCESS

Beyond the leverage available through the peace process itself, there are other key pressures and incentives the U.S. has at its disposal. The points of leverage should be deployed solely in the pursuit of a comprehensive peace agreement, not frittered away for lesser or incremental objectives, in other words, normalizing relations, lifting economic sanctions, ending Sudan's isolation, support in the Bretton Woods Institutions, ending support to the opposition, and any other meaningful pressures should only occur when the parties begin implementing the comprehensive peace agreement that they sign. The following is an inventory of existing or potential pressures and incentives that, if multilateralized, could make in an impact on the calculations of the warring parties.

a. Pressures on the government:

- It is critical for the U.S. to maintain counter-terrorism pressure on Khartoum. This has provided the most potent leverage on Khartoum's policies in the aftermath of September 2001, since the Sudanese government remains uncertain what the U.S. may yet do as it pursues its declared global war on terrorism. This is particularly salient with regard to Pentagon calculations. Short-term tactical cooperation from Khartoum should not be confused with strategic redirection, which will only be ensured through the kind of change that can be expected to accompany a comprehensive peace agreement which reforms the central government.
- Continuing opposition to aid in the International Financial Institutions (IMF and World Bank) make it extremely difficult for the Sudanese government to rehabilitate its formal economy, making this, therefore, a very effective form of leverage. Most crucial is the huge debt overhang, one of the largest in the world, that if not addressed will continue to be a major obstacle to economic development and lending. The government needs to get back in a full program with the IIMF in order to enter the Highly Indebted Poor Countries (HIPC) program to qualify for serious debt relief U.S. votes on the IMF Board have so far prevented Sudan from moving too far up the IMF ladder. The U.S. should continue to block aid to Sudan in these institutions until a comprehensive peace agreement is concluded. Ultimately, Sudan's economic recovery depends on an end to the civil war, and nothing should be done to alter that fact prematurely.
- Pressure on investors in the oil industry translates into indirect pressure on the Sudanese government, which is heavily dependent on the revenues it receives from that sector. Passage of the Sudan Peace Act would thus provide an important leverage point, because it would deny critical capital markets to oil firms operating in Sudan. Pressure on the Canadian firm Talisman and other Western oil companies that are considering starting new operations in Sudan is particularly critical because these enterprises possess technology that would enable the rapid expansion of oil production. Only Talisman and other Western firms have this technology, and thus Khartoum is heavily dependent upon them to unlock the full potential for oil development in the country.
- Secretary O'Neill recently reiterated Bush administration opposition to capital market sanctions, saying, "A better way to deal with Sudan is to say no one should do any business with Sudan full stop." If the Secretary is speaking for the administration, this would entail two actions on the part of the U.S. We should close the exemption on importing Sudanese gum arabic, Sudan's biggest export to the U.S. And we should go to other countries currently doing business in Sudan and ask them to suspend their trade and investment, or to invoke unilateral sanctions just as the U.S. has done. This involves European partners

like the UK, Germany and Switzerland, as well as other governments that are investing heavily in and selling arms to Sudan, such as China, Malaysia and Russia.

- Increased effort could be expended on investigating and highlighting the issue of government corruption associated with oil development. Shining a spotlight on excesses to the domestic Sudanese audience could increase accountability. The U.S. could express support for the recently launched "Publish What You Pay" NGO campaign which aims for companies to disclose their payments to developing countries.
- Various forms and levels of aid to opposition and/or civil society elements represent a potentially significant lever. The continuum begins with democracy-and peace-building assistance to the SPLA/NDA and/or civil society groups. In and of itself, this has a positive impact on the morale of those struggling for change in Sudan, and helps sustain their struggles. Moving along the continuum, support for the democratic administration of opposition-controlled areas could demonstrate that alternative governance can be better. Further along the continuum, communication and transportation aid could be provided for the protection of civilian populations in the south, east and south-center (Nuba Mountains and Southern Blue Nile) who are subject to the worst vestiges of the government's war tactics such as forced displacement, slave raiding, and repeated aerial bombing by Antonov or helicopter gunship.
- Opposition to Sudan's status in the World Trade Organization until it reaches a comprehensive peace agreement would also frustrate efforts to reduce economic isolation prematurely.
- Much more robust and higher level diplomatic efforts could be expended on reducing the unimpeded flow of arms to the Sudan government, which remains on the U.S. list of state sponsors of terrorism. Under the Wassenar Agreement, Eastern European countries voluntarily pledge to maintain certain standards for arms transactions. Sales to Sudan certainly do not meet those standards, and higher level and more public U.S. diplomacy should be deployed to counter these sales, especially during the peace process. U.S. officials at the highest levels should also engage China on its burgeoning arms sales to Khartoum.
- Maintenance of international efforts to isolate Khartoum continues to be an irritant to the government, meaning that every move they make in international forums is a source of difficulty or controversy. Its defeat in its quest for a seat on the UN Security Council in 2000 was a bitter one for the government, and U.S. unilateral sanctions remains as stigma and economic hindrances.

b. Incentives for the government:

Key incentives aimed at Khartoum could include the following:

- Sudan is eager to reduce its debt and improve its economy as the government's abidance to IMF-approved shadow structural adjustment programs attests. Removing U.S. opposition to Paris Club financing, IMF lending, and World Bank credits for Sudan when a peace agreement is concluded probably would be the largest incentive the U.S. could offer. This would open the door to HIPC for Sudan, a key to unleashing it economic potential.
- Sudan used to be one of the largest recipients of U.S. non-emergency foreign aid; today it receives none. Implementation of a future peace agreement would usher in a new era of improved U.S.-Sudan ties and once again make Sudan eligible for foreign assistance. Rather than uncoordinated bilateral assistance and promises of aid to the post-war reconstruction of the south, the U.S. should work with international donors to create a Sudan Reconstruction Trust Fund aimed at national reconstruction, from which both the north and the south could benefit.
- Sudan wants a full-fledged U.S. embassy in Khartoum. An increased U.S. embassy presence in Khartoum will allow the U.S. to better monitor the government of Sudan and put personal diplomatic pressure on Khartoum to implement a comprehensive peace agreement and reduce human rights abuses.
- Ending efforts to isolate Sudan in international forums is an important objective of the regime, whether it is removing opposition to a seat on the Security Council, removal of U.S. unilateral sanctions and designation as a state sponsor of terrorism, or unlocking foreign assistance and debt relief. The government of Sudan is eager to legitimize and reintegrate itself within the international community.
- Potential large-scale U.S. corporate investment in the development of the oil sector would be a major boost to the government's exploration and exploitation plans. Although Khartoum's oil efforts can continue without U.S. company par-

ticipation, the involvement of U.S. majors is perceived as ideal. Lifting U.S. unilateral sanctions at the conclusion of an agreement would unlock U.S. investment in the oil sector.

c. Pressures on the SPLA:

There generally are fewer levers of pressure on opposition groups than on governments, but sticks aimed at the SPLA include the following:

- A major effort could be undertaken to try to reduce arms transfers to the SPLA if it is perceived to be obstructing or collapsing the peace process. This would include pressuring regional arms suppliers as well as invoking the Wassenar Agreement as is suggested above in the government pressures section.
- Regional governments and the United States are the key political supporters of the opposition. At key junctures in the negotiations, it will be crucial for these actors to be willing to apply diplomatic pressure on the SPLA to participate constructively in peace talks.
- Through the UN Operation Lifeline Sudan, the SPLA's relief arm, the Sudan Relief and Rehabilitation Association, is a member of the tripartite agreement between the government, SPLA and UN. If the SPLA becomes the obstacle to a peaceful settlement of the conflict, the treatment of the SPLA/SRRA within the OLS framework should be reconsidered and downgraded.
- Any institution-building support for the SPLA/NDA and its civil administration capacity should be terminated if the SPLA becomes the obstacle to a peaceful settlement.
- African countries that support the SPLA and NDA militarily have the most leverage over the opposition. This leverage should be utilized in support of the peace process and the objective of a comprehensive peace agreement.

d. Incentives for the SPLA:

There are also fewer incentives for the opposition, but carrots for the SPLA might include:

- Promises of regional and international support for the implementation of whatever emerges in a comprehensive peace agreement are the most important incentives for the opposition. For example, an international observer force will be key in guaranteeing the peace, external monitoring of any wealth sharing agreements will be needed to ensure implementation, and human rights monitoring will be required to guard against continuing abuses or retribution.
- The creation of a major blueprint for the reconstruction of the south, including governance, infrastructure, and social safety nets, will be a major incentive for southern negotiators and—if widely advertised—will be an element of popular accountability for the SPLA to negotiate in good faith.

Senator FEINGOLD. Now, we will go to Dr. Stephen Morrison, who is the director of the Africa Program at the Center for Strategic and International Studies. He came to CSIS from the Policy Planning Staff at the State Department where he was responsible for African Affairs and Global Foreign Assistance Issues.

Prior to that, he worked for several years at USAID, where he conceptualized and launched USAID's Office of Transition Initiatives.

Dr. Morrison has been an adjunct professor at the Johns Hopkins School of Advanced International Studies since 1994, and I am also eager to note that he holds a Ph.D. in political science from the University of Wisconsin.

You may proceed, Dr. Morrison.

STATEMENT OF DR. J. STEPHEN MORRISON, DIRECTOR OF THE AFRICA PROGRAM, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES (CSIS), WASHINGTON, DC

Dr. MORRISON. Thank you, Senator Feingold. Thank you for the opportunity to be here today, and I want to commend you and Senator Frist for holding this very timely hearing.

I want to offer a few brief comments on where I think we are in terms of the U.S.-led diplomatic efforts, and then I would like to turn to some comments specific to the oil sector in Sudan and the place it may have.

In terms of U.S. diplomacy, I think it is important to emphasize that we are at a very important juncture here; and it is terribly important to keep a focus on U.S. policy toward Sudan.

I think that this is, first of all, because Sudan is the single chronic conflict in Africa where the Bush administration has pursued an activist diplomacy at a sustained high level. And as President Bush indicated in his comments on June 20, Washington leadership and investment have begun to show early promising results.

We need to build upon these results and to build upon them effectively and reliably, and this is consistent with some of what John has argued. We need to intensify our level of effort diplomatically, analytically and financially.

Today, there is ample reason to be skeptical of Khartoum's motives and coherence. And there is good reason to be cautious at a time when there is intensified fighting, particularly in the Western Upper Nile.

I want to put in context here that the South is in the most unified position that it has been in, that we have seen, since 1991. We are in the midst of a rainy season, and we are seeing a very intense mobilization by southern armed insurgents in the zone of the Western Upper Nile. And they are seeing some results.

I do not think at the end of the day the overall balance will change significantly militarily as a result of these or this intense fighting. But it is stirring much higher levels. John has detailed some of this in some of his recent writing quite ably. That is where we are right now.

We are in a period of intensified diplomatic activity in Nairobi, in the midst of also some of the highest levels of fighting with the most unified position involving both Nuer and Dinka fighters in the South.

For the first time in many years, it is possible to imagine that there is a just and durable settlement in sight that could reconcile the tough issues that we have heard about today on church and state, unity and self-determination, sharing of national oil wealth. That reality is a direct result of U.S. leadership and also a direct result of the dramatically altered circumstances that exist in Sudan and the Horn post-September 11.

Progress is seen in the four achievements that Senator Danforth created that have been detailed. Progress is seen in the new-found seriousness of purpose that has been shown by both the Government of Sudan and by the Sudan People's Liberation Movement since the IGAD talks resumed June 4.

Progress is seen also in the new-found determination of the Kenyan Government. The Kenyan Government, in appointing Lieutenant General Sumbeiywo, was sending a power signal to us and to the region of its seriousness of wanting to see concrete results. That has not always been the case.

Progress is seen in the formation of the troika, linking Washington, London and Oslo. It has been years that this kind of initiative has been under discussion. It is now being operationalized.

President Bush's strong personal stake has been critical to sustaining the focus. And I think it is fair to say that there is a unity of purpose that links the Senators, Senator Danforth with Walter Kansteiner with Andrew Natsios and Roger Winter, that we have not seen in U.S. foreign policy toward Sudan in many, many years. These are all important gains.

I do agree there are problems in implementation that should be overcome. U.S. personnel and resources are insufficient at a time when the demand on implementation is expanding. The Sudan team in Washington, Nairobi, and Khartoum are understaffed, over-stretched, under-financed in the face of multiple proliferating tasks.

I do think steps should be taken to correct that. I do think that in Khartoum we need Arabic-speaking officers. We need senior leadership. In Khartoum, we need additional officers to staff southern Sudan and liaise to the Sudanese leadership from southern Sudan.

In Washington, I believe the six officers that are operating there are greatly over stretched. They are working very, very hard and they are very able officers, but we need more of them.

And I agree that an immediate priority should be accelerating the creation of the international monitoring mechanism that Walter described today that is under or that General Lloyd is attempting to stand up.

On oil, the second part of what I wanted to address, oil is a highly charged fundamental factor to the war, and it is going to figure one way or the other as an obstacle and an opportunity to achieving peace. Today, the earnings are approximately $1 billion per year coming out of that sector.

