

**FOLLOWING THE DANFORTH REPORT:
DEFINING THE NEXT STEP ON THE PATH TO
PEACE IN SUDAN**

HEARING
BEFORE THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED SEVENTH CONGRESS
SECOND SESSION

—————
JUNE 5, 2002
—————

Serial No. 107-100

—————

Printed for the use of the Committee on International Relations



Available via the World Wide Web: http://www.house.gov/international_relations

—————
U.S. GOVERNMENT PRINTING OFFICE

80-060PDF

WASHINGTON : 2002

—————
For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

COMMITTEE ON INTERNATIONAL RELATIONS

HENRY J. HYDE, Illinois, *Chairman*

BENJAMIN A. GILMAN, New York	TOM LANTOS, California
JAMES A. LEACH, Iowa	HOWARD L. BERMAN, California
DOUG BEREUTER, Nebraska	GARY L. ACKERMAN, New York
CHRISTOPHER H. SMITH, New Jersey	ENI F.H. FALEOMAVAEGA, American Samoa
DAN BURTON, Indiana	DONALD M. PAYNE, New Jersey
ELTON GALLEGLY, California	ROBERT MENENDEZ, New Jersey
ILEANA ROS-LEHTINEN, Florida	SHERROD BROWN, Ohio
CASS BALENGER, North Carolina	CYNTHIA A. MCKINNEY, Georgia
DANA ROHRABACHER, California	EARL F. HILLIARD, Alabama
EDWARD R. ROYCE, California	BRAD SHERMAN, California
PETER T. KING, New York	ROBERT WEXLER, Florida
STEVE CHABOT, Ohio	JIM DAVIS, Florida
AMO HOUGHTON, New York	ELIOT L. ENGEL, New York
JOHN M. McHUGH, New York	WILLIAM D. DELAHUNT, Massachusetts
JOHN COOKSEY, Louisiana	GREGORY W. MEEKS, New York
THOMAS G. TANCREDO, Colorado	BARBARA LEE, California
RON PAUL, Texas	JOSEPH CROWLEY, New York
NICK SMITH, Michigan	JOSEPH M. HOEFFEL, Pennsylvania
JOSEPH R. PITTS, Pennsylvania	EARL BLUMENAUER, Oregon
DARRELL E. ISSA, California	SHELLEY BERKLEY, Nevada
ERIC CANTOR, Virginia	GRACE NAPOLITANO, California
JEFF FLAKE, Arizona	ADAM B. SCHIFF, California
BRIAN D. KERNS, Indiana	DIANE E. WATSON, California
JO ANN DAVIS, Virginia	
MARK GREEN, Wisconsin	

THOMAS E. MOONEY, SR., *Staff Director/General Counsel*

ROBERT R. KING, *Democratic Staff Director*

M. PATRICIA KATYOKA, *Professional Staff Member*

MARILYN C. OWEN, *Staff Associate*

CONTENTS

	Page
WITNESSES	
The Honorable Walter Kansteiner, Assistant Secretary, Bureau of African Affairs, U.S. Department of State	6
Roger P. Winter, Assistant Administrator, Bureau of Democracy, Conflict and Humanitarian Assistance, U.S. Agency for International Development ..	11
Michael K. Young, Chairman, U.S. Commission on International Religious Freedom	16
Francis Deng, Senior Fellow, Foreign Policy Studies, The Brookings Institution	52
John Prendergast, Co-Director, Africa Program, International Crisis Group	65
Ken Isaacs, International Director of Projects, Samaritan's Purse	70
Eric Reeves, Professor, Smith College	74
LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING	
The Honorable Walter Kansteiner, Assistant Secretary, Bureau of African Affairs, U.S. Department of State	8
Roger P. Winter: Prepared statement	13
Michael K. Young: Prepared statement	18
Francis Deng: Prepared statement	56
John Prendergast: Prepared statement	67
Ken Isaacs: Prepared statement	73
Eric Reeves: Prepared statement	76
APPENDIX	
Questions for the record submitted to the Honorable Walter Kansteiner by the Honorable Joseph Crowley, a Representative in Congress from the State of New York and responses	89
The Honorable Jeff Flake, a Representative in Congress from the State of Arizona: Prepared statement	90

FOLLOWING THE DANFORTH REPORT: DEFINING THE NEXT STEP ON THE PATH TO PEACE IN SUDAN

WEDNESDAY, JUNE 5, 2002

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to call, at 10:57 a.m. in Room 2172, Rayburn House Office Building, Hon. Henry Hyde (Chairman of the Committee) presiding.

Chairman HYDE. The Committee will come to order.

As a result of the bloodiest war on the African continent somewhere in that land of misery today a child will die, a mother will lose a limb, and a young woman will be enslaved. This is the reality in Sudan, a country at war, a terrible war. You have heard the numbers—2 million dead, and more than 5 million displaced. Despite these frightening numbers very little is being done to end the suffering of the helpless and the innocent.

Today's hearing is another effort, one of many in the past decade, to help push the quest for peace in Sudan. We cannot turn a blind eye to the suffering of the weak and the helpless civilians in southern Sudan, and we cannot pretend we do not know. We witness the suffering every day. It is incumbent upon us to do something, to do the right thing.

For almost 4 decades the East African country with a population of 35 million people has been the scene of intermittent conflict. The Sudanese conflict, Africa's longest running civil war, shows no sign of ending. The National Islamic Front Regime, which came to power by ousting a democratically elected government in 1989, continues to mount a brutal military campaign against its powerless masses in the south.

Unfortunately, a new generation of southern Sudanese are growing up in the midst of war and hopelessness; children are being killed and maimed by a government determined to exterminate its own people. In February, government helicopter gunships mowed down scores of civilians who were waiting in line for food at a United Nations feeding center. Seventeen people were killed and scores wounded.

This Committee processed the Sudan Peace Act. The House passed the bill by 422 to two in June 2001, and appointed conferees several months later. The act is an effort to address some of the problems facing Sudan and to provide assistance to those fighting for democracy and freedom, and to punish those who trade in blood

oil. Unfortunately, our colleagues in the Senate have yet to appoint conferees in order to reconcile the two versions of the bill.

The Bush Administration had demonstrated its keen interest in bringing about an end to the conflict. On September 6, 2001, President Bush appointed Former Senator John Danforth as Special Envoy for Peace in the Sudan. During a White House ceremony the President stated that,

“For nearly 2 decades the government of Sudan has waged a brutal and shameful war against its own people, and this is not right, and this must stop.”

We welcome the President’s asserted engagement in Sudan.

Senator Danforth was given the mandate to ascertain if there is a role for the United States to play in the peace process. As part of his mandate, he first sought to test the parties to the conflict to determine if they were serious about a negotiated settlement. He proposed four confidence-building measures. These included: (1) a cease-fire in the Nuba Mountains region to facilitate relief assistance; (2) the creation of “days of tranquility” to administer immunizations and provide humanitarian relief assistance; (3) an end to aerial bombardment of civilian targets; and (4) the creation of an Eminent Persons Group on slavery in Sudan.

In April 2002, Senator Danforth submitted his report to President Bush, recommending continued U.S. engagement in the peace process. The release of the Danforth Report provides an opportunity for Congress to assess the direction of U.S. engagement in the peace process. While I am encouraged by the Administration’s high level commitment, I am disheartened to learn conditions on the ground have not changed.

However, the witnesses today will lend us greater insight into the problems involved in the peace process and the impact which implementation of the recommendation contained in the Danforth Report might have on easing the conflict in Sudan.

I now turn to the Ranking Member, Mr. Lantos, for his opening remarks.

Mr. LANTOS. Thank you, Mr. Chairman, and before offering my opening remarks I want to commend you for your opening statement which I had the privilege of reading, and I want to explain to you that I was on the Floor making a statement on the most recent suicide bombing in Israel, which I think needed to be commented on.

Sixteen Israelis were massacred this morning in a suicide bombing of a bus, with 50 Israelis being injured, many of them critically. With a population 50 times that of the State of Israel, this is the equivalent of 800 Americans having been blown to bits and some 2500 Americans injured, many of them critically. If in the morning paper we would be reading that 800 of our citizens were killed in suicide attacks, we would understand the climate that permeates our friend and ally, Israel, this morning.

Mr. Chairman, I want to thank you for convening this very important hearing on Sudan, a country where an 18-year civil war has claimed more than 2 million lives and has required the delivery of more than \$1.2 billion in U.S. humanitarian assistance since

1988, when our Office of Foreign Disaster Assistance became involved in Sudan.

I would also like to congratulate my friend, Senator Danforth, on his mission and commend him on his efforts to move the Sudanese government and the Sudanese Peoples Liberation Movement toward accommodation and peace.

It is important to note that Senator Danforth's report on Sudan and indeed this hearing, are both taking place in the context of an ongoing campaign of terror perpetrated by the Sudanese government against innocent civilians in the south. From January to April this year, the government destroyed 42 villages in the upper Nile region and routinely denied humanitarian flights. These are not signs of a government ready to engage honestly in a serious and substantive peace process.

Last June, Mr. Chairman, the House recognized that as long as financial capital was available for oil companies to invest in exploiting the 4 billion barrels of oil primarily in southern Sudan, the Sudanese government would continue its war of destruction. By a vote of 422 to two we voted to include capital market sanctions in H.R. 2052, the Sudan Peace Act. Now I am deeply troubled by the lack of movement in the Senate toward a conference between our respective measures.

Unfortunately, in the Senate our Republican colleagues oppose capital market sanctions. They have used Senate rules to block the appointment of conferees on this critically important piece of legislation. In fact, Senate Majority Leader Daschle has tried three times to appoint conferees, including as recently as May 7, and three times a key Republican Senator has used Senate rules to anonymously block the appointment of conferees.

Mr. Chairman, out of deference to Senate rules, I will not name the Senator publicly today, but I would urge Members of the House who care about the Sudan to speak to their colleagues in the Senate as I have, to learn who is stopping the progress on this bill, and to get this hold removed.

Mr. Chairman, while the Senate minority stalled these deliberations, Khartoum is playing the game of peace while conducting a vicious war of annihilation. I am deeply concerned that its leaders will logically interpret this obstruction as an indication that movement toward peace is not a prerequisite for normal relations with the United States Government.

Of the four Danforth confidence building measures upon which a peace process will be built, only the Nuba cease-fire has been implemented. Government attacks on civilians in the upper Nile region have escalated. Civilian abductions continue unabated. And according to Senator Danforth himself, there has been, and I quote,

“ . . . a great deal of confusion over the days of tranquility for humanitarian programs.”

Mr. Chairman, oil and access to capital to exploit the reserves are at the heart of the conflict in Sudan. According to Senator Danforth, oil has reshaped Sudan's civil war. More than just the war of self-determination, the government of Sudan has made absolute control of the oil region a major goal. It is pursuing a military course that spares no school, no clinic, indeed no civilian life that

stands between it and the wealth oil promises. As long as the oil revenues flow to Khartoum, there is little that pushes the government of Sudan to negotiate peace.

Finally, Mr. Chairman, the Administration has attempted a constructive engagement policy with Sudan, particularly in the light of our war against terrorism, and we applaud all efforts to end the conflict and find an enduring peace. However, I must state for the record that I have grave reservations about whether we can trust Khartoum to negotiate any serious peace deal in good faith.

In April, Mr. Chairman, I wrote to the Administration expressing outrage that Sudan's President Bashir called publicly for the re-opening of militants training camps to fight the State of Israel. I was assured in writing that the Administration had called on Khartoum to cease the rhetoric of Jihad and violence.

Mr. Chairman, I call upon the Sudanese government not only to cease the rhetoric of Jihad and violence, but to cease the acts of violence against its people and the threat of violence against the State of Israel. I also call upon this Administration to avoid Khartoum's diplomatic game playing, and to ensure that the rights of the people of southern Sudan to practice their religion and culture is put squarely on the table where it belongs.

Thank you, Mr. Chairman.

Chairman HYDE. Thank you, Mr. Lantos.

I am going to ask the indulgence of the Committee to forego at this time making opening statements except Mr. Sherman, who has entreated me for 1 minute's recognition, but we have a complicated panel of witnesses. We have the Secretary of State coming in early this afternoon, and we want to be through with this. So if you will please withhold your request for opening statements, and put them in the record, without objection all Members may have 5 days in which to insert opening statements into the record of today's hearing.

Without objection, I would like to insert into the record the written comments of the Government of Sudan and the statement of the Reverend Walter Fountroy, a former Member of the House, whom I invited to testify. Reverend Fountroy was unable to attend today's hearing due to a scheduling conflict. I would like to have the record have the benefit of his remarks.

I further ask unanimous consent that the statement of Mr. John Eidner of Christian Solidarity International and the statement of Dennis E. Bennett of Servants Heart, an organization in my congressional district, also be included in the record.

The Chair recognizes for 1 minute Mr. Sherman of California.

Mr. SHERMAN. Thank you, Mr. Chairman.

Two years ago the World Bank loaned \$232 million to Iran, and later this year it is likely to approve another \$755 million. Sudan is eligible and may well receive concessionary loans from the IDA branch of the World Bank, the very branch that is likely to receive \$800 million appropriated this year by Congress.

We will, of course, use our voice and vote against these loans, but this choreographed feeble protest is but a cynical excuse for a failure to enact legislation that would end all American appropriations to the World Bank if that bank loans money to the current vicious regimes in Khartoum and Tehran.

Thank you.

Chairman HYDE. Thank you, Mr. Sherman.

Mr. Gilman has asked for 1 minute.

Mr. GILMAN. Thank you.

Chairman HYDE. It is difficult for me give 1 minute to Mr. Sherman and not to Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

Chairman HYDE. And so we are off and running.

Mr. GILMAN. I want to thank you, Mr. Chairman, for holding this importing hearing. There is an urgent need for reconciliation for peace and economic development in Sudan and our nation working closely with our allies is now in a position to provide the leadership that is needed to put an end to this conflict.

Sudan continues to experience some of the worst human rights practices on record, such as its trading in slaves, religious discrimination, the starvation, and wanton killing of civilians, over 2 million dead during their period of independence. For quite some time Sudan has been supporting terrorists whose activities were aimed against our nation and our allies.

However, things seemed to improve a little bit since September 11. Sudan placed itself in the camp of those countries fighting international terror, and that change of heart by the Sudanese government provides the opportunity to effectively address its own internal conflicts.

Accordingly, the Administration's recent efforts to help mediate this conflict, as exemplified by sending Senator Danforth into the region as the President's special envoy for peace in Sudan should be commended.

Mr. Chairman, I thank our witnesses for taking the time to help in our deliberations with their knowledge and experience, and I hope this hearing will provide further insight for clarifying the complex issues raised by the hearing.

And thank you for your recognition.

Chairman HYDE. After consultation with the Ranking Minority Member, Mr. Lantos, who feels strongly that all of the representatives of the United States Government organizations should testify on one panel, I have decided to have Mr. Young join the other witnesses on Panel No. I. So Mr. Young, if you would come to the witness table with the other members of Panel I, which I will now introduce.

I would like to welcome Walter H. Kansteiner, III, who is Assistant Secretary of the Bureau of African Affairs at the Department of State.

Secretary Kansteiner was sworn in just 1 year ago, bringing with him more than 20 years' experience with African and emerging market business issues. He is a founding principal of the Scocroft Group, has served the U.S. Government as a director of African affairs on the National Security Council, and also has served on the Secretary of State's policy planning staff, and with the Department of Defense.

We welcome you today, Secretary Kansteiner.

And also on Panel I, it pleases me to introduce Roger Winter, Assistant Administrator of the Bureau of Democracy, Conflict and

Humanitarian Assistance at the U.S. Agency for International Development.

Mr. Winter was director of U.S. AID's Office of Foreign Disaster Assistance prior to being sworn in as assistant administrator in January of this year. He served as executive director of the non-profit U.S. Committee for Refugees for many years, and has far-reaching field experience in Africa, Southeast Asia, the former Soviet Union, and Central America.

We welcome you today, Mr. Winter.

And we also welcome Michael K. Young, Chairman of the U.S. Commission on International Religious Freedom.

Ambassador Young comes to the commission with a wide background of government service at the Department of State in addition to his positions as dean on the staffs of the George Washington University Law School and the School of Law at Columbia University. He is known as a scholar of Far Eastern affairs; has been published extensively in those areas, as well as international environmental law, human rights and religious freedom.

And we thank you for coming today, Dean Young.

I kindly ask that each of you summarize your statements within 5 minutes if at all possible. Your full statement will be placed in the hearing record.

And so all the preliminaries having been completed, we recognize you, Secretary Kansteiner.

Would you press the button?

Mr. KANSTEINER. That always helps.

Chairman HYDE. Yes.

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

Mr. KANSTEINER. I am please to have the opportunity to appear before this Committee to discuss what you and Secretary Powell have described as one of the greatest humanitarian tragedies on the world. The oft-quoted statistics of Sudan, which you mentioned in your opening remarks, include 36 years of civil war, 2 million dead, 4 million internally displaced, 500,000 refugees, these are numbing in their magnitude.

Slave raiding, aerial bombing of civilians, attacks on relief centers, use of food as a weapon, forced displacements, interference with religious freedom, any of these would guarantee a country a prominent spot on the dismal map of human suffering, but in Sudan we see all of these together.

The United States of America cannot ignore what is going on there. Sudan must be a priority in the context of our policy toward Africa, and I can assure this Committee that it is.

As you mentioned, Mr. Chairman, we do have a keen interest in Sudan and the President and the Secretary and this Administration are committed to trying to bring peace to this country. We have set a policy course with four objectives in mind. These are: to deny Sudan as a base of operations for international terrorism; bring about a just and lasting peace; push for unhindered humanitarian access; and open the doors for improved human rights and religious freedom.

My aim today in sharing these objectives with you is not only give you a briefing of where we are but also to ask for your continued support in this effort.

As highlighted in the State Department's recent release of the patterns of global terrorism report, Sudan remains of particular concern to United States, as Congressman Lantos referred to in his opening statement. That concern centers around the Sudanese government's apparent tolerance of certain groups. The report also refers to significant increase in counterterrorism cooperation. However, due to the sensitive nature of this subject I recommend a different forum for detailed briefings on this matter. Ambassador Francis Taylor, the counterterrorism coordinator at the State Department, and I would be happy to provide such a comprehensive briefing.

Our approach to the peace, humanitarian and human rights facets of Sudan policy have been guided by President Bush's pledge, which you quoted from, Mr. Chairman. In September of last year, President Bush named John Danforth, former Senator from Missouri, the Special Envoy for peace. His mandate was to determine the viability for an end to the civil war and to test the antagonist's commitment to peace.

President Bush also asked USAID Administrator Andrew Natsios to be a special humanitarian coordinator and tasked him with developing and implementing strategies that would alleviate the humanitarian crisis we see there today.

Roger Winter, who is on the panel, is very much a valued partner in that process, and we greatly appreciate his efforts in bringing some relief to the suffering in Sudan.

While exploring the viability of an authentic peace process that would result in the end of the civil war, the U.S. has sought to achieve incremental humanitarian and human rights gains, and these are basically the four areas that we have worked with Jack Danforth to press, and these are the four areas that you mentioned earlier which are: a cease-fire and humanitarian access to the Nuba Mountains; zones of tranquility; an introduction of an international commission to investigate slavery; and the cessation of attacks on civilians.

We believe that these four tests are hopefully the beginning of what will be a more comprehensive peace process. We need to build on these four tests, enlarge them, take the momentum that we have from them, and widen them to include the really tough issues—not that these weren't tough issues—but to include the really tough issues of self-determination, religious freedom, and resource sharing from the oil. Those are the key elements that are going to make up, if you will, phase two of this peace process.

The duration and nature of the civil war make it clear that neither the government nor the opposition can win militarily. Without a strong international role, it is doubtful the parties to the conflict possess the initiative necessary to resolve the differences on their own. This is where we have focused our diplomatic efforts.

None of Sudan's problems exist in a vacuum. So long as the civil war goes on, the suffering will continue. I cannot put it more directly than Deputy Secretary Rich Armitage said to you all some months ago, "We have got to try to stop the war."

The release of the Danforth Report a few weeks ago has hopefully given us a little momentum to do just that. Specifically, he notes that the time is right for the U.S. to participate and act as a catalyst in the peace process. The Administration agrees with this conclusion and we are pursuing this course.

In charting a course for peace, we are going to work closely with Kenya. The United States will also work with the U.K., Norway and others, and we will work through the intergovernmental authority on development framework—that's the IGAD framework—because it truly is the only vehicle for peace that fits this need at this time.

The IGAD process, as we all know, has stalled in the past due to a lack of broad participation from both the parties to the conflict, as well as outside assistance, and we mean to change that. We want to get behind the IGAD process, we want to help them, and we want to see it be successful.

There are going to be tough issues that come up like self-determination for the south, and I might add that that has to be negotiated by the parties themselves if any agreement is to be sustainable. We can all assist, and we can help, and we can give ideas, and we can prod and push, but the parties themselves are going to have to come to the peace table.

When we talk about the prospects for peace in Sudan, we must be realistic and be prepared for a long-term commitment. The latest iteration of this war is now 19 years old. Achieving a just peace will require resolution of difficult questions, and we need to be there to help.

As I mentioned in my briefing to the House Subcommittee on Africa some months ago, peace negotiation will require sustained effort and the demonstration of a will to peace that appears so far to be less than enthusiastic. Humanitarian relief, human rights and peace are the three keys to our Sudan policy. We must work on all three. The Sudan conflict has gone one too long.

We look forward to working with you, pushing and prodding those people to get to the table, and to have a lasting peace in Sudan.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Kansteiner follows:]

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

Thank you very much, Mr. Chairman. I am honored to have the opportunity to appear before this Committee to discuss what the Secretary has characterized as one of the greatest humanitarian tragedies in the world. The oft-quoted statistics on Sudan—36 years of civil war in 46 years of independence, two million dead, four million internally displaced, 500,000 refugees—are numbing in their magnitude. Slave raiding, aerial bombing of civilians, attacks on relief centers, pillaging of aid supplies, use of food as a weapon of war, forced displacement of populations, interference with religious freedom, any of these would guarantee a country a prominent spot on the dismal map of human suffering, but in Sudan we see all these horrors together enacted and reenacted.

Those who have seen the misery of that country's people know that the United States of America cannot ignore what is going on there. Sudan must be a priority in America's foreign policy. I can assure this Committee that it is.

The Administration's Sudan policy is multifaceted in its approach to key U.S. strategic interests and its support for the ideals and compassion of the American people. We will seek to deny Sudan as a base of operations for international terrorism even as we work to bring about a just and lasting peace, push for unhindered

humanitarian access, and improved human rights and religious freedom. These goals represent a complex balancing act which I will try to make a bit clearer through my remarks. What I hope is immediately clear is the need for your continued support as we aggressively pursue an end to the suffering which has tragically marked the lives of too many Sudanese people.

Protecting the American people from any and all threats that may emanate from Africa must be a primary policy focus. The events of September 11 and Africa's own sad experience with the terrorist attacks against our embassies in Kenya and Tanzania necessitate that counter-terrorism concerns remain front and center as an issue in our diplomatic relations with the Government of Sudan. The Department's recent release of the Patterns of Global Terrorism report points to our sustained vigilance. While the report does refer to a measurable increase in counter-terrorism cooperation with Sudan, we remain concerned by the government's ongoing tolerance of and support for groups such as Hamas and Palestinian Islamic Jihad. However, due to the sensitive nature of this subject and ongoing discussions, I recommend a different forum for detailed briefings on this matter.

As important as our counter-terrorism efforts remain in Sudan, our quest for a just peace, sustained humanitarian access, and dramatic improvements in human rights are a direct reflection of the principles embraced by the American people and pursued through the leadership of President Bush. In September 2001, President Bush named Senator John Danforth the Special Envoy for Peace in Sudan. In fulfilling his mandate, Senator Danforth has advised that the parties to the conflict have shown sufficient will to engage in a peace process. We must now work diligently to demand deeds rather than mere words, and in this regard the government in Khartoum will have much to prove. President Bush has asked Senator Danforth to continue on as his envoy for peace in Sudan as we push for a just peace. The United States considers the onus of ending the civil war squarely on the shoulders of the government.

The road to peace will be arduous and long, and President Bush has clearly articulated an immediate need for relief for the millions of Sudanese who suffer needlessly. In support of that effort, the President appointed USAID Administrator, Andrew Natsios, Special Humanitarian Coordinator and tasked him with developing and implementing strategies that would alleviate the dire humanitarian situation at hand. In this vein, I will add that USAID, particularly OFDA under the leadership of Roger Winter, has played a critical and outstanding role in moving forward on Sudan. His value as a partner in our efforts cannot be overstated.

There is an inextricable link between our search for peace and more proximate gains in the areas of humanitarian access and respect for human rights. These gains will be incremental but represent an essential operationalization of our overall efforts. We seek sustained and measurable achievements in pursuing: 1. A cease-fire and humanitarian access to the Nuba Mountains area; 2. Zones and periods of tranquility for humanitarian access; 3. The introduction of an international commission to investigate slavery, abductions and forced servitude; and 4. The cessation of attacks on civilians. The commitments that the parties have made to implement these agreements will necessarily represent ongoing tests of their will to cooperate in good faith. While not perfect, these tests represent unprecedented progress which, most importantly, continue to save lives.

The United States remains the leading donor of humanitarian relief to Sudan and we will continue to take this lead—including to northern victims of drought—when and wherever possible. We are working to move through barriers to our relief efforts, whether imposed by Khartoum or other parties to the conflict. I note again the Administration's clear view that cooperation on humanitarian delivery cannot be de-linked from our overall understanding of the parties' commitment to work with the United States and others to advance peace. My colleague, Roger Winter, will address this issue in greater detail, but I would like to highlight an important accomplishment in our engagement so far. We have secured access to areas that have been previously "off limits," like the Nuba Mountains. This area has not seen significant humanitarian relief in more than eight years. The cease-fire, coupled with scaled-up humanitarian access, has breathed life into a devastated area and allowed the people of Nuba to reach some measure of equilibrium.

Maintaining our commitment to those that suffer at the hands of the government in Khartoum also means forthrightly denouncing the egregious human rights violations that occur in Sudan. The practice of slavery in the Sudan cannot be denounced strongly enough and the Sudanese Government's tolerance for the practice is simply unacceptable. The recently completed findings by the U.S.-led International Commission to Investigate Slavery, Abductions and Forced Servitude, demonstrate that there is no question that slavery continues to occur in Sudan today and that it is perpetrated by people who, when not acting in concert with government forces, at

least enjoy government forbearance. No one has been arrested, much less prosecuted, for this crime. The message of the Sudanese government is not that this horror must end, but that Sudan's critics fail to appreciate the unique cultural circumstances that give rise to "abductions". We do not, nor will we ever, accept this argument. The findings of the Commission address this cynical and unacceptable response and deny the government semantic latitude when answering for their actions in international fora. The report also lays out a series of recommendations that the Sudanese government must take to stop the attacks, free the victims, and punish the guilty.