If there is a durable peace, the parties to Sudan's war will have to determine and agree on how the oil sector is to be managed and monitored equitably and effectively in a post-war setting, regardless of what kind of constitutional and political arrangements are put in place.

The sector is too fundamental to the present and to the future, and it crosses both sides. If the southern—the fields in the Sudd, where there are three billion to four billion barrels of unexploited oil, are brought into production, over time the oil sector will shift to be 80 percent concentrated in the South. The pipeline and the refinery are in the North. Power has resided historically in the North.

There is going to have to be some resolution of this issue.

A durable and convincing peace settlement will allow Sudan to significantly increase its total revenue levels. If there is a durable compact and some vision of how to develop this sector, it could be doubled in size within a 7- to 9- or 10-year period.

Now, under present realities, as long as war continues in Sudan, the oil revenues will remain pretty much constrained, and they will decline over time.

The national fields—or national production will be confined to its present first phase exploitation in the Western Upper Nile where production is about 230,000 barrels a day. It may rise up to 250,000, and then it will begin to decline steadily.

Until the war is ended, there is little prospect of bringing into production the far larger fields in the South, the three billion to four billion barrels that I alluded to earlier.

Current production areas in Western Upper Nile will continue to attract intensified military activity by both the government and the SPLA. That will sustain insecurity, humanitarian dislocation, allegations of war crimes and other human rights abuses. I do not believe that the fighting that we see in Western Upper Nile will result in a significant change in the battlefield situation.

If a negotiated peace is achieved, it will be possible to expand the oil sector. It will be possible to double its production. However, to do that will require substantial patience and determination and take several years to achieve.

Once war has ceased, there will be a strong interest, I would argue, in both Khartoum, and the South in bringing or in enlarging the consortium and bringing a Western major oil firm in in order to bring the Sudd into production. But that will only be possible if there is a durable political compact between the parties that builds the confidence of external investors.

A credible accord will require the government and the SPLA to convince the international energy community on elementary security over an expansive geographic territory. The parties will have to have joint agreement on elementary security over an expansive geographic territory. And they will have to have some revenue sharing accord.

I want to emphasize here that the previous accord, the Addis Ababa Accord of 1992, predates the advent of the oil sector in Sudan. There is no historical precedent for revenue sharing in the oil sector.

It is going to have to be crafted carefully and a revenue sharing formula will have to have adequate specificity and transparency. It will have to include some form of strong third-party verification. It will have to rest on competent management structures that are transparent.

There are a number of models. We can talk about those. They will probably be influenced fundamentally by what kind of broader political and constitutional arrangements are agreed upon.

Oil is not going to drive the settlement. This revenue sharing model will be derived from that.

As an interim measure, there was mention made earlier about the possibility of an escrow account. The Government of Sudan could dedicate a very substantial share of current oil revenues to social and developmental purposes and allow an internationally monitored escrow account.

But I also want to emphasize, in closing here, that the two sides right now on revenue sharing in the oil sector are very, very far apart. And I think we need to be conscious of that. They are suspicious of one another. There are internal factions who are very, very pessimistic that it would make sense to be entering negotiations around these.

There are two broad scenarios that I have laid out. One is: You have continued war. You have no agreement. The sector peaks at 250,000 barrels and begins to decline, and there is no benefits to the South.

A second is: They agree upon a compact that enlarges the pie, that doubles it, that brings very substantial benefits over time to both sides based on fairly conservative estimates.

Thank you very much.

Senator FEINGOLD. Thank you, doctor, very much for your testimony.

[The prepared statement of Dr. Morrison follows:]

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

INTRODUCTION

I first wish to commend Senators Feingold and Frist, Chair and Ranking Minority of the Senate Foreign Relations Africa Subcommittee, respectively, for their leadership in holding this timely hearing on Sudan. I also wish to express my personal gratitude for the opportunity to appear here today.

I will offer a few brief comments on U.S.-led international efforts to end Sudan's war and areas where implementation should be strengthened. After that, I will briefly address issues specific to Sudan's oil sector and its place in a negotiated settlement.

KEEPING A FOCUS ON U.S. POLICY TOWARD SUDAN

It is critically important, at this juncture, to keep a focus on U.S. policy toward Sudan.

President Bush did just that on June 20th, at the dinner honoring the late Reverend Leon Sullivan, when he stated:

> . . . we will . . . continue our search for peace in Sudan. My policy towards Sudan seeks to end Sudan's sponsorship of terror and promote human rights and the foundations of a just peace within Sudan itself. My envoy for peace in Sudan, former Senator John Danforth, has made progress toward a cease-fire and improved delivery of humanitarian aid to such places as the Nuba Mountain region of Sudan.
>
> Since September the 11th, there's no question the government of Sudan has made some useful contributions in cracking down on terror. But Sudan can and must do more. And Sudan's government must understand that ending its sponsorship of terror outside Sudan is no substitute for efforts to stop war inside Sudan. Sudan's government cannot continue to talk peace but make war, must not continue to block and manipulate U.N. food deliveries, and must not allow slavery to persist.

Keeping a focus is important not only because of the grave human costs of Sudan's chronic war, but also because the war has mobilized a remarkable coalition of important American constituencies, like none other in Africa in recent years.

It is also important because Sudan is the single chronic conflict in Africa where the Bush administration has pursued an activist diplomacy at a sustained, high-level. And as President Bush indicated, Washington's leadership and investment have begun to show early, promising results. To build upon these returns, effectively and reliably, now requires an intensified level of effort, diplomatically, financially and analytically.

Today, there is ample reason to be deeply skeptical of Khartoum's motives and coherence. At the same time, fighting, concentrated in the oil-producing Western Upper Nile region, has intensified.

Nonetheless, for the first time in many years, a just, durable settlement is again imaginable, that might reconcile the tough issues of church and state, unity and self-determination, and the sharing of Sudan's national wealth, among other issues.

This is because U.S. leadership, bolstered by dramatically altered circumstances within Sudan and the surrounding region, post-September 11, have created opportunities for peace in Sudan that did not exist before.

Progress is seen in the four achievements of Special Envoy Senator John Danforth: the Nuba Mountain cease-fire agreement, plus agreement by the two sides to international monitoring of the Geneva Convention, an international commission to investigate slavery and abduction, and disease eradication efforts.

Progress is seen in the newfound seriousness of purpose, exhibited by both the Government of Sudan and the Sudan People's Liberation Movement, in the most recent round of IGAD peace talks that opened in Nairobi on June 17th. Southern po-

litical cohesion has been strengthened in recent months. The SPLM leadership has shown increased openness to dialogue on the critical issues that must be resolved before there can be peace. Khartoum has systematically normalized its relations with its neighbors, recommitted itself rhetorically to peace, and cooperated with Washington on counter-terrorism.

Progress is seen in the conspicuous, newfound determination of the Kenyan Government, led by General Lazarus Sumbeiywo, to move this round of the IGAD talks toward real results, intended to lead to a comprehensive settlement.

And progress is seen in the joint efforts of Washington, London and Oslo to put their substantial support behind Kenya. The troika has brought new pressures upon both sides, and helped significantly to inform discussions on the critical issues tabled at the IGAD talks.

President Bush's strong personal stake is obviously critical to sustaining the Administration's focus and determination on Sudan. At the same time, former Senator John Danforth, Assistant Secretary of State Walter Kansteiner, and USAID Administrator Andrew Natsios have demonstrated resolve and creativity in carrying forward U.S. policy. This month, they will be joined by Ambassador Ranneberger.

However, notwithstanding the Administration's growing unity of purpose, there are enduring problems in implementation of U.S. policy which need to be corrected.

U.S. personnel and resources to support U.S. policy toward Sudan are insufficient, at a time when there is simultaneous demand both to implement the four initiatives developed by Senator Danforth and provide extensive support to the IGAD talks. Presently, the Sudan team is under-staffed, over-stretched, and under-financed in the face of multiple proliferating tasks. Analysis of Sudan's complex, quickly evolving internal political developments, critical to informing U.S. diplomacy, is uneven and often weak.

If U.S. policy is to be effective, it requires an adequately staffed embassy in Khartoum that includes skilled Arabic speakers and resident senior leadership. It requires in Nairobi at least two resident officers to liaise with southern Sudanese leadership. It requires in Washington a team to backstop implementation that is considerably larger and more stable. Some recent progress has been seen in adding staff and resources, and the present teams in Washington, Khartoum, and Nairobi deserve high praise for their performance under difficult circumstances. However, recent efforts to increase capacities still fall short of requirements, and more needs to be done. As the implementation agenda continues to widen, there is a continued risk of overload, confusion and paralysis unless quick action is taken.

An immediate related priority should be accelerating the creation of the international monitoring mechanism to investigate alleged violations of the Geneva Convention. That instrument is important to bringing new pressures upon the parties and, most importantly, bringing an end to bombings of relief sites. Little progress has been seen in recent months in establishing it, not through willful neglect, but because of a sheer excess of demands upon limited staff.

SUDAN'S OIL SECTOR

Oil is a highly charged, fundamental factor in Sudan's war and will inexorably figure both as an obstacle and an opportunity to achieving peace.

If there is to be a durable peace accord, the parties to Sudan's war will have to determine and agree on how the oil sector is to be managed and monitored equitably and effectively in a post-war setting. Settling on a workable strategy to divide and distribute oil revenues will likely be an arduous and complex process, for which there is no historical precedent in Sudan's experience. Under the best of circumstances, realizing big, mutual financial gains will require several years.

Nonetheless, a durable and convincing peace settlement eventually will allow Sudan to significantly increase its total revenue levels. An equitable division of an expanding oil revenue pie could help consolidate a durable peace, contribute to a broader reconstruction process, and possibly encourage the more rapid arrival of concessionary donor flows. In turn, a durable peace could ensure that the Sudan's energy pie continues to grow.

PRESENT REALITIES

As long as war continues in Sudan, Sudan's oil revenues will be highly constrained, and the sector itself will be a potent negative factor.

National production will be confmed to first-phase exploitation in the Western Upper Nile (WUN) oil fields, which have an estimated reserve of 600 million to 1 billion barrels. Current production of 230,000 barrels per day may rise in the near term to approximately 250,000 barrels per day, but shortly thereafter production is projected to decline.

Until the war is ended, there is little prospect of bringing into production the far larger fields, estimated at 3-4 billion barrels, that lie in the southern Sudd zone, dominated by southern armed movements.

Current production areas will continue to attract concentrated military activity by the government of Sudan and the SPLA. Recently intensified military action in and around the WUN oil fields will sustain insecurity and uncertainty and continue to generate displacement, disruption of humanitarian access, continued credible allegations of war crimes, and other human rights abuses. Fighting is not likely to lead to a significant change in the battlefield situation.

These factors will sustain doubt among Sudan's external partners and instability in current production arrangements, prompting periodic suspension of exploration and production activities and the possible sale of operations.

These factors will also intensify international NGO activism surrounding Sudan's oil sector, sustain strong interest among mobilized constituencies in the United States to impose capital market sanctions on Sudan's external oil partners, and otherwise impede normalization of Sudan's international status and image.

OIL IN PEACETIME

If a negotiated peace is achieved, it will be possible to expand Sudan's oil sector considerably—in time. However that will require substantial patience and determination to surmount several formidable hurdles over several years.

Once war has ceased, there will be strong interest in enlarging the consortia of external partners, including new Western major oil firms, in order to bring the Sudd zone into production and increase overall energy sector competitiveness. However, only a credible, durable political compact among the parties to a peace accord will build confidence among external investors that the Sudanese partners are reliable and predictable.

A credible accord will require that the government of Sudan and the SPLA convince the international energy community that they have achieved a workable consensus on joint future management of Sudan's energy sector. This step will be essential, regardless of how precisely they agree to divide power politically and constitutionally.

The parties will also have to demonstrate their joint capacity to guarantee elementary security across the expansive geographic area of present and future production. This will likely require a provision in the demilitarization agreements to take account of the special security requirements of the present and future oil producing areas.

Oil did not figure in Sudan's 1972 Addis Ababa Agreement, and there is no historical precedent in Sudan for negotiating oil-revenue distribution. A revenue-sharing formula will be required that has adequate specificity, simplicity, and transparency, has provisions for negotiated adjustments, includes some form of strong third-party verification, and rests on competent revenue management structures. A number of models are possible, including for example, a simple negotiated division between north and south based on relative population sizes, or a division among the federal government and smaller federal units, with bonus allocations for producing regions. The selection of an appropriate formula will be shaped significantly by the political and constitutional design of the peace accord.

Increasing Sudan's total oil revenues to the benefit of all parties will be a slow, multiyear process. As an interim measure, the government of Sudan could dedicate a substantial share of current oil revenues to social and developmental purposes that benefit the south and north, through an internationally-monitored escrow account.

Thank you.

Senator FEINGOLD. Ms. Jemera Rone has worked with Human Rights Watch since 1985 and has been the organization's Sudan researcher since 1993. She has investigated and authored four book-length reports on human rights abuses in Sudan and, I understand, is currently working on a fifth report about the effect of oil development on human rights and the 18-year-old war in Sudan.

Ms. Rone has extensive experience investigating human rights abuses around the world. A lawyer, she has also worked on civil rights issues here in the United States.

Thank you for coming, and you may proceed.

STATEMENT OF JEMERA RONE, COUNSEL, AFRICA DIVISION, HUMAN RIGHTS WATCH, WASHINGTON, DC

Ms. RONE. Thank you very much for holding this hearing and for inviting us to testify. I will try to address some of the questions that you raised. You have my statement, and we could pursue that further, if you would like.

You asked: Do we have enough personnel and do we have enough resources to make this peace project go? I do not think so. I agree with John Prendergast and Steve Morrison in that 100 percent.

I think that the sign of this is that it has taken the State Department so long to mount the human rights monitoring operation which is so vital to prove U.S. credibility and to educate our allies on the severity of the war in the South and to bring along the parties and train them in good human rights and war practices.

The money is a large problem. The Nuba Mountains, their monitoring team has just announced that they need another $6.5 million. But larger than that, and in addition to the peace effort, the OLS, North and South, the humanitarian relief has announced that there is a shortfall of about $223 million in what they have said was their absolute basic minimum requirement for the year to keep people, North and South, alive.

The trip that Senator Danforth is making to Europe, I hope, includes holding out the hat for those very important items, plus there is a lot more money that is needed for the diplomatic offensive and the personnel. It appears from the outside that the existing personnel are being stretched by what has been the government's, and to some extent the SPLA's, habit of manipulating the process in trying to slip by fast ones on everyone in big projects as well as small projects. And a lot of personnel time goes to putting out those fires when you need a lot more people devoted to looking at the big picture and making sure it is on track.

I also feel that the response that you got on the process issue from Assistant Secretary of State Kansteiner was not—or did not indicate to me that there is enough thinking right now about the process; that is, the timing of negotiations.

And I know our Swiss allies have an expert who has worked on that in Burundi. He said it took him 18 months to straighten out the discussions there, because every and all discussions were occurring at the same time. It was impossible to trade things off.

I think we also need to think about helping and empowering southern civilians particularly, but also others, to have a role in the peace process and to create the kind of groundswell that we have seen in the Nuba Mountains that can bring pressure on the leaders, both North and South, at crucial times to go ahead with parts of the agreement that they may not like.

One thing that can be done and that touches on what Steve Morrison was saying is that I think there needs to be a lot more training of leadership, southern leadership on some of the difficult technical issues.

I think that part of the reason they are not willing to talk about oil or water is because these are very difficult and technical subjects. They do not have the commercial background or experience and they are very much afraid that, as in the past, the northern government will pull the wool over their eyes.

And I think that one way of reaching out to the southern community, beyond just the people who are in the SPLA leadership, is to include a lot of them, including southerners who have represented political parties in Khartoum and are still in Khartoum, including even the southern militia members who are always with one foot in the independents camp even though they side with the government. It is a very strange constituency, but one that has been totally neglected by the U.S. diplomatically.

These people are not really known to the United States, and they do not have any contact with them, when they, in some ways, hold the balance of power militarily, in the South and politically.

I think they all would be helped in this by training on the technicalities of oil and water negotiations. That is one way to reach out to them. There are other ways. And I have made other technical suggestions for this, including a radio that broadcasts throughout the South objective reports of what is going on in the peace process and offers people an opportunity for real dialog and real discussion, not demagoguery.

The Nuba Mountains agreement has been a great success on the whole, but there are problems with it. And there was a democratic participation at a large meeting held to discuss those problems on the SPLA side. This meeting was observed by Nuba from Khartoum, who were quite impressed with the democratic give and take. They came up with a whole list of things they want to see changed in the enforcement of this cease-fire agreement. And they put them forward.

I am not sure that people have focused on them at all. They have to do with the Government of Sudan not withdrawing from their garrisons where they had promised to withdraw, impeding civilians from going back and forth across the lines, and using—where they do withdraw troops, they substitute very heavily armed police, which is novel in the Nuba Mountains.

There are a series of other things that the Joint Monitoring Commission, perhaps, has not been able to tend to, because they do not have sufficient staff. They are understaffed, and they do need another several million dollars to get there.

I think the lack of enforcement, the lack of getting the Zones of Tranquility for health matters and the human rights monitoring of the no targeting of civilians on the ground, rapidly may have given the government the feeling that they could go ahead and fool around with the relief effort and try not only their ordinary manipulations, which Roger Winter very eloquently described, but what really has amounted to almost a coup attempt to change the entire OLS structure, which was done surprisingly by the government right in the middle of this whole peace process.

I concur with Roger's statements about how they are proceeding in this manner is really counter-productive to their expressed desire for peace. But I think they may have felt that because there was no, you know, really quick enforcement of the civilian monitoring and of the Zones of Tranquility, that perhaps the United States did not care that much about these details, and they could exploit this opening.

I think we closed the opening but I think the message has been unfortunate.

The way that the Eminent Persons team to investigate slavery was put together was really in a way, retrospectively now, a model of good, quick administration. The AID people who set it up were on the phone all the time to everybody, soliciting names, asking about reputations, standing in the field, asking who was the best for the Eminent Persons internationally, who was the best fact finder, et cetera, et cetera and, in all other ways, was really pumping the NGO community for help.

Now, none of that outreach has come out with regard to the civilian monitoring team of no civilian attacks in the South. I have sent names including one who is an academic and a Nuer speaker who is teaching at the University of Wisconsin, and nobody has really pursued those with me or with any of the people who are on the list, because I asked them, "Has anybody called you?" and they say, "No."

I have not recommended many people, but I think they are all highly qualified, experienced field workers and know southern Sudan intimately. You have to have someone like that at the elbow of whatever two-star general goes out there, because the politics and the anthropology of the situation are so difficult that even a really cagey two-star is going to be walked around and taken advantage of by the parties.

The learning curve is very, very steep here. And we have got to have people who are tried and true and know the situation on the ground and know Human Rights Watch methodology to get anywhere with this peace or with this civilian targeting monitoring.

I wanted also to mention that we are in the process of supporting the SPLA, which does have a bad human rights record, and that it appears that the United States is going down the trail or the track of funding a rebel group, which has not really been done very much since the cold war ended.

I do not think there has been any debate or really open discussion of the advisability or propriety of this. I think it is really also unfortunate that there are absolutely no human rights conditions at all attached to any of the money that the SPLA is directly or indirectly receiving and has veto power over.

I think there should be a whole, perhaps, another group comparable to the slavery commission, the Eminent Persons Group, that takes a hard look at the SPLA and makes recommendations for things that it should do as a condition of receiving continued assistance from the United States.

I would also like to plead with the people who are negotiating that they not be trading off human rights or humanitarian assistance in the peace process. I think that has to be absolutely kept separate as a way to demonstrate the good faith and the sincerity of the administration's statements on this issue that civilian lives are important, human rights are important. We have got to maintain that by not sending a double message with sloughing off or trading off human rights and humanitarian aid as a part of the bargaining process.

I think there are many other things I could say, but I am probably out of time, so I thank you.

Senator FEINGOLD. I thank you very much for your expert testimony.

[The prepared statement of Ms. Rone follows:]

PREPARED STATEMENT OF JEMERA RONE, HUMAN RIGHTS WATCH

Thank you for the opportunity to testify before you today. Human Rights Watch is honored to be invited.

Human rights are key in the twenty-first century. The gross abuse of human rights in Sudan has lead to its on-going civil war, as we have heard at so many hearings and from so many reputable reports.

The lack of respect for the rule of law and for basic human rights makes the search for peace in Sudan very difficult.

The U.S. can lead the way, however, especially in the South. Suggestions include:

- Fully fund and provide necessary U.S. personnel to enforce the Danforth agreements, which Human Rights Watch considers to contain important advances for human rights in Sudan. Their full enforcement is a key test of U.S. credibility.
- Support for south-south peace and reconciliation efforts led by the New Sudan Council of Churches based in Nairobi and rebel areas of the south is required. This People-to-People process needs serious money and personnel, not the lip service it has received until now. The NSCC conference at Wunlit in 1999, reconciling the (West Bank of the Nile) Nuer and Dinka laid the groundwork, unintentionally, for the popular pressure on the SPLM/A for reconciliation and peace throughout the south.
- The SPLM/A does not control or speak for the whole south. The U.S. needs to know who southern leaders outside the SPLM/A are and establish contact with them in order to prepare the ground for future democracy and human rights respect in the south, as well as to prepare the ground for short-term success in the peace negotiations.

  The U.S. does not have relations at this time with the Nuer who took the places of Riek Machar and his followers when they left the Sudan government in 2000. This is a crucial intelligence gap at the very least. The Nuer government militias in particular will play an important role; they are ready for contact with the U.S. and the U.S. can use this opportunity to press them on human rights abuses and to engage them in favor of peace, neutralizing the Sudan government divide and conquer weapon.

  The lack of commercial experience and education of the southern leadership has been an obstacle at peace negotiations. The U.S. can help "level the playing field" by providing an informed and realistic education about difficult technical issues such as oil and water, two natural resources located in the south, and the main natural resources of the entire country. Now lack of familiarity with these issues and commercial and other enforcement mechanisms has prevented the parties, especially the SPLA, from seriously negotiating on these topics. The Sudan government needs to understand that if it shares resources, its revenue will be larger than it is now. It is not necessary to forcibly displace southerners from the oilfields, a difficult and costly process, if there is peace and human rights respect.
- The U.S. administration and the Congress need to reexamine U.S. financial support for the SPLM/A, a strategy often used during the Cold War in Angola, Nicaragua, and elsewhere. This support to the SPLM/A, given without any human rights conditions whatsoever, will not lead to more democracy or respect for human rights inside the SPLM/A or the south. It is unlikely to influence the outcome of the peace talks. Human Rights Watch opposes such aid until the human rights record of the SPLM/A is substantially improved, as independently verified.

  The U.S. support for the rebels comes in several ways, including the Congressionally-approved ESF funding of the National Democratic Alliance (NDA). The NDA now has offices in Washington DC and Asmara. The SPLM/A is the dominant member of the NDA; its spokespersons in Washington are now funded, we understand, by U.S. taxpayers.

  The U.S. AID program, intended to begin to lift the south from its extreme level of underdevelopment, has a catch that favors the SPLM/A. It in effect gives a veto to the SPLM/A over projects and persons funded by U.S. AID in SPLA territory. This tends to create a one-party patronage state. It does this without any human rights conditions at all being placed on the SPLM/A by the U.S. government.
- A serious radio program conducted by independent journalists beamed at the entire south for hours a day, in Juba Arabic and local languages, should cover

the peace negotiations in non-inflammatory detail and provide a forum for southern discussion. This forum would provide an opportunity for free expression, which now is very limited in southern Sudan.

Likewise, facilitated access for international press to the south will increase world interest in Sudan and support for human rights and the peace process among U.S. allies.

Continued high-level engagement in the peace process by responsible U.S. officials, who should be ready to weigh in when the inevitable obstacles develop.

- Engagement with southerners across the board will increase the chances for peace and human rights. In the Nuba Mountains the popular groundswell on both sides for a ceasefire forced both the Sudan government and SPLM/A to come to an agreement. The southern situation is more complex than the Nuba Mountains, but the need to engage popular constituencies for peace and human rights is the same.

BACKGROUND

Former U.S. Sen. John Danforth presented a four-point test to the parties in late 2001. The test was to determine if they were serious enough about peace to warrant U.S. engagement for peace in Sudan. In May 2002 Sen. Danforth concluded that the parties, the government of Sudan and the rebel Sudan People's Liberation Movement/Army (SPLM/A), were serious.

Human Rights Watch applauded the Danforth initiative because it produced four agreements by the parties which were essentially human rights agreements. We gave the U.S. negotiators substantial credit for this. Negotiations were fraught with frustration and difficulty.

Unfortunately, U.S. enforcement of these four agreements has not lived up to expectations. There is a lack of funding and lack of sufficient U.S. personnel to assure enforcement and also be proactive in the peace negotiations now underway in Nairobi. More funding is something this committee can facilitate. Pushing U.S. allies for a stepped-up financial commitment is also a must. The State Department should make that one of its top priorities.

The four Danforth agreements were: 1) agreement not to target civilians or civilian objects in the south, to be monitored by international observers required periodically to publish their findings; 2) humanitarian cease-fire in the Nuba Mountains and access for humanitarian activities; 3) an independent slavery investigation committee of eminent persons from different countries; and 4) zones of tranquillity for the purpose of treating polio, guinea worm, and bovine rinderpest.

One: The agreement not to target civilians simply requires that the parties comply with the Geneva Conventions which both have violated throughout the conflict. Getting the parties, especially the government, to sign this agreement and to agree to its monitoring by international observers was very difficult and took months. Yet this agreement was signed by the government of Sudan on March 10, 2002, and by the SPLM/A on March 25.

The disturbing fact is that to date, four months later, the monitors have not been retained, with perhaps a few exceptions. They are not operational and it appears they will not be operational inside Sudan for several weeks, at least. This is the responsibility of the U.S.