This is merely one example of the pervasive violations of human rights that typify Sudan. All the belligerents, to one degree or another, have made civilians targets in this war, but no party bears a heavier responsibility than the Sudanese government. The most contentious of the Danforth initiatives addressed this issue specifically. In February 2002, the government and the SPLA agreed to cease attacks on civilians in accordance with the rules of war as outlined in the Geneva Convention. We are in the process of installing an on-the-ground monitoring mechanism to determine the belligerents' commitment to this agreement. Although reported violations of this agreement by both sides have been cataloged, we will persist in establishing the monitoring mechanism simply because it allows the international community unprecedented access and a clearer picture of the situation. We thank you for your cooperation and participation in making funding available to implement these mechanisms and will keep Congress informed as this process evolves.

The human rights and humanitarian crisis in Sudan has its basis in the ongoing civil war. The environment in which the humanitarian crises, the religious persecution, and the disregard for human rights exist results from government and opposition resolve to settle their differences militarily. The duration and nature of the civil war, however, make it clear that neither the government nor the opposition can win militarily. Without a strong international role, it is doubtful the parties to the conflict possess the initiative necessary to resolve the differences of their own accord. This is where we have focused our diplomatic efforts.

We appreciate that none of Sudan's problems exist in a vacuum. So long as the civil war goes on, the suffering of the civilians will continue. I cannot put it more directly or forcefully than has Deputy Secretary Armitage: we have got to try to stop the war.

The release of Senator Danforth's report a few weeks ago marks the initial step to determine if we can indeed stop the war. His initial mandate, as I mentioned earlier, was to determine if the parties to the conflict are earnest in their stated desire for peace. Senator Danforth found that while the parties have demonstrated an ability to reach agreement on contentious issues, the difficulty of achieving these agreements underscores the necessity of outside intermediaries. Specifically, and in short, he notes that the time is right for the United States to participate and act as a catalyst in a peace process. The Administration agrees with his conclusion.

In charting a course for a peace process, the United States is closely coordinating with Kenya, the United Kingdom, Norway Switzerland, Egypt and others. The consensus among the parties to the conflict and countries coordinating with the United States is that instead of introducing an entirely new proposal, peace negotiations will only develop momentum and succeed if they are undertaken through an existing framework to which both parties are agreed in principal. The nascent Intergovernmental Authority on Development (IGAD) framework is the only vehicle for peace that fits this need at this time. Having stalled in the past due to a lack of broad participation, both the parties to the conflict and the coordinating partners agree that the IGAD framework, with several key points of the Egyptian-Libyan Initiative (ELI) included, is the strongest and most viable forum for peace discussions. More importantly, the IGAD framework is the only agreement signed by both parties to the conflict that resolves and acknowledges critical issues like self-determination for the south, religion and state, and governance.

When we talk about the prospects for peace in Sudan, we must be realistic, and we must be prepared for a long-term commitment. The latest iteration of this war is 19 years old. Achieving a just peace will require resolution of difficult questions such as the role of religion in the state, boundaries, sharing of oil revenue, and guaranteeing respect for the south's legitimate right to self-determination. Peace negotiations will require sustained effort and the demonstration of a will to peace that appears so far to be less than enthusiastic. Although a comprehensive cease-fire would be an important milestone on the way to a just peace, it must be a viable, negotiated cease-fire that advances the search for a comprehensive settlement. The Sudanese government's frequent calls for a cease-fire appear to be tactical posturing rather than indications of a move toward a just peace. A serious cease-fire would, first and foremost, be integrated into a peace process. It would also address the mili-

tary issues on the ground such as re-supply of troops, importation of arms, and monitoring of troop movements. A cease-fire that does not speak to those sorts of issues will be as short-lived as the various humanitarian cease-fires or bombing halts that have come and quickly gone over the years.

Humanitarian relief, human rights, and peace are three critical keys to our Sudan policy. We must work on all three simultaneously, but we must insist on concrete progress by all the parties. To achieve our goals, we must be prepared to aggressively advocate our positions in Khartoum. We have been looking at re-staffing our Embassy in Khartoum to provide the presence we need to advance our interests there and to support an engagement on the issue of peace. Our efforts to do so have been with our eyes wide open. The Sudanese conflict has gone on too long. Along with key allies—the United Kingdom, Norway, Kenya, Switzerland, and others—we are committed to pushing all of the key actors to a serious, comprehensive and hopefully lasting, peace process.

Thank you, Mr. Chairman.

Chairman HYDE. Thank you, Mr. Secretary.
Mr. Winter.

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

Mr. WINTER. Thank you for having me here. I should say, because I have been before this Committee before I joined the government, that I have a public record on Sudan; I stand by it, but I want to be clear that today I am here representing USAID, and I also served as a member of the Danforth team working in Sudan.

Sudan is at a critical juncture. It is a time for some hope, but not too much. One of the best assets we have in approaching the issue of Sudan is the personal interest of the President. That is a huge asset. But the obstacles to overcome are also huge.

The government of Sudan continues to send contradictory signals on its commitment to a just peace and to humanitarian assistance for all Sudanese in need. Our government declarations suggest official support for such assistance. The government of Sudan regularly creates bureaucratic restrictions and operational barriers that impede the delivery of assistance to those in need. Aid agencies are routinely denied access to many areas and civilians are directly targeted in some instances. These obstacles are so consistent as to amount to a deliberate strategy. It belies GOS assertions of wanting a just peace.

The U.S. approach so far, I believe—and having been a member of the team and familiar with the internal discussions—has been balanced and fair. We have made some progress but the truth of the matter is we have been nickled and dimed by the government of Sudan all the way. If we are going to make the leap that we want to make toward a just peace, it will require on our part, and we recognize it, a full court press and constant and vigorous enforcement of agreements reached with the government.

I am not going to delineate what we are doing programmatically as USAID in Sudan. It is all in the written statement. I would like to focus only on one issue, and that is of humanitarian access.

In late 1988, the international community agreed to a program called Operation Lifeline Sudan. The then government of Sudan signed the Agreement. The SPLA, the rebel group, signed it, and U.N. signed it. And basically what it did was it set down an arrangement by which civilians regardless in whose territory they

were located could receive international humanitarian assistance to meet their needs. That was enabled by the fact that there was a peace process then in motion with the former government.

In 1989, on June 30, the current government's party staged a coup, and shortly after that, the whole policy toward humanitarian assistance began to change. A number of us met, in later 1989, with representatives of what was called the Revolutionary Command Council. What they told us was, very plainly, there will not be humanitarian programs in Sudan that do not meet the military strategy needs of the government. Since then we have found manipulation of humanitarian programs to be a regular pattern.

We have taken a number of steps to try to get around that manipulation, but the truth of the matter is that manipulation continues to be a significant problem.

What do I mean by manipulation? Well, just to give you a couple of examples. In January 1998, in Bahr el Ghazal, one of the three principal provinces of the south, as a famine was beginning in the area, the government denied flights of humanitarian assistance into the region. The consequence of that was the famine was much more dramatic than it needed to be. We could have headed off much of the death that resulted. In fact, 100,000 people died because of that action.

Or take Equatoria, one of the other provinces in the south. Much of Equatoria has been closed to humanitarian flights for 4 years, even though there has not been a lot of military activity in the area. It is an obstacle that has terrible consequences on the ground.

Currently, in what we call Western Upper Nile, part of the third historical province of the south, the government of Sudan is seeking to consolidate control of the oil fields. As a result of their military initiatives, they have banned flights for humanitarian purposes into the region. There are no flights of a humanitarian nature officially going into that region right now at all.

In addition, the government has announced that it wants to change the basic framework that we have had for the last 13 years for this more or less neutral access for the delivery of humanitarian assistance to civilians in need. What they are proposing is that they would take control of all humanitarian programming. The stress is on "control," not on "humanitarian."

What they would do is they would require all flights to pass through government-controlled locations. They are talking about closing the southern sector base in Lokichokio, Kenya. They are talking about requiring visas for humanitarian workers even if they are working the south. The U.N. is resisting on all of these efforts by the government, and we are supporting the U.N. in that regard, but there are limits to what the U.N. can do when it is dealing with a member state of the United Nations system. If these kinds of things were put in place, it would be the ultimate manipulation. It would be the end of Operation Lifeline Sudan as we know it, and of course we here in the U.S. support a major non-Operation Lifeline Sudan program. The Sudanese government would simply target that program militarily.

Administrator Andrew Natsios has called the proposal of the government absolutely unacceptable. We need, frankly, and this is the

recommendation from USAID, an entirely new arrangement to avoid the government of Sudan being able to veto humanitarian access to the conflict zones in Sudan. We need to have a process which is neutral; we need to have a process which is transparent; we need to have a process that serves all conflict areas, the needs of civilians that are caught up in those areas, not the Joint Military Commission that we have in the Nuba Mountains, but something similar in which the international community can independently play a clear role in deciding what flights for humanitarian access go in and which do not. This is our highest priority in the way we proceed with negotiations with the government.

And to my friends in the government in Khartoum, I would say the best thing that they can do to move a peace process forward is start to treat people who are caught up in this conflict as they ought to. It would move the peace process forward very nicely.

Thank you.

[The prepared statement of Mr. Winter follows:]

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

Mr. Chairman, members of the Committee, thank you for inviting me to testify here today about the next steps on what I hope will be the path to peace in Sudan. As many of you know, I have testified many times before Congress on Sudan, but this is my first time doing so as Assistant Administrator of USAID.

The timing of this hearing is very important. Sudan is riding a fine line between disaster and opportunity. In the last eleven months, I have traveled to Sudan seven times, including all of Senator John Danforth's visits, and two trips with USAID Administrator Andrew Natsios in his capacity as the President's U.S. Special Humanitarian Coordinator for Sudan.

During that time, I have witnessed several very successful initiatives. For example, last month during a meeting with civil society groups of the Sudanese Peoples Liberation Movement (SPLM)-held Nuba Mountains region, I was encouraged to hear about the positive changes in daily life brought about by U.S. humanitarian advocacy and diplomatic activities. Local residents mentioned to me that the sound of airplanes overhead once brought a fear of coming bombs, but now is welcomed as announcing new shipments of food or other needed assistance. This sort of practical improvement in safety, nutrition, and quality of life is what USAID is working toward in Sudan.

While recent developments give cause for hope and justify energetic U.S. engagement toward a just peace, any optimism must be tempered. The Government of Sudan (GoS) continues to send contradictory signals on its commitment to supporting humanitarian efforts. While government declarations suggest official support for such aid, the GoS too often creates bureaucratic restrictions and operational barriers that impede the delivery of assistance to those in need. Aid agencies are denied official access to some areas, and civilians are directly targeted in some instances. These obstacles are so consistent as to amount to a deliberate strategy. It belies the GoS assertions of wanting a just peace.

Mr. Chairman, in my testimony here today, I will discuss three successes that the United States has achieved in Sudan over the last eleven months, several serious concerns that remain to be addressed, and a vision for future USAID humanitarian and developmental assistance in Sudan in the months to come.

The first and greatest achievement has been the remarkable progress made by USAID in preparing southern Sudan for an eventual peace. USAID has sharply increased its investment in education, agriculture, and small business, to lay the groundwork for a stable postwar society. This new long-term development assistance is coordinated and linked with our ongoing humanitarian programs. During his July trip to Sudan last year, Administrator Natsios heard repeatedly from southern Sudanese of their desire to be self-reliant and reduce their dependency on foreign humanitarian assistance. In response, the Administrator announced two major new development programs focusing on basic education and agriculture, intended to help southern Sudanese help themselves. These initiatives are valued at \$42.5 million

over five years. USAID development funding in opposition-held areas of Sudan increased from \$4 million last year to \$18 million this year.

To address the fact that two generations of southern Sudanese have had minimal access to education, USAID has designed a basic education program to support the creation of elementary schools, secondary schools, and teacher training colleges in southern Sudan. One effect of the ongoing civil war and displacement of civilians in Sudan has been the severe disruption of the business and agricultural sectors.

The second program will provide technical training to farmers to increase their entrepreneurial skills, and also will support the provision of small loans to individuals, especially women who make up over 60 percent of the farming population, thereby encouraging the development of the southern Sudanese economy. A few days ago when we were traveling in southern Sudan with Administrator Natsios, I saw the production of shea butter, a local commodity that is processed by women who are the "poorest of the poor." Shea butter is a cooking oil that can replace imported food aid oil, and is also a highly valued export commodity. Most of all, support to the shea network will benefit thousands of women as the shea nut tree grows wild in Southern Sudan.

Parallel to our efforts to improve the southern Sudanese society and economy over the long term, USAID continues to address the pressing shorter-term humanitarian needs of Sudanese, north and south. The continued high level of our humanitarian assistance primarily reflects the unfortunate continuing humanitarian need in war-affected areas. We are also supporting what Administrator Natsios calls "developmental relief" programs—those which mitigate the impacts of conflict and encourage people to move along on the path to self-sufficiency. USAID funds relief organizations working both within and outside the framework of Operation Lifeline Sudan (OLS). OLS has been the primary channel for humanitarian assistance to Sudan, but we do not limit ourselves to providing assistance only to areas cleared by the GoS under the OLS framework. The percentage of USAID non-food assistance in southern Sudan going to organizations outside OLS has increased from 13 percent in 1998 to 45 percent last year. Currently, in Western Upper Nile, where needs are most acute and where GoS is denying access, USAID is giving both food and non-food aid to agencies outside OLS, and will continue to do so.

A second major achievement has been the improvement in the humanitarian situation in the Nuba Mountains over the past year. Nuba had been the area of greatest humanitarian need in Sudan caused by conflict and isolation, but the region was receiving little humanitarian aid due to blanket denials of access from the GoS. To meet the overwhelming needs in Nuba, the United States led negotiations for a military ceasefire and humanitarian access. This effort succeeded. Clearance of flights is now done by the Joint Military Commission (composed of GoS, SPLM, and international monitors) and not by GoS. People are enjoying a new freedom of movement, and an economic revitalization is beginning. There is an overall feeling of optimism among the people of Nuba, and some hope to use this successful initiative as a model for zones of tranquility elsewhere in Sudan. The Nuba initiative has not been an unmitigated success, but I will address that later.

A third achievement has been the close cooperation between USAID and the State Department in developing and implementing the tests from the Danforth initiative. One of the tests relates to eradication of slavery, abductions, and forced servitude. State led the formation of an investigation by an international team of eminent persons. USAID is designing a program to normalize inter-communal relations in the geographic area most affected by slavery. The program will focus on conflict transformation activities that enable people to earn their livelihoods from peaceful economic opportunities rather than from the war economy that involves abductions of civilians.

USAID and the State Department have also worked closely on improving humanitarian access. USAID developed the Nuba Mountains operational plan for the World Food Program 30-day food distribution in SPLM areas in November. The plan was presented to GoS diplomatically by the State Department. This pattern has been repeated in a number of instances throughout the last year.

Despite these successes, we at USAID remain disturbed at the intensification of conflict and humanitarian crises in other areas and feel the U.S. government still has to overcome significant challenges in order to catalyze a just peace. The GoS continually obstructs the delivery of humanitarian assistance and the implementation of programs in opposition areas. It delays operations, violates agreements, and denies access for humanitarian flights.

The Nuba Mountains have seen positive changes, as I mentioned earlier, but there are reasons to question the commitment of GoS to guaranteeing humanitarian access in the Nuba Mountains because of its actions to date. For example, after the GoS agreed in January to unfettered humanitarian access to Nuba, it continued to

delay and deny flights into the SPLM-controlled areas until mid-May, only weeks before the rainy season would make airstrips inaccessible. The government finally acquiesced only after sustained U.S. pressure. Lack of humanitarian assistance from early December to mid-May did little to encourage people to return to the Nuba Mountains and in certain locations, civilian movement and markets continue to be restricted. Also, a collapse of, or failure to renew, the agreement is not without risk. Under the terms of the ceasefire, all sides gained access to detailed maps of population centers, military positions, and locations of humanitarian activities.

The problem of restricted humanitarian access to war-affected regions is not limited to the Nuba Mountains. In the war zones of Western Upper Nile, in parts of Central and Eastern Upper Nile, in northern Bahr el Ghazal, in southern Blue Nile, and in Eastern Equatoria, flights continue to be denied. As recently as last week, the GoS insisted that all relief for Western Upper Nile be out of El-Obeid rather than the OLS base in Lokichokio. The United Nations (UN) is engaged in continued negotiations with GoS and SPLM on this.

In a recent query on the GoS proposal to restrict access to Western Upper Nile, Administrator Natsios stated, "The principle of Operation Lifeline Sudan since it was created in 1988, was to allow the government-held areas to be served from the North and the opposition-held areas to be served through Lokichokio in Northern Kenya. Any change will disrupt the relief effort and endanger people's lives, and we would not accept it."

My third concern is that the frequency of attacks on civilians is increasing. In Western Upper Nile, credible reports from nongovernmental organizations (NGOs) and UN agencies indicate that the GoS military campaign is directly targeting civilians and food stocks through intensified, high-altitude bombings and helicopter gunship attacks.

An attack on civilians in Bieh on February 17 in which 24 people were killed was witnessed by World Food Program (WFP) staff. On the Administrator's recent trip, we met with six chiefs from Western Upper Nile, a number of whose home areas were bombed that evening. In addition to these attacks, dozens of GoS assaults on civilian populations go unwitnessed by international observers.

The UN and NGOs estimate that between 150,000 and 300,000 people have been displaced in Western Upper Nile between January and May 2002. Due to restrictions on access to the area, information on displaced populations is imprecise. By all accounts the humanitarian needs of the displaced are enormous. Veteran aid workers have described the state of internally displaced persons in Western Upper Nile as the worst they have ever seen.

Finally, I would like to present preliminary plans for future USAID priorities and actions that will improve the humanitarian situation and prepare Sudan for a just peace. These plans follow directly from successes achieved under the initiatives of Special Envoy Danforth.

One of the Danforth tests is to encourage "periods or zones of tranquility," in which military actors temporarily stand down to allow humanitarian access. During the Danforth negotiations, we obtained political approval from both GoS and SPLM for special humanitarian programs in the cross-line area of Abyei and Twic for the eradication of guinea worm. I visited Abyei and Twic counties last month, and met with local authorities, community leaders, and international partners. If USAID efforts to transform the war economy in this region are successful, improved relations among north-south communities could have two impacts. One is a reduction in slave raiding and abductions since this is where these practices historically occur, and a second is an increase in return of displaced people to their home areas in the South from squatter camps in northern cities. This potential initiative is still being vetted.

Similarly, Eastern Equatoria will also be a priority for USAID programs in the coming year. This is a very complex region with a multiplicity of ethnic groups, GoS-SPLA front lines, south-south divisions, and a regional dimension that includes Ugandan dissidents. The impact of all this on ordinary Sudanese is huge, with many displaced within the region and many others living as refugees in Uganda. We will attempt to use U.S. political leverage and the State-USAID partnership to support the UN in its efforts to negotiate cross-line access and eliminate GoS access denials. Success in these efforts will enable USAID to fund infrastructure projects, conflict transformation, and community rehabilitation activities.

Second, USAID will work to consolidate the ceasefire and the recovery effort in the Nuba Mountains. Popular expectations remain high and much remains to be done here to sustain the initial successes so that people achieve self-reliance and economic recovery.

Third, we are considering ways that the current flight clearance system can move beyond GoS unilateral ability to veto humanitarian flights. We intend to explore the creation of an internationally monitored flight clearance mechanism to ensure objec-

tivity and transparency in the delivery of humanitarian assistance. This would be a major change in the current approach that could improve the lives of thousands of Sudanese in the south, who live in areas not directly affected by fighting but who are now routinely denied humanitarian access by GoS for political reasons.

I believe the U.S. initiative has the potential to move the warring parties towards a just peace. In that regard, the United States is the only game in town. Yet Khartoum seems of two minds, poised on the edge between a peace and war mentality.

The surest way for Khartoum to prove the genuineness of its intentions is to fully collaborate with the U.S. and U.N. humanitarian initiatives by providing unrestricted international humanitarian access to civilians in need. Failure to do so risks years of more war.

Chairman HYDE. Thank you, Mr. Winter.
Mr. Young.

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

Mr. YOUNG. Chairman Hyde, Mr. Lantos, distinguished Members of the Committee, good morning, and thank you very much for this opportunity to testify on behalf of the United States Commission on International Religious Freedom.

Just yesterday the Commission released a report on Afghanistan that I hope to present to you in a hearing such as this one in the near future. In the meantime, I want to express our sincere thanks to the Committee for holding this hearing at a very critical time when we need to focus U.S. efforts on bringing a just peace to Sudan.

Following the Commission's establishment by the International Religious Freedom Act of 1998, Sudan was one of the first three countries to become a focus of our Commission's attention. For the past 3 years, the Commission has found the government of Sudan to be the world's most violent abuser of the right to freedom of religion and belief. Over the past 3 years the Commission has made a series of recommendations regarding U.S. policy toward Sudan, a number have been taken up both by the Administration and by the Congress.

On May 14th, the White House released Special Envoy John Danforth's much awaited report on his efforts in the civil war in Sudan. The Commission was one of the first to call for the creation of a special envoy. The Commission welcomed Senator Danforth's efforts and his willingness to continue in the envoy post to pursue a just and lasting peace in Sudan.

Senator Danforth is to be commended for his success in getting humanitarian aid to the Nuba Mountains where the Khartoum regime has for years engaged in genocidal actions. His efforts have also resulted in the recently concluded investigation by the International Eminent Persons Group into slavery, abduction and forced servitude in Sudan. The report of the Eminent Persons Group includes the horrific conclusion, and I quote,

"The pattern of slave taking that has developed since the start of the civil war is, to a substantial degree, the product of a counter-insurgency strategy pursued by successive governments in Khartoum."

Senator Danforth, like the Commission, has found that the development of Sudan's oil wealth has become an increasingly important

factor in the intensification of the conflict and one that must be addressed in order to achieve a just and lasting peace.

But Senator Danforth's proposal, in our judgment, does not yet point to a serious policy for the Bush Administration to bring peace to Sudan. It contains a serious flaw in the premise that neither the Khartoum regime nor the rebel alliance can win the war.

Whether or not Khartoum can win the war is not the question. The point is that Khartoum thinks it can win the war, especially with the hundreds-of-millions of dollars in oil revenue pouring into it. It thus currently has no incentive to end the fighting and neither Senator Danforth nor the Bush Administration has yet pointed to one. Meanwhile, the horrors of the war go on, with Khartoum over the past few months alone purchasing warplanes and escalating deployment of helicopter gun ships.

The only way to get Khartoum's attention is to curtail its oil revenues, the only asset that is keeping it from bankruptcy. The United States has at hand the means to do so through capital market reform recommended by the Commission and included in the House-passed version of the Sudan Peace Act. Two key provisions would:

First, bar any foreign company doing business in the Sudanese petroleum fields from raising funds in U.S. capital markets. U.S. companies, of course, are already prohibited from doing business in Sudan.

Second, require any company doing business in Sudan to disclose the nature of that business in filings with the Securities and Exchange Commission. These relatively modest changes would have extraordinary impact.

The international oil companies are watching closely. Already deeply involved, perhaps implicated is a better word, they cannot afford to be cut off from U.S. capital markets, the world's most lucrative and efficient.

Even more will be needed, however, for a just peace. There must be a fair apportionment and a just expenditure of oil revenues for both south and north. Senator Danforth found that any peace process should address the oil issue in order to resolve a major cause of conflict and to serve as the basis for a just peace.

The Commission has recommended that a peace agreement or, in the interim, a comprehensive cease-fire in Sudan be conditioned on placing the country's oil revenues in an internationally administered trust fund. These revenues would be expended solely for developmental and humanitarian purposes on an equitable basis in both the north and the south.

Without such an arrangement for oil revenues; the regime will be far less likely to engage in good-faith bargaining over power-sharing. Regimes in Khartoum have time and again manipulated well-meaning peace initiatives, and in the process, repeatedly making, and later breaking, solemn promises of fair treatment to the people of southern Sudan. It has been 5 years since both parties agreed to the Declaration of Principles under the Intergovernmental Authority for Development, or IGAD. The people of southern Sudan cannot afford another 5 years of delay by a Khartoum government that is heedless of the human costs.

The Commission also strongly believes that any peace talks for Sudan must be based on the Declaration of Principles that I just mentioned. Two of these principles are core issues that have to be addressed in order to establish a just peace. These are self-determination for the south and a secular state that would ensure religious freedom for all individuals, north and south.

What is most needed right now is a policy on Sudan—one in which the United States is a central player in an effort for a just peace. A first step in such a policy should be for the Bush Administration and the Senate to drop their opposition to a conference committee on the Sudan Peace Act and to accept the House version of the bill.

This is the logical extension of the findings by the President's own special envoy that oil is the key to peace in Sudan. Millions of lives depend on it.

The Commission has made several other specific recommendations for U.S. policy to promote religious freedom in Sudan that are presented in our prepared statement. I would be happy to discuss them during the questions, if that would be helpful.

In the meantime, I will conclude here and respectfully request that the Commission's April 2002 report on Sudan, along with my prepared remarks, be entered into the records of this hearing.

Thank you very much.

[The prepared statement of Mr. Young and the Commission's April 2002 Report on Sudan follow:]

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

Chairman Hyde and distinguished Members of the Committee: Good morning and thank you for this opportunity to testify on behalf of the United States Commission on International Religious Freedom. I want to thank the Committee for holding this hearing at a very critical time when we need to focus U.S. efforts to bring a just peace to Sudan.

Following the Commission's establishment by the International Religious Freedom Act of 1998 (the IRFA), Sudan was one of the first three countries to be the focus of this Commission's attention.

For the past three years, the Commission has found the government of Sudan to be the world's most violent abuser of the right to freedom of religion and belief. The Commission also has found that religion is a major factor in Sudan's ongoing civil war, a conflict that has taken over 2 million lives and left 4 million homeless.

Sudanese have long known from bitter experience what Americans know now, post 9/11, about the human costs of intolerance and fanaticism. The people of Sudan know because they have so long witnessed the results of policies pursued by successive regimes in the north to Arabize and Islamicize a largely African Christian and animist population in the south. These well-documented policies include aerial bombardment of civilians and of humanitarian facilities, deliberate denial of international humanitarian assistance, abduction and enslavement of women and children, and the forcible displacement of populations from oil-producing areas. The people of Sudan have also witnessed the restrictions on religious freedom and the abuses of human rights of Christians and Muslims alike in the north. And finally, the Sudanese people have witnessed the strong resistance from Muslims and non-Muslims alike to Khartoum's attempts to enforce cultural and religious conformity on non-Arab tribal peoples in the Nuba Mountains, in Sudan's eastern regions, and elsewhere.