This is a serious problem for human rights enforcement and for the success of the peace negotiations. U.S. credibility is at stake. So are the lives of thousands of southern Sudanese.

A key Swedish oil company, Lundin Petroleum, suspended its oil operations in southern Sudan in January 2002 because of security concerns. Since that time, as reported by several reliable extensively documented reports based on interviews in the field, the government of Sudan has accelerated its military campaign in Lundin's area, forcing displacement of its residents. Its plan appears to be to depopulate the area of the original inhabitants, southerners of the Nuer and Dinka tribes or ethnic groups, to make the areas "safe" for foreign oil companies. Had the monitoring operation been in place quickly, it could have deterred many deaths and the forced displacement of tens of thousands more.

The failure to enforce this key aspect of the Danforth agreements also hurts and hinders the search for peace. Southern Sudanese have to be convinced that, if they enter into an agreement with the northern political Islamist government, key governments will back it up politically and other ways. The U.S. performance on the enforcement of the "no targeted attacks on civilians" agreement is not convincing.

Two: The Nuba Mountains cease-fire agreement, signed on January 19, 2002, for six months and recently extended for another month, also lacks sufficient enforce-

ment. According to reports from individuals active in relief in the rebel areas of the Nuba Mountains for several years, there have been a series of events in the monitoring operation that make the Nubas and the SPLM/A question whether they should trust the monitors who are in place. For instance:

- The Joint Military Committee (JMC) overseeing the humanitarian ceasefire and the rest of this agreement is still below quota, and underfunded. It does not have enough staff to enforce the agreement;
- The government is still interfering with free movement of civilians;
- The Sudan government promised, in the Nuba agreement, to move some of its garrisons in the Nuba Mountains. Five such garrisons have not be been moved and two or three others have dragged their feet about leaving SPLM/A-designated areas as promised. They have been replaced military that were removed (as promised) with large contingents of "armed police;" and
- The JMC has lagged in locating a neutral site as required in the agreement, one where both parties could meet. The JMC headquarters is perceived as located in the Sudan government's territory.

On the positive side, the Nuba population on both sides eagerly endorsed a humanitarian ceasefire and thereby brought pressure on their leaders to sign an agreement. A Regional Conference in June in the rebel areas of the Nuba Mountains, observed by Nuba representatives living in government areas, was very successful. Its purpose was to elicit Nuba opinion on what was still to be done to achieve compliance with the Danforth Nuba agreement. The conference, which resolved to continue support of the ceasefire agreement with heightened attention to enforcement, was considered a valuable exercise in democracy.

Three: In mid-May 2002 the International Eminent Persons Commission (created by the Danforth agreement and funded by the U.S.) released an excellent, comprehensive and up-to-date report on the situation of abduction, slavery, and forced labor in Sudan. The recommendations to the government of Sudan seem to have been ignored.

Four: Zones of tranquillity for three health problems for three limited areas ran into problems caused by almost all involved. Resolving them consumed large amounts of time of top U.S. officials.

At the same time, the Sudan government attempted to radically restructure the thirteen-year-old international cross-border relief program, the U.N.'s Operation Lifeline Sudan (OLS). The restructuring aimed to give the Sudan government control of relief going into the oilfield area now the target of government military action, Western Upper Nile. The U.S. was a leader in creating the OLS in 1988 and put its foot down against the changes. This too consumed enormous amounts of time of top U.S., U.N., and other officials.

The U.N. calls the persistent efforts of the Sudan government to gain control over the U.N. relief program a "monthly drama" that must stop.

Although the Danforth initiative is a U.S. initiative, E.U. countries need to be included in its financing and enforcement. The E.U. and its members, the U.N., and the U.S. are in agreement about basic human rights principles. In Sudan, the lack of field-based independent human rights monitoring leads to sharp factual disagreements among the parties. Once the facts are established by independent monitors, it should be much easier to organize a joint international campaign to enforce respect for human rights. This will go a long way to convince the Sudan government that key foreign governments are united and serious about peace and human rights, and that an agreement must be reached.

The U.S. should not compromise on enforcement of these Danforth four agreements, which are essentially human rights agreements. It should not compromise or turn into a bargaining chip humanitarian relief or human rights. That would greatly compromise the effectiveness and credibility of the U.S. in peace negotiations.

As for the SPLM/A and the south, we emphasize the difficulties on the southern side because they are less well known and understood than the difficulties with the government.

Largely because of the SPLM/A's history of human rights abuses against southerners, the SPLM/A does not control the whole south nor does it speak for all its peoples. The persistence of a divided south has opened the door to the Sudan government's manipulation of ethnicity in the south. It gives the government tools to use against a just peace.

The negotiating context includes the issue of self-determination (independence) for the south. The mandate of Human Rights Watch does not include self-determination. Yet those familiar with the south recognize that there is strong southern (but not Nuba) support for self-determination, largely because of the long history of

abuse and discrimination directed against southerners by all Sudanese governments. Since independence in 1956, northern governments have not respected diversity nor fostered tolerance.

The south, even before independence, has been one of the least developed areas of the world. Its underdevelopment has mushroomed since the beginning of the current phase of the civil war in 1983.

It is hard to imagine how deeply this fundamental deprivation of economic, social, and political rights has hamstrung the search for peace. The south has a small educated class. Schools are almost nonexistent. Health conditions are appalling and drain the energy of a large segment of the population. Communications are extremely limited due to low literacy rates and absence of media, including the radio that in other African countries reaches the illiterate. Information, often incorrect, is conveyed by word of mouth from trusted community leaders who are not necessarily educated. This reinforces the ethnic divides in the south. Political organization is rudimentary.

The SPLM/A has contributed to and reflected these problems. It is not a democratic organization nor does it have a political program or plan that envisions a movement in that direction, creation of democratic institutions, or training of the population to participate in a democratic state where rule of law and human rights prevail.

Its ability to lead militarily has been proved. But it has failed to lead southerners politically. The SPLM/A does not speak for the whole south. Its leader, Col. John Garang, cannot lead the south into a peace agreement that does not reflect southern political aspirations. Signing such an agreement is probably the only thing that would cost him his leadership.

Southerners have tried recently to make their voice heard in peace negotiations. The Danforth report in May 2002 and the leaked draft peace agreement in early July 2002—proposed by some involved in the IGAD negotiations—have sparked southern protests and demonstrations (outside Sudan's police state). What lit the fire was the idea that the peace agreement would not provide a conclusive opportunity for southerners to exercise their right to self-determination.

In this political climate in the south, created by lack of respect for human rights, it is hard to see how the SPLM/A can be convinced to sign the draft peace agreement now circulating. The U.S. can help. Human Rights Watch's suggestions appear at the beginning of this testimony.

Senator FEINGOLD. And finally, we go to Paul Townsend. He is the country representative of the Sudan Program of Catholic Relief Services [CRS], which is the largest private voluntary organization operating in southern Sudan.

Mr. Townsend has been with CRS for 12 years. In his capacity as country representative, he oversees one of CRS's largest programs with over 200 staff and 11 field locations within Sudan, and also support facilities in Kenya, Uganda and the United States. He also serves on the core group for the New Sudan Council of Churches.

Welcome, and you may proceed with your testimony.

STATEMENT OF PAUL TOWNSEND, COUNTRY REPRESENTATIVE, SUDAN PROGRAM, CATHOLIC RELIEF SERVICES, NAIROBI, KENYA

Mr. TOWNSEND. Thank you very much, Mr. Chairman, and, again, thank you for this opportunity to participate in the hearing and the opportunity to testify on behalf of Catholic Relief Services.

With your permission, I would like to just summarize very briefly some of the recommendations and statements made in my written testimony which has been submitted to you.

I will start by reemphasizing, as was said by Mr. Winter, the fact that the situation in Sudan is urgent and deteriorating, putting at risk, as has been stated by the United Nations, 1.7 million lives, and the fact that the lack of humanitarian access directly contrib-

utes to the loss of these innocent civilian lives. The Khartoum Government bears the greatest responsibility to this lack of access.

Recent atrocities include the fact that over 40 aerial attacks on civilians by the Government of Khartoum have been reported since January of this year. We know that there are many more that are not reported.

These attacks have caused massive displacement of families, countless deaths and injuries, and interruptions to life-sustaining activities such as the planting of crops, as well as the provision of education and primary health services.

Over the past year and a half, staff members from five humanitarian aid organizations have been killed, including one of my own staff, Onen Joseph Clay, who was killed last September while having to drive in a flight-denied area.

Another, albeit more subtle, atrocity is the Khartoum Government's arbitrary denial of flight access for humanitarian assistance. Huge areas of southern Sudan, much of which is only accessible by air, remain off limits. Again, Mr. Winter did an excellent job describing the situation. And I reemphasize that the areas of southern Blue Nile, Upper Nile, eastern Equatoria and Bahr al Ghazal continue to not allow access. And, in fact, places like eastern Equatoria have been subject to flight denial since 1998.

Again, the situation is urgent. Acute and chronic malnutrition has been registered throughout much of these regions. These are conditions similar to those leading to the famine in 1998 in which an estimated 100,000 people died.

Let me cut to the chase and, if you would allow me, I would like to underscore the recommendations made in our written statement, many of which, I think, qualify under the idea of the toolbox that you mentioned earlier.

The United States and the international community must make progress in humanitarian issues, including those of access, a clear priority as part of any negotiations in relationship with the Khartoum Government.

We talked earlier of the three-pronged approach in terms of the goals of the administration's policy toward Sudan, counter-terrorism, humanitarian assistance, and peace process. And I think that there is a need to, as has been discussed previously, to assure that there are clear linkages between those goals, and that when—that conditions which are granted because there is progress in one goal are not actually seen as signals of acceptance under other goals.

How can the Khartoum Government be applauded in making progress on counter-terrorism internationally when they are carrying out terrorism on their own, within their own boundaries?

The United States—the United Nations and donor governments must ensure unimpeded humanitarian access to all at-risk populations. Access would be better assured by naming the Operation Lifeline Sudan security management teams as the independent mechanism for approving these requests. So, again, here is a clear action that could be taken in order to assure unfettered access to all populations.

The verification mission as brokered by Senator Danforth must be implemented without delay. Monitors must be granted

unimpeded access to all areas of Sudan, especially where the oil is being developed. And I was pleased to hear that there is some progress being made on this. I think that this has to be seen as a critical activity and carried forth with full support and as agilely as possible.

Related to the issue of access, but also equally if not more important in terms of supporting the peace process, corporations and governments involved in the Sudanese oil market, the oil, must be made to recognize and take responsibility for stopping the impact these activities have in escalating the war; limiting humanitarian access and ultimately contributing to this loss of innocent life that we have been discussing.

And finally, again as described by John, the right of the people of Sudan to determine for themselves how they are governed as a society must be upheld. This should be viewed as an essential building block for peace and an instrument leading to greater political self reliance amongst the people of Sudan.

In conclusion, Mr. Chairman, Congress has a crucial role to play in saving the lives of innocent Sudanese and ensuring a viable future for the Sudanese peoples. I urge you to seek the support of your colleagues and act on these recommendations immediately.

I thank you for calling this hearing and for the opportunity given to Catholic Relief Services to testify.

And I would also like to thank the American people for their support. Without both the private and public resources that you provide, we would not be able to carry out our life saving mission in Sudan.

I welcome the opportunity to respond to any questions.

Senator FEINGOLD. Thank you, Mr. Townsend.

[The prepared statement of Mr. Townsend follows:]

PREPARED STATEMENT OF PAUL TOWNSEND, COUNTRY REPRESENTATIVE, SUDAN PROGRAM, CATHOLIC RELIEF SERVICES

Thank you, Mr. Chairman, and members of the Subcommittee on African Affairs, for organizing this hearing. I am honored to have the opportunity to testify. My name is Paul Townsend and I am the Country Representative for the Sudan Program of Catholic Relief Services, based in Nairobi, Kenya. Catholic Relief Services has been involved in Sudan for 30 years, has been a founding member of Operation Lifeline Sudan, and is today the largest private voluntary organization operating in southem Sudan, serving an estimated 400,000 Sudanese.

We are all familiar with the tragedy in Sudan. With an estimated two million lives lost in this conflict and four and a half million more displaced since 1983 alone, Sudan is the most desperate humanitarian disaster on our planet.

In light of the recent, intense, and sustained international diplomatic efforts following in the wake of the Danforth Mission, the people of Sudan are offered a unique opportunity to move forward on a political solution to their 19-year long deadly civil war. As in most civil conflicts, the questions remain as to the depth and breadth of the political will of all parties involved, particularly the Government in Khartoum and the Sudan Peoples Liberation Movement/Army (SPLM/A).

In response to your invitation, Mr. Chairman, I'll primarily direct my remarks to the issues of humanitarian access into Sudan. I will emphasize, in particular, several obstacles to the stated U.S. policy goal of unimpeded humanitarian access throughout Sudan.

It is important to note that the vast majority of casualties in the Sudanese conflict have been non-combatants who died of famine and health-related causes. *Any meaningful attempt to staunch the loss of life in Sudan must recognize humanitarian concerns as an intrinsic and inseparable component of political negotiations.* If the current humanitarian crisis continues to deteriorate we could see a situation as devastating as the famine of 1998 in which an estimated 70,000 people died. The tre-

mendous loss of life in such a scenario would undermine any peace process currently underway.

THE PHYSICAL CHALLENGE OF PROVIDING HUMANITARIAN AID

The size and geographical complexity of Sudan make it one of the most difficult places in the world to deliver humanitarian services. An estimated 25-30 million people live in an area roughly equivalent to the size of the United States east of the Mississippi River. The southern third of the country is racked by war, famine, intense human displacement, and is strewn with the bones of millions of Sudanese women, children, and men. More than 5 million people live in this region nearly the size of the state of Texas. Medical facilities, communications, and essential road infrastructure are largely non-existent throughout much of this region. Overland travel is severely hindered by impassable rivers and mangrove swamps, and is rendered nearly impossible during the rainy season.

A FRAMEWORK FOR HUMANITARIAN RELIEF

Operation Lifeline Sudan is a UN-coordinated relief effort comprising UN agencies and more than forty international and local non-governmental organizations. In response to the severe famine in Sudan in 1988 that claimed the lives of more than 250,000 people, the Government in Khartoum, the Sudan People's Liberation Movement/Army and the United Nations jointly established Operation Lifeline Sudan (OLS). OLS was the world's largest humanitarian effort of its kind, and the UN's first negotiated access program. Today, it remains one of the most extensive and complex relief operations in the world.

OLS was established through the signing of the Beneficiary Protocol by the three main parties—the Government in Khartoum; the SPLM/A; and the UN. This protocol set forth a series of guarantees to ensure a safe and continuous supply of humanitarian assistance (access) to populations most affected by the war in Sudan. The first principle of the protocol affirms that war-affected populations have the right to receive humanitarian assistance, a right enshrined in international humanitarian law through the Four Geneva Conventions of 1949, an the two Additional Protocols of 1977.

POLITICAL OBSTACLES TO HUMANITARIAN ACCESS

Despite its commitments, the Government in Khartoum has systematically ignored the humanitarian protection afforded by the Protocols.

- As part of the Operation Lifeline Sudan agreement, flight requests must be submitted to the Government in Khartoum and the Sudan Peoples Liberation Movement/Army for approval each month, with the understanding that either party can approve or deny access based on their respective security assessments. These assessments are made without prior consultation and with no recourse for appeal.
- In direct contradiction to its obligation as a signatory to the Geneva Conventions and the OLS Beneficiary Protocol, the Government in Khartoum has consistently restricted humanitarian access to vulnerable populations in Sudan through the abuse of this approval process, and has obstructed the delivery of essential aid and services through other bureaucratic barriers.
- Some areas in Sudan such as the Nuba Mountains have been inaccessible to humanitarian agencies for years, and currently the Bahr al Ghazal and Western Upper Nile regions, precisely where there is the greatest need for assistance, have been denied access to sustained humanitarian assistance for several months. Eastern Equatoria, where Catholic Relief Services supports over 200,000 internally displaced and war-affected people, has been consistently denied flight access since 1998.
- Typically the Government in Khartoum denies access to 25 locations per month. This month the Government has denied access to approximately 50 locations in southern Sudan, and all of Eastern Equatoria, placing an additional 1.7 million people at risk of famine and disease.
- In addition to a listing of the areas requested for access, the Government in Khartoum has demanded maps and coordinates of the locations to which relief assistance is to be supplied and the airstrips to be used. The Government in Khartoum has repeatedly employed military gunships and Antonov bombers to disrupt humanitarian operations and displace human populations. in February 2002, government gunships attacked a crowd of civilians who had gathered for food distribution. Many other attacks on civilian populations and humanitarian operations have been recorded but little has been done to stop these vicious at-

tacks. When pressured to respond, the Government in Khartoum issues tepid statements suggesting that these "attacks" are nothing more than "regrettable mistakes" or "technical errors." The Government continues to impede humanitarian operations in Western Upper Nile, Bahr al Ghazal and the Equatoria regions to the present.

- The Government in Khartoum has demanded that all flights entering Sudanese airspace from the south be cleared by the air control tower in Juba. This creates an impossible situation given that the Juba tower has a radio range of approximately 50 nautical miles, and that aircraft enter Sudanese territory approximately 150 nautical miles away from Juba, much too far to establish the required VHF radio contact.
- Recently the Government in Khartoum called for the closure of the Lokiehoggio base, the main center of operations for humanitarian agencies going into opposition held areas of Sudan, an option declared "unacceptable" by the U.S. Special Humanitarian Coordinator Andrew Natsios.
- Again in direct contradiction to the OLS Beneficiary Protocol signed as part of a tripartite agreement, the Government in Khartoum unilaterally declared in May of this year that access into Western Upper Nile would be limited to five days only and all flights would be required to originate from within government controlled areas.

These are but a few examples of a long history and a clear intent of the Government in Khartoum to manipulate the delivery of international humanitarian aid. According to recent testimony from USAID, "[t]hese obstacles are so consistent as to amount to a deliberate strategy" (R. Winter. Testimony before the House Committee on International Relations, June 5, 2002).

All parties to the conflict in Sudan bear the responsibility to ensure safe access for the delivery of humanitarian assistance to non-combatants, and it is clear both parties have failed in those responsibilities. Military insecurity and the misappropriation of aid consistently impede the delivery of humanitarian assistance. I want to stress that in the ease of Sudan, though, that it is abundantly clear that the greatest obstacle to the delivery of humanitarian assistance now is the long-standing practice of flight denials. The party responsible for these flight denials is clearly the Government in Khartoum.

CONSEQUENCES OF THE DENIAL OF ACCESS

In some areas, flight denials by the Government in Khartoum are endangering the lives of humanitarian agency staff by forcing the use of highly insecure overland routes. Traveling overland in these areas exposes staff to multiple security risks including landmines, military ambush, and armed theft and attack. Over the past 18 months staff members of at least five humanitarian aid organizations have been killed, including Onen Joseph Clay of Catholic Relief Services, killed in the line of duty September 1, 2001.

The crisis is made all the more urgent in that Sudan is now facing a potentially severe famine. It is critical that full access be granted to humanitarian personnel so that a comprehensive assessment and appropriate preparations be made to avert this impending human disaster. According to a recent UN report, more than 1.7 million people are currently at risk. Acute and chronic malnutrition has been registered throughout many of the regions of the Upper Nile, Bahr al Ghazal, and Equatoria, conditions similar to the famine in 1998. Overland deliveries of humanitarian assistance to these regions will be impossible or seriously inadequate due to severe obstacles posed by overland travel. Flight access to these areas must be guaranteed—absent of this, tens of thousands of people face an uncertain future.

ECONOMIC OBSTACLES TO AID DELIVERY

A serious concern to those of us involved in the delivery of humanitarian and development assistance to the peoples of Sudan is oil. The Catholic Bishops of Sudan have repeatedly called upon oil companies, their governments, and the international community to halt all exploration and development of oil in Sudan until peace can be negotiated. As a result of further oil development, and the attempt to create an extensive buffer zone to protect investments and workers, we continue to witness the forced displacement of hundreds of thousands of southern Sudanese. As people are forced to move from their homelands, they join the millions of others who have been forcibly displaced, thus deepening the humanitarian crisis. The Government in Khartoum denies to an increasing number of displaced persons the means necessary for their survival. Oil thus perpetuates and deepens the humanitarian crisis and will continue to do so unless and until a consistent policy is developed to adequately

deal with the full impact of the Government's program to take control of oil-rich regions in southern Sudan.

FURTHER OBSTACLES TO U.S. POLICY

One of the most difficult issues confronting the people of Sudan is that of political self-determination. Since 1994, this principle has become a galvanizing force for many Sudanese even if a full and developed understanding of its meaning and application has not been publicly debated. The Sudan Council of Churches including the Catholic Church of Sudan continue to endorse this principle as a means to two complementary ends: a respect for the fundamental dignity of the Sudanese people in all dimensions of their lives; and as a powerful political instrument providing additional incentive to all parties to commit to a substantive and measurable peace process.

Notwithstanding the future political status of people living in areas outside the control of the Government in Khartoum, there is a serious lack of civic education, empowerment, and institution building. This represents a major obstacle to full political participation and to progress towards a viable and just peace. Greater attention must be given to the development of institutions capable of promoting informed political participation and the rule of law. This holds true equally in southern Sudan, in Nuba Mountains, in other marginalized areas, and throughout all of Sudan.

A crucial obstacle to implementing U.S. policy in Sudan is the fact that the United States and the international community have yet to identify and employ the incentives and pressures necessary to ensure that the parties to the conflict in Sudan honor their agreements. As Special Envoy Danforth alluded to in his report, the history of Sudan is littered with failed agreements. The current efforts to address this conflict will only be credible to the extent the parties are held accountable for the commitments they have made.

RECOMMENDATIONS TO IMPROVE HUMANITARIAN CONDITIONS IN SUDAN

1. The United States and the international community must make progress on humanitarian issues, including those of access, a clear priority as part of any negotiations and relationship with the Government in Khartoum.

2. The United States must encourage the United Nations to strengthen its leadership role in ensuring access and sustained humanitarian assistance, and end the use of arbitrary flight denials by naming the Operation Lifeline Sudan Security Management Team (SMT) as the independent mechanism for determining humanitarian access.

3. The Verification Mission, as brokered by Senator Danforth, must be implemented without delay. Monitors must be fully supported and granted unimpeded access to all areas of Sudan, whether Government or opposition held, especially where oil is being developed. The mandate of the Verification Mission must be broad in scope and coordinated with other diplomatic and humanitarian efforts so as to further the cause of peace.

4. Corporations and governments involved in the exploration, extraction, production, and sale of Sudanese oil must be made to recognize and take responsibility for stopping the impact these activities have in escalating the war, limiting humanitarian access, and ultimately contributing to loss of innocent lives.

5. The right of the people of Sudan to determine for themselves how they are to be defined as a people and governed as a society must be upheld. This should be viewed as an essential building block for peace and an instrument leading to greater political self-reliance among the peoples of Sudan.

The recommendations I have outlined reflect a strong consensus in the American Catholic community. I have appended some of the policy statements that embody this consensus.

In conclusion, Mr. Chairman and Members of the Subcommittee, I would underscore that Congress has a crucial role to play in implementing the recommendations I have outlined. If you find merit in the recommendations, I would urge that you seek the support of your colleagues and build these proposals into resolutions and appropriations passed by the Congress. I would also ask that you work hand in hand with the Bush Administration and its special envoys to ensure humanitarian access in Sudan and to prevent the repeat of another looming tragedy. I would further request that you support the work of the United Nations and non-governmental organizations in their unrelenting efforts to prevent widespread famine and human suffering in Sudan. I thank you for your consideration and welcome the opportunity to respond to any questions.

[Attachments.]

Appendix 1: "Statement on Sudan." Bernard Cardinal Law. March 28, 2000.

Appendix 2: "Sudan's Cry for Peace." National Conference of Catholic Bishops/ United States Catholic Conference. November 14, 2000.

Appendix 3: "Statement of U.S. Catholic Bishops Delegation to Sudan." April 5, 2001.

[Appendix 1]

STATEMENT ON SUDAN

BERNARD CARDINAL LAW, ARCHBISHOP OF BOSTON, CHAIRMAN, INTERNATIONAL POLICY COMMITTEE U.S. CATHOLIC CONFERENCE—MARCH 28, 2000

For more than 16 years the peoples of Sudan have been subjected to the devastating effects of civil war, which, according to the Catholic bishops of eastern Africa, have assumed savage, fratricidal and genocidal dimensions. Some two million have died and twice that number have been displaced, with Christians and practitioners of traditional African religions in southern and eastern Sudan the principal victims. The litany of horrors includes:

> . . . slavery and related practices; torture of persons in security detention; extra judicial punishment and executions; disappearances of persons; lack of freedom of expression; laws, attitudes and practices that discriminate towards non-Arabs and non-Muslims; the manipulation of the media in favor of all that is Muslim and Arab to the exclusion of other religions and ethnic groups; the lack of genuine dialogue between Christians and Muslims because of political manipulation; the use of food for proselytism or as a weapon of war; and the systematic depletion and expropriation of property and resources of the population in the war zones.
>
> (Statement of Catholic Bishops of East Africa, August 6, 1999)

The bishops of Sudan are clear that all sides are implicated in egregious human rights abuses, including the Sudan People's Liberation Movement/Army (SPLM/A), but the Sudanese government bears the greatest responsibility for abuses against civilian populations. The Sudanese government must end its aerial bombing of civilian targets, remove its restrictions on delivery of humanitarian aid to areas affected by famine, and cease government-sponsored militia raids on civilian villages, which include abduction of women and children into slavery. The Sudanese government must also end efforts to enforce Sharia law on its non-Muslim peoples. People are losing their lives and denied their rights in part because of their faith.