Over the past three years, the Commission has made a series of recommendations regarding U.S. policy toward Sudan. A number have been taken up by the Administration and the Congress. The State Department has repeatedly adopted the Commission's recommendation to designate Sudan a "country of particular concern" for religious freedom violations under the IRFA. The Commission called on President Bush to use his "bully pulpit" to raise international awareness of the ongoing atrocities in Sudan, and President Bush did so in a major speech on religion and U.S.

foreign policy in May 2001. The President appointed former Senator John Danforth as Special Envoy for Peace in Sudan in September 2001. The Administration has also taken several steps to alleviate the humanitarian crisis of the Sudanese people, particularly through the work of the U.S. Agency for International Development (USAID), whose Administrator Andrew Natsios has been designated by the President as Special Humanitarian Coordinator for Sudan. Let me take this opportunity to commend Administrator Natsios and Assistant Administrator Roger Winter for their dedication in bringing U.S. humanitarian and developmental assistance to the suffering people of Sudan.

On May 14, the White House released Special Envoy John Danforth's much-awaited report on his efforts to end the civil war in Sudan. The Commission was one of the first to call for the creation of a special envoy. Senator Danforth concluded "this is the time for a major push for a compromise settlement."

The Commission welcomes Senator Danforth's efforts and his willingness to continue in the envoy post to pursue a just and lasting peace in Sudan.

Senator Danforth is to be commended for his success in getting humanitarian aid to the Nuba Mountains, where the Khartoum regime has for years engaged in genocidal actions. His efforts have also resulted in the recently concluded investigation by the International Eminent Persons Group into slavery, abduction, and forced servitude in Sudan. The report of the Eminent Persons Group includes the horrifying determination that—and I quote: "The pattern of slave taking that has developed since the start of the civil war is, to a substantial degree, the product of a counter-insurgency strategy pursued by successive governments in Khartoum." [Note: At the same time as the release of this finding, the U.S. named a charge d'affaires to head the U.S. Embassy in Khartoum and reportedly to become the first resident diplomat to the Sudanese capital since 1996.]

Senator Danforth, like the Commission, has found that the development of Sudan's oil wealth has become an increasingly important factor in the intensification of the conflict and one that must be addressed in order to achieve a lasting peace.

But Senator Danforth's proposals do not yet point to a serious policy by the Bush Administration to bring peace to Sudan and contain a serious flaw in the premise that neither the Khartoum regime nor the rebel alliance can win the war.

Whether or not Khartoum can win the war is not the question. The point is that Khartoum thinks it can win the war, especially with hundreds of millions of dollars in oil revenue pouring in. It thus currently has no incentive to end the fighting, and neither Senator Danforth nor the Bush Administration has provided one. Meanwhile, the horrors of war go on, with Khartoum over the past few months purchasing additional warplanes and escalating deployment of helicopter gun ships.

The only way to get Khartoum's attention is to curtail its oil revenues, the only asset that is keeping it from bankruptcy. The United States has at hand the means to do so through capital market reforms recommended by the Commission and included in the House passed version of the Sudan Peace Act. Two key provisions would:

—First, bar any foreign company doing business in the Sudanese petroleum fields from raising funds in U.S. capital markets. (U.S. companies are already prohibited from investing in Sudan.)

—Second, require any company doing business in Sudan to disclose the nature of that business in any filings with the Securities and Exchange Commission.

The Sudan Peace Act now languishes in limbo as the Senate, reportedly at the Administration's behest, refuses to go to a conference committee.

The international oil companies are watching closely. Already deeply involved—perhaps implicated is a better word—they cannot afford to be cut off from U.S. capital markets, the world's most lucrative.

Even more will be needed, however, for a just peace. There must be a fair apportionment and just expenditure of oil revenues for both south and north. Senator Danforth found that "Any peace process should address the oil issue in order to resolve a major cause of conflict and to serve as the basis for a just peace." The Commission has recommended that any peace agreement or, in the interim, a comprehensive cease-fire in Sudan be conditioned on placing the country's oil revenues in an internationally administered trust fund. These revenues would be expended solely for developmental and humanitarian purposes on an equitable basis in both the north and the south.

Without such an arrangement over oil revenues the regime will be far less likely to engage in good faith bargaining over power-sharing. Regimes in Khartoum have time and again manipulated well-meaning peace initiatives, in the process repeatedly making and later breaking solemn promises of fair treatment to the people of southern Sudan. It has been five years since both parties agreed to the Declaration of Principles under the Intergovernmental Authority for Development (IGAD). The

people of southern Sudan cannot afford five more years of delay by a Khartoum government that is heedless of the human costs.

The Commission also strongly believes that any peace talks for Sudan must be based on the Declaration of Principles that I just mentioned. Two of these principles are core issues that have to be addressed in order to establish a just peace. These are self-determination for the south and a secular state that would ensure religious freedom for all individuals, north and south.

What is most needed right now is a policy on Sudan—one in which the United States is a central player in the effort for a just peace. A first step in such a policy should be for the Bush Administration and the Senate to drop their opposition to a conference committee on the Sudan Peace Act and to accept the House version of the bill.

This is the logical extension of the findings by the President's own special envoy that oil is the key to peace in Sudan. Millions of lives depend on it. Failure to act now on Sudan will also have global implications. Failure by the United States to pursue with vigor a just peace in Sudan will send a signal to Khartoum and to other regimes that as long as they do not export terror outside their own borders they can persecute their own people with impunity.

In May 2001, President Bush pledged that his administration "will continue to speak and act for as long as the persecution and atrocities in the Sudan last." Much has admittedly happened since then: the events of September 11, the war in Afghanistan, and our ongoing campaign against international terrorism. What hasn't changed is the suffering of the Sudanese people. If the Administration fails to vigorously pursue a just peace in Sudan, it will send a signal to Khartoum and to other regimes that as long as they do not export terror outside their own borders, the United States will leave them a free hand to persecute their own people.

In hopes that the United States will prove otherwise, the Commission recommends the following steps for United States policy toward Sudan:

1. The U.S. government should urge the government of Sudan to abide by its international obligations to protect and ensure the right to freedom of religion. Specifically, the U.S. government should urge the government of Sudan to:

- 1.a unequivocally affirm that Shariah-based criminal code provisions do not apply to Sudan's southern states or to non-Muslims throughout Sudan and re-affirm its commitment to Section 3.4 of the Declaration of Principles of the Intergovernmental Authority on Development (IGAD);

- 1.b allow all religious groups to conduct their activities freely without interference or burdensome regulation by the state, including the selection and training of religious leaders, the content of sermons, and the distribution of religious literature, subject only to restrictions provided for by international standards;

- 1.c ensure that all religious groups are free to build, repair, and operate houses of worship and social service ministries without delay or harassment, subject to land-use regulations that are applicable to all, regardless of religion;

- 1.d ensure the protection of religious properties, return confiscated religious properties, and compensate religious groups for demolished or damaged properties; and

- 1.e repeal any laws that punish changing one's faith or encouraging another to do so (e.g., Article 126 of the Sudan Penal Code), and release any persons convicted of or detained on account of any such law.

2. The U.S. government's diplomatic effort in Sudan should have as its major goal encouraging the government of Sudan, including all its allied militia, to enter into a comprehensive and conditioned cease-fire with the Sudan People's Liberation Movement/Army (SPLM/A) and the National Democratic Alliance (NDA) that would apply to all areas of the country and be subject to monitoring by international observers.

The U.S. government should urge the government of Sudan, as an essential condition of the cease-fire, to agree either to cease the extraction of oil in the country, or to place its oil revenues in an internationally-administered trust fund to be expended solely for development and humanitarian purposes on an equitable basis in both the north and the south.

3. The U.S. government should strengthen economic sanctions against Sudan and should urge other countries to adopt similar policies. Specifically, the United States should:

3.a require companies doing business in Sudan to disclose the nature and extent of that business in connection with their access to U.S. capital markets,

3.b prohibit any foreign company from raising capital or listing its securities in U.S. markets as long as it is engaged in the development of oil and gas fields in Sudan, and

3.c deny licenses for the importation of gum arabic from Sudan to the United States.

The Administration and the Senate should support the adoption of the House-passed version of the Sudan Peace Act.

4. The U.S. government should urge the government of Sudan to demonstrate a good-faith commitment to and participation in internationally-recognized and -monitored peace talks based upon the Declaration of Principles developed under the auspices of the Intergovernmental Authority on Development (IGAD) and previously agreed to by the government of Sudan and the Sudan People's Liberation Movement/Army.

The re-establishment of full diplomatic relations with Sudan or the opening of a USAID mission in Khartoum should be conditional upon the government of Sudan demonstrating a fundamental change in its policies.

5. In fostering such peace talks, the U.S. government should work to ensure the inclusion of Sudan's civil society, including its various political parties and religious leaders from the north and the south.

6. The U.S. government should urge all parties to the conflict to include as an element of the peace settlement a full accounting for crimes against humanity, such as the systematic aerial bombardment of civilians. Moreover, the parties to the conflict should undertake efforts now to investigate reports of war crimes and other human rights abuses and to prosecute those individuals responsible.

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

8. The U.S. government should increase its non-lethal assistance to southern Sudan and to the National Democratic Alliance. As provided for by law, this assistance should include, but not be limited to, "communications equipment to notify civilians of aerial bombardment."

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

10. The U.S. government should further promote grassroots reconciliation among Sudanese as an essential building block toward a lasting peace settlement in Sudan.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

REPORT ON SUDAN—APRIL 2002

SUDAN

A. Introduction

The U.S. Commission on International Religious Freedom, in its past two annual reports, found the government of Sudan to be the world's most violent abuser of the right to freedom of religion and belief. The Commission also found that religion is a major factor in Sudan's ongoing civil war, and that religious persecution by the Khartoum regime is intertwined with other human rights and humanitarian violations in Sudan, including aerial bombardment of civilians and of humanitarian facilities, deliberate denial of international humanitarian assistance, abduction of women and children into conditions of slavery, and the forcible displacement of populations from oil-producing areas. (Further discussion of the religious dimension of the conflict is found under Section C, Recommendation 1.)

As was graphically demonstrated in the bombing of the World Food Program's feeding center in Western Upper Nile on February 20, 2002, and the April 2002 denial of access for humanitarian relief flights on which almost 2 million people de-

pend, Sudan's government continues to commit genocidal atrocities against civilian populations in the south and central parts of the country. With the Sudan conflict now in its 19th year, over 2 million people have died and some 4 million have been driven from their homes, mostly in the southern and central regions of Sudan, in a nation with a population of approximately 36 million.¹

The government of Sudan violates the religious freedom of Christians and followers of traditional African religions, as well as of Muslims who dissent from the government's interpretation of Islam. The State Department has repeatedly adopted the Commission's recommendation to designate Sudan a "country of particular concern" under the International Religious Freedom Act of 1998 (IRFA).

Over the past three years, the Commission has made a series of recommendations regarding U.S. policy toward Sudan, several of which have been adopted. President Bush prominently raised the situation in Sudan in a major address in May 2001. The President appointed former Senator John Danforth as Special Envoy for Peace in Sudan in September 2001. The Administration has also taken several steps to alleviate the humanitarian crisis of the Sudanese people, including designation of U.S. Agency for International Development (USAID) Administrator Andrew Natsios as Special Humanitarian Coordinator for Sudan and several reforms undertaken by USAID. All of these efforts implement directly or indirectly prior recommendations of this Commission. The U.S. government should build upon the Danforth Mission and take a central role in seeking a just and lasting peace in Sudan. The Commission urges implementation of its additional recommendations, particularly those directed toward ending the civil war.

The Commission has found that the development of Sudan's oil wealth has become an increasingly important factor in the intensification of the conflict. Thus, the United States should make as an essential condition of any comprehensive cease-fire the placement of Khartoum's oil revenues in an internationally-administered trust fund to be expended solely for developmental and humanitarian purposes on an equitable basis in both the north and the south. A cease-fire without such an arrangement will make the regime far less likely to engage in good faith bargaining over power-sharing. It is crucial that Khartoum be given this incentive to cooperate in the successful and prompt completion of an agreement for a just peace. The Commission sees the Sudan Peace Act as a crucial part of American diplomatic efforts to achieve a conditioned cease-fire. The Commission supports the Sudan Peace Act as passed by the House of Representatives, with its important disclosure requirements and the provision limiting access to American capital markets by foreign oil companies involved in Sudan's oil industry. These provisions were first proposed by the Commission in its 2000 annual report.

The Commission is cognizant of the need for international cooperation in the war against terrorism, even from regimes, such as that in Khartoum, that are violators of religious freedom and other human rights. As stated in the Commission's letter of October 5, 2001 to President Bush, the Commission is concerned that in working with such regimes "the United States not compromise its commitment to human rights—including religious freedom—and democracy. We oppose such policy trade-offs."² The Commission believes that respect for human rights and religious freedom is central to a peaceful settlement of the conflict in Sudan and thus necessary for lasting security and stability in the region. Certain Administration actions—including a lack of support for the Sudan Peace Act, acquiescence in the lifting of UN sanctions, and public praise for Khartoum's cooperation in the war against terrorism—may, however, have signaled otherwise.

B. Background

Following the Commission's establishment by IRFA, Sudan was one of first three countries to be the focus of the Commission's attention. A Commission member traveled to southern Sudan in January 2000. A Commission fact-finding mission was set for late September 2001 but had to be postponed after the events of September 11.

As detailed in the Commission's 2000 and 2001 reports, oil development has both exacerbated the civil war in Sudan and given it an added international dimension with the involvement of foreign oil companies. In addition to the increased revenue given to Khartoum to prosecute the war effort, oil wealth, both actual and potential, provides a material incentive for Khartoum to assert control of the oil region. Suda-

¹Population estimate from the Central Intelligence Agency, *The World Factbook 2001*, "Sudan" (<http://odci.gov/cia/publications/Factbook/geos/sz.html>, accessed April 26, 2002).

²U.S. Commission on International Religious Freedom press release, "Commission Urges President to Continue to Defend Human Rights, Religious Freedom," October 8, 2001.

nese security forces have displaced large numbers of civilians from oil areas, employing shocking brutality in the process.³

Having concluded that the government of Sudan is responsible for egregious human rights abuses, including widespread bombing of civilian and humanitarian targets, abduction and enslavement by government-sponsored militias, banning or impeding relief operations, and severe restrictions on religious freedom, the Commission has included policy recommendations on Sudan in both of its previous annual reports.

Among the Commission's recommendations in its 2001 annual report was a call for the appointment of a prominent special envoy to work for an end to Sudan's civil war. In early September 2001, President Bush appointed former Senator John Danforth as the Special Envoy for Peace in Sudan. Prior to his first trip to Sudan, the Commission wrote Senator Danforth with a four-point set of policy recommendations for his talks with that country's government, which were reflected in the proposals subsequently presented by Senator Danforth to the government of Sudan.

Senator Danforth's efforts have resulted in agreement by the warring parties to a set of confidence-building measures, including a cease-fire in the Nuba Mountains allowing for delivery of humanitarian aid, an international commission to investigate slavery, temporary cease-fires (referred to as days and zones of "tranquility") to permit humanitarian interventions such as disease-eradication campaigns, and a reported agreement on a verification mechanism to monitor bombardment of civilians, including humanitarian and relief operations. (Despite denials to the contrary, bombardment of civilians is a deliberate tactic employed by the government of Sudan, which has a monopoly on air power in the conflict.)

C. Recommendations

Secretary of State Colin Powell stated to Congress last spring: "There is perhaps no greater tragedy on the face of the earth today than the tragedy that is unfolding in Sudan." President Bush has pledged that his "administration will continue to speak and act for as long as the persecution and atrocities in the Sudan last." The Commission commends this resolve, but urges the Administration to give it content by taking firm measures so that a just and lasting peace can be achieved. In light of this, the Commission makes the following recommendations.

1. The U.S. government should urge the government of Sudan to abide by its international obligations to protect and ensure the right to freedom of religion. Specifically, the U.S. government should urge the government of Sudan to:

1.a unequivocally affirm that Shariah-based criminal code provisions do not apply to Sudan's southern states or to non-Muslims throughout Sudan and re-affirm its commitment to Section 3.4 of the Declaration of Principles of the Intergovernmental Authority on Development (IGAD);

1.b allow all religious groups to conduct their activities freely without interference or burdensome regulation by the state, including the selection and training of religious leaders, the content of sermons, and the distribution of religious literature, subject only to restrictions provided for by international standards;

1.c ensure that all religious groups are free to build, repair, and operate houses of worship and social service ministries without delay or harassment, subject to land-use regulations that are applicable to all, regardless of religion;

1.d ensure the protection of religious properties, return confiscated religious properties, and compensate religious groups for demolished or damaged properties; and

1.e repeal any laws that punish changing one's faith or encouraging another to do so (e.g., Article 126 of the Sudan Penal Code), and release any persons convicted of or detained on account of any such law.

The right to religious freedom is guaranteed in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights (ICCPR), to which the government of Sudan is a party. According to the ICCPR, the

³U.S. Department of State, *2001 Country Reports on Human Rights Practices*, "Sudan," March 4, 2002 (<http://www.state.gov/g/drl/rls/hrrpt/2001/af/8405pf.htm>, accessed April 15, 2002); Georgette Gagnon and John Ryle, *Report of an Investigation into Oil Development, Conflict and Displacement in Western Upper Nile, Sudan*, October 2001 (<http://www.freedom-quest.ca/SudanReportfinal101601.pdf>, accessed April 15, 2002); Karl Vick, "Oil Money is Fueling Sudan's War," *The Washington Post*, June 11, 2001; International Crisis Group, *God, Oil & Country: Changing the Logic of War in Sudan* (January 2002), 132–133.

right to freedom of religion includes the freedom of everyone “to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”⁴ This right also ensures that “(n)o one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.”⁵

Religion and religious identity are significant factors in Sudan’s civil war. As eloquently explained by a distinguished Sudanese scholar, Ambassador Francis Deng:

Since the resumption of hostilities in 1983, the relationship between religion and the state, in particular the role of Shari’a, has emerged as the central fact in the conflict. Religion on both sides defines identity. For Northerners, Islam is not only a faith and a way of life, it is also culture and ethnic identity associated with Arabism. For Southerners, Islam is not just a religion, but also Arabism as a racial, ethnic, and cultural phenomenon that excludes them as black Africans and adherents of Christianity and indigenous religions.⁶

The Commission, in its 2000 annual report, cited as key factors in the Sudan conflict: a) the effort undertaken by the government in Khartoum to extend Shariah to the African Christians and traditional religionists in the south and b) the government’s efforts to impose its extremist interpretation of Islam on all other Muslims.⁷ Similarly, the State Department’s 2001 human rights report states that the government of Sudan’s own policies of Arabization and Islamization and the imposition of Islamic law on non-Muslims have “fueled support for the civil war.”⁸

In 1983, Sudan’s President Jaafar al-Numeiri renounced the Addis Ababa Accords, which had given the south a degree of regional autonomy and religious freedom, and decreed that Shariah “be the sole guiding force behind the law of the Sudan.”⁹ The September Laws, as the decree was called, instituted an Islamic penal code. Popular and political discontent with Numeiri’s rule mounted following the promulgation of the September Laws and led to the civil war that continues to this day.

That Shariah continues to be imposed on non-Muslims to the detriment of their human rights, including religious freedom, was illustrated by the reported case of an 18-year-old Christian southerner and member of the Dinka people who was sentenced, in December 2001, to death by stoning as punishment for alleged adultery. She could not produce the four male witnesses required by the Shariah courts to prove that her pregnancy was the result of rape. The court proceedings were conducted in Arabic, a language she did not speak. Although her death sentence was overturned following international publicity, the woman was subjected to 75 lashes, with the sentence executed immediately so that there was no opportunity for an appeal.¹⁰

Moreover, the government in Khartoum, including at the highest levels, has appealed to Islamic sentiment to evoke greater popular support for the war effort.¹¹ It would go a long way toward ending that conflict if the government of Sudan were to implement the commitment contained in the Declaration of Principles of the East African regional body IGAD that:

A secular and democratic state must be established in the Sudan. Freedom of belief and worship and religious practice shall be guaranteed in full to all Sudanese

⁴International Covenant on Civil and Political Rights (1966), Art. 18(1).

⁵Ibid., Art. 18(2).

⁶Francis M. Deng, “Sudan—Civil War and Genocide,” *Middle East Quarterly*, vol. 8, no. 1 (Winter 2001), 16.

⁷U.S. Commission on International Religious Freedom, *Report of the United States Commission on International Religious Freedom*, May 1, 2000, 2.

⁸2001 Country Reports, “Sudan” (Internet).

⁹Ann Mosely Lesch, *Sudan: Contested National Identities* (1998), 55.

¹⁰The Sudanese Victims of Torture Group, “Press Release: Dinka Woman Shipped in Nyala,” February 18, 2002; Christian Solidarity Worldwide, “Six Months Pregnant Sudanese Woman Accused of Adultery given 75 Lashes,” February 21, 2002.

¹¹The report on Sudan in the State Department’s *Annual Report on International Religious Freedom 2001* (<http://www.state.gov/g/drl/rls/irf/2001/5680.htm>, accessed April 16, 2002) states that “The Government (of Sudan) has declared a ‘jihad’ (Muslim holy war) against the southern rebels.” See also quote from Sudanese Vice President Ali Osman Taha cited in Agence France Press report “Sudan government to give peace move a last chance,” Khartoum, October 6, 2001. Speaking to “a brigade of mujahideen fighters who were heading for the war front,” Vice President Taha is quoted as saying, “The jihad is our way and we will not abandon it and will keep its banner high.”

citizens. State and religion shall be separated. The basis of personal and family laws can be religion and customs.¹²

2. The U.S. government's diplomatic effort in Sudan should have as its major goal encouraging the government of Sudan, including all its allied militia, to enter into a comprehensive and conditioned cease-fire with the Sudan People's Liberation Movement/Army (SPLM/A) and the National Democratic Alliance (NDA) that would apply to all areas of the country and be subject to monitoring by international observers.

The U.S. government should urge the government of Sudan, as an essential condition of the cease-fire, to agree either to cease the extraction of oil in the country, or to place its oil revenues in an internationally-administered trust fund to be expended solely for development and humanitarian purposes on an equitable basis in both the north and the south.

The cease-fire should include a commitment by the government of Sudan to: a) permanently cease aerial bombardment and ground attacks, b) undertake measures to eradicate slavery, and c) lift all bans on relief flights and permit full access to international humanitarian assistance in all areas where the United Nations identifies needs. Even if fully implemented, such confidence-building measures must not be the end of U.S. efforts. The United States should emphasize to the warring parties that a ceasefire is an interim step toward a just and lasting peace, which should continue to be actively pursued by the United States.

Ending the Sudanese government's use of oil revenues to prosecute the war would be a first step toward achieving peace. The Commission, as other independent observers, has found that the Sudanese government-controlled petroleum industry is funding Khartoum's war against the southern Sudanese people and insulating it from international criticism. The only form of pressure that could cause Khartoum to engage in good-faith negotiations that will produce lasting peace and religious freedom is the restriction of its access to oil revenues. As long as Khartoum is able to receive oil revenues and use them for military purposes, peace will prove elusive. The Commission believes that passage of the House version of the Sudan Peace Act—addressed in Recommendation 3 below—provides a powerful incentive to the government of Sudan to agree to a trust arrangement for oil revenues.

3. The U.S. government should strengthen economic sanctions against Sudan and should urge other countries to adopt similar policies. Specifically, the United States should:

3.a require companies doing business in Sudan to disclose the nature and extent of that business in connection with their access to U.S. capital markets,

3.b prohibit any foreign company from raising capital or listing its securities in U.S. markets as long as it is engaged in the development of oil and gas fields in Sudan, and

3.c deny licenses for the importation of gum arabic from Sudan to the United States.

The Administration and the Senate should support the adoption of the House-passed version of the Sudan Peace Act.

As noted in the Commission's 2001 annual report, there is a significant, undesirable gap in U.S. law regarding Sudan and other countries designated as a "country of particular concern" (CPC) under IRFA. In many cases, foreign companies that are doing business in Sudan can sell securities on U.S. markets without having to disclose fully 1) the details of the particular business activities in Sudan, including plans for expansion or diversification; 2) the identity of all agencies of the Sudanese government with which the companies are doing business; 3) the relationship of the business activities to violations of religious freedom and other human rights in Sudan; or 4) the contribution that the proceeds raised in the U.S. debt and equity markets will make to these business activities and hence, potentially to those violations.

The Commission, therefore, continues to recommend—as it did in May 2001—full disclosure of these details for companies with any business activity in Sudan or any other CPC. This would prompt corporate managers to work to prevent their companies from supporting or facilitating human rights violations. Full disclosure also would aid 1) U.S. investors in deciding whether to purchase the securities; 2) shareholders in exercising their ownership rights (including proposing shareholder resolu-

¹²Section 3.4, The Declaration of Principles adopted by the Intergovernmental Authority on Development (IGAD), Nairobi Kenya, August 1994.

tions for annual meetings and proxy statements); 3) the Treasury Department's Office of Foreign Assets Control in enforcing existing sanctions; and 4) U.S. policymakers in formulating sound policy with respect to Sudan and U.S. capital markets.

Shortly after release of the Commission's 2001 annual report, then-Acting Securities and Exchange Commission (SEC) Chairman Laura Unger committed the SEC to seek enhanced disclosure by foreign registrants doing business directly or indirectly in Sudan and other countries subject to U.S. economic sanctions and to support formation of an interagency working group on Sudan.¹³ However, at his confirmation hearing only two months later, Harvey L. Pitt, now SEC Chairman, declined to affirm these commitments without further consideration. The outlook for full implementation of the enhanced disclosure committed to by Chairman Unger is uncertain. Information received by the Commission from the SEC suggests that the agency does not intend to require companies routinely to make such disclosure. Given the reluctance of the SEC to take steps on its own, legislation is required.

The Commission believes significant restrictions on U.S. capital markets access are fully warranted by the specific and extreme conditions that currently exist in Sudan. We do not recommend them lightly. By blocking the Sudan Peace Act from going to conference committee, the Senate and the Administration may have inadvertently signaled Khartoum that the U.S. government is indifferent to the violent persecution the government of Sudan inflicts on its own population. The Commission supports the Sudan Peace Act as passed by the House of Representatives, with its important disclosure requirements and the provision limiting access to American capital markets by foreign oil companies involved in Sudan's oil industry. These provisions were first proposed by the Commission in its 2000 annual report. The Commission believes that their passage into law will provide the critical leverage needed for the government of Sudan to find the political will to proceed to a peace process.

The Commission recognizes that unilateral economic sanctions by the United States have not prevented foreign investment in Sudan's oil development, which has, in turn, provided the Sudanese government with significant financial support for its egregious human rights violations. However, it has not been established that U.S. sanctions have been completely ineffective. They can continue, for example, to slow the rate of increase of foreign investment in Sudan and of oil revenues to the Khartoum regime.