Every effort should be made by our government and others to press for greater respect for human rights, but there must also be renewed efforts to bring an end to this cruel war. The end of the war would not resolve all of Sudan's problems, but it would make it possible to address some of the most egregious suffering of the people of Sudan—hunger, displacement, economic underdevelopment, and slavery. As Bishop Joseph Gasi Abangite of Tombura-Yambio pleaded, "we need peace; we must put an end to the war and the culture of hatred and violence that is spreading among our people."

There is no military solution to this conflict; as difficult as it may be, a negotiated solution is the only way forward. The bishops of East Africa have given their full support to the peace process sponsored by the Intergovernmental Authority on Development (IGAD), which, despite its particular challenges, seems the most promising vehicle for negotiations at this time. We strongly encourage the United States government to pursue vigorously efforts to encourage IGAD negotiations, to help strengthen its mandate and to bring additional pressure on the Khartoum regime and opposition groups to make a good faith effort to end the war.

Given the urgent need to find a just peace to this interminable conflict, actions that risk exacerbating the conflict deserve careful scrutiny. While the Sudanese government has promised to use the proceeds from the recently opened oil pipeline (in which Chinese, Malaysian, and Canadian interests are involved) to assist those most affected by the war, especially the peoples of the South, and to improve the South's infrastructure, there is a real risk that oil revenues could further fuel the war.

Food aid and other humanitarian and development assistance for Southern Sudan must be an urgent priority. Every effort must be made to ensure that this aid reaches the most vulnerable populations, wherever they might be. Moreover, civil

society initiatives, critical building blocks in constructing the basis for a lasting peace, are in need of additional aid.

In the spirit of solidarity, the U.S. Catholic bishops will continue to seek ways to respond to the needs of the Church and the people in Sudan. Through Catholic Relief Services, we continue to build effective relief and development programs in this war-ravaged country. We support efforts to respond to serious violations of human rights, from slavery and attacks on civilian populations, to egregious violations of religious liberty and the use of food as a weapon. We encourage peace initiatives undertaken by the churches in Sudan. We are working with others in support of renewed efforts to help find a just and lasting political settlement to this war. We encourage the sending of missionaries to those regions where the Church is experiencing severe difficulty and where bishops are prevented from visiting the people entrusted to their pastoral care. We urge religious and humanitarian agencies to help support educational initiatives undertaken by the Church in Sudan. Finally, we call upon all Catholics to lift up the Sudanese people in prayer. Our spiritual solidarity provides encouragement to those seeking an end to the war and the beginnings of a national dialogue based upon respect, the dignity of all persons and the right to self-determination.

The violence and repression in Sudan cannot, indeed, must not continue. The people of Sudan yearn for a just peace. They cry for an end to the enslavement of their women and children. They yearn to be free from indiscriminate violence and the constant threat of famine. They long for equal rights, for Muslims, Christians, and practitioners of traditional African religions. They search for an opportunity to build a just and prosperous society that is a valued member of the family of nations. It is long past time for the international community to overcome its indifference toward the humanitarian nightmare in Sudan. It is long past time to do what can be done to help the people of Sudan realize their yearning for a just peace. Peace is not easy, but it is possible, and it is the only way forward.

[Appendix 2]

SUDAN'S CRY FOR PEACE

SOCIAL DEVELOPMENT AND WORLD PEACE, UNITED STATES CONFERENCE OF CATHOLIC BISHOPS—NOVEMBER 14, 2000

The cruel, fratricidal conflict in Sudan continues with few signs that an end is in sight. One of the worst human tragedies of our times has been met with relative indifference by the international community.

During the last 17 years, more than two million men, women and children have died and twice that number have been driven from their homes and ancestral lands. While this war is fueled and perpetuated by the drive for political and economic power, people continue to lose their lives and be denied their rights, in part, because of their faith. A government that does not represent the people of Sudan has waged a systematic campaign of terror against Christians, practitioners of traditional African religions, and non-Arabs, in the southern and eastern parts of the country, while in the north, Christian churches have been destroyed and voices of opposition have been brutally repressed.

The Bishops of Sudan are clear that all sides are implicated in egregious human rights abuses, including the Sudan People's Liberation Movement/Army (SPLM/A). The Sudanese government, however, bears the greatest responsibility for abuses against civilian populations. Slavery, torture, executions, religious persecution, discriminatory laws, unconscionable restrictions on aid to populations threatened by famine, indiscriminate bombing of churches, hospitals and schools, and the systematic destruction and expropriation of property and resources are just some of the horrors perpetrated on the people of Sudan. These horrors have only intensified in recent months.

The government in Khartoum, bolstered by increasing oil revenues, appears to be pursuing a military buildup in the hopes of winning the war by force. At the same time, recent military gains in the south by the SPLM/A have emboldened it to step up its military campaign. No satisfactory solution to this conflict can be achieved through military means. In place of war and violence, the proper way to pursue the goal of peace is to seek a political solution through dialogue.

The peace process sponsored by the Intergovernmental Authority on Development (IGAD), despite its particular challenges and complexities, deserves support as the only viable means to a just and sustainable peace. With the Bishops of Sudan, we urge our government to use its influence with those involved in this process to

renew their commitment to finding a just peace by fully implementing the Declaration of Principles to which they have already committed themselves. Ways also should be found to open this process to civil society representatives so as the better to ensure that it will reflect the aspirations of all Sudanese.

As new efforts are made to revive the peace process, efforts also must be taken to avoid actions that risk exacerbating the conflict and increasing the suffering of already vulnerable populations. All parties to this conflict, but particularly the Sudanese government, must end the use of food as a weapon of war. The international community must secure guarantees from the government so that humanitarian aid reaches the most vulnerable populations, wherever they might be.

We share the fear of the Sudanese Bishops that new oil revenues "will not be used for the welfare of the Sudanese." The Bishops are convinced that these revenues "will fuel the war rather than expedite its termination." We call on all those involved, including international companies involved in oil exploration and development in Sudan, to use their influence to promote basic human rights and to urge the equitable distribution of the benefits of the country's oil resources for the good of all.

As Catholic Bishops, we seek to strengthen the bonds of solidarity with a suffering Church and people in Sudan. We ask U.S. Catholics and others of good will to join with us in finding more concrete and effective ways to act in solidarity with the Church in Sudan as it works for a peace which at present seems so distant.

One way continues to be the crucial role that Catholic Relief Services is playing not only in aiding displaced persons and other victims, but also in helping people rebuild their lives and communities out of the ruins of this conflict. In addition, more support should be given to grassroots efforts that seek to strengthen the role of civil society in conflict resolution, especially the peace initiatives undertaken by the religious bodies of Sudan. The Church also needs the assistance of more missionaries, especially in regions where the Church is experiencing severe difficulty and where bishops are denied access to those entrusted to their pastoral care.

The violence and repression in Sudan cannot be allowed to continue. Sudan's political and military leaders must abandon their current path, which has led only to endless death and destruction, and embark on a new path of freedom, justice and peace for which their people so deeply yearn. Our government and other members of the international community should stand ready, in the words of the Sudanese bishops, to "come to the rescue of the people from an impending genocide." The international community can do more to help the people of Sudan achieve an end to this dreadful war. Peace is not easy, but it is possible, and it is the only way forward.

We must pray for the people of Sudan. Our spiritual solidarity is indispensable to those in Sudan who, despite everything, have not lost hope that their work for a just peace will ultimately bear abundant fruit. Let us turn to the intercession of St. Bakhita Josephine of Sudan, who was released from the oppression of slavery, that her native land may be at peace.

[Appendix 3]

STATEMENT OF U.S. CATHOLIC BISHOPS DELEGATION TO SUDAN

SOCIAL DEVELOPMENT AND WORLD PEACE, UNITED STATES CONFERENCE OF CATHOLIC BISHOPS—APRIL 5, 2001

I am Bishop John Ricard of Pensacola-Tallahassee and Chairman of Catholic Relief Services, the overseas relief and development agency of the U.S. Catholic Bishops. I also am a member of the U.S. Bishops' Committee on International Policy, which is chaired by His Eminence Bernard Cardinal Law, Archbishop of Boston. I am joined by Bishop Edward Braxton of Lake Charles, Louisiana, also a member of the U.S. Bishops' Committee on International Policy. A third member of our delegation, Bishop Nicholas DiMarzio of Camden, New Jersey and chairman of the U.S. Bishops' Committee on Migration, returned to the United States yesterday.

We are here today to report to you about our recently concluded visit to Sudan. In January 2000, the Catholic Bishops of Sudan invited the U.S. Bishops to send a delegation to Sudan to witness first hand the human consequences of their suffering nation's nearly 18-year civil war. Cognizant of the suffering of the Sudanese people and desirous of supporting our brother bishops and the Church in Sudan, we have come as representatives of the U.S. Bishops and the Catholic Church in the United States to learn more about this interminable and seemingly intractable conflict.

During our visit, we have met with authorities in both the North and South of Sudan. We also met with leaders of the Catholic Church, other Christian bodies, the Islamic community and civil society. In these meetings, we raised issues of peace, religious freedom, human rights, and displaced persons. We also visited areas hardest hit by the war as well as the Sudanese who have borne the burden of this conflict, in camps for both the internally displaced and refugees.

From our discussions and visits, we have found, first and foremost, that this conflict cannot be characterized in simple terms. All attempts to reduce the war to any single factor distorts reality and does not serve the cause of peace. Despite all the complexities involved, however, our mission has deepened our conviction that efforts toward peace in Sudan can no longer be neglected by the international community. The judgment of history will be determined by the courage and determination of the international community to take bold steps now to help bring this cruel war to an end. In our judgment, the United States must play a central role in this effort.

While a heightened engagement by the international community, especially the United States, must take place, we hold serious concerns about the intentions of the Government in Khartoum. It is perfectly clear to us that the primary responsibility for the prosecution of this war lies with the Government in Khartoum. The Government's systematic denial of religious liberty to Christians and other non-Muslims in both the North and South, use of aerial bombings and other tactics to terrorize and displace populations in contested areas, and documented violations of basic human rights provide evidence of a regime intent upon accumulating political and economic power and creating by force an Islamic state. Such reprehensible behavior only prolongs the violence and suffering and precludes any serious efforts towards peace.

In our view, a just and lasting peace must be based on the following principles:

- The right of the people of Sudan to determine for themselves how they are to be defined as a people and governed as a society;
- The right of all Sudanese to have their basic human rights respected, including the right to practice their religion freely;
- The right of all Sudanese to return to their homes;
- The right of all Sudanese people to live in peace and security.

In order to create an environment in which a just and lasting peace can be achieved, we believe that the United States and the international community should take the following immediate steps:

- Call for and help negotiate an immediate and verifiable cessation of hostilities, monitored by the United Nations or another international body, which includes a halt to the expulsion of civilian populations from their homelands;
- Urge corporations involved in the exploration, extraction, production, and sale of Sudanese oil to recognize the impact of these activities on the escalation of the war;
- Do more to end human rights abuses by parties to the conflict, particularly the abduction and enslavement of Sudanese citizens, especially women and children, and the forced recruitment of minors into military service;
- Press all parties to the conflict to end the use of food as a weapon and to guarantee unhampered delivery of humanitarian aid to affected populations, as outlined in the Beneficiaries Protocol and the Declaration of Principles.

In making this visit to Sudan, our overriding concern has been to help bring attention to the terrible human suffering caused by this war and the urgent need for a just peace. When we return to the United States, we will share what we have seen and heard with our fellow Catholic Bishops and the Church in the United States, as well as our political leaders and the wider American public. We will continue to focus attention on the plight of the Sudanese people and work tirelessly toward a just peace in Sudan.

Above all, we invite all people of good will, regardless of their religious identity, to join us in our prayer that God will deliver the people of Sudan from the ravages of this terrible conflict.

Thank you.

Senator FEINGOLD. I thank all of you for your patience today and for your testimony. And I do just have a few questions that I would like to pursue.

First for Dr. Morrison and Mr. Prendergast: To what degree is corruption a problem within the Sudanese Government today, and what about within the SPLM? And let me sort of suggest why I

ask. I am trying to understand something about the calculus of leadership here.

Why should the Government of Sudan negotiate a just peace that ends the conflict, recognizes the South's right to self-determination, and includes mechanisms for transparency in the oil sector and revenue sharing?

Today, that government need not take the South's views into account in its policies, and can spend its limited oil revenues in any way it pleases. Since the Sudanese Government does not appear terribly interested in the general well being of the Sudanese people, the promise of overall development does not seem to be a significant carrot for them, or in the case of the SPLA, if elites currently enjoy the lion's share of resources and have no interest in accountability, how appealing will these revenue-sharing schemes really be?

Let us start with Dr. Morrison.

Dr. MORRISON. The short answer is: We really do not know well enough. And we should know better and we should be making a special effort, I think, in terms of the administration's efforts to understand this dimension much better because, until we do, we will not know what kind of incentives are at play here.

And if you take the Government of Khartoum, there is not much transparency there. The oil revenues are tied, obviously, to weapons, or to conventional weapon procurement. They are tied to privatized industries that have been parsed out over the years to NIF insiders.

Much like many other oil rich companies, there tends over time to be an increase of these kind of special relationships which, if you are going to change the way it is managed, you are going to run up against these vested interests.

On the SPLM side, in terms of the way they manage their own affairs, I do not—many have commented that there is not a whole lot of transparency there, either, in the disposal of many of these resources. And how they are thinking about the future and management of their affairs is—it becomes critically important, too. And how they imagine the use of the wealth, and how they imagine a fair equitable distribution will become very important.

Senator FEINGOLD. Mr. Prendergast.

Mr. PRENDERGAST. Yes. On the flip side, the incentives for why should they conclude a peace agreement, I think on the government side, Steve earlier talked about the pie being small and shrinking in the context of continued conflict. In the context of the peace agreement, I do not think it doubles, Steve. I think it quadruples minimally because of the kind—the real mother lode of the oil deposits that are further south in the heart of the conflict areas now.

So the pie expands so dramatically that everyone gets access if it is structured in a way that people do not feel they are going to get cut out, those that are now feeding at the trough.

Second, the government will enter the community of nations fully, that they do not participate in now. There is still a partial isolation, a cloud hanging over Sudan everywhere they go because of the United States, which we ought to maintain and increase every time they bomb, every time they do anything that acts contrary to the Geneva Conventions.

That entering fully into the community of nations is sought greatly by certain elements of the government. Others do not care, would rather just go work with China and see what they could do with some of the allies they already have.

A third reason why the government would want to go forward in a peace agreement would be that slowly—these kinds see the handwriting on the wall. They are students of history. They know no government lasts forever.

And they see—they watched Milosevic go. They saw what happened to those in Afghanistan after September 11, watched how fast that regime fell.

And they see that, in fact, if they maintain this one-foot-in-and-one-foot-out kind of a policy that this is not going to last forever and that economic rehabilitation in Sudan solely depends on the consummation of a peace deal.

As long as that economy erodes, the formal economy erodes, they are grabbing the money. That is for sure. People are getting rich. But the formal economy is eroding. As long as that erodes, the ability for them to hold power with such a small support base deteriorates. And at the end of the day, they are not going to control and manage the process of their departure. And they do not want that.

On the SPLA side, well, again, it is the flip side of what Steve was saying. They are not getting anything out of anything right now. In a peace deal, certainly if it is done properly, revenue sharing, there is going to be great gains to be made for both, by both, for individuals but also, more importantly, for the communities in the South, for the reconstruction of the South.

But much more importantly than that—that is a side show, and Steve is right. You know, a revenue sharing plan will flow from the central issues, not drive them. Access to governing at the center in a reformed Sudanese state is where they want to be.

And I think that has been the case. People want to either be able to help determine the future of the Sudan state from the South, determine the future of a united Sudan state or they want the right to walk away. And they will fight for that. And there is not going to be any peace agreement until that is codified in a peace agreement.

Senator FEINGOLD. Let me ask the same two witnesses if there is a divergence between the economic and military realities that confront the parties to the conflict in Sudan and the perceptions of these parties. In other words, are there, sort of, if you would, any cherished illusions that need to be dispensed with if the peace process is to move forward?

Mr. Prendergast.

Mr. PRENDERGAST. I think the rhetoric is purely that of talking about Jihad in the North, and talking about "Just hold on. We will win this war" in the South. Neither side believes that they can win. I do not think they need to be disabused of that notion although, again, the public rhetoric will seem contrary.

I think both of them can maintain, though, their current levels of fighting: On the SPLA side, because of the manpower advantages; on the government side, because of the weapons advantages, purchasing from oil wealth. They can sustain this conflict, this low to medium intensity conflict, indefinitely. Internal power struggles,

potential internal power struggles probably pose more of a threat to their rule than any other external or the war itself, and so I think—you know, I do not think we need to—I think they are very realistic about the limitations of the military card in the context of changing the situation in Sudan.

Senator FEINGOLD. Anything on that, Dr. Morrison?

Dr. MORRISON. Yes, just a couple of quick points that are very consistent with John's analysis. Both sides, I think, realize they are in an indefinite military stalemate, even at intensified levels of fighting.

The oil wealth is not translating into a strategic breakthrough for Khartoum on the battlefield. The increased cohesion among southern Nuer-Dinka armed elements is not translating into an ability to bust through on their side. So that is one point.

The second is I think you can see in the behavior of the parties in Nairobi evidence of increased realism, which is encouraging.

And, third, I think part of this is intensified pressures on both sides. On the Khartoum side, they are running in an almost-half-billion-dollar-a-year budget deficit right now. They cannot move forward on all sorts of things internal until they have fixed their relationship with the United States and gotten back into a more normal relationship globally and gotten access to critical support in Bretten Woods institutions and others. And they are not going to get that until they are square with Washington. And they are feeling that pressure.

The southern insurgents are seeing an erosion of military and material support from within the region and from other places in Africa that have historically been very generous in supporting them. They are seeing that wane very dramatically. These pressures are pushing the parties, I believe, toward a more realistic assessment of the need for peace.

Senator FEINGOLD. Thank you. For both of you, again: What about timing? And you were sort of getting at this. Are there clear deadlines, economic, political or military that the parties to the conflict really need to meet to maintain their interests? And how can the United States most effectively take advantage of the parties' timeline to push our agenda?

Mr. Prendergast.

Mr. PRENDERGAST. Well, I think the timeline is yesterday. We have argued that the aftermath of September 11—you saw the graph. The leverage in the part, or on the part of the United States was at its highest point in those few months after, because Khartoum simply did not know what we were going to do in the next step on the war on terrorism, and they still do not know.

In the visits that I have made to Khartoum, there is a lot of uncertainty about particularly what the Defense Department's role in all this is going to be. And that is why we argue in the testimony that the Pentagon will directly be involved in the visible element of U.S. policy. When Senator Danforth travels to Khartoum, he ought to be on a U.S. military plane. He ought to have American officers with him, colonels.

And when we did the peace process in Ethiopia and Eritrea, one of the most effective elements of our peace strategy was having Pentagon people. They start every meeting with a full military

briefing to demonstrate to everybody they knew exactly what was going on. Nobody was going to pull any wool over anybody's eyes.

We knew as much as they knew about their own deployment of forces, and what their calculations were. It gives great credibility to what you are doing on the ground diplomatically. And the Pentagon is non-existent in this whole process. We need to get them involved in a significant way. So I think there is a lot of things we can do to enhance our own leverage. And even though yesterday was the best day to have started to move on this stuff, it is not too late now.

But the window is closing, I think, the longer Khartoum sees they can string everybody along with this, you know, mediocre cooperation on the counter-terrorism and see very little to no repercussions.

You kept asking, and so did Senator Frist and Senator Brownback, about what are the repercussions when they do *x, y* and *z*? There are not any.

What you do see, what the response keeps coming back as is, "Well, we do not improve the bilateral relationship." So it is a negative.

Senator FEINGOLD. Right.

Mr. PRENDERGAST. So we have got to do more in terms of escalating and building that leverage and then coordinating with our allies.

Senator FEINGOLD. Dr. Morrison.

Dr. MORRISON. Senator Danforth, I thought, was very smart in the first phase in laying down very specific benchmarks with timelines attached to them for, "Are you on," or "Is this a yes or no," and "When do you begin to deliver," and sign.

We are now in a period of very intensified diplomatic activity with Senator Danforth, Assistant Secretary Kansteiner, others traveling into the region and engaging in trying to push and draw in other European support behind the pushing-on in this period.

What are the timelines that we need to think about? One is: The Nuba Mountain cease-fire cannot last indefinitely on its own. There needs to be a demonstrated broader process on the search for a comprehensive peace settlement.

So the next phase, I would think, would be seeing delivery of a framework agreement signed sometime within the next near term of 60 days, 30 days with an objective of getting the gaps filled within another 90 or 120 days.

President Moi is looking to end his career and retire from office. And this is an important final achievement in his legacy that he is seeking.

The dates of his departure are themselves up for grabs at the moment. And that is a shifting timeline. But it is nonetheless one that is out there and is going to occur in the near to medium term. And it is going to set some additional pressures in place.

Senator FEINGOLD. Thank you. I have got one more for the both of you, and then a couple for each of the other witnesses. What institutions in Sudan do you think have demonstrated a real commitment to improving the lives of the Sudanese people, and are these institutions going to have a meaningful seat at the table in negotiations about the future of Sudan?

Dr. Morrison.

Dr. MORRISON. Since the advent of the NIF government in mid-1989, there has been a very, very grave erosion of civil life within Khartoum. I mean, Sudan as a country had a very illustrative history of faith-based institutions, of media, of universities, of a diversity of political parties. And that memory is very alive.

But there needs to be a systematic effort at restoring that dimension and mobilizing it. And I do not have—I do not think there are any easy or quick possibilities for that, but it needs to be part of the discussion.

In terms of southern Sudan, the churches—and I think Paul is best positioned to speak directly to this—but the Council of Churches have been absolutely integral to preserving life and civil life, civil institutions, an independent voice in southern Sudan. And their role becomes ever more important in this period. And then they are not shy about expressing themselves on the bigger political issues.

Mr. PRENDERGAST. One of the key missing ingredients of the peace process now is that 75 percent of the electorate of Sudan in the last election represented in Umma, the Democratic Unionist Party, and other northern political parties in Sudan, are not at the table.

This is clearly going to be a very, very difficult sell, one—even if you got a peace agreement, then to implement it, and one of the problems of the 1972 peace agreement, was you did not—it was amongst the armed groups, not the civil population.

And so I think at a minimum, there have to be meaningful approaches to include—more inclusively bring the views of the northern political parties into the process, and the northern and southern civil society elements. That can be done in many different ways.

I think we have shared a number of ideas with the facilitation team in Nairobi about doing that. They are considering that. It is late again. All of this stuff should have been done yesterday, because if we lose a point of leverage—you bring the northern political parties and the northern and southern civil society groups into the process, and you create a moderating influence on the extreme positions of the armed actors. In the absence of their involvement, you are going to see that continuing divergence, I think. So even bringing them in a consultative way brings the possibility of moderating positions on the part of both of the armed actors.

Senator FEINGOLD. Thank you for all those helpful answers. Ms. Rone, what is your assessment of the administration's view of the oil sector and its potential to draw the parties into a peace agreement? Is this realistic?

Ms. RONE. I think that it was one of the things that really puzzled me about the Danforth report. I do not think that oil companies are notorious for fostering peace to begin with, be they American or other international oil companies. That is not their, you know, initial responsibility.

I do not have a feeling that they have a clear view of how this process is going to take place. I think perhaps, as Steve Morrison has said, that they hope that they will be—both parties, once they understand the benefits to full exploitation of the resources of the

South, basically will be enticed by the prospect of prosperity to be or to want to enter into a peace agreement. I suspect that is their theory.

I do not know if that will work. I think that both parties see it now as a total zero sum gain. They do not want—they get it all or they get nothing. And I think that they are not willing to share anything. They are not willing to share any oil revenue in any meaningful way. And the South, particularly, I do not think they understand the need to have discussions or some kind of relations with the Egyptians with regard to their concerns about access to the waters of the Nile.

And I think they see the oil as an incentive, I am not sure about that. It is very certain that it is now an incentive for war for—on the government's part, and it gives them a status and a buzz, you know, that they did not have before because this is some measure of prosperity, and they have really gotten a few grandiose ideas about how far they can go with it.

I do not think that they really have resigned themselves to the fact that they are not going to be able to capture enough land in the South and evict enough people from it that they will actually be able to provide any kind of meaningful guarantee for international oil companies that they hope to attract.

I think partly they do not want their industry to be in the hands of the Asians. I think that is kind of clear. They would like to have the first-class international oil companies there.

But I am not sure that the government will move off its current position, if that is the thing, you know, if they feel they have to sacrifice too much control of the oil to bring in the international.

Senator FEINGOLD. Do you think it is possible for an oil company to even operate responsibly in Sudan today given the government's tactics and the civil war?

Ms. RONE. No, I do not, not in the South, because—and I wanted to make this point too about something that Mr. Kansteiner said. There has been talk of an oil escrow, but this was—the talk was about putting the revenues in escrow while the war was going on, possibly as a way to also incentivize the government and the SPLA to wrap it up and make peace, so they can get at the money.

The churches in Sudan, the new Sudan Council of Churches that is based in the rebel area or serves the rebel areas. And the Sudan Council of Churches jointly issued a statement many years ago saying that they posed this, and they insisted and begged the companies to withdraw from Sudan because the natural consequence of the geography of the oil is that for the government to get at it, they have to evict southerners from their lands. And this, the displacement, forced displacement is inevitable in the government view of how to bring in foreign companies.

So the churches and the—I must say in terms of institutions that speak for or are concerned about the welfare of the people and civilian institutions, the new Sudan Council of Churches is practically the only civilian institution left standing in the South after this long war so, by default, you know, they have become it. It has been very hard to nurture civil society and resurrect or revitalize even traditional sectors.

But they have asked that no more drilling or exploration or development occur in order to prevent the continuing cycle of human rights abuses. And I also wanted to—well, go ahead with your next question.

Senator FEINGOLD. I am going to go to Mr. Townsend so if you want to make another brief comment go ahead.