The United States should enlist the support of other nations in this effort, but should be prepared to act alone if necessary. The Commission therefore deplores as clearly premature the decision of the European Union to resume assistance to the government of Sudan and urges the U.S. government to seek closer coordination with the Europeans and other interested governments in using donor assistance to further the cause of peace in Sudan.

4. The U.S. government should urge the government of Sudan to demonstrate a good-faith commitment to and participation in internationally-recognized and -monitored peace talks based upon the Declaration of Principles developed under the auspices of the Intergovernmental Authority on Development (IGAD) and previously agreed to by the government of Sudan and the Sudan People's Liberation Movement/Army.

The re-establishment of full diplomatic relations with Sudan or the opening of a USAID mission in Khartoum should be conditional upon the government of Sudan demonstrating a fundamental change in its policies.

The IGAD Declaration of Principles affirms that Sudan is "a multi-racial, -ethnic, -religious and multi-cultural society" and calls for "full recognition and accommodation of these diversities." The Declaration of Principles also provides for self-determination for the south and for a secular government that would ensure religious freedom for all individuals, north and south. Plans, such as that proposed by Egypt and Libya, which omit these two key terms, would not be likely to result in a just settlement.

5. In fostering such peace talks, the U.S. government should work to ensure the inclusion of Sudan's civil society, including its various political parties and religious leaders from the north and the south.

The views of the full range of Sudan's civil society, including representatives of political parties, non-governmental organizations, and religious groups from all regions of the country, should be included in the peace talks. No lasting peace can be expected if Sudan's future is left to two non-elected military leaders.

¹³Laura Unger, letter to The Honorable Frank P. Wolf (sic), May 8, 2001.

6. The U.S. government should urge all parties to the conflict to include as an element of the peace settlement a full accounting for crimes against humanity, such as the systematic aerial bombardment of civilians. Moreover, the parties to the conflict should undertake efforts now to investigate reports of war crimes and other human rights abuses and to prosecute those individuals responsible.

The Commission believes that a mechanism for truth-telling and accountability would promote long-term reconciliation in Sudan and would strengthen public confidence by bringing to justice perpetrators of prior human rights abuses.

The Commission further believes that the Danforth Mission's success in obtaining access for teams of international monitors of the Nuba Mountains ceasefire and for international experts to investigate the slavery issue has laid the groundwork for future indigenous Sudanese efforts in this field. With proper training and support, the Sudanese who work with the international monitors can form the nucleus for the investigative staff of Sudan's own institutions for truth-telling and accountability. Moreover, accountability for serious abuses of human rights and humanitarian law should not wait until the completion of a peace process. Steps can and should be undertaken now to investigate reports and to prosecute individuals responsible for such abuses.

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

The Commission continues to affirm this recommendation made in its 2001 annual report, as it is vitally important that food aid go to the people in Sudan who need it. To do otherwise is to collaborate with Khartoum's tactic of employing food assistance as a weapon. The seriousness of this problem has once again been underlined by the UN World Food Program's (WFP) recent public condemnation of "the decision by the government of Sudan to deny access of WFP flights to 43 locations in southern Sudan, which will prevent about 1.7 million people from receiving humanitarian assistance." According to the WFP, these groups include "some of (Sudan's) most vulnerable populations frequently displaced by insecurity." The UN agency also complained of Khartoum's hampering relief flights by the imposition of "bureaucratic obstacles" and technical requirements with which it is "virtually impossible to comply."¹⁴

Moreover, the U.S. government should continue its efforts to strengthen the capacity of humanitarian groups delivering aid outside of OLS and should urge other donors to do likewise. USAID has informed the Commission that, in fiscal year 2001, 42 percent of U.S. non-food assistance and 20 percent of U.S. food assistance were delivered outside OLS.

8. The U.S. government should increase its non-lethal assistance to southern Sudan and to the National Democratic Alliance. As provided for by law, this assistance should include, but not be limited to, "communications equipment to notify civilians of aerial bombardment."

Over the past two years, Congress has appropriated at least \$10 million to the State Department to aid southern Sudan and the opposition National Democratic Alliance as the Commission recommended in its 2000 and 2001 annual reports. The Commission is pleased that the State Department has begun to expend these funds. Congress, however, has specifically included in the categories of allowable assistance for the National Democratic Alliance the provision of "communications equipment to notify civilians of aerial bombardment." No such equipment, however, has been supplied as yet. As it has recommended in the past, the Commission continues to urge that satellite phones and other appropriate equipment be provided to civilian leaders for the protection of civilian populations in the areas of south Sudan and the Nuba Mountains that are prey to aerial bombardment and slave raids. Aid should not, however, be given to the National Democratic Alliance or any opposition group in control of territory in Sudan unless it is making substantial and verifiable efforts to adhere to international human rights norms. This Commission does not recommend military aid for any opposition force.

¹⁴World Food Program News Release, "Sudanese Government Denies Humanitarian Access to 1.7 Million People in Southern Sudan," April 5, 2002 (<http://www.wfp.org/newsroom/subsections/Press-Releases.asp?id=518>, accessed April 16, 2002)

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

The Commission reiterates this recommendation from its 2001 annual report out of a belief that greater awareness of human rights abuses is an important element in curbing them. Humanitarian and religious groups, human rights organizations, and the media have worked hard, often under difficult and dangerous conditions, to report the horrific suffering of the Sudanese people. The government of Sudan has hampered those efforts through its travel restrictions. Human rights monitors and the media should be permitted unimpeded access throughout Sudan by the government and by opposition groups in the areas they control. The Commission notes as positive first steps the success of the Danforth Mission in obtaining access for teams of international monitors of the Nuba Mountains ceasefire and of international experts to investigate the scourge of slavery and abduction perpetrated by government-sponsored militias. The U.S. government should encourage more such access as contributing to the eventual resolution of the Sudan conflict. If implemented, the deployment of monitors to report on the bombardment of civilian targets could provide the basis for a broader human rights monitoring system, for which the Commission would urge U.S. government support.

10. The U.S. government should further promote grassroots reconciliation among Sudanese as an essential building block toward a lasting peace settlement in Sudan.¹⁵

Some of the suffering in southern Sudan has been caused by violence among southerners themselves. This tribal conflict has often been abetted by the government of Sudan, which has actively solicited southern support against the SPLM/A, winning several armed factions at least temporarily to the government side. The Khartoum regime has also employed tribal militias as part of its war effort, capitalizing on traditional tensions between nomadic and settled agricultural populations, such as the Baggara Arabs and their Dinka neighbors. Operations of such irregular forces account for many human rights abuses, including slave-raiding.

The past year has witnessed some important steps toward reconciliation at the grassroots level. Baggara Arabs and Dinkas have reached local accommodations. Dinka and Nuer leaders have likewise taken risks for inter-tribal peace. Calls for reconciliation have also met with a positive response in the large overseas Sudanese Diaspora. In Washington, D.C. in January 2002, a conference of Dinka and Nuer representatives from the Diaspora called for a "reconciliation process that will not rest or be complete until all Dinka and all Nuer are freely incorporated in this peace process and it is extended to all Sudanese who long for peace." The New Sudan Council of Churches has played an active role in promoting such "people-to-people" reconciliation efforts.¹⁶

The results of these efforts continue to be fragile. USAID's Sudan Transitional Assistance for Rehabilitation (STAR) program has contributed to south-south reconciliation by supporting such laudable local peace initiatives as the Wunlit Dinka-Nuer Covenant of 1999 and by promoting institutional and economic development in southern Sudan.¹⁷ Much more needs to be done, however. The U.S. government should expand its financial, diplomatic, and logistical support to efforts for peaceful accommodation of inter-group differences, including by targeting humanitarian and development assistance to those communities that are making good-faith efforts to live in peace with their neighbors.

Chairman HYDE. I want to thank you for an excellent statement, all three of you. Those were very instructive, threw an awful lot of

¹⁵This recommendation and its discussion reflect ideas proposed by John Prendergast and Douglas H. Johnson, found in John Prendergast, "Senator Danforth's Sudan Challenge: Building a Bridge to Peace," Center for Strategic and International Studies *Africa Notes* series, January 2002 (<http://www.csis.org/Africa/ANotes0201.pdf>, accessed April 26, 2002), and Douglas H. Johnson, electronic communication of February 7, 2002 conveying his memorandum "Independent Analysis of Sudan Peace Process," February 6, 2002.

¹⁶According to the Dinka-Nuer Washington Declaration of January 13, 2001, previous People-to-People peace conferences have been held at Loka (1998), Wunlit (1999), Liliir (2000), and Kisumu (2001).

¹⁷U.S. Agency for International Development, "USAID Assistance to Sudan: Fact Sheet," July 19, 2001 (<http://www.usaid.gov/press/releases/2001/01fs-sudan.html>, accessed April 16, 2002); U.S. Agency for International Development, "Sudan: Complex Emergency" (<http://www.usaid.gov/hum-response/ofda/99annual/africa24-sudan.html>, accessed April 15, 2002, and <http://www.usaid.gov/hum-response/ofda/00annual/sudan.html>, accessed April 2, 2002).

light on the very dangerous situation, and I personally appreciate them very much.

Now we are going to go to questions, and I am going to plead with the Members to be succinct. There is no rule or regulation requiring you to ask a question. [Laughter.] I would like to relieve this panel and get through our next panel, so I again I plead for self-discipline, if possible. I will wield the gavel vigorously to maintain the 5-minute rule, but please help us out so we can get to the next panel.

Mr. Lantos.

Mr. LANTOS. Thank you, Mr. Chairman.

Before I ask my questions let me publicly express my admiration for your leadership on this issue. Without you, we would not have had the overwhelming vote in the House and it has been a pleasure and an honor to work with you hand-in-glove on this singularly important issue.

I would like to address my question to the Secretary. What is the Administration's position with respect to the desirability of a conference committee convening so we can deal with the issues that have been swept under the rug.

Mr. KANSTEINER. Thank you, Congressman.

The question of oil is a very important part of this peace process. I do not think it is probably the most important though. I believe the southern self-determination question is probably where—

Mr. LANTOS. Mr. Secretary, I have very little time and I am very happy to listen to you at great length, but I asked a very simple question.

What is the Administration's position on convening a conference committee? Are you favoring it? Are you opposing it?

Mr. KANSTEINER. Well, of course, Congressman, as you know we have no control over what the Senate does or does not do, but I will tell you what our position is on the bill. I would be happy to do that.

Section 9 is of particular interest and concern to us. It involves interference, political interference in capital markets, and as the Assistant Secretary of State for Africa, I go all over Africa asking political leaders, African political leaders, please divorce politics from your economic policy, please do not—

Mr. LANTOS. Are you living in this world, Mr. Kansteiner? In the United States, we have divorced politics from economics?

I mean, I cannot accept the fact that you seriously are making such statements.

Mr. KANSTEINER. Absolutely. I mean, the precedent for political—

Mr. LANTOS. Then come back to this planet because economics and politics are not going to be divorced either in the Sudan or elsewhere.

Mr. KANSTEINER. And when you start interfering directly in your capital markets, you are playing with fire.

Mr. LANTOS. So far we have played with human lives, millions of human lives. I still would like an answer to my question.

Mr. KANSTEINER. The answer—

Mr. LANTOS. Is the Administration in favor of the conference meeting or is the Administration in favor of the policy of one Senator of blocking it?

Mr. KANSTEINER. We have no position on that, but we do have positions on the bill, and I have just outlined where we are on the bill.

Mr. LANTOS. Are you personally in favor of seeing a conference committee convene?

Mr. KANSTEINER. That is not in my domain.

Mr. LANTOS. Are you in favor of placing oil revenues in an internationally-administered trust fund so the resources of this poor country can be devoted to the welfare of the people, health, education, medical care, and not for the purchase of warplanes and helicopter gun ships?

Mr. KANSTEINER. I think that is certainly an option, and it is an option that should be looked at as an—

Mr. LANTOS. I know it is an option. Do you favor that policy?

Mr. KANSTEINER. I favor what the Sudanese negotiate in Nairobi in the IGAD process. That is what we have to be supportive of. They have to make this decision. If resource-sharing is going to be based on a formula like the North Sea oil and how Scotland got additional resources, fine. If that is the formula, we are all for it.

Mr. LANTOS. We are a long ways from Scotland in this situation. We are dealing with slavery. We are dealing with the death of millions of people. And this degree of equivocation following September 11 simply does not wash. You have to have some respect for the intelligence of the American people and Members of this Congress. We do not wish platitudes. We need straight answers.

Mr. KANSTEINER. The answer, Congressman, is oil revenue sharing is critical to the solution of Sudan. How we get there is to be negotiated.

Mr. LANTOS. Are you in favor of an internationally-administered trust fund which would use the revenue for the benefit of all the people of the area and will not waste these resources in this very poor country for the purchase of helicopter, gunships and warplanes?

Mr. KANSTEINER. As I said, I think that is a very interesting option, a good idea. It is not for us to predetermine how peace negotiations, and this is a very part of the peace negotiation. We cannot predetermine that. We have to let the belligerents decide how they want to do it.

Mr. LANTOS. Does the Administration favor self-determination for the Christian south?

Mr. KANSTEINER. Absolutely.

Mr. LANTOS. Does the Administration favor the establishment of a secular state with the rights of all people to have whatever religion they choose to adhere to?

Mr. KANSTEINER. Again, we favor a secular state that will be negotiated within the process. And how the two primary belligerents determine that is worked out, that is what we are going to support.

We are going to throw out some ideas and we are going to get—

Mr. LANTOS. Thank you, Mr. Chairman.

Mr. KANSTEINER [continuing]. Some good ones on the table, and we are going to push them on it.

Chairman HYDE. Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman. I will try to be brief.

Sudan has been mired in armed conflict much of the last 4 decades. What is your understanding of the sources of the conflict? Is religion a major factor as some observers have suggested?

I address that to all of the panelists. Do any of the panelists want to comment?

Mr. KANSTEINER. There are multiple factors to the conflict. There has been a long history of ethnic tensions and religious tensions. There is additional pressure because of the oil, as we have mentioned, but way before oil was discovered, there were severe tensions between the regions within Sudan.

Mr. GILMAN. Would any of the other panelists want to comment? Mr. Winter?

Mr. WINTER. Religion is certainly an important factor in the conflict there. It is an issue of identity. There is no common identity between many of the peoples of Sudan, and religion is a major factor in the division.

Mr. GILMAN. What are the major religions?

Mr. WINTER. The largest religion in the north is Islam. In the south, there are figures that people disagree about, but there are significant portions of the population that are Christians, and significant portions of the people follow traditional religion.

Mr. GILMAN. And, Mr. Young, do you want to want to comment?

Mr. YOUNG. Mr. Gilman, our Commission has actually studied that question quite a bit, and it is no doubt a complex situation. It is clear that religion is a substantial part of the cause of that conflict. The attempt on the part now of at least two successive governments in different ways to Islamicize the south has been a very important factor in this struggle.

Mr. GILMAN. Do our panelists believe that the government of Sudan still harbor terrorist organizations at the present time?

Mr. KANSTEINER. We would be happy to go into detail on that on another setting.

Mr. GILMAN. Well, without getting into the details, are they harboring terrorist organizations?

Mr. KANSTEINER. They seem to be willing to let certain organizations operate that we are still concerned about, and we would be happy to go into details of which organizations.

Mr. GILMAN. Are those terrorist organizations?

Mr. KANSTEINER. They are organizations that are affiliated with terrorist organizations. And on the other hand, there has been significant cooperation on the counterterrorism effort since September 11th with the government in Khartoum.

Mr. GILMAN. Mr. Winter or Mr. Young, do you have a comment?

Mr. WINTER. They remain on the terrorism list for reasons.

Mr. GILMAN. Mr. Young.

Mr. YOUNG. Mr. Gilman, we have not examined that issue. The Commission does not have a statutory mandate that would authorize that.

Mr. GILMAN. The present government continues to discriminate against non-Muslims despite repeated pledges by the government

to respect the rights of non-Muslims. Several thousand southern Sudanese women have been imprisoned and punished in recent years for violation of the Islamic laws.

Are non-Muslims being persecuted by the government of Sudan? All of the panelists?

Mr. KANSTEINER. Mike, you look at that pretty closely.

Mr. YOUNG. Mr. Gilman, absolutely. That is at least some part of what is targeted in the south. It is also important to stress that a part of the problem with food distribution has been attempts to use some of the food distribution as a way to force conversions. We found substantial evidence of that. Plus, it is important to stress that Muslims in the northern part of Sudan have also been subject to severe persecution if they do not follow the appropriate version of Islam that the government promulgates.

Mr. GILMAN. Mr. Winter, do you want to comment on that?

Mr. WINTER. I am just glad that Mike brought that up. There is substantial opposition to this government in the north amongst Muslim populations because the government represents an extremist brand of Islam. So the difficulties with the government are not only in the south, there are plenty of people in the north that also suffer.

Mr. GILMAN. One more question, Mr. Chairman.

Chairman HYDE. I am sorry—well, no, you have 32 seconds. Go ahead.

Mr. GILMAN. Thank you.

Sudan denies, the government denies permission for flights of humanitarian aid in southern Sudan. In 1998, an estimated 100,000 people died in part due to the refusal of humanitarian flights.

Are they still preventing humanitarian assistance from being sent to some regions, Mr. Winter?

Mr. WINTER. Yes, absolutely. This is why I am proposing that a major part of our future direction in negotiations with Sudan deals with this issue. Our belief at USAID is that we need to assure that the government cannot unilaterally detain humanitarian flights as they are currently doing in western upper Nile where there are a lot of people in serious jeopardy.

Chairman HYDE. Mr. Payne.

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

Mr. PAYNE. Thank you very much, Mr. Chairman. Thank you for calling this very important hearing. I find the testimony very interesting. Thank you very much, Mr. Assistant Secretary. And of course, Mr. Winter, you are probably the most knowledgeable person at the table on the issues of Sudan, having served for so many years in another capacity. And, Chairman Young, I certainly could not agree more strongly with your recommendations and the findings of the commission, and I would hope that you would continue to advocate and have your supporters advocate so that perhaps we can get some movement in the situation in Sudan. It is crystal clear that the National Islamic Front government in Sudan is still an evil government. It is a government that continues to bomb its people. It is a government that continues to enslave its people. It is a government that continues to use food as a weapon. It is a government that has over 40 sites currently in southern Sudan that

have been called “off limits.” It is a government that has denied the tri-partite agreement of 1989, which said that food should not be used as a weapon. And so there is no question about the fact that the government of the Sudan has not changed.

Let me ask a question: It was shortly after September 11th when the conference committee was on the Floor—was Mr. Tancredo actually getting ready to name the conferees? Perhaps, Mr. Assistant Secretary, was it the White House that had a message that said to pull the conferees as Mr. Tancredo was ready to speak, he was called off the Floor?

Could you tell me about that situation, to your knowledge?

Mr. KANSTEINER. I am sorry, Congressman. I do not have any knowledge of that.

Mr. PAYNE. Well, I do. [Laughter.] And there was a message from the White House that said because of September the 11th, the view on Sudan has changed.

Now we are going to be a government that stands for something, and after 40 years of death and starvation, that all of a sudden an evil, wicked government becomes our allies; a government that harbored Osama bin Laden as he planted bombs in our Embassies, all of a sudden becomes a government that has now changed; and so for once we thought we had something that could finally make the government of Sudan listen. We had capital market sanctions looming in a position that people doing business in Sudan had to report to the Securities Commission. But this tool has been denied us.

Let me ask a question because I am a little bit confused on this too, Mr. Kansteiner. You say that there is support for self-determination for the people of southern Sudan. However, in Mr. Danforth’s report there is an apparent linkage of self-determination and secession. His rejection of self-determination as an option for the people of southern Sudan disturbs me because the IGAD process has always said it is an option; not that anyone was pushing it, but that self-determination should be an option.

For the Danforth Report to make it clear that the Senator does not support that as an option, I think, weakens the whole negotiating position.

Could you comment on that?

Mr. KANSTEINER. Certainly. I might preface by explaining that Senator Danforth was asked by President Bush to be a special envoy to look at the possibility of a peace process actually happening in Sudan, and that was his primary tasking. He did an excellent and superb job in coming up with some tests to see if the belligerents were willing and close enough for us to push.

On self-determination, Congressman Payne, you know that it is an absolute cornerstone for the peace process. In fact, I, quite frankly, think self-determination and the sovereignty issue of the south is probably at the very core of this entire peace process, so that it has to be front and center.

Mr. PAYNE. Let me interrupt before the time has expired, the 30 seconds—

Chairman HYDE. The gentleman’s time has expired.

Mr. PAYNE [continuing]. Because I have one last question since I went along with your request not to make even a statement at

the opening, as Ranking Member of the Committee, and I did obediently follow your request. One quick second?

Chairman HYDE. Yes.

Mr. PAYNE. Thank you. [Laughter.] Let me just ask, why has the Administration agreed to the recent decision to ship relief operations from Kenya to the government-controlled el-Abib organization?

Mr. KANSTEINER. I am sorry? To ship from?

Mr. PAYNE. From the IGAD land—

Mr. KANSTEINER. Oh.

Mr. PAYNE [continuing]. To the new plan run by an organization in the government of Sudan.

Mr. KANSTEINER. We have not. We see IGAD as clearly the framework. Lt. General Sumbeiywo, the Kenyan who is the Secretariat of the IGAD Sudan process, is the Chairman of this process. We are fully behind him. We are engaged with him, and I might add we have foreign service officers in the State Department, in A.I.D., people on the ground in Nairobi to help the IGAD process become the framework that we hope it will be, and the peace process that we hope it will be.

Chairman HYDE. Mr. Leach.

Mr. LEACH. Mr. Secretary, in your response to Congressman Lantos you implied, or I think were beginning to build a case, that the Administration may be opposed to capital market sanctions.

Is that the case? And could you articulate your reasoning?

Mr. KANSTEINER. We, in fact, are very opposed to the section 9, which deals with capital market sanctions that the House has passed. We feel that it is a precedent for political intervention in U.S. capital markets, and it is a detrimental precedent, and we would not like to see it become law of this country. We think it sends all the wrong signals, not only to foreign investors in our country, but, quite frankly, it sends all the wrong signals to the bourses and those that control the bourses around the world.

Mr. LEACH. Thank you.

Mr. Young, you might have implied a different position. Is that right or wrong?

Mr. YOUNG. Congressman Leach, that is absolutely right. We strongly support capital market sanctions. To make the case very simply, first, oil is the key to Khartoum's capacity to continue to prosecute the war. I think that is unarguable. In fact, the only real movement we have seen in Khartoum, their willingness to accept envoys and so forth, occurred just about the same time the House was debating its bill that contained capital market sanctions. I think that is a signal.

The companies have said they would leave Sudan. The President of Talisman has said he would leave Sudan if U.S. markets were not available. I am very pro-free trade. I had the opportunity and privilege to work on the NAFTA and the Uruguay Round, and have talked and written on trade for many years. I understand its centrality and importance. But this is a very narrowly targeted set of sanctions. One is disclosure. I am amazed that people can oppose disclosure. I do not understand. I thought that it facilitated markets and does not harm markets, and that certainly is half of the

proposal. The second half only looks at an incredibly small range of countries.

It does not seem to us, in our deliberations, to set a precedent for anything beyond saying if you have a war of genocidal proportions and there is an instrumentality of that war that makes prosecution of it considerably more likely, then companies that facilitate it should not have the opportunity of facilitating it by access to U.S. instrumentalities, particularly in capital markets.

Mr. LEACH. Mr. Winter, you seem to be the intermediate point here. What is your position?

Mr. WINTER. I have a public record on this from my prior life. The only thing I can say is Mr. Kansteiner speaks for the Administration.

Mr. KANSTEINER. I just might add, Congressman, that this is the Administration position, and Mike is not part of the official U.S. Government Administration and so—

Mr. LEACH. Let me ask one final question though because Mr. Young threw out two divisions here.

Is there a possibility of a compromise based around the word “disclosure”?

Mr. KANSTEINER. I am not sure this is the place for the negotiating to go on, but I think the greatest concerns lie in section 9. I might leave it there.

Mr. LEACH. Thank you very much. I appreciate all of your thoughts, and particularly Mr. Winter’s, which is one of the more subtle pronouncements that this Member has heard in awhile. [Laughter.]

Chairman HYDE. Mr. Meeks.

Mr. MEEKS. Thank you, Mr. Chairman. I will be brief.

Let me just ask, I was just wondering with the two-piece processes—IGAD on the one hand and Egypt and Libya initiative on the other—is there any possibility of a coordination there? Can that be successful? And can the people in the south get a fair deal from the Egyptian/Libyan plan?

Mr. KANSTEINER. That’s a very good question in the sense that there are some positive parts of the Egyptian plan. We are now trying to coordinate some dialogue between Nairobi and Cairo on how we might be able to incorporate some of those useful ideas in the Egyptian plan into the IGAD process.

Mr. MEEKS. Mr. Young, what is your opinion?

Mr. YOUNG. We have not really taken a position on which process makes the most sense, but rather we feel strongly that the IGAD principles articulate the vision. That process has been stalled from time to time. If there are other processes that may accomplish that, we have not really taken a position on them. But we do think that whatever process is used, those principles really need to be the organizing theme. We very much appreciate the Administration’s support of those principles that has been so eloquently articulated today.

Mr. MEEKS. The other question of this “new strategy” toward Sudan where the United States is calling on have the cooperation more fully with our European allies and Kenya and Egypt. Historically, there has always been differences between the U.S. and the

EU toward Sudan. And both Kenya and Egypt have been unable to get a sustained peace process moving in the past.

On what terms do you think that the Administration will engage our allies and regional partners in a peace process, and what happens if our goals are different?

Mr. KANSTEINER. You are putting your finger on some tough diplomatic maneuvering, and it has begun, and we are working it. The Norwegian, British, and Swiss involvement to date has been very helpful as far as we are concerned in the sense that they have now rallied behind the IGAD process. They have recognized that it is the framework where a peace deal is going to be hammered out, and they have been helpful.

The Swiss, for instance, were extremely helpful in pulling together a venue and an opportunity for the Nuba Mountain ceasefire to actually happen. That is where the dialogue and the discussions and the negotiations actually took place. So it was under some U.S. and British help, but the Swiss played a very important role.

So we are doing that coordination. It is not easy, and it takes some time, but it is coming in the right direction.

Mr. MEEKS. And finally just one quick question, just a follow up from what Mr. Payne had initiated. I think sometimes people may have a different definition as to what self-determination is, in the Danforth Report it seems it defined self-determination as the people in the south having the option of voting to separate from the north in Sudan. Would that be supported by the U.S.?

Mr. KANSTEINER. Self-determination is kind of a catch-all phrase that includes a referendum on the status, be it one country, two systems, separate countries, separate sovereignties. Is it going to be a Federal system? Is it going to be a confederal system? Self-determination is kind of a catch-all phrase that includes all of those.

Again, we do not want to predetermine the negotiations, but we absolutely see and recognize that the self-determination question, the status of the south question is front and center.

Mr. MEEKS. Thank you.

Chairman HYDE. Mr. Chris Smith of New Jersey.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman.

You know, Mr. Secretary, I agreed with Mr. Young a moment ago when he talked about the oil revenues being so vitally important to this war effort. And it seems to me that in any war what you try to do is starve the aggressor of his lifeline, especially his fuel line, and in this case they get a double benefit from these oil investments. They get not only fuel to run their war machinery and fly their helicopters and jets, they also get the capability to buy more sophisticated military hardware to prosecute this slaughter.

This is not just a typical capital markets issue, I would respectfully submit. This is financing a war; if you turn off the spigot, it seems to me, you undermine their capability to prosecute this war. So perhaps you might want to comment on that.

But I do want to ask you, you know, back in 1996, my Subcommittee held the first hearing ever on shadow slavery in Sudan. We were met with widespread disbelief as to whether or not it ac-

tually existed. We had Dr. Bereaugh, Gosper Bereaugh from the U.N., special rapporteur who gave a very comprehensive analysis as well as many other witnesses at that hearing. It seems to me that it is not only not abated, it has actually in some cases gotten worse.

Today, the State Department has issued its report on trafficking in persons, and again Sudan is a tier three country. In other words, it has a major problem with human trafficking. It also is doing nothing or little or nothing to stop it, and it points out in the report Sudan is a country of destination of internationally trafficked persons as well as a country with widespread internal trafficking, and it goes on to detail these facts.

Let me just ask you, you know, I noticed in your report that you pointed out that the EU and Sudan at the U.S. Convention on Human Rights negotiated a word change from "slavery" to "abduction," which is a serious word change. Definitions do matter. Words have meaning, and slavery certainly is more egregious than abduction, even though abduction is very, very bad.

With that kind of watering down of the situation, what do you think we can and should do again with regards to trafficking, this slavery problem?

Everyone was gung-ho back in 1996, and Dr. Bereaugh has been doing it since 1993. They have signed all the conventions, the slavery convention of 1926, and all the other follow-up documents, and yet there are no prosecutions. They are not acquiescing. They are part of the problem, if you will, on slavery. If you could answer those questions.

Mr. KANSTEINER. Absolutely, and I would refer to you, and we would be happy to get to you, the latest International Eminent Persons Group report. Penn Kemble chaired that. They just came back from Sudan, and it is slavery, abduction and forced servitude in Sudan that is the topic. He goes into excellent detail of not only what is happening, but what the mechanisms are that we can employ to monitor and, if you will, shine that big flashlight on this process and hence turn it off.

Interestingly enough, it was the International Eminent Persons Group, made up of Americans and a number of Europeans and Africans, and as you have mentioned the Europeans have continually referred to this problem as abduction, and would never use the "S" word. And in fact, this commission, I think for the first time, it has just returned led by Penn Kemble, in fact got the Europeans to sign on to the fact that this is slavery and this is what it should be called, and we all know it when we see it.

So I would commend that report to you. I think it is an excellent report. It is not a U.S. Government agency. I mean, we in fact commissioned it as we did in the Danforth Report, but they went out independently and came to their conclusions. We will look for mechanisms, and we will, quite frankly, come to you all for resources to implement those mechanisms, to monitor this.

Mr. SMITH OF NEW JERSEY. I appreciate that.

Very quickly, my 10 seconds, we know that the Taliban is one of those that is very active in Sudan. What about the Chinese connection? We know that they too are very active in providing support for the oil pipeline and the like in Sudan.

Mr. KANSTEINER. The Chinese oil interests are there in Sudan, and I think they have intentions to remain. I will say this, the conflict in Sudan long predated the discovery of oil. I mean, has oil contributed to and made this a perhaps more complex issue? Maybe. But this war was going on a long time before oil was discovered. I think that oil in fact is a double sword, and we should be using it effectively to bring a settlement.

Mr. SMITH OF NEW JERSEY. Thank you, Mr. Chairman.

Chairman HYDE. Mr. Royce.

Mr. ROYCE. Yes, let me ask Secretary Kansteiner, and welcome back by the way, Secretary. In the Danforth Report it makes the point that the U.S. needs to step up its diplomatic engagement, all right. And one issue that I wonder about in this context is the recommendation that the Egyptian/Libyan peace initiative, which we call the joint initiative, be better integrated with the Kenyan-led IGAD initiative process. That is in the report and you cite that in your testimony.

I have been watching Libya's role for some time now, and we have compared notes on this. You know, we have had Libya cropping up in Zimbabwe. We have Libya's rather unsavory connections in West Africa. It turns out that, I think, Foday Sankoh and Charles Taylor actually had the opportunity to meet in a terrorist camp in Libya where presumably they learned some of the guerilla warfare techniques that they employed against their own people.

So given Libya's past involvement in these types of activities, terrorist activities, why would we look to Libya to play a constructive role in the process? That would be my first question.

I guess my second question would be more broad: Should the United States defer to the regional countries which have many political problems of their own?

In the report it includes that the United States should not develop an alternative peace plan. Yet at the same time, and this seems to me a little contradictory, it notes that all sides and interested actors are pleading for committed U.S. engagement.

So the broader question is, why should we have confidence the regional actors' approach that the Danforth Report plays out, in your opinion?

Mr. KANSTEINER. Thank you, Congressman.

I share your suspicion and skepticism of the constructive role that Libya can play, and that is not to say that the Egyptian/Libyan plan has not produced some good ideas, and there are a couple that we in fact do want to integrate and want to encourage the IGAD partners to look at and see how they can pull in.

That said, I think we also need to note that the Egyptians are a very important neighbor, and they are involved in Sudanese issues and have been for generations. So we are mindful of that as well.

U.S. engagement is imperative. I do not believe this peace process is really going to reach anything that will be fruitful and long lasting and just if we are not engaged in it.

So are we going to be working with IGAD and with the Kenyans, and the other neighbors? You bet, but we will be engaged.

Mr. ROYCE. Let me ask you about coordination with the Europeans for a minute. The report that was submitted says that we have improved coordination with the Europeans on Sudan.

How would you characterize these European countries' views on this conflict? And do you think we are on the same sheet of music with respect to the way the Europeans are looking at the conflict?

Mr. KANSTEINER. We are getting there is the short answer. The Norwegian, British and U.S., and Swiss I would throw in, probably have the closest coordination and have shared the most common strategies, objectives, and tactics. I think we each have somewhat of a comparative advantage to do different things and play slightly different roles as outside friends of Sudan and outside friends of the process.

Mr. ROYCE. Thank you, Secretary Kansteiner, and thank you, Mr. Chairman, for calling this hearing.

Mr. SMITH OF NEW JERSEY [presiding]. Thank you very much.

Ms. Watson. The Chair recognizes Ms. Watson from California.

Ms. WATSON. Thank you very much, Mr. Chairman.

I was concerned about the self-determination statement that you made when it is apparent that slavery is still going on. And in the hands of the current composition of the government, would they now choose to continue to abduct, to enslave as their own self-determination? I would like to hear a comment on that.

I also was concerned about your response to a question raised earlier about using the oil trade as a means to sweeten the pot, to get them to change their ways. And you said you did not want to see politics involved with their means of trade and revenues. I do not really understand that statement at all because it goes to the heart of the political system, and I think that is probably one of the incentives that we can use.

So can you make a comment on both of those points, please?

Mr. KANSTEINER. Yes, Congresswoman, very much.

On the self-determination, it is more a catch-all phrase for the political entity that is going to be the future of Sudan. Is it a confederacy made up of southerners and northerners? Is it a state-by-state federal system with a central government? Who is going to issue the currency and who is going to run the defense forces? Those kind of questions. And I think that evolves around constitutional structures as well as actual power-sharing structures.

Obviously slavery is unacceptable, and will not be part of that process that truly involves self-determination and a power sharing for the south.

So with correct self-determination, correct political structures, if you will, slavery would cease. That would be our hope.

Ms. WATSON. Let me just query that for a minute, please.

Mr. KANSTEINER. Yes. Sure.

Ms. WATSON. Say that there is a troika that exists, and would the United States, would this Administration want to become part of that so as they frame through self-determination their governance, we can be sure it is done on the positive and not the negative?

I mean, would we want to get involved to that extent, and how is the Administration feeling about if there were a troika, say Egypt, Kenya, whoever else would be involved? Would we be part

of that to be sure as a form, as to determine what the new government will be, that it will not include these negative aspects of the past?

Mr. KANSTEINER. Yes. If I understand your question correctly, we would work with all of those outside actors, the Kenyans, the Egyptians, the Norwegians, the British, and we would work very hard to make sure that this self-determination issue is one that is equitable and lasting.

Ms. WATSON. Would we be asking for a constitution of some sort, bill of rights of some sort as well, so it will be in a form that can be referred to legally in the future? I mean, will we get involved to that extent?

Mr. KANSTEINER. Yes indeed.

Ms. WATSON. Okay.

Mr. KANSTEINER. In fact, you know, that whole—the whole notion of a lasting and just peace has to have some kind of permanent framework.

Ms. WATSON. You are right.

Mr. KANSTEINER. And in our systems we obviously look to constitutions, and we will want to be helpful as they start drafting the outline of what this country of theirs is going to look like, and how they support their ideas with constitutional articles and amendments and the like.

Ms. WATSON. Okay.

Mr. KANSTEINER. In fact, we—

Ms. WATSON. So we are prepared to get involved in that way?

Mr. KANSTEINER. We are. In fact, we have just—we have just seconded a constitutional lawyer to Nairobi from the State Department to help draft some of these early notions of these early frameworks.

Ms. WATSON. Because we played that role in South Africa. We played that role in Nigeria. And so I would hope that we would have a strong presence in that role.

Okay, could you comment on the other piece, as to the oil, please.

Mr. KANSTEINER. Yes, especially on the oil. You know, southern Sudanese have been denied the use of the wealth of oil, and we, the international community, have to help the Sudanese figure out how you share that wealth. It is not right that only the elites in Khartoum get to have the advantage of that wealth. So part of this power-sharing negotiation has got to include how they share the oil.

And we are going to be working very closely with the Kenyans and others on what some of the models are, and that is what I was attempting to explain to Congressman Lantos, what are some of the models out there that we can point to that oil wealth is shared and shared equitably and shared currently and shared in the future.

Ms. WATSON. We are pretty good about putting—

Mr. SMITH OF NEW JERSEY. The Congresswoman's time has expired, but please finish your sentence.

Ms. WATSON. Okay. We are pretty good about putting sanctions on other nations and their trade and so on, and I would think that we would take a very, very involved role in how they share throughout the nation. Now if they decide they are going to split

their nation into two, I think that the resources that come out of our trade with them or other countries ought to be determined up front that it will go throughout the country regardless of its parts.

Okay, thank you. I am finished. And thank you, Mr. Secretary.

Mr. SMITH OF NEW JERSEY. Dr. Cooksey.

Mr. COOKSEY. Thank you, Mr. Chairman, and I would thank the members of the panel for being here. You all have a good background, and I appreciate that.

As some of you know, I was in Sudan and Khartoum and in southern Sudan and returned September the 3rd. And one of the issues I brought up with the government there was the problem of terrorism because I was properly briefed by all of you and other people.

First, I would say to Mr. Winter and to Mr. Skalese, who are here, you are doing—with the World Food Program, you are doing a wonderful job in the Sudan. You are saving more lives than all these politicians in this Capitol put together with what you are doing at USAID and the food program, and I commend you for it. And your people are taking great risks to deliver that food, and keep up the good work.

Mr. Assistant Secretary, three questions. Number one, can the Danforth proposal be realistically implemented?

Number two, is the Administration's Sudanese policy dictated by the needs of all the people of Sudan, or is it dictated by domestic political needs as was the case with the previous Administration, or is it dictated by new anti-terrorism cooperation by the government of Khartoum?

And as a vignette, I would tell you that according to The Washington Post the Sudanese government did try to turn bin Laden over to the Clinton Administration, and they did not know how to deal with it.

Third question, since the Administration is opposed to capital market sanctions, what does the Administration propose to use as leverage over Khartoum?

And I would add that I met with the leaders of Khartoum. They are well educated, sophisticated guys. They were educated in Africa and in Europe; lawyers, two or three of them of the top members of the government are in my profession, they are physicians. They are well educated, they are sophisticated, they are not some bozo like Charles Taylor in Liberia and his henchmen. So when they do something, and they have done some things that I do not think are good, they know what they are doing. They are doing it with stealth and cunning, and they are guilty of what they are doing. They are not bozos.

But would you answer those questions, please?

Mr. KANSTEINER. Thank you, Congressman.

The four tests that we put out to determine if these two sides are truly interested in dancing the peace dance were, as you know, the Nuba Mountains, the days of tranquility, the slavery commission and the cease-fire—I mean, the monitoring of civilian targets. We think all four have been relatively successful in large part thanks to Roger's people and others, and in the non-governmental organizations.

The Nuba Mountains are getting the first food drops in 9 years. So we should be proud of that. That little step forward is a good first step.

Now, can we take the Nuba Mountains cease-fire model and start extending it around the country? We hope so. We have to be careful how these cease-fires unfold and what part they are of the process because, you know, a cease-fire can often lead to just taking out the troops, moving them someplace else and in fact encouraging the war in yet a different region. So we are aware of that and we need to use and carefully orchestrate how these cease-fires are done. But nonetheless, the Nuba Mountain cease-fire is a very good first step.

Mr. COOKSEY. I was there the day they made the first delivery to the Nuba Mountains. Anyway, I am familiar with that, and it has met with some success.

Mr. KANSTEINER. Right.

Mr. COOKSEY. I am very interested in an answer to the second question. What is dictating the Administration's foreign policy on the civilians?

Mr. KANSTEINER. What is dictating policy toward Sudan is, number one, the humanitarian crisis that's unfolding there, and number two, what is energizing us right now is we see a little momentum. We see a little ankle from both sides and we want to press them. We are going to press them. We are going to test them. We are going to verify. But we think a small window is opening, and our job as diplomats is to push through that window and see how far we can test these parties. Maybe we can build a peace process out of it. Maybe we can get a comprehensive national cease-fire out of it. I do not know where it is going to go, but it is worth trying.

Mr. COOKSEY. Okay, my last question is about leverage. If you are not going to use economic sanctions, what are you going to use as leverage to get more of a movement in the right direction—

Mr. KANSTEINER. Right.

Mr. COOKSEY [continuing]. For humanitarian purposes from the government in Khartoum?

Mr. KANSTEINER. I would say our leverage really is part of the international community's leverage because I think you get greater leverage if you do it multilaterally. Sudan's desire is for normal relations with the international community. The Sudanese government does not want to be on sanctions lists. You know, we have multiple sanctions lists. They do not want to be on any of them.

We say to them, "Fine. You want to get off those lists, here is what you have got to do." And so that is serious leverage.

Sudan's relationship with the IMF and World Bank also is a very important tool we can use. The other leverage we have is additional oil, quite frankly. Only 245,000 barrels a day can go through that pipeline. That is it. If they want to pump additional oil, they are going to have to come to the peace table.

Mr. COOKSEY. Thank you. Thank you, Mr. Chairman. I think this is a very important hearing. It needs to go on for a couple of more days. There is a real tragedy over there and we have some responsibility to help resolve it. Thank you.

Mr. SMITH OF NEW JERSEY. Thank you very much.

The Chair recognizes Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman.

Gentlemen, your testimony is really very stimulating in many ways, and distressing in others.

Mr. Kansteiner, can you tell me, and this is prompted by an observation of my colleague, Mr. Pitts, is there any action you think of, activity that you can think of that is so heinous that it would not be acceptable as a company to be traded on our capital markets?

And I can think of a lot. Again, Mr. Pitts observed, you know, what if you had a company that was dealing in the gold from the teeth of the victims of the Nazis in death camps? I mean, would it be appropriate for us to say you cannot be traded on the American markets? Or is it just a great philosophical issue that says, we just do not agree that we should involve politics in those capital markets?

But is there not some point we reach where we say, you know, this has gone far enough, I cannot accept this activity anymore as a human being, as an American, as a person who espouses certain principles and ideas upon which the nation rests? I mean, is there anything like that that can go on that would prompt you to say it should not be done as a result of capital markets in America?

Mr. KANSTEINER. Well, to answer, I am sure there is. On this particular issue—

Mr. TANCREDO. This is not it.

Mr. KANSTEINER [continuing]. This is not it.

Mr. TANCREDO. Okay, all right. I understand.

Mr. KANSTEINER. Okay.

Mr. TANCREDO. And I appreciate that. It is a candid observation. I would suggest to you that you could make the case that this is a heinous activity, that the proceeds from the sale of this oil goes for activities just as heinous as those I have described in a way, many ways, you know, and it is also very difficult, I think, to actually distinguish between the two and which is really the worst. Is it butchered people in the south? Is it slavery?

I just wonder where we actually—I would love to be able to get a firm definition or a threshold saying, yeah, at this point we would say no dice, you are not going to play in our territory.

Let me go to one other aspect of this, and I have to ask a question prefaced by observations that may make time a problem. So if I do run out of time in this, I would sincerely appreciate if you do not get a chance to answer, if you could possibly even submit your answers in writing after the hearing.

When I look at the totality of the situation in Sudan, it is impossible for me now after the 3 years that I have spent in analysis here to come away with an opinion other than the following. And that is, what is happening in the Sudan is really and truly part of a global clash, a clash of civilizations. I see it that way now. It is not just unique to the Sudan.

I think that it is the most classic example, as a matter of fact, of a clash of civilizations in that the north Islamic-Arabic north, Christian, Black, African south, two countries, two cultures, two civilizations, frankly, that will never ever be meshed together. It is my belief. I do not think that there is any way we can construct a “peace process” with “self-determination” that will allow these

two countries to live together peacefully in some form, confederated form or not.

I believe that now we have to take the high road here and say that—because in the past, by the way, this kind of situation where you have this clash is oftentimes exemplified by temporary peace agreements, and I think that is where we are leading.

The ankle that you see being shown by both sides is an illusion created in order to get us to actually move away from the kinds of things you said they are concerned about, placing them on terrorist lists, the IMF, and the rest. And we will do that. You know and I know that we will do that if only we get to some sort of peace agreement because that is the real pressure point is that peace agreement.

But will it be something that we can honestly walk away from the table and say this is long-lasting, we have created a situation in which these two countries will live in peace for the rest of time?

Well, of course not. We cannot say that. And they will accept that temporary thing, and we will accept that temporary peace and get them off of those lists, and that is what worries me. And I suggest to you that it is now time for the United States of America to say that there is a new government in Sudan, and we will recognize that government, and we will provide them the support, the military and financial support they need to actually defend themselves against the incursions, against the war being perpetrated on their country by Sudan itself, by the government of Khartoum, and the red light went on.

So I would just suggest that—well, I do not know. Can we take time for the answer? It would be okay with me if they could respond in writing.

Mr. SMITH OF NEW JERSEY. Yes, please take some additional time.

Mr. TANCREDO. Oh, thank you, Mr. Chairman.

Mr. KANSTEINER. Thank you, Congressman.

I might just note that we do have an elaborate set of sanctions against this government, and hence, I take your last point, just do not let them show a little ankle and then let them off each of these lists one by one. We will be vigilant in making sure that that does not happen, and in fact those lists will be reviewed only when in fact there is authentic and lasting peace.

On the reference to the Huntington Model, if you will.

Mr. TANCREDO. Yes, you and I discussed that.

Mr. KANSTEINER. Yes, and you know, it is hard. You know, Premier Malan in South Africa in the '40s made the same case, quite frankly; that these two peoples will never live together; that there has to be separation, and hence the word "apartheid," apart, being apart. And yet today we have a free South Africa, a Nelson Mandela-led rainbow country.

So maybe it is idealistic, but I think that is the ideal we have to shoot for. And if it is one country with two systems, an autonomy, and confederacy rather than Federal systems, I do not know, but I do not want to give up.

Mr. TANCREDO. Thank you, Mr. Assistant Secretary.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Tancredo.

The Chair recognizes the gentleman from Pennsylvania, Mr. Pitts.

Mr. PITTS. Thank you, Mr. Chairman.

Mr. Kansteiner, Envoy Danforth's report says, and Commissioner Young referred to this statement,

"Neither side can win the war in Sudan."

However, it seems the government of Sudan believes it can win the war because of their windfall oil profits, and they seem to have no incentive to negotiate in good faith.

You mentioned several moments ago some points that would bring the government of Sudan to the negotiating table, but right now they do not seem to be interested in negotiations. Could you elaborate?

Mr. KANSTEINER. Thank you, Congressman.

We do think that they are interested in negotiating, and I do not think there would be a Nuba Mountain cease-fire if there had not been an interest. That was a number of tough, hard weeks of negotiation that led up to the Burgenstock peace negotiation that took place in Switzerland. That lasted about 7 extremely intense days. But the Sudanese government was there, and its military was there. They negotiated the cease-fire, and for the last few months that cease-fire has held.

So, you know, again, these were tests. You know, will they pass the final exam and actually produce and come to the table to have a lasting and just peace? That is what we are going to find out.

Mr. PITTS. Russia's weapons for oil agreement with Sudan reflects, I think, a growing alliance between the two countries. Could you comment on how Russia's relationship with the Sudan complicates U.S. foreign policy in the region, and what role, if any, do you see Russia continuing to play in Sudan's war effort?

We have seen some involvement in weapons sales and weapons transfers from the former Soviet Union states. We have also seen some interest in the oil sector, in developing and selling that oil.

It is worrisome to us. We, of course, have sanctions against arms transfers, and we will continue to monitor and push hard that that escalation of weaponry does not occur.

Any other witnesses like to comment, either? Mr. Winter? Mr. Young?

Thank you, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Pitts.

Mr. Flake.

Mr. FLAKE. Thank you, Mr. Chairman. I appreciate the testimony of all three witnesses, who I respect and admire in a lot of areas, and thank you.

I feel a bit like a pig at a wedding here. I supplied one of the two votes against the Sudan Peace Act, precisely for the reasons the Administration opposes it, section 9. I happen to believe that we have to look long term whenever we employ these kind of tactics. And if we look at the continent of Africa, we see multiple examples of kind of a drive-by diplomacy on our part where we will impose sanctions and long after those countries struggle to get out from under the sanctions after the turmoil is passed.

As we have discussed before, I lived for a time in Namabia, and then worked for a couple of years thereafter here in Washington and all over the country trying to remove sanctions that were imposed on that country unknowingly in many cases by states and municipalities and counties.

I understand the Chinese are one of the three entities or countries, China is one of the three countries that has significant interest there in the oil industry.

What is to stop, if the Canadians and the Europeans pull out, the Chinese from simply expanding their presence there, and would we be any better off if that were the case?

Mr. KANSTEINER. We do not foresee anything stopping the Chinese from increasing their equity participation in the oil. And I think it probably would be increasingly problematic if they were the dominant player.

Mr. FLAKE. Is it probable that the Canadians and the Europeans, they have told us, I understand, that they will pull out if capital market sanctions are imposed; is it probable that their investments or their situations are simply taken over by the Chinese?

Mr. KANSTEINER. I honestly do not know—I am not sure how that would play out, but that certainly seems to be a possibility.

Mr. FLAKE. It has been said in this Committee that these sanctions are narrow and targeted. That may well be the case for Sudan, but do you foresee this same kind of breaking new ground in terms of sanctions. We have a corollary a bit with the Helms-Burton Act with Cuba, but it has never really been employed.

But can you see the Congress moving ahead with other countries in this regard?

Mr. KANSTEINER. In fact, I think that is why the Administration is taking such an objective point of view, again looking long term, looking at the slippery slope, if you will. When you can politically determine what companies can list on your stock exchanges, that has long-term implications. And as I mentioned, you know, I go around Africa encouraging Finance Ministers and Prime Ministers and Presidents to do exactly otherwise; to not hand pick which companies are going to be listed on their stock exchanges.

Mr. FLAKE. Mr. Young, do you see a problem with the slippery slope argument here?

I understand that your focus is Sudan, and if it were up to me, if I could be guaranteed that this—that one, if we impose sanctions and the Canadians would pull out, and so would the Europeans, and nobody would move in, and second, if that this would not be employed elsewhere, I might have a change of heart. But do you see a slippery slope argument?

Mr. YOUNG. Well, I think there are a number of things to keep in mind. This is not like the sanctions that have been used in other cases in two or three different ways. They are actually much better sanctions in some ways, in part because they are much more easily removed. What I mean is that sanctions with respect to purchases and so forth take an enormous amount of time to shift regulations. This is a matter of simply saying you list or do not list, and it is controlled at one place and one place only within the U.S. Government.

Number two, to the extent Sudan moves, it affects other countries. They are going to come at us and ask to remove the sanctions. This is not going to be a bunch of African countries knocking on the door. It is not going to be countries all over the world insisting on it. So, I do not think it has that dimension.

Number two, at least part of the sanctions that we are talking about really are not sanctions in a classic sense at all. They are just simply disclosure requirements. SEC discloses for all—Acting Chairman of the SEC Moreunger actually wrote in response to our inquiry about this saying that at least the notion of countries that were on the OPEC sanction list already, there was very significant political risk in those countries, and indeed it ought to be disclosed as a matter, at least as original SEC filings.

All this legislation would do in that regard is extend it to include countries that are designated as countries of particular concern, which again is a designation in the control of the State Department, and it is also a very discrete group that would have that designation. This is not a large list. We would have it larger, frankly, as Mr. Kansteiner suggests, we are not part of the Administration. We advise and urge, and have urged an expansion of that list, but it is very narrow. So I do not think in that regard it would be such a problem.

Mr. FLAKE. Thank you, and thank you, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Thank you.

Ms. Davis.

Ms. DAVIS. Thank you, Mr. Chairman.

For the sake of time, I yield back.

Mr. SMITH OF NEW JERSEY. Okay. We do have a few minutes before we have a vote on the Floor. I would like to yield myself, and then I think Mr. Tancredo and Mr. Payne had some additional comments, and perhaps others as well.

But, Mr. Secretary, I just want to again raise this issue, and Mr. Winter, I know that you gave a very succinct answer earlier to one of the Members who posed the question about your position on Mr. Tancredo's legislation. It does strike me as odd, and I did say this earlier, when Romell and when other enemies of democracy and of peace, when you want to cut off an army that is destroying, maiming, looting, and really committing in this case genocide in the south, you cut off their flow of revenues. If you want to slow their army down, you cut off their pipeline, their money, and their access to energy supplies, which obviously fuels their airports and the rest of their military machines.

I am just struck by this idea. I mean, I am free market guy to a large extent, but not totally. I do believe human rights are important and ought to be a very vital part of the equation. But when it comes to a country that has killed two million and counting. Three million people, as we all know, according to the World Food Program, are at risk right now of starvation and perhaps death as a result of this war. It is a war of aggression. It is a one-sided war. Four million totally displaced. What half a million, Mr. Winter, who are actually refugees? In a way they are the lucky ones.

Khartoum is exploiting our markets to procure money that is then used directly to sustain and even expand the killing.

In his testimony later, Mr. Reeves, Eric Reeves will point out, and he very succinctly makes his case,

“Despite the damning findings of numerous human rights assessment missions to the oil regions, including one commissioned by the Canadian Foreign Ministry, Talisman operates without restraint of any sort. Consequently its air strips continue to be used by Khartoum’s helicopter gunships for attacks on civilian targets. Its oil roads continue to facilitate the movement of Khartoum’s ground forces. The oil it pumps to the LOB refinery supplies all fuel for Khartoum’s deadly air assaults, and Talisman-generated oil revenues fund massive additional military purchases, including helicopter gunships, Khartoum’s present weapon of choice for civilian destruction. Talisman stands as the very embodiment of western corporate evil in Sudan and shows no sign of ending its present complicity in genocidal destruction.”

Then you factor into that situation the dictatorship of Beijing which obviously has other intentions as well in what it is doing in Khartoum, and there have been reports of troops on the ground and the like, and whether or not that is true or not is not the most important thing. The important thing is that they are there aiding and abetting this dictatorship.

How do you respond to that? I mean, Mr. Tancredo has got a very thoughtful, very well calibrated piece of legislation. Mr. Winter, does this affect your clientele—the potential clientele of USAID food aid and emergency supplies who do not get it because they are being bombed or because this oil-facilitated military machine continues to expand?

We all know that this war was at a stalemate, may have even ground to a halt a few years back, until this massive infusion of oil revenues got the Khartoum government off its life support militarily, and now is a very potent military machine.

Mr. Secretary or Mr. Winters?

Mr. WINTER. I am in an odd position.

Mr. SMITH OF NEW JERSEY. But we value your opinion, Mr. Winter. I have known you for many years and I know that you are a straight shooter, but I do appreciate your comments.

Mr. WINTER. I have in my prior lifetime been very supportive of the Sudan Peace Act. I am here as a representative of the Administration, and Mr. Kansteiner speaks for the Administration on this.

Let me respond to the piece of your question where you asked how it affects our clientele. Right now in western upper Nile there are somewhere between 150,000 and 300,000 newly displaced people. We understand from our analysis that the point of their displacement is clearly related to a government initiative to consolidate its control and its ability to exploit the oilfields in that part of the country.

In connection with that displacement the government is denying humanitarian access to this war-affected population. If that scenario that I just outlined in three or four points is an accurate one, and many people think it is, then there is a direct relationship to our clientele, absolutely.

Mr. KANSTEINER. Just briefly. As we have said before on the capital markets, they have long-term repercussions. It is an important step that our legislative branch would take. Congress, I do not believe, has ever passed capital market sanctions against any country for any human rights violation. This is serious groundbreaking, very long-term, I think, and obviously both bodies are going to think long and hard of it. We do not think it is appropriate.

Mr. SMITH OF NEW JERSEY. With all due respect, our markets will survive, will flourish if certain companies are not allowed or disallowed from their participation on the NASDAQ or the U.S. or any of the stock exchanges here in the United States. So it seems to me that sometimes exceptions are important, especially when there are such massive losses of life directly attributable to their complicity.

Mr. PAYNE. Yes. We had the September 11 tragedy here in the U.S., and we immediately moved to cut off funding of people we felt associated with terrorist groups around the world.

Did you oppose that?

Mr. KANSTEINER. Mr. Congressman, you know, I—

Mr. PAYNE. No, I just—yes or no, did you oppose our immediately cutting of al-Qaeda and many of the groups that were associated with the murder of 3,000 Americans?

Mr. KANSTEINER. Yes, absolutely, we led it.

Mr. PAYNE. Right. However, in the case of 2 million Sudanese, you do not think that it is egregious enough, you do not think it has reached the threshold yet. What is it, 4 million or is it 5, maybe 2½. When does it become, as September 11th does, when does it become too many for the Sudanese? They do not bleed when they get cut? They do not swell up in the belly when they have no food? Let me ask you another question, an easier question.

Where do you stand on normal trade relations, which was changed to permanent trade relations with the PRC? You say you are a free trader. Do you support that, the normal trade relations? You know, the new—

Mr. KANSTEINER. Right.

Mr. PAYNE [continuing]. Permanent trade relations that we have with China?

Mr. KANSTEINER. The Administration supported it.

Mr. PAYNE. All right. Your concern is about Petro China maybe taking over the whole deal in Sudan. I mean, how can we have, as the largest trading partner with the United States of America, the People's Republic of China, but as an excuse for having the Canadians and the Norwegians pull out, that the Chinese may get more oil. What is the difference if they have more oil or not? They are selling us everything that they are making.

I mean, I am trying to find out how this is such a tremendous dilemma for China for them to be the only one in Sudan. I did not even vote for the normal trade relations, so I am not pro PRC. But there is so much inconsistency in the thinking of the Department. I know it is not you. I have met you, and you are a nice person. [Laughter.]

Mr. KANSTEINER. Thank you.

Mr. PAYNE. But the policy is so flawed. I have never heard of so many inconsistencies in my life, and I know you have a hard time probably trying—I do not even want you to explain it.

Let me just say one other thing. When my friend, Mr. Flake, talked about the difficulty Namibia had with sanctions in South Africa, I was here when the Federal Government had the right to pass a bill that overrode all of the state sanctions so that they would all be removed. However, I strongly opposed it because it was the states that finally got the U.S. to pass the anti-apartheid legislation which created sanctions in 1986.

The fact is Namibia and South Africa were able to make it, they did not drown on the vine, they did not stop functioning. I do not think it had an impact that stopped the delivery of the growth of South Africa and Namibia.

And so to say that gives you grounds to say that this capital market sanction—and we are talking about a very, very narrow, if we find another country that has killed 2 million of its own people, then maybe they should—I do not think we will find another Sudan. I think that the analogy is flawed, because I was the one that blocked the legislation that would have superseded the states and counties and cities that started the anti-apartheid movement against South Africa because the Federal Government refused to. And President Reagan, the only veto he ever had overridden was by a vote that Senator—his good friend cast, the name will come to me in a minute. But I just do not think that it is comparable to what is happening in the Sudan.

Mr. Chairman, I do not think I have any questions. I will yield back the balance of my time. Thank you very much.

Mr. SMITH OF NEW JERSEY. Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman.

Mr. Kansteiner, when you and I talked earlier, and I do not know if you want to discuss this at this point in time, but if you could help me understand exactly where this Administration is going in terms of a time frame that we are going to impose upon this process.

Is there even a sort of informal idea that we are going to let this stuff head its direction, and if we do not see the progress that you have described, especially in self-determination, the rest of it, as I say, I think can all be done in a way that is quite temporary. But if we actually do not see even the less severe definition of self-determination—a confederation—if we do not see a confederation formed and an end to the fighting, understanding exactly what happens with the war, if we do not see that by a certain period of time, I would like to know what that period of time is, and then what we would be prepared to do at that point.

Mr. KANSTEINER. Very fair. The window that we keep talking about being possibly open is not going to stay open for years and years. I think we have got to push this process hard and intensely, and we have got to be thoroughly engaged. And in 6 or 9 months, if you know, you call me up here and you say, okay, Mr. Secretary, where the heck are we? If I cannot demonstrate some real movement within that peace process within those two sides, then I think it is legitimate for all of us to say, okay, you tried, State Depart-

ment, now what are you going to do. And I think that is absolutely valid.

Mr. TANCREDO. Do you have any idea what we would do under those circumstances?

Mr. KANSTEINER. I think plan B, we had better look at in 6 to 9 months.

Mr. TANCREDO. Thank you, Mr. Chairman. And gentlemen, also again, I appreciate very much your position. I do not mean to be confrontational in this at all. It is just something that we have dealt with for so long, and I can remember sitting here and listening to the previous administrative representative telling us so much in a way of the same thing, and it has become disheartening.

I remember when Madeline Albright said, you know, this issue, Sudan will not sell in the United States—I am paraphrasing here. Not marketable, I think, not marketable is the phrase. And we can say things, to say the war has to end—we must make an end to the war. You know, the war has to come to an end. Well, we can say that forever. Those words do not really mean anything on the ground when people are actually being killed.

I know we have said it, we have said it for years, and I just have this fear in my heart that we are going to keep saying it.

Mr. KANSTEINER. You know, if you ask the people in the Nuba Mountains, the situation today is better than it was 8 months ago.

Mr. TANCREDO. And of course a temporary peace is better than no peace at all, but it is not the answer.

Mr. SMITH OF NEW JERSEY. Mr. Flake?

Mr. FLAKE. Yes, I just wanted to say briefly I commend the Administration for taking the long-term view, and again it was mentioned here earlier that we have to live in the real world. And I believe the Administration is living in the real world here where you see that Congress as a body, if we impose capital market sanctions here by tomorrow, we will be offering them for several other countries, and it is a slippery slope that I do not think we want to start down.

Thank you.

Mr. SMITH OF NEW JERSEY. Let me just conclude, before dismissing the panel, again this idea of a few more months, a few more months here, there. I chaired that hearing 1996, and the statement by William Twattle, the Deputy Assistant Secretary of the Bureau of African Affairs, again this idea of trying to say in a little more time we may see some light at the end of the tunnel. He pointed out, and this is his testimony,

“There is no doubt that the human rights situation in Sudan continues to be appalling and there is evidence of the practice of slavery in that war-ravaged country. Unfortunately, the government of Sudan has not until now been responsive to the mounting international criticism.”

That was in 1996, March 13.

They have responded. And I have found, because I chaired this Subcommittee for 6 years, I have been in Congress for 22 years, time and again, particularly in the area of human rights, it is always next year, next week, next month, and it never seems to materialize. He said “until now.”

I follow this, as did Mr. Payne, because we had follow-up hearings to this hearing both on slavery as well as the delivery of humanitarian food stuffs, and the denial of it, and it never got better. As a matter of fact in many cases it actually got worse.

So I would hope that there would be a "hurry-up offense" to re-evaluate. I do not think we are on the precipice of a breakthrough. Maybe we are. God willing we are. But I actually believe the passage and signature of this legislation on the Sudan Peace Act will facilitate the diplomacy, will make it more possible and more probable rather than less.

And finally, in terms of delisting companies, it happens all the time. I have owned stock. Others have probably owned it as well on the NASDAQ that went from umpteen hundred down to zero, and it is gone, or once it has gone under a dollar or so for a month. So it is not the end of the world. The world goes on.

And I do think if we draw a line and say there is egregious and barbaric behavior that is so appalling that we will make a clear and unambiguous statement that you cannot facilitate and use our markets to get blood money, I think we have done a good day's work.

Mr. Tancredo asked the \$64 million question earlier, you know, what is—what constitutes, you know, such an appalling barbaric behavior that it would lead us to say now that has crossed the line. I think, like Mr. Payne says, Sudan is it. There are other countries probably as well, but Sudan is it, and I think we can have a major impact. So I would hope the Administration would rethink its policy and allow this conference to go forward and get that bill down to the President.

Thank you very much. We will have a short break because of a vote, then we will reconvene this hearing. Panel II, we would invite your testimony at that point. Thank you.

We stand in recess.

[Whereupon, a recess was taken.]

Mr. SMITH OF NEW JERSEY. I would like to welcome our second panel, beginning with Dr. Francis Deng, distinguished professor at the City University of New York's Graduate Center and Senior Fellow at The Brookings Institution. He is a special representative of the U.N. Secretary General on internally displaced persons, and has served as human rights officer in the United Nations Secretariat. He has also served as Sudan's Ambassador to Canada, the Scandinavian countries and the United States, and as its Minister of Foreign Affairs. He has authored more than 20 books in the fields of law, conflict resolution and human rights.

Dr. Deng, my understanding is that you do have a plane to catch, so we will proceed with you. Unfortunately, we will hold questions and submit them for the record to you, and then I will then introduce the remaining panelists. If anyone else has a conflict like that, please let us know.

Dr. Deng.

**STATEMENT OF FRANCIS DENG, SENIOR FELLOW, FOREIGN
POLICY STUDIES, THE BROOKINGS INSTITUTION**

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

Mr. Chairman, as a Sudanese, one cannot help but express profound appreciation at the sustained way the Congress has demonstrated concern over the years in the case of the Sudan, and certainly also the extent to which the President has taken a keen interest in what is happening in the Sudan.

Mr. Chairman, listening to what was said this morning and having just come from the Sudan where I was out to give a lecture in a hall that normally holds over a thousand people, it was full, there were loudspeakers outside. It was just extraordinary the yearning of people to hear about peace and that was the topic.

I also assumed that people expected that I might say something about the American involvement, because it has captured the imagination of the Sudanese people.

I should say that all the Sudanese, including the war fraction, and not just the Sudanese, as in my contact with others in Europe and elsewhere, i.e., United Nations, the role of the United States in brokering peace in the Sudan is seen as absolutely pivotal.

Now Danforth's involvement and his report have also captured peoples' imagination about the prospects for peace. So much so that it was cautious to begin with, he is always cautious, somewhat modest you might say, incremental. I think it has in a sense raised expectations so much that I have heard people from some government circles say we expect peace to come within 6 months in the Sudan.

The Sudanese themselves expect peace to come soon because of the involvement of the United States. But if after all that has been said and all that we have been hearing for years and the yearning of the Sudanese people themselves for peace, we do not seem close to peace.

How do we explain that? I once wrote an article which I think became popular because of its title, and the title was *What Is Not Said Is What Divides*. The Sudanese situation is so complex and sensitive that there are certain issues Sudanese do not actually confront directly, and some of the things that were said this morning are very relevant to this.

My views are reasonably well known in the Sudan, are documented in books, in statements, even in two novels. And I think what makes it difficult to resolve the conflict of the Sudan is that it deals with serious issues of identity. This morning this was alluded to by at least two or three speakers.

And what do I mean by the crisis of identity that the Sudan is suffering from? I see it in a number of gaps. First, a gap between what people are, how they perceive themselves to be, and the objective realities about them so that we talk of being Arabs, and maybe in a particular version of Islam, and identifying ourselves with a certain nationalist Arab identity while others resist that and identify themselves almost in negative terms as not this, or as Africans committed to secularism and a certain view of the world that contrasts with their fellow northern Sudanese.

But at the same time this is the effects of fluidity in which really you see a lot in common, so that people who identify themselves as Arabs and link their being Arabs with the Islam of a particular version, and a certain degree of Arab nationalism, if you look at

them and look elsewhere in Africa the differences will not be that visible.

So you have a situation which historically allowed people to be flexible in shaping their identity according to the prevailing hierarchy of races and cultures and religions, and in which being a Muslim, being Arab, culturally Arabized, and linked to the Arab world elevated one to a much higher status compared to being Black, a heathen, a potential if not actual slave. And this liberal process created a situation where in the north people became Arabized and Islamized.

In the south, which was a hunting ground for slaves, the psychology was one of resistance, so that although there has been a lot of interaction over hundreds of years in that Nile Valley, both the southern Sudanese and the northern Sudanese see very little in common even though an objective observation of the situation would indicate there is a lot indeed in common.

And things are changing. You know, people who used to deny having anything to do with the African Black identity as a result of this long war, the discussion of critical issues of identity, people are opening up. I have just come from a meeting in Sudan where a large number of people were honoring me for my region of Kodofon, and I could not believe it. People you have always taken for granted as Arabs were being identified one by one as having been grandmothers. Something that never would have happened before.

So Sudanese, despite the fact that the more marginalized their identities become, the more rigid they hold to them, there is also a degree of awareness that things are not as simple as we have always taken them to be.

What does this mean, the flexibility of identity and the rigidity of identity? It seems to me that it means two things. It means in the short run we have to recognize that dualism or differences are in the perceptions of people, distorted as it might be. In fact I am almost convinced that the rise of Islamic fundamentalism in the Sudan came as a result of the SPLM coming to power, supported vigorously by regional powers, in particular, Ethiopia, and saying that they were not fighting to succeed but change the character of the country, to restructure the country and to create a new Sudan.

That was seen by the establishment, which is primarily Arab-Islamic, as a threat to their dominance. And since they could not rally people in the name of Africanism or race, they did so in the name of Islam.

I should say here that while this regime has been the most vocal and perhaps the most committed to the Islamic agenda, all the major political parties of the north have, since independence, called for some form of an Islamic constitution. I think to do justice to the issues and conflict we should see that what this regime represents may be an extreme form of what other political forces in the north have tried to do in the past.

Policy-wise, it seems to me what this should lead us to is let us have a short-term coexistence, a short-term coexistence where despite the fact who people think they are, that does not necessarily reflect the realities of what they are, and where the gap between perceptions and the national framework does not allow for unity,

let us have that short-term coexistence through what we might call one country, two systems. We might call it confederation or federation.

Personally, I think we are better off not using labels. Sitting to discuss precisely what it would take for each of the two dominant parties to feel that they are masters of their own situation and their own destiny. Once we have created that framework my prediction is that the common factors will continue to evolve. And what is being denied as long as there is no oppression, as long as no confrontation will come to the fore, and an evolution of a common ground that will reunite the country and perhaps lead to integration will come about.

But what does this mean in terms of self-determination? The coexistence that I am suggesting should be during an interim period with self-determination absolutely established. Self-determination is an essential ingredient of the declaration of principles, which the African countries in IGAD agreed upon and all the political forces of the Sudan have agreed upon. They may differ as to how to interpret it, or how to implement it, but it has become almost a central theme in any discussions in the Sudan today.

To begin to question it and even say it is not feasible, it is not doable, is to be retrogressive. But for me, self-determination does not necessarily mean aspiration for separation. Self-determination is a way of forcing the Sudanese, particularly the leaders, to say we must create conditions that will sustain unity or else our country is threatened with disintegration.

If they are told, as some people have told the Sudanese, we are against self-determination because we are against partitioning the country, well, what incentive will people have to create conditions for unity if beforehand they are told that whatever the situation the country is staying together?

So self-determination as I see it may well be a way of actually giving inducement or incentives for the Sudanese to create conditions that are appropriate for unity.

Quickly, the incremental approach and the catalytic incremental approach that Danforth has created and which has worked very well in the Nuba Mountain area has actually given many peoples who are along the borders of north and south and who are victims not so much of government SPLM confrontation, but from tribal militias who are unleashed to fight the proxy war and who have devastated lost border areas.

The relief that has come to the Nuba Mountain is being seen by many people in many areas as something that they would like to be replicated. It may not be absolutely replicable, but the area, for instance, where the Ngok Dinka in southern Kordofan or western Kordofan, the Twet in Bahr el Ghazal, and the Arabs in the north, an area which historically has been a strategic bridge and a linkage, a point of conciliation or peaceful coexistence and which has not been devastated by militias, has just reached a trial agreement of peace among themselves, the tribes, and they are calling on the government and the international community to help support this peace, and to help the return of the many thousands of people who have left the area, the completely depopulated area, and want to come back to their villages.

And I think the example is a good one to apply there too and begin to be incremental in showing that maybe the process of peace, even though it is in small incremental forms, is underway.

But as a last word, Mr. Chairman, I think the United States has to take a decisive lead that goes beyond simply a process, to take a peace process working with others in the region, particularly the IGAD countries, but also others if need be, and the European allies, but to get to the core issues that are divisive. Those core issues are issues of identity with the parties. It is a zero sum case as I think has been said by Danforth, but with third party mediation, pointing out what is possible in terms of giving unity a chance through an interim period of coexistence. I believe personally, judging from previous experiences like the Addis Ababa agreement, that if we had a framework of coexistence and interaction peacefully the Sudanese can shift their attitudes toward even unity, that will be by choice, not by imposition.

Thank you very much.

[The prepared statement of Mr. Deng follows:]

PREPARED STATEMENT OF FRANCIS DENG, SENIOR FELLOW, FOREIGN POLICY STUDIES, THE BROOKINGS INSTITUTION

Mr. Chairman and Distinguished members of the Committee, people around the world, including the parties to the conflict in the Sudan, consider the role of the United States pivotal to the prospects for peace in that country. The war in the Sudan has gone on for far too long, has inflicted untold suffering and devastation on the people, especially in the areas where the war is being fought, and has cost the international community enormous resources in humanitarian assistance. The people of the Sudan desperately yearn for peace, but, to be achievable and sustainable, peace must be just and comprehensive.

I. THE PREMISE OF THE QUEST FOR A JUST PEACE

The initiative taken by the United States through the President's Special Envoy, Senator John Danforth, and the correlative role of the Special Humanitarian Coordinator, Andrew Natsios, Administrator of USAID, and his senior assistant, Roger Winter, are already bearing tangible fruits. Reluctant, cautious and modest as Senator Danforth's involvement was initially, his pragmatic approach and incremental achievements on humanitarian issues have generated a momentum for peace, both within and outside the Sudan. The situation is, however, exceedingly complex and involves very sensitive issues of identity, historical memories, gross injustices, and a quest for the dignity of full citizenship. These are issues that will continue to demand very careful handling and sensitivity to a variety of conflicting perspectives.

My views on the conflict in the Sudan are well known. They have been documented in numerous publications, including two novels, and in public statements, both at home and abroad. In fact, I have just returned from the Sudan, where I gave a public lecture on the prospects for peace at the University of Khartoum. A hall that holds about a thousand people was full to capacity, with people standing on the sides and more people outside, listening through loud speakers. My lecture, which was very candid on the issues, was followed by a stimulating and remarkably open discussion, with wide ranging views. This event indicated the popular yearning for peace and interest in the current efforts of the United States, on which I was expected to comment.

The gist of my perspective on the Sudanese conflict is that the country is suffering from an acute crisis of national identity whose roots go deep into the history of racial, cultural, and religious interaction along the Nile valley. This crisis is currently manifested in the contest for the soul of the nation. Among the critical questions posed by this crisis are whether the country is Arab or African, Islamic or multireligious, and what the role of religion in the affairs of the state should be. These questions do not merely reflect differing perspectives on race, culture and religion, but the implications of those differences in the shaping and sharing of power, national wealth, public services, opportunities for development and the enjoyment of the status and rights of citizenship.

II. HISTORICAL BACKGROUND OF THE NATIONAL IDENTITY CRISIS

The two models in the contest for the nation: the Islamic-Arab model represented by the regime and the African-secular model espoused by the Sudanese People's Liberation Movement and Army (SPLM/A), are the culmination of a long historical evolution that predates, but was recognized and consolidated by the British, the dominant partner in the Anglo-Egyptian rule.

Briefly stated, Arab traders, for the most part men, entered and settled in the Northern part of the country dating back to the pre-Islamic period, a process that was strengthened by the advent of Islam. They married into prominent Sudanese families, and through successive generations, produced a hybrid race that identified with their Arab ancestors. The status of their progenies was elevated far above that of the blacks, who were seen as heathens and a potential target for enslavement.

In due course, this assimilating trend resulted in an all-embracing process of Arabization and Islamization. While pockets of non-Arab groups persisted in the West (Fur), the East (Beja), the areas bordering the South (Nuba and Fung or Ingassana), and the Nubians South of Egypt, the North as a whole and, in particular the elites at the center, began to espouse the Arab-Islamic identity as the framework for the modern Sudanese state.

The Southern part of the country remained a point of confrontation as waves of invaders penetrated, hunting for ivory and slaves. While large numbers of Southerners fell victims of slave hunters, fierce resistance prevented the invaders from successfully occupying the country or converting significant numbers into Islam or their Arab culture. In any case, conversion would have barred their predatory objective, as Islam prevents the enslavement of a Muslim. From the Southern perspective, what the invaders represented was a depraved religious and cultural model that did not merit emulation, but instead called for fierce resistance.

That was the situation the British found, recognized, reinforced and consolidated in their separatist Southern policy. The North was governed and developed as an Arab-Muslim country and the South "preserved" in its native form, without any significant socio-economic development, except for basic Christian missionary education and rudiments of Western culture. As a result of pressures from Egypt and the North, this dualistic system of administration was suddenly abandoned at the dawn of independence in favor of a unitary system, dominated by the North and without guarantees for the South.

Apprehensive that the animosities of the past and the historical indignities inflicted on the South by the North would return with independence and the replacement of British rule with Arab-Islamic domination, a Southern battalion of the Sudan Defense Force mutinied in August 1955, several months before independence, triggering what became a 17 year brutal civil war. Instead of addressing the historic grievances of the South and assuring the people of a new era of equality and the dignity of independence, successive regimes in the North sought to apply to the South the twin policies of Arabization and Islamization as means of reversing the separatist policies of the British and forging national unity through uniformity. The South responded with armed resistance, demanding the exercise of the right to self-determination, with the view to total independence from the North.

Seventeen years later, the war was halted by a peace accord (the Addis Ababa Agreement of 1972) which granted the South regional autonomy. When this agreement was unilaterally abrogated by the military ruler, Jaafar Nimeri, who had made it possible in the first place, the South resumed armed struggle under the leadership of the Sudanese People's Liberation Movement and Army (SPLM/A). The declared objective of the movement was not the secession of the South, but the creation of a New Sudan in which neither race, ethnicity, culture or religion would be a ground for discrimination. With strong support from Ethiopia, the SPLM/A became a credible force that threatened the Arab-Islamic establishment, especially as its objective resonated with the marginalized non-Arab groups in the North, who constitute the majority. The North reacted with an even greater assertion of the Arab-Islamic identity for the country, with Islam as the mobilizing tool, since the overwhelming majority of the North is Muslim, though not Arab. Although invoking Arabism would have been divisive, it is important to remember that in the Sudan Islam goes hand in hand with the Arabic language, culture and even race as elements of an integrated identity. The National Islamic Front, which successfully seized power through a military coup on June 30, 1989, assumed the mantle of this offensive-defensive in the name of Islam, accusing the traditional parties of wavering and compromising on the sacred mission of Islam to accommodate the non-Muslims.

It should, however, be stressed that while the National Islamic Front has been the most vocal on the Islamic agenda, all the major political parties of the North

have since independence, advocated an Islamic constitution. Although admittedly a minority party, the National Islamic Front can be said to be the spearhead of an agenda which is shared by the political establishment in the Arab-Islamic North. The main difference and source of conflict between the Front and the major political parties in the North centers around issues of military rule, democracy, human rights, and the contest for the seat of power. In their conflict over these issues, Southern liberation movement is seen primarily as a tool for change. But while the South has been pivotal in changing governments in Khartoum, these changes have hardly resulted in a major re-structuring of the system and the dominance of the Arab-Islamic profile of the country.

This then is the essence of the conflict in the Sudan; it is a contest for the identity of the nation in which the minority Arab-Islamic model dominates the scene. And yet, there can be little doubt that this lopsided profile of the country cannot hold in the long run. Even without the Southern factor, which undoubtedly underscores the pluralistic character of the country, there is no way the non-Arab majority of the North will continue to accept the historical inequities and marginalization they have suffered under the umbrella of the Arab-Islamic "official" identity of the country.

III. THE ROLE OF THE UNITED STATES IN THE PEACE PROCESS

All those interested in peace in Sudan, including the countries of the Inter-Governmental Authority for Development (IGAD), who have been mediating in the conflict since 1994, the Western countries who have been supporting the peace process as Friends of IGAD, the Northern neighbors, Egypt and Libya, who have offered their own peace initiative, and, as noted earlier, the Sudanese parties to the conflict, all welcome the involvement of the United States in the search for peace.

I was honored to co-chair the CSIS Task Force on U.S. Sudan Policy. My choice was meant to bring about a balance in favor of the Southern point of view, specifically that of SPLM/A's. I made it clear, however, that I did not see myself as representing any partisan point of view and that as a co-chair, I would try to play the evenhanded role of an honest broker, and reflect a balanced vision for the country. Initially, the Task Force saw the Sudan as not important to U.S. interests, except negatively because of the regime's alleged involvement with international terrorism, destabilization of U.S. friends in the region, and concern over the humanitarian tragedy in the country. Whichever party was to win the elections, the United States was not expected to become involved in the Sudanese conflict. The most that was expected of the United States was to support the efforts of European allies for the peace process. Those of us who believed in the strategic importance of the Sudan, particularly as a potential point of linkage and cooperation or confrontation and conflict between sub-Saharan Africa and North Africa, extending into the Middle East, argued for the United States to play a leadership role in favor of ending the war. The gist of our analysis was that the war was between two contrasting visions that were not reconcilable in the short run, and that the formula that stood a chance of success was that of coexistence through a framework of one country two systems. The Nuba and other marginalized areas of the North have since objected to the division of the country into two systems, as it leaves them out of the equation, which is why, instead of two systems, it might be more appropriate to conceive of multiple systems.

President Bush surprised most observers with the interest he showed on the tragic situation in the Sudan, which led to his appointment of Senator Danforth as his Special Envoy and Andrew Natsios as Special Humanitarian Coordinator. Indeed, it is the hope of all that the United States will build on the Danforth report to invigorate the peace process, in collaboration with other partners. Danforth's central recommendation is that efforts for peace continue on two tracts: One is the pragmatic, catalytic and incremental approach he has so far followed, in which specific steps on humanitarian issues and related cease-fire arrangements in areas most affected, as was the case in the Nuba Mountains, are negotiated with the parties. The other is, of course, a more vigorous search for a comprehensive peace that will address the critical issues in the conflict.

A. *The Incremental Approach*

The popularity with which the Nuba Mountains cease fire and agreement on relief activities were met in the area demonstrates the yearning for peace among the populations directly impacted by the war. Their extension, if combined with appropriate political and administrative arrangement for the area, promises to bring durable peace and stability to the Nuba.

Similar arrangements could be applied to the areas of confrontation along the North-South borders, where the forces of the Government and the SPLA hardly con-

front each other, but where tribal militias inflict untold suffering on innocent civilian populations. In this respect, the Ngok Dinka area of Abyei bordering Southern Kordofan and Northern Bahr el Ghazal, deserves special mention. Under the leadership of my family, this area has for several generations played a bridging and conciliatory role between the neighboring Dinka and Arab tribes in the South and the North, a role which has been widely acknowledged in the country. The current war has, however, turned this strategic bridge into a point of confrontation. The marahleen, Arab tribal militias, armed by successive Governments to fight a proxy war against the SPLA, have devastated the areas, burning villages, looting livestock and abducting women and children. As a result, the area has been totally depopulated as people moved Southwards to areas under SPLM control and mostly to Northern towns, with the remaining few concentrated in Abyei town. Recently, tribal leaders on both sides, tired of the war, concluded a peace agreement which, though precarious, promises to bring relief to the area.

As a result of this peace agreement, people from Abyei town have been resettled in four of the original villages that had been evacuated. Large numbers of the Dinka in the North and the South are also requesting to be assisted to return to their original home areas.

Support for the return program has been requested by the Government of Sudan from USAID, and it is also expected that assistance will also come from several UN agencies and perhaps from a number of other donors. Recently, Roger Winter, USAID Assistant Administrator, Bureau of Democracy, Conflict and Humanitarian Affairs, and I visited the area of Abyei, where we met with the Dinka and the Missiriya Baggara Arabs. In addition to specifically requesting assistance in areas of portable water, medical services, education and basic infrastructure, people eagerly appealed for the application of the Nuba Mountains arrangement to their area. Even though that arrangement is probably not replicable to the Abyei area, there is a compelling case for supporting the local peace agreement and the program of return, resettlement and reintegration in the area.

For this peace agreement to succeed, it must be backed by the Government and the SPLM/A. It was moving to hear Arabs, who had participated in the militia raids on the Dinka, admit that as war had started with them, peace would also begin with them. They spoke of how much they had suffered from the war and their commitment to peace. In all the speeches, people spoke nostalgically of the historical role Abyei had played in forging peace and cooperation at the North-South border and the need to build on that historical legacy to restore peace and harmony in the area.

B. The Comprehensive Approach

While such incremental steps as were achieved in the Nuba Mountains and proposed for Abyei are vital to bringing relief to specific areas, the search for a comprehensive peace needs to be pursued with greater vigor. And ultimately this means addressing the critical issues in the conflict, and specifically the crisis of national identity. The historical background offered above leads to several conclusions with significant policy implications that should be crucial to the peaceful resolution of the conflict:

First, the identities of the various peoples of the Sudan have been fluid and adaptable to suit the interests of those concerned. In the North, this has meant enhancing one's status by melting into the Arab-Islamic mold, even when the physical evidence of color and features reflect obvious mixing. Even the Islam practiced by most rural populations of the North reflects a tolerant and eclectic version not dissimilar to what prevails in most sub-Saharan African countries, but contrasts with the orthodox version of the Muslim elites at the center of power. In the South, the identity of resistance to the Arab-Islamic model of the North has led to denying any connections and influences between the North and the South, even though abundant evidence points to the contrary. And indeed, it should not be surprising that centuries of racial, cultural and religious interaction in the Nile Valley have left deep-rooted mutual influences, so much so that indigenous religious beliefs of the Nilotic Southern people reflect remarkable affinities to Christianity and Islam.

Second, despite their shared racial and cultural characteristics, conflicts and ensuing animosities have predisposed people to see little if any in common. As a result, shared elements are ignored and actively dismissed, differences highlighted, and the national vision blurred and even distorted. Indeed, the more marginal the identity between the Arab-African dichotomy, the more the divisive labels are accentuated to prove the contrary. The Sudanese Arabs, who are visibly black, must prove beyond doubt that they are indeed Arab. And the related adherence to Islam must also be highlighted to reinforce that composite identity. Southerners on their part have

tended to exaggerate their "pure" African, even negroid identity, in denial of any admixture.

Third, from a policy perspective, what this means is that in the short run, these subjective perceptions of identity should be recognized and accommodated, but within a national framework that would allow interaction across the dividing lines through freedom of movement, residence and occupation. With this, a more "liberated" recognition of the shared elements would emerge to expose the common racial and cultural ground for building a more united and integrated nation. This means that in the short run, peace should be achieved through a constitutional system of coexistence within a broader national framework of unity. Whether such a constitutional system is labeled "autonomy," "federation," or "confederation" is less important than the effective distribution of powers it stipulates. To avoid unnecessary controversy over labels, it would probably be more pragmatic to negotiate the distribution of powers to the mutual satisfaction of the parties, instead of provoking conflict over labels. Once agreement is reached over the effective arrangement, labels can then be used to describe the factual situation.

How does the principle of self-determination, which is central in the Declaration of Principles of the IGAD mediation initiative figure in this formula of short-term diversified unity? Indeed, the principle of self-determination, which has been accepted by all the political forces in the country, including the Government, is perhaps the most significant contribution of the IGAD peace process. It would be retrogressive to dismiss it. I believe that it is indeed in the interest of national unity that the principle of self-determination be pursued with credibility, not to promote separation, but to forge the creation of appropriate conditions for unity. If the leadership of the Sudan, particularly in the North, realizes that sustainable unity cannot be imposed, but must be consensual, then recognizing the right of self-determination would force those desirous of unity to create conditions conducive to unity. If they fail to create such conditions, then one must recognize that unity is not an end in itself, but a means to higher goals for the good of the country and its peoples. If unity becomes a basis for oppression, subjugation and indignity, then it cannot be justifiable.

IV. CONCLUSION

To conclude, it should be reiterated that both sides to the Sudanese conflict see the role of the United States in the search for peace as crucial. Indeed, much more is expected of the United States than the Danforth report suggests. It has always been my view that the priorities of the United States policy on the Sudan, which placed emphasis on the regime's involvement in international terrorism, destabilization of neighbors friendly to the United States, and last the internal crises from a largely humanitarian perspective, need to be reversed in favor of ending the war. It is indeed the regime's mistaken assumption that the West, under the leadership of the United States, supports the Christian South against the Arab-Islamic North that makes them reach out to the radical anti-West elements in the Arab and Muslim countries for support. An invigorated and evenhanded U.S. role in the peace process should contribute towards changing this negative perception. A Sudan at peace with itself is bound to have friendly relations with its neighbors and would certainly have no cause for allying itself with terrorist elements around the world.

A combination of factors makes the time opportune for a vigorous U.S. involvement in the earnest search for peace in the Sudan. While Danforth recommends the continuation of the catalytic and incremental approach he has so far pursued, and while the role of the United States should continue to build on the initiatives taken by others in a collaborative approach, all concerned, including the parties to conflict, would like to see the United States play a more assertive leadership role for a just and sustainable peace to end the misery and devastation the people of the Sudan have suffered for decades. The formula for such peace should be a short-term equitable coexistence during the interim period toward a long-term vision of genuine consensual unity and national integration.

Mr. SMITH OF NEW JERSEY. Thank you very much for your testimony.

Just very briefly because I do know you have to leave and Mr. Tancredo asked to pose a question as well. Obviously, you are an international bureaucrat now, although having formally represented the government of Sudan, perhaps you can give us some insight what the thinking is on the part of Khartoum.

I mean, Senator Danforth in his mission, I think, does provide some modicum of hope, although we have had hope before, and it does represent U.S. leadership. But it seems to me that time is an enemy to the woman who is starving and the 3 million plus people who are at risk of starvation as we meet. He made some very specific recommendations that need to be done immediately if we are to avert a horrible crisis of more death.

Regarding the corridors of tranquility, let's rewind to the 1980s when President Mengistu in Ethiopia denied those corridors and we had a manmade famine, particular in Eritrea, of monumental proportions and death that was totally preventable. He too used food as a weapon, and to deadly effect.

Do you believe that Khartoum will agree to these corridors of tranquility? You are head of IDP, sir, special representative internally.

Mr. DENG. Right.

Mr. SMITH OF NEW JERSEY. What country has more than 4 million internally displaced persons on the face of the earth? I do not know of any. So that is number one.

You know, you obviously interface with the people from UNICEF, OLS. Can their mission be expanded?

I found it very disappointing, and we are going to do follow-up hearings, probably joint Subcommittee hearings in the coming weeks on this idea of Khartoum vetoing humanitarian relief. I mean, we heard from UNICEF representatives before in open hearings as well as private meetings, and when flights are disallowed people die.

What can you do personally, especially given your access and, you know, knowing both parties to try and facilitate that?

And, finally, today, as I mentioned earlier, the report on trafficking of persons, particularly for forced prostitution was released by the State Department. I am the prime author of that legislation that was enacted in the year 2000 and signed by President Clinton in November of his last year. That lists tier countries, tier one, tier two, tier three, with tier three being the most egregious. Sudan with neon lines on is right there as a tier three country. It has got a major problem and its government is complicit in the problem.

What can you do personally perhaps and what is your sense about Khartoum's—I mean, are they going to listen to criticism, or you know, what can be done on that as well?

Mr. DENG. Well, let me begin with the easier one, which is what I can do in my capacity as representative of the Secretary General. And indeed when I was appointed in 1992, the argument used by the Secretary General to persuade me when I said let me have the details before responding was,

“Francis, this is not only a global crisis, it is a crisis that affects the continent of Africa the most. In Africa, it affects Sudan the most, and in the Sudan it affects your own people the most.”

And so although I wondered whether I should take a global assignment and rush back to my country, or whether people will see that as too parochial, I did go to Sudan, engage them in discussions

at that time, and then I went back again in September, last September, and this last one.

The core of my first findings were that the way the IDPs were being treated around Khartoum, even if the services that were being rendered were actually being received or said to be rendered were being received, the fact that these people were pushed into a marginal area around Khartoum definitely made them feel not as citizens of the order, but as people who were rejects.

And therefore my recommendation was let us help people move to areas as close to their natural areas as possible and give them the help they need to settle there.

Alternatively, every Sudanese, as long as we are one country, should have the freedom to go wherever he or she wants. But if you must keep them in the camps, then you should improve the conditions of the camp, to compensate them for the negatives of being rejected within their own country.

When I went back in September, I found that there was some progress in that people were being allotted land around Khartoum to be allowed to integrate or to settle and maybe build what could become eventually permanent homes. There were still a few in camps that were absolutely destitute, and again, I discuss with them how to deal with those.

The issue of return, I have been negotiating with them, particularly with respect to the IBA project that Roger Winter and I have just been there recently, and we are considering USAID involvement in that along with other. Now we wanted to hold a seminar or a workshop, which was initially agreed upon, that will bring together all the major U.N. agencies, donor committee, to discuss comprehensively the problem of internal displacement in the country, and to also hold a similar meeting in areas under SPLM control.

Negotiations have not been easy on this because the government itself reflects different points of view and interests. Some are very open to it, and particularly want to get them to be held internally within the Sudan. Others say we should make it regional so that Sudan does not look targeted. Others say we should have our own personal discussion of the situation before we involve others because of sensitivity on issues of sovereignty.

I must say though that I have impressed upon the Sudan, and indeed all the other countries of the 23 missions I have undertaken, that while I respect sovereignty, my understanding of sovereignty is not as a barricade against international cooperation, but as a positive concept of state responsibility, which one can carry out in cooperation with the international community.

But if your people suffer in large numbers and you close doors on the international community, in this day and age there is no way you can enjoy that sovereignty. The world will find a way of getting involved. So the dialogue continues.

My sense in the other areas of humanitarian involvement you suggested is that there is a considerable ambivalence on the part of the Sudanese authorities. On the one hand, they find it morally, at least within the system there are people who feel morally that they cannot stand against international involvement with humanitarian work, but there are people who want to see this, the human-

itarian aspect as part of the war, and therefore if not justifying it, at least explaining it away as the inevitable consequences of the war.

What this means, I think, is if the peace process is taken a lot more vigorously in earnest, it should also make it easier to negotiate the humanitarian issues. Obviously, humanitarianism by definition means even if a war continues there are things that should be done to alleviate human suffering. But it certainly helps if we are more serious about peace and do things that are seen visibly moving in that direction, that it would also make, I think, people a lot more receptive.

The question is then a question of disparity because, as people say, if one side becomes too strong and the other side too weak, then what my friend Bill Zadman calls ripe for resolution connected with a hurting stalemate, no one can be too strong or too weak and still negotiate meaningful.

Mr. SMITH OF NEW JERSEY. Mr. Tancredo, did you want to comment.

Mr. TANCREDO. Thank you, Mr. Chairman, just one quick question.

You mentioned in your testimony that the radicalized Islamic government that exists in Khartoum today is just a, in a way a reflection of all of the previous and existing parties that exist in the south—in the north; that they had sort of espoused that prediction in the past but this is the implementation of that.

Did I understand you correctly?

Mr. DENG. Right.

Mr. TANCREDO. Is there, and I guess then if that is the case, can you point to any political process in the north, any political entity, any possible pressure group that exists today that would accept a confederacy that allows for the kind of religious freedom that we expect from any sort of settlement?

Mr. DENG. I think it was you who characterized it earlier as a form of conflict of cultures. And frankly, although Huntington's theory is of course being contested and one does not want to identify too much with that.

Mr. TANCREDO. I do. I do. I accept it.

Mr. DENG. I would say that it is a clash of two visions for the Sudan, and frankly, at least the stated view of the SPLM/SPLA is that the war is about creating a new Sudan to which everybody would belong on equal terms. But how can you achieve that if the two positions, the two visions are absolutely incompatible?

I think what is going to happen even if we did not have the south today by the way, the north is going to discover itself because it has a distorted self-perception which is the result of a history of discrimination that has favored—

Mr. TANCREDO. If I could, I am sorry. Is there a single entity to which you can point today in Khartoum, in the north, that actually represents that point of view politically or even philosophically?

Mr. DENG. Well, I will have to say that at least formally all the political parties have more or less agreed that they will accept anything short of just breaking up the country.

But if you take the west, the political parties know, except for general agreement, that there is now an acceptance of self-exam-

ination by the parties, and an interim arrangement that will be close to that. But you see my preference would be to avoid labels because if we say "federation," what is in Khartoum today is federation. This is not acceptable to the south.

Mr. TANCREDO. Yes, absolutely.

Mr. DENG. If we say "confederation," they hear you say separation. But if you take people in western Sudan, even the Nuba, who in the first war were fighting on behalf of the north and actually seen as Arabs, today they are, you know, obviously sharing that point of view. I think it is a matter of time. People in western Sudan, therefore, would easily accept that kind of a framework, but the political part is right now, I do not see anyone that would accept that.

On the other hand—

Mr. TANCREDO. Okay.

Mr. DENG [continuing]. In private discussions they tell you, short of breaking up the country, we would accept.

Mr. TANCREDO. Thank you very much.

By the way, I have had those same discussions with representatives of the north, only to be at some point down the path disabused of the idea that they are serious about that. But I guess we can hope. Thank you very much.

Mr. SMITH OF NEW JERSEY. Mr. Payne, very briefly.

Mr. PAYNE. Thank you. Mr. Deng, very nice to see you again, and I will not hold you up. I understand you have to leave, but I would just also like to say that, as Mr. Tancredo, every time there was someone who seems like they were trying to make concessions or discuss things with the government of Khartoum, they would show their true face. When former President Carter was in Khartoum he felt that, you know, there could be a possibility that Khartoum would understand and that perhaps they would be more sympathetic to the plight of the people in the south. But as he went to visit a feeding site, they bombed the area.

When special envoy under President Clinton, former Congressman Jack Johnson, who chaired the Subcommittee, went, as he sat in the government's office in Khartoum; they bombed.

Three or four months ago when people were standing in line, just unarmed civilians, 40 people were killed at the time with Sudan's new helicopters, when Senator Danforth was there talking about, or his people were there trying to see about some kind of appeasement.

So I just question whether this government has the ability to really—I just think that there is something radically wrong, something essentially evil, something malfunctioning in the body politic. And so I certainly respect, I know of no one who is more thoroughly acquainted with the problem, and I just hope you will continually work on trying to come up with a solution.

Thank you very much.

Mr. DENG. Congressman, if I may just say, I think I could take the lead from something you said earlier referring to September 11, and the dramatic changes that took place as a result of the clear message that went out of here. I think it is also a question of how committed the international community, and in particular the

United States working with others, how committed they are to pressure for a just peace in the country.

Mr. PAYNE. Thank you.

Mr. SMITH OF NEW JERSEY. Thank you, Dr. Deng, and I do want to thank our other panelists for your courtesy in extending this additional time because of the schedule.

Our next panelist is John Prendergast, who is Co-Director of the Africa Program at the International Crisis Group. He has worked as special advisor on African conflicts at the Department of State, and Director of African Affairs at the National Security Council.

Mr. Prendergast has worked for a number of NGOs on issues of human rights and humanitarian assistance in Africa, and has authored a number of books and journals on Africa.

Ken Isaacs is the International Director of Projects for Samaritan's Purse; he has been associated with the Christian-based relief organization since 1987. He manages five national offices and 12 international field offices with a national staff numbering more than 1,200 people in activities including shelters, rehabilitation, refugee care, orphanages, AIDS program, hospitals and public health clinics, and much more.

He also recently assumed responsibility for the world medical mission, the medical arm of Samaritan's Purse, where medical professionals are sent around the world on short-term humanitarian assignments.

Finally, we will hear from Dr. Eric Reeves of Smith College in North Hampton, Massachusetts. Although an academic by training, Dr. Reeves is now in his 4th year of full-time work as a Sudan analyst and human rights advocate. He has written extensively on Sudan and especially on the consequences of oil development in that country.

Dr. Reeves has served as a consultant to a number of humanitarian and nongovernmental organizations, and has been widely published as a result of his growing research and has been interviewed on various issues relating to Sudan by leading news organizations around the world. He has testified on Sudan and oil development before our Committee before, and we welcome you back, Dr. Reeves.

Mr. Prendergast, if you would proceed.

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

Mr. PRENDERGAST. Thank you very much, Mr. Chairman. I think none of us have ever seen Francis Deng talk for such a short time, so I think you can assume that we will be similarly disciplined in our efforts here today to try to comply with the clock's demands.

I just returned this week from a visit to the oilfields in western upper Nile, which is really the front line now in the war in Sudan. This is the fifth visit that I have made in the last year since I left the State Department. And I have got to say the figure of 2 million dead that everyone this morning has cited really is just a warm up. I think the real game is beginning now.

Casualty rates are skyrocketing on the battlefield today because of the increased lethality of weapons that are being purchased, particularly by Khartoum, the increasing stakes for which this war is

being fought, the increasing commitment of the government to clearing civilians out of the oilfields, and the increasingly intense conventional engagements that we are seeing represented in the war today.

Is peace possible in Sudan? That is certainly the question that underlies the answer, which would dictate what U.S. policy ought to pursue over the next few months.

I would agree with Walter and the Administration's team, we really do not know and we really must try, to try to make peace. But it is fantasy, I think, to believe that any solution is possible without extremely serious, diligent, and concerted international pressure on Khartoum.

The most visible missing ingredient right now of a potentially successful peace process in Sudan through the IGAD peace process is any coordination whatsoever or organization of the pressures that need to be placed on the parties, again particularly Khartoum.

To be effective, this leverage has to be multilateral. The U.S. has to organize this. This may be the most important thing that the United States can do in the context of the peace process in Sudan.

Now, I have outlined a number of carrots and sticks in the paper here in the written testimony. I will just highlight a couple of them right now.

It is crucial that we maintain the counterterrorism pressure that we have built up over the last 8 years on Khartoum. Fundamental change on the issue of counterterrorism is not going to occur until the kind of change that occurs through a comprehensive peace agreement happens.

Secondly, this issue that was raised earlier about the opposition of our assistance through the World Bank and IMF to the regime in Khartoum, this is also a crucial element, particularly because the government needs debt relief. Every weapon system they purchase increases the debt expidientially, as does interest on the debt. It is growing rapidly. They need Highly Indebted Poor Country debt relief. They are not going to get it as long as the United States votes against it on the board of the IMF and World Bank. We need to hold the line on that, and I think the Representative that spoke earlier about that was absolutely right.

Third, pressure on investors in the oil industry clearly translates into indirect pressure on the government. Therefore, as all three of you have articulately, I think, presented today, passage of the capital market sanctions provisions of the Sudan Peace Act is a critical leverage point for the United States and needs to at least be continued to be pressed with the Senate.

Fourth, diplomatically, and I want to build here on what Francis was talking about, support for self-determination with the full scope of possible outcomes, meaning independence as one of the possible outcomes of self-determination, is a crucial lever to ensure the full implementation of any agreements reached for the interim period that will inevitably occur if a peace agreement is reached in Sudan.

And, fifth and finally, another issue that has direct implications for the Congress, only a fraction of the \$20 million that Congress has authorized in economic support funds for protection of civilians in southern Sudan and for a number of other purposes has been

utilized in the way that you originally intended. And I would urge you just as diligently as you are working on this issue of capital market sanctions to look at that issue because if that assistance is used in the way that Congress intended, that becomes a very, very potent tool, a very potent form of leverage that you can use in the future. And this can be done, I think, through support for the governing capacity in opposition-controlled areas as well as providing vehicles and fuel and other kinds of things to the civil administration in those opposition-controlled areas where civilian populations are being protected and supported.

I will leave it there, Mr. Chairman. Thanks.

[The prepared statement of Mr. Prendergast follows:]

PREPARED STATEMENT OF JOHN PRENDERGAST, CO-DIRECTOR, AFRICA PROGRAM,
INTERNATIONAL CRISIS GROUP

Thank you, Mr. Chairman, for the opportunity to testify at this propitious moment in Sudan's history. With a dramatically escalating civil conflict and a make-or-break peace process about to get underway, the timing of this hearing is impeccable. Decisive U.S. action holds the potential for moving the parties to peace. Anything less will ensure that war and famine will only intensify.

I just returned this week from a visit to the oilfields of Western Upper Nile in southern Sudan, the civil war's most prominent front line and its new epicentre. This is the fifth visit I have made there since I left the State Department a year ago. The evidence of death and destruction was omnipresent in every location I visited, in the wake of the Sudan government's efforts to depopulate the areas of new oil exploration in a classic scorched-earth counter-insurgency operation.

And yet as horrible as this war is, the worst is yet to come, ensured by the ever-increasing lethality of weaponry.

And as difficult as it has been to strike a compromise on the fundamental issues, the worst is yet to come here too, as the divergence widens between the government and the SPLA over the issue of self-determination. The commitment of southern Sudanese to an independence referendum deepens, matched only by the growing commitment of the government to prevent just such an outcome.

FRESH HELL FOR SUDANESE CIVILIANS

Casualty rates are skyrocketing because of this increased lethality of weaponry, the increasing stakes for which this war is fought, and increasingly intense conventional engagements. The bloodiest battles of the war have been fought during this past dry season, as small skirmishes with AK-47s have been replaced by more conventional slugfests with heavy modern weaponry, and as Khartoum continues to escalate the use of its most significant and deadly comparative advantage, air power.

The government launched a massive dry season offensive in the oilfields at the beginning of this year, aided by thousands of its forces redeployed as a result of the Nuba Mountains ceasefire. By clearing civilian populations out of Western Upper Nile, the government intended to secure further areas for oil expansion, build all-weather roads that could facilitate rainy season military operations and oil company movements, and construct a defensive perimeter around existing and new oilfields. The SPLA, however, held its ground and prevented these things from happening, at a huge cost in terms of manpower and resources. (The government lost even larger numbers of soldiers and irregular militia.) As the SPLA fights what is largely an interdiction operation, and if it cannot mount a significant counter-offensive in the current rainy season, its capacity to defend against the government's next dry season offensive—with more and better heavy weapons—will begin to erode.

HARDENING POSITIONS OF THE PARTIES

The issue of state and religion will be an extremely difficult one at the negotiating table. It is the issue of self-determination, however, that threatens to be the ultimate deal-killer in the upcoming IGAD negotiations or in any peace process. In my frequent trips throughout southern Sudan, I have found a growing determination to sacrifice whatever is required to achieve an independence referendum. The attitude is not, "We have sacrificed so much; therefore we must compromise." Rather it is, "We have sacrificed so much; therefore we cannot compromise."

The International Crisis Group has argued since shortly after Senator Danforth was appointed that a window of opportunity existed for peace in Sudan. We argued that if we did not immediately take advantage of that window by addressing the root causes of the war in serious negotiations, the window would inevitably close. Senator Danforth's efforts resulted in moderate successes on symptomatic humanitarian issues, but eight months have gone by in which root causes haven't been negotiated, our leverage is slowly eroding, the positions of the parties are hardening, and the willingness of the parties to compromise is dissipating. Consequently, the window of opportunity for peace is closing.

IGAD'S LAST STAND

To try to pry this window of opportunity back open, and after nine years of trying to resolve the Sudanese civil war, IGAD is trying to stake a new course. President Moi's Special Envoy General Sumbeiywo has outlined a strict agenda and timeline that will be pursued over the next four or five months in a do-or-die negotiating effort, with the U.S. and its troika partners Britain and Norway as observers.

Left to its own devices, IGAD cannot succeed. Negotiating peace in Sudan will require an enormous effort on the part of the broader international community, in close partnership with regional states. So far, evidence of this necessary level of political will is erratic.

U.S. RESPONSIBILITIES: STRATEGY AND LEVERAGE

To resolve a war the length and magnitude of Sudan's, key members of the international community will have to pull their weight and pull in the same direction. If peace is to come to Sudan, the U.S. will have to carry the heaviest weight of all, and take the lead in ensuring everyone else that matters is on board. Just as in the Middle East and Afghanistan, such an investment and commitment of diplomatic resources by the U.S. must be substantial. No one else can do it.

The lessons of peace-making in Africa have demonstrated that only with high-level engagement, a well-developed negotiating strategy, and multilateral leverage can the U.S. help broker peace between determined belligerents. The previous administration demonstrated this in the Ethiopia-Eritrea peace settlement, on which I had the privilege of working. That relatively straightforward conflict took over two years of intensive U.S. and African diplomacy to resolve. Sudan's war is far more complex.

The train wreck inherent in the upcoming negotiations is already evident. The issue of self-determination, with secession at its core, will at some point paralyze the talks. A well-developed strategy and serious leverage needs to be ready to be deployed, which means intensive preparations must begin now.

President Bush concluded his recent Oval Office meeting with Senator Danforth a few weeks ago with a firm, "Let's get this done!" What the U.S. is doing thus far to act on that instruction is useful, but not sufficient.

WANTED: A ROBUST PEACE STRATEGY

Because the divergent positions of the parties are so entrenched and will not be reconcilable through conventional facilitation alone, a more forceful and proactive diplomatic intervention is needed, backed by much more leverage than is currently envisioned. A comprehensive plan is needed which involves the following elements:

- how to move the parties on key issues
- when and what leverage will be deployed;
- what substantive proposals will be presented at what junctures in the talks;
- what back-up plans exist when impasses are reached;
- how Egypt will be engaged by the U.S. at the highest levels to ensure buy-in, which will require extensive discussions on the issue of self-determination;
- how to engage both Khartoum and Cairo on what they are willing to do to make unity attractive to southern Sudanese;
- how to engage Russia and China on playing a constructive role, which is at present undermined by their provision of military aid to the government;
- how to coordinate Track II peace initiatives—particularly competing ones funded by the U.S. and European Union—and utilize them more directly in the service of the current process;
- what technical aid to provide to help the parties develop their positions before and during the talks;
- when and how to get the National Democratic Alliance parties, the Umma Party, and elements of broader civil society into the discussions about Sudan's future.

As noted, the U.S. and its troika partners will be observers in the next IGAD round. A higher-level presence, however, will be needed on a day-to-day basis, to demonstrate U.S. resolve. That is why the decision will be crucial as to who will be the "Chief Operating Officer"—an idea which originated with President Bush—for U.S. engagement in the peace process. An ambassador that has African experience, an understanding of the Sudan conflict, and experience with negotiation processes would be ideal. Martin Brennan, U.S. Ambassador to Uganda, would be just such a person, given that he is scheduled to be moving soon as part of the regular rotation. David Dunn, U.S. Ambassador to Zambia, also fits the description.

WANTED: SERIOUS LEVERAGE

The most visible missing ingredient of a potentially successful IGAD peace effort is any coordination or organization of pressures and incentives.

Leverage does not grow on trees. It is created through leadership in the development of multilateral strategy and the judicious execution of that strategy. Claiming no leverage actually reduces leverage in a self-fulfilling prophecy of impotence, as the parties realize leverage will not be created or used. This defense is usually a smokescreen for lack of commitment.

To be effective, pressures and incentives must be multilateral. The U.S. must organize this. This may be the most important thing the U.S. can contribute. There are a number of carrots and sticks that can be deployed in support of the peace process:

Maintaining counter-terrorism pressure on Khartoum is critical. Short-term tactical cooperation should not be confused with strategic redirection, which will only be ensured through the kind of change that will accompany a comprehensive peace agreement.

Continuing opposition to aid in the IMF and World Bank makes it extremely difficult for the Sudanese government to rehabilitate the formal economy. 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. Conversely, removing U.S. opposition to Paris Club financing, IMF lending, and World Bank credits for Sudan would be probably the largest incentive, and opposition to these should be maintained until a peace agreement is signed and there is forward movement on implementation.

Pressure on investors in the oil industry translates into indirect pressure on the government. Passage of the capital market sanctions provision of the Sudan Peace Act is thus an important leverage point.

The IGAD coalition must be reenergized on Sudan. When Ethiopia, Eritrea, and Uganda were working together on Sudan, progress was made at the negotiating table, as these three governments collectively possess serious leverage on both parties. The U.S. should work closely with these governments in bringing pressure to bear on the Sudanese parties. Diplomatically, support for self-determination with the full scope of possible outcomes is a crucial lever to ensure the full implementation of any agreements reached for the interim period. Only a fraction of the \$20 million in Economic Support Funds authorized by Congress over the last two years has been utilized in the way Congress originally intended. If Congressional intent was implemented, this would maximize leverage. This could be done through support for governing capacity in opposition-controlled areas and the provision of vehicles and fuel to civil administration in areas where civilian populations are being protected and supported.

The construction of international guarantees and specific commitments of support for the implementation of the agreement provide a window for a more robust international role in support of the process. 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 and NDA to participate constructively in peace talks.

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.

WANTED: A REAL SOLUTION

Despite the desires of Khartoum and diplomatic missions around the world, there is no southern-only solution in Sudan. That was tried at independence, and dishonored by Khartoum; in 1972 to end the first civil war, and dishonored by Khartoum; and in 1997 by a splinter faction of the SPLA, and dishonored by Khartoum. It is crucial to understand that the solution in the south requires reform of the central

government. Since independence, there has been no meaningful sharing of political power and wealth with Sudan's African peoples—sixty five per cent of the population—in the south, the Nuba Mountains, the east and the west. Equal rights have not existed. The war has long ago moved beyond a southern-only one to a national one. To ensure the unity of Sudan, particularly for southerners, power will have to be shared, and rights will have to be guaranteed through constitutional and security arrangements, backed by international guarantees. Any “two systems, one Sudan” proposals which envision separate constitutions for the north and the south without a clearly reformed center will not succeed.

The best way to ensure unity—in other words, to ensure the full implementation of a comprehensive peace agreement—is maintaining the ultimate leverage of people from southern Sudan: the self-determination referendum. There must be a means by which southerners have a direct say over their future. This requires a referendum plus central government reform. Controversy on this issue surrounding early drafts of Senator Danforth's report to President Bush undercuts U.S. leverage.

For the international community, a reformed central government is crucial as well, not only to ensure against future rounds of destructive and destabilizing war, but also to ensure counter-terrorism objectives, which require a diminution of the absolute power of the ruling party which hosted Osama bin Laden for the first half of the 1990s.

COUNTERING THE USE OF FOOD AS A WEAPON

During the last three major famines in Sudan (1987–8, 1992–3, and 1998), a common feature was the government's denial of access for humanitarian aid. The same tactic is being deployed again in the oilfield areas of Western Upper Nile, where large numbers of displaced are in the midst of an acute humanitarian crisis.

Senator Danforth's well-meaning effort to secure Days of Tranquillity and localized cease-fires was misplaced. With the leverage the U.S. possessed at the outset of his mission, the objective should have been blanket access for humanitarian aid, which would mean an end to the veto rights of the warring parties over where relief agencies provide assistance to people in need.

The U.S., its donor partners, and the UN must re-focus on this fundamental objective of humanitarian diplomacy: the principle of unfettered access. We have legitimized the veto over and over again, most recently with the focus on Days of Tranquillity.

If Khartoum rejects renewed efforts at the removal of the veto, a system is needed whereby the minute the UN Operation Lifeline Sudan (OLS) is denied access to a particular location, all donor and UN assets are immediately transferred to non-OLS agencies to deliver the goods. This requires a significant upgrading of the capacity of non-OLS agencies.

In response to the immediate emergency in Western Upper Nile, AID Administrator Natsios is right to reject the latest effort to change the terms of the OLS agreement and route food to southern locations through Khartoum. Words must be matched by action. Non-OLS agencies have been on the ground for months waiting for a more significant response from AID in aiding Western Upper Nile, but bureaucracy and other factors have hindered the effort. We need to flood the area now with food and build the air and ground transport capacity of non-OLS agencies in the area.

CONCLUSION

With bold U.S. leadership that matches President Bush's clear desire to help end Sudan's war, there is a real chance for success. But this effort will require high-level U.S. engagement in the mediation itself and in the deployment of serious multilateral leverage at critical moments in the peace process. In the absence of such a commitment, the best chance in years to end a generation of war will surely slip away.

Mr. SMITH OF NEW JERSEY. Thank you very much for your testimony.

Mr. Isaacs.

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

Mr. ISAACS. Thank you, Mr. Chairman.

Coming to Washington I find out that 5 minutes does not seem to be as important as I thought it was when I was preparing for this, but nevertheless, I am going to stay on time.

As you said, I have served with Samaritan's Purse for 15 years. This is an organization headed by Franklin Graham. Over the last 5 years I have been in Sudan more than 100 times, and I just returned Friday. We have multiple projects in numerous areas, and in all of the opposition-held areas.

My access through our work has given me an insight that is beyond what most people see, so I am reporting to you today a first-hand account.

I think, first, I just want to be clear on one thing; that there is a radical extremist group, the National Islamic Front, that controls the government of Sudan. They have declared jihad against their own citizens and they work toward that goal to the fullest extent possible, and that this is the very same government that harbored Osama bin Laden for 5 years. We should not forget that point.

I do, however, see a beacon of hope among the opposition groups throughout Sudan. This beacon though is attacked and confounded by the actions and the public relations spins of the National Islamic Front. But the beacon is powerful and I do not believe that it will be denied nor extinguished.

The Sudanese people have a vision of a new Sudan and they speak of a country united where all the 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 are 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. Today it has been often cited that 2 million people have died. What does that mean? That is equivalent of one World Trade Center attack every week for the last 13 years. That is staggering if you worked it out proportionally to our population.

Many defined the war as religious, racial, regional or oil-driven. All of these elements exist, but the root of the war lies in a simple but yet a vital concept. The war is about freedom. It is 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. It is 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 the Blue Nile, east Sudan and Nuba and even west Sudan, most of them are Muslims. These Muslim populations experience the same attacks and persecutions as the Christian neighbors.

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

The war is not just about north versus south, although that is where it started. If it were north versus south, how then could you explain the multitudes from the north that are coming to join the forces in the south and the east?

The war is not just about oil, and I find this point to be particularly important. There are no fighters who went to the field with the thought that they would get a percentage of an oil profit. They went to the field to fight for freedom, and they feel belittled and insulted to think that a cost-sharing of revenue from oil is going to buy them out. They went to fight for self-determination and to stop being oppressed, and I do not think they are going to put their arms down for anything less than that.

Again stated simply, I believe that this 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 we could expect to see fundamental and not cosmetic changes in the way they treat their own people, and we have not seen those changes.

Today, as we are meeting, my staff in Sudan is in the oilfield areas, areas that have been bombed and attacked by helicopter gunships within the last 10 days delivering food and emergency supplies.

Our hospital in Lui has been bombed numerous times, and I have been there to suffer the terror of those attacks as well as attacks in Nuba Mountains when we were delivering food before the recent cease-fire in Nuba.

Some say the war in Sudan is not winnable, and this morning I have heard much talk about the GOS's view that they think they can win the war. Well, I am here to tell you that the opposition forces think they can win the war. That means something because they have nothing to live for and everything to die for. And if history is any record, we could look back at Vietnam and see where a major military power was not able to defeat a people when they were willing to give their lives.

Their overall ability, the opposition forces 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 13 years.

The people know conditions will not improve until there is a government committed to respecting basic human rights and liberty. 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 the region than the National Islamic Front. Unfortunately, they are penalized because they lack the public affairs capability to share their message internationally. Domestically they lack the basic tools such as radio stations, newspapers and even school to educate their 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 and the international community 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 signal 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 encourage the pursuits and the desires of the Sudanese people toward liberty and freedom, and give them our moral and our political support.

Thank you for letting me testify today. I appreciate it.
[The prepared statement of Mr. Isaacs follows:]

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

Mr. Chairman, I wish to thank you and the other committee members for allowing me the honor of testifying before you today. I have served with Samaritan's Purse, the Christian relief organization headed by Mr. Franklin Graham, for fifteen years. I have visited south, east, Blue Nile and Nuba, 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 ranging from medical assistance and rehabilitation to agricultural projects and emergency assistance in crisis zones.

Before we proceed, 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. As a Christian, I am troubled by the plight of the Sudanese people and am very involved in helping them. I have many Sudanese Muslims as close friends who have risked their lives protecting my colleagues and me. Our work in Sudan has never been hampered by the fact that we are Christians, nor have Sudanese Muslims been antagonistic or refused our help because of our religious differences. Rather, we have been embraced because of our willingness to help them in their pursuit of a better life without regard for what they do or do not believe.

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? How could one explain the many political groups from all of Sudan that are fighting the National Islamic Front? Why are so many people abandoning the government and its areas and joining the opposition forces?

The war is not just about oil. While oil does play a significant role in the war, it has never been a motivating force for the opposition to take up arms. These people took to arms for political freedom. Their motivation is not the oil profits, but the desire to be free from repressive policies. 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. The numbers of brutalized people grow in proportion to oilfield acquisitions. 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 of civilians in Rier and to victims of ground attacks and scorched earth practices in Payeur, both of which are oilfield regions. The National Islamic Front routinely attacks civilians by air and by ground. These actions are brutally prosecuted in the oilfield regions around Bentiu and other areas of oilfield concessions. Many are killed or abducted in these raids. The Samaritan's Purse hospital in Lui has been bombed numerous times, and I have experienced the terror that comes with such an attack. We have come under shelling attacks in Nuba while delivering food. The UN program, Operation Lifeline Sudan, is routinely and illogically denied access by the National Islamic Front to areas of well-known civilian needs.

Some say the war in Sudan is not "winnable," but the morale of the opposition forces is strong. The southern forces have united and have made steady progress on the battlefield for the last five years and more people are joining their ranks. 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. They fully intend to push toward their goal, and they will not accept defeat. The National Islamic Front forces, however, are suffering low morale. The majority of their fighters are conscripted. They lack the heart for gritty battle and are known to run once the mechanized advantage they have is lost. I have spoken to many POWs from the National Islamic Front and never once sensed they had a commitment to fight to the death. In fact, they were quite happy to be prisoners of the opposition.

In East Sudan, I met a fifty-three year old, university graduated, former National Islamic Front Major who left Khartoum to fight with the opposition forces of the Northern Democratic Alliance (NDA)/Sudanese People's Liberation Army (SPLA). When I asked him how the opposition could win if their soldiers die, he answered, "our sons will be here to fight for Sudan's freedom." His response reflects their total resolve. 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. Most of the citizenry is illiterate since virtually all schools have been closed for twenty years. The opposition forces already have the weapons, will, and manpower for the military fight. To achieve freedom, however, they need basic infrastructure such as roads, bridges, schools, and hospitals. And they urgently need food.

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. Like our own forefathers, they desire to exercise self-determination, to participate in their government, to have freedom of religion and speech, and to improve their welfare. 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.

Thank you.

Mr. SMITH OF NEW JERSEY. Thank you very much for your testimony.

And Dr. Reeves, you may proceed.

STATEMENT OF ERIC REEVES, PROFESSOR, SMITH COLLEGE

Mr. REEVES. Thank you, Mr. Chairman.

If you wish to see the face of Sudan's brutal civil war and the immense human catastrophe it has created, then I must ask that you imagine the scene several months ago at Bieh in the heart of the southern oil regions. I must ask that you look into the eyes of the young mothers with children lined up with thousands of other civilians for emergency food aid at the United Nations Food Distribution Center.

It is broad daylight on the morning of February 20th. The U.N. facility is well marked. There is no military activity anywhere near this humanitarian operation. The eyes of these young mothers at one moment hopeful that they and their children will receive desperately needed food aid turn in a flash to sheer terror as helicopter gunships of Khartoum's National Islamic Front regime descend to a low hover and begin to direct heavy machine gun fire and rockets into their midst. Dozens will be killed. Many, many more will be wounded.

We know because U.N. personnel were witnesses. Indeed were so close to the gunships that they could see the eyes of the pilot and gunner.

This is the face of war in Sudan. The attack at Bieh emblemized Khartoum's war on civilians and its conduct of civilian security operations in the oil regions. These are the realities that U.S. policy must confront if it is to bring peace to this savagely torn land. Indeed, an effective Sudan policy is long overdue as present peace negotiations founder for lack of coordinated and effective international support.

The urgency of the task could not be greater, for the ongoing killing and displacement of the Nuer and Dinka people of the oil regions and elsewhere in the south is nothing less than genocide—the deliberate destruction of these people as non-Islamicized, non-Arabized impediments to further oil development and the consolidation of Khartoum's military grip on power throughout Sudan.

U.S. policy needs a good deal more than Assistant Secretary Kansteiner has suggested. If we are serious about ending the war, which alone will ensure there are no more Biehs, then we must be willing to take on the most difficult policy challenges with fully adequate political and diplomatic resources.

We must tell the Egyptians we will no longer accept their efforts to obstruct southern self-determination, for such obstruction is the primary goal of the joint Libyan/Egyptian initiative. And we must not presume to attenuate the terms of self-determination before meaningful peace talks get underway as the Danforth Report mistakenly does.

No cause unites the people of southern Sudan more fiercely than self-determination as articulated in the IGAD peace process, long supported by the U.S. and its allies. Southern Sudanese will not accept a peace process that denies them meaningful self-determination. U.S. policy must articulate a realistic way of changing the cruel logic by which oil development in Sudan exacerbates the conflict. Every credible human rights assessment of oil development in southern Sudan has reached the same conclusion. The extraction and exploration activities of companies like Talisman Energy of Canada, Petronas of Malaysia, and China National Petroleum Corporation not only provide Khartoum with the means of financing

its war on southern civilians, but require physical security that takes the form of scorched earth clearances in and around the oil concessions.

The House version of the Sudan Peace Act passed a year ago by a vote of 422 to two, provides an effective policy response, but the Senate has failed to bring the bill to conference, and the Bush Administration refuses to see the logic of the bill's capital market sanctions. Secretary Kansteiner's comments this morning on the means of pressuring Khartoum offer a clear example of this refusal.

If U.S. policy toward oil development in Sudan cannot move beyond the vague and unrealistic hopefulness of the Danforth Report, peace is unlikely to come. U.S. policy must work vigorously to ensure that Khartoum cannot continue to use the denial of humanitarian access to civilians as a weapon of mass destruction even as we recognize that the key to ending Sudan's crisis is negotiating a just peace.

The U.S. policy must seize upon the opportunity created when Senator Danforth secured an agreement between Khartoum and the SPLM to allow for international monitoring of attacks on civilians. This agreement now over 2 months old has produced nothing on the ground despite clear guidelines for monitoring protocols provided by Human Rights Watch over 7 months ago. As a result, Khartoum's continuing aerial and ground assaults on civilians are not confirmed by an authoritative reporting body.

Again, even a robust policy on human rights monitoring cannot substitute for decisive engagement with a unified, internationally supported peace process that fully commits the parties to serious ongoing negotiations. The difficulties of these policy challenges are exceeded only by the urgency that arise from the genocidal destruction now accelerating in southern Sudan.

If we do not rise to these challenges, it will be a moral failure of the first order and history will judge that failure savagely.

Thank you.

[The prepared statement of Dr. Reeves follows:]

PREPARED STATEMENT OF ERIC REEVES, PROFESSOR, SMITH COLLEGE

Sudan's ongoing human catastrophe demands of the United States the clearest and most decisive policy response. Indeed, such a policy is long overdue, as present peace negotiations founder for lack of decisive and coordinated international support. The State Department must fashion a comprehensive policy for Sudan, devoting the necessary diplomatic resources; it must work with our European allies to create a clear and unified peace process; and it must respond effectively to the incontrovertible and massively destructive realities of oil development in Sudan. And it must do all this with an appropriate sense of urgency and high-level leadership.

For the destruction and displacement of the Nuer and Dinka people of the oil regions and elsewhere in the south is nothing less than genocide—the deliberate destruction of these people as non-Islamicized, non-Arabized impediments to further oil development and the consolidation of Khartoum's military grip on political power throughout Sudan. The Khartoum regime has revealed an ongoing willingness to deploy high-altitude bombers, helicopter gunships, and ground assault forces against civilians, including innocent women and children, adding to the unfathomable human suffering and loss of life in southern Sudan—now exceeding two million dead and four million displaced.

These realities lead me to believe that we simply cannot accept as a principle of US policy the limitations articulated by former Senator John Danforth in his recent report to President Bush: "we would not attempt to arbitrate the competing claims of the parties in Sudan." Genocidal destruction does not afford us the luxury of such moral equivalency in assessing the war in Sudan, or the ways of ending it. This is not to argue against engaging in a serious peace process, even with the brutal Na-

tional Islamic Front regime. Rather, it is an argument for assessing soberly and realistically what will be required to insure that Khartoum's engagement is in good faith.

For this reason it would be unwise to see in the Danforth report anything approximating to a policy roadmap. Indeed, the report is fundamentally misconceived in its approach—expending US leverage with Khartoum, such as it is, in so-called “confidence-building measures” rather than in holding the regime to a clear time-table and set of benchmarks in a fully credible and unified peace process. This is not to diminish the importance of the issues addressed in the Danforth report. But ending the terrible scourge of government-sponsored slavery, securing unconstrained and ongoing humanitarian access, halting barbarous assaults on civilians, and even sustaining a cease-fire in the Nuba Mountains—all require a just and lasting peace if they are to be truly realized.

To be sure, there is presently particular urgency for humanitarian relief efforts. The National Islamic Front in Khartoum is now deliberately withholding humanitarian aid from 1.7 million people, the latest estimate from UN's Operation Lifeline Sudan. This continues a long and unforgivably cruel policy of manipulating humanitarian aid as a weapon of war. I attach several documents bearing on the present deteriorating situation of Operation Lifeline Sudan (OLS) which show how Khartoum, even when not explicitly denying humanitarian food aid, manipulates the procedures of OLS to deny emergency food and medical aid to southern civilians. As I have suggested in a recent analysis, Khartoum has begun a process that could result in the total collapse of OLS. But as important as it is to work for an end to Khartoum's manipulation of humanitarian aid as a weapon of war, the most meaningful humanitarian relief can come only when a just peace has been secured.

With such a goal in mind, the US should also commit the financial support necessary for long-term peace-building, and in particular to the strengthening of civil society institutions and capacity to insure that a just settlement will be deeply rooted and sustainable. This represents a modest commitment in light of the massive US expenditures over thirteen years of participation in Operation Lifeline Sudan. Peace will not come easily to Sudan, and it will be sustained only with vigorous commitment to reconstructing a viable civil society. The State Department should be thinking now about how to win the peace that presents itself as a clear, if tenuous, opportunity.

But the opportunity for peace must be seized in effective fashion. Too often the Danforth report has put the horse before the cart, unwilling to see that many important issues simply cannot be resolved without first securing a just peace. At other points, the report attempts to prejudge critical diplomatic issues. This is especially true in its commentary on the possibilities for the southern self-determination referendum that is one of the key features of the “Declaration of Principles.”

This “Declaration of Principles” has anchored the Intergovernmental Authority for Development (IGAD) peace process since 1994, but more significantly since 1997, when Khartoum agreed to negotiate peace under these key principles. The US has committed itself fully to the IGAD process, as have our European allies. The self-determination referendum holds out the possibility of southern secession as one outcome of a vote to be held after an interim period. Thus the Danforth report's unilateral effort to abrogate the terms of self-determination—virtually ruling out the possibility of secession—compromises US commitment to the IGAD effort, and in the process accedes to Khartoum's position on this key issue prior to the peace talks in which self-determination will actually be negotiated.

This redefinition of self-determination is almost certainly an effort to induce a more cooperative effort from Egypt, which has made no secret of its intense dismay at any thought of southern self-determination; but Senator Danforth's redefinition has alienated many southern constituencies, and has left them wondering about the degree of US commitment to self-determination in any meaningful form. Egypt is a critical regional player, but must not be allowed to dictate the terms under which peace is negotiated. The Libyan-Egyptian Joint Initiative must be recognized for what it is: a transparent diplomatic ploy to take southern self-determination off the bargaining table.

The logic of the peace process is also misconceived by the Danforth report in its discussion of oil revenue-sharing. Such revenue sharing is conceived of as an engine for peace, rather than as one critically important issue that can be resolved only in the context of a concluded peace. Moreover, Khartoum—almost immediately after the revenue-sharing plan was first reported—peremptorily rejected the idea, both through First Vice President Ali Osman Taha and subsequently Foreign Minister Mustafa Ismail.

Here it is extremely important to keep in mind Khartoum's strategic goals in its war on civilians throughout the oil regions. For the most promising oil concessions

lie to the south of the only presently producing operation, that of the Greater Nile Petroleum Operating Company (with Canadian, Chinese, and Malaysian partners). Block 5a, which has over recent years seen some of the most brutal civilian destruction of a war now in its 20th year, lies within this more southerly area, and Khartoum has engaged in ferocious efforts to re-secure the concession area for the Swedish, Austrian, and Malaysian partners in this project.

Block 5b, as well as the enormous TotalFinaElf concession (running south almost to the Ugandan border), are also clear prizes for a Khartoum regime that is currently spending more on the war than present oil revenues can fund. The regime has, in effect, heavily committed future revenues from oil concessions presently unsecured. There is no oil revenue to share, given Khartoum's voracious appetite for military hardware; there is even less inclination to do so as long as the regime believes it can control more of the extremely promising oil concession areas lying further south.

But to accomplish this the regime must conduct many further attacks of the sort that the world caught a glimpse on February 20th of this year, in the village of Bieh, just off the newly constructed oil road in the middle of Block 5a. There two of Khartoum's helicopter gunships, in broad daylight and at point-blank range, poured heavy machine-gun