Ms. RONE. I wanted to make a couple of other points about access. And one being you had a question, I think about—or there was a question raised about access to eastern Equatoria, and Roger Winter said he did not know why the government had prevented access to eastern Equatoria, so close to the Uganda and Kenya borders for 4 or 5 years now.

I have a theory that is based on the fact that this is really in many respects a regional war. The Sudan Government has housed and backed the Lord's Resistance Army and its attacks on civilians and the army in Uganda.

The Lord's Resistance Army is housed in eastern Equatoria. I would suspect that they did not want international monitors or food monitors or anybody doing relief work or health assessments in that area to prove that they were—who would see the proof of the extent of their assistance to the LRA, and also to see, to stumble across the miserable conditions in which the LRA has kept captive Ugandan children.

Senator FEINGOLD. Yes.

Ms. RONE. So that has been, you know, an area that has been off limits, in a lot of senses, to international observation.

In addition, now that war has leeched back into Sudan because the LRA, the Government of Sudan and the Government of Uganda agreed, should be dismantled or driven out or shut down. They could not agree on a methodology for doing that.

The end result is that the Khartoum Government has given the Uganda Army the carte blanche to go into southern Sudan and root out the LRA. Well, the Ugandan Army cannot root the LRA out of its own territory, much less territory in another country with which it is not familiar. And this is excellent guerrilla territory, and the LRA has been there for years, and they know it very well. And they are eluding the Ugandan Army, plus the fact that since the Sudan Government cutoff food aid to them and other things, the LRA has been victimizing southern Sudanese civilians.

And I do not think that Khartoum really cares about that. But the end result has been a multiplication of wars in this area of southern Sudan, and an intensification of the vile effects on civilians of war.

And the LRA is nowhere near being controlled. It is—the southern Sudanese are just paying a higher price now. It is very difficult.

Senator FEINGOLD. Thank you. I have to start an hour-long conference call in about 10 minutes, so I apologize.

Ms. RONE. Thank you.

Senator FEINGOLD. Mr. Townsend, how should humanitarian access issues in Sudan be addressed? What specific steps should be taken on the ground in the short term to achieve our policy of approving—or improving access and also in the long term?

Mr. TOWNSEND. Thank you, Mr. Chairman. As I suggested earlier and it has been suggested by others, I think the first step is to assure that the issues of humanitarian assistance, and particularly the issue of access, are clearly linked to the overall relationship and negotiations that occur between the Government of the United States and the Government in Khartoum.

I think that if incentives are given for progress made on certain fronts, they, again, do not create any disincentive for actions that are being carried out on other fronts such as the issue of access.

I think eliminating the Khartoum Government's veto on access—again using the OLS security management team is another way. I think there are many good things about the OLS framework that can be continued to be used.

I think there are—given the purchasing of increased military hardware, there are additional risks to non-OLS access, and that may increase over time. And if within the framework of OLS, we can get beyond this veto question, then it will be or it will then eliminate the issue with respect to access being arbitrarily denied.

And, again, by having security assessments being carried out by the security management team, there is an element of impartiality or an international monitoring occurring in terms of the conditions on the ground with—under which humanitarian assistance can be provided.

I would support USAID's proposals for an internationally monitored flight clearance mechanism. Complementing this, I would support the idea of U.N. monitors and peacekeepers again pushing the envelope on the monitoring process that has been and was first presented by Senator Danforth.

And I would consider other options. The Sudanese Catholic Bishops, for example, have called for monitored no-fly zones. And I think we have seen that in other areas of the world. This is a mechanism that can be used.

It is tremendously challenging, because of the extent of the territory under consideration. But I think, again, a very much more aggressive approach to monitoring and to supporting this unimpeded access is the toolbox that can best serve our needs and the needs of the innocent lives of the Sudanese.

Senator FEINGOLD. Finally, would you say that the humanitarian community is satisfied with the efforts of the United States to hold the Government of Sudan to its commitments regarding OLS and access?

Mr. TOWNSEND. I think good progress is being made. I am extremely concerned that there are peace negotiations occurring on the one hand, and bombing and air attacks and human rights violations occurring on the other.

And I cannot—it is hard for me to understand how a process, a peace process can continue with our support without the cessation of hostilities at least being a precursor to that process.

Senator FEINGOLD. Thank you.

Let me thank all of you not just for your patience and your help today, but for your commitment to this situation. You are a very impressive panel. And although we have been at this a long time, it would be valuable to spend even more time talking to you.

This subcommittee can only handle so many hearings in a year in fairness to my colleagues. And I hope people recognize that the decision to hold this hearing and to spend a lot of time looking at this in detail is a signal of how serious we are about this.

And it is a bipartisan seriousness. It is not a Republican issue. It is not a Democratic issue. It is an issue that all Americans should care about. And we do, of course, want the cooperation of the Sudanese Government when it comes to our No. 1 priority, which is fighting terrorism. And we do desperately want peace in that country, a permanent fair peace. But we will not allow either of those goals to undercut the necessity of protecting human rights and guaranteeing humanitarian assistance. And that is, as far as I am concerned, the message that I am getting from many of the comments that each of you have made.

I thank you again.

The record will be left open for other Senators to submit questions until the close of business tomorrow. Thank you. And that concludes the hearing.

[Whereupon, at 5:15 p.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.]

ADDITIONAL QUESTIONS SUBMITTED FOR THE RECORD

RESPONSES OF HON. WALTER KANSTEINER, ASSISTANT SECRETARY OF STATE FOR AFRICAN AFFAIRS TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR JOSEPH R. BIDEN, JR.

Question. You mentioned in your oral testimony that Executive Order 13067 issued by President Clinton in 1997 was an impediment to establishing the verification team for investigating attacks against civilians. Elaborate on what prevented you from establishing the verification unit and how the State Department was able to address the issue.

Answer. Executive Order 13067 requires that organizations, including those conducting work to lessen human suffering, obtain an Office of Foreign Assets Control (OFAC) license prior to conducting operations in Sudan. Fund disbursement to any U.S. contractor to conduct business in Sudan is delayed until the OFAC license is in hand. As a result, the measures that were crafted to halt commercial and other contact with Sudan introduced an additional hurdle for our diplomatic and programming efforts.

Question. Your written testimony indicates that "some European intellectuals" were skeptical about the existence of slavery in Sudan. How has the skepticism of intellectuals influenced the thinking of policy of European Union member states? Did it cause these governments to deny the existence of slavery? What has been the reaction of European governments to the findings in the report of the Eminent Person's Group on Slavery, which has effectively established the existence of slavery in Sudan?

Answer. I cannot guess the extent to which intellectuals influence European governments on the issue of slavery in Sudan.

European partners involved in Sudan have commented in diplomatic circles that the report published by the Eminent Person's Group on Slavery, Abductions and Forced Servitude was a positive addition to the discourse on this topic.

Question. Was the above report released and widely publicized in European capitals? Have members of the Eminent Person's Group been involved in publicizing the report? Have U.S. Government officials been actively involved in discussions about the findings in the report with their European counterparts and members of the European press?

Answer. The report on Slavery by the Eminent Person's Group was widely publicized in European capitals. It was sent to U.S. missions in European capitals that are most engaged on Sudan.

Members of the Eminent Person's Group have discussed the report in the press and in other public forums. In addition, U.S. diplomats have discussed this report with European counterparts and members of the European press. The report has been covered in U.S., European and African press.

Question. You stated during your testimony that an Arabic translation of the report would soon be available. Will the Arabic translation be widely publicized by U.S. Government officials in the Arab and Muslim world?

Answer. The Arabic translation of the report on slavery in Sudan by the Eminent Person's Group will be released to our Middle Eastern missions. The Arabic translation of this report will be available on the Department of State's Web site and also will be distributed to Arabic speaking news outlets.

RESPONSE OF HON. WALTER KANSTEINER, ASSISTANT SECRETARY OF STATE FOR AFRICAN AFFAIRS, TO AN ADDITIONAL QUESTION FOR THE RECORD SUBMITTED BY SENATOR JESSE HELMS

Question. If capital market sanctions were applied to oil companies operating in Sudan, would the goal of decreasing oil revenue to the Sudanese Government be met?

What oil companies are operating currently in Sudan? Have any of them made public statements as to whether they would continue to operate if the United States Government applies capital market sanctions?

Answer. Companies that are concession holders in Sudan's oil operation include: Talisman (Canada), Petronas (Malaysia), Sudapet (Sudan), China National Petroleum Corporation (China), Gulf Petroleum Corporation (Qatar), Lundin Oil (Sweden), OMV GmbH (Austria), Slavneft (Russia) and TotalElfFina (France).

Several of these companies noted that they have potential buyers waiting in the wings and will sell their holdings if pushed by the passage of the Sudan Peace Act. The majority of these companies, however, have no intention of selling their holdings and have promised to shift—or already have shifted—their companies' search for capital into other, overseas markets. Their comments, in short, were that they are more interested in Sudan's oil than in U.S. capital markets. That said, the imposition of capital market sanctions on Sudan is not likely to have a significant impact on their oil revenues.

Unfortunately, the market for Sudan's oil is beyond the reach of the United States' capital markets. Changing the way our capital markets operate to address this problem is not only going to miss its goal, but also hurt our markets by pushing capital elsewhere.

RESPONSES OF HON. WALTER KANSTEINER, ASSISTANT SECRETARY OF STATE FOR AFRICAN AFFAIRS, TO ADDITIONAL QUESTIONS SUBMITTED FOR THE RECORD BY SENATOR BILL FRIST

Question. In your opinion, does the Government of Sudan's actions violate the terms of long-standing Operation Lifeline Sudan agreements? In your opinion, does the Government of Sudan's actions undermine your confidence that any future agreements will be respected?

Answer. In my opinion, the Government of Sudan has not met all of its obligations under the tripartite agreement—in spirit or letter—that established Operation Lifeline Sudan.

In my opinion, the Government of Sudan will only abide by agreements if they are clear in intent and monitored by the international community properly.

We have transposed this idea into the structure of the agreement signed in Machakos, Kenya. The agreement, known as the Machakos Protocol, contains components that allow the international community to participate in its implementation. The United States will continue to press the parties to strengthen this principle in the ensuing peace talks.

Question. How will the Administration respond if the Government of Sudan insists that access to humanitarian relief flights will proceed only on its own terms? If the Government of Sudan continues to insist on negotiating over the issue of access for humanitarian flights, what steps will the Administration take to ensure that humanitarian relief is delivered in a timely way?

Answer. After the signing of the Machakos Protocol on July 20, the United States has again called for unimpeded access by the Government as a demonstration of their commitment to ending the suffering of the people of Southern Sudan.

We are at a critical juncture on humanitarian access and a cease-fire at this time and have communicated our expectations that some movement on these issues must be a priority.

The United States and other humanitarian actors in Sudan utilize non-Operation Lifeline Sudan (non-OLS) operations for distributing relief to areas in need that are otherwise off-limits to OLS.

Non-OLS organizations do not adhere to the boundaries or restraints outlined by Khartoum, and have some degree of flexibility. Conversely, they do not have the lift and delivery capacity of the OLS mechanism. Our planning contingencies include, however, the ability to shift resources to non-OLS actors should OLS continue to be denied access when assistance is needed.

In addition, USAID has organized a group of ten donors who have now met twice in Geneva on this issue. USAID is planning a joint donor meeting in Khartoum with the government on humanitarian access in mid-August.

Question. Can you foresee a situation in which the Administration concludes that the Government of Sudan is not serious regarding access for humanitarian relief flights but is delaying access to gain a military advantage? What factors would lead to such a conclusion? Would a lengthy delay in reaching an agreement on access be a sufficient reason for such a conclusion?

Answer. After the signing of the Machakos Protocol on July 20, the United States has again called for unimpeded access by the Government as a demonstration of their commitment to ending the suffering of the people of Southern Sudan.

Concrete progress on the remaining substantive issues remains to be demonstrated by both parties. As the talks resume in Machakos in mid-August, we intend to urge Khartoum and the opposition forces to alleviate the suffering of the Southerners by undertaking commitments for both unlimited humanitarian access and a cessation of hostilities.

RESPONSE OF JOHN PRENDERGAST, CO-DIRECTOR, AFRICA PROGRAM, INTERNATIONAL CRISIS GROUP TO AN ADDITIONAL QUESTION SUBMITTED FOR THE RECORD BY SENATOR BILL FRIST

Question. Some have suggested that any political solution to the conflict in the south must include a reform of the government in the north, arguing that the problem of the war in Sudan is ultimately a national problem. If the National Islamic Front remains in power in the north, the argument goes, the Government of Sudan will concede to an agreement for tactical reasons with the intent of fighting another day. Will a real agreement depend on some kind of regime change in Khartoum? If so, as it is unlikely that the NIF would voluntarily negotiate away its power, how do we accomplish that?

Answer. It is correct that a comprehensive agreement requires central government reform. This does not necessarily mean regime change. Of course the NIF will not negotiate away its power, but it can be pressured to negotiate its reform. The reforms necessary go far beyond having a constitution that is neutral on religion, but also involves real power sharing with other parties (not just the SPLM), wealth sharing, and a process of transition toward democratic elections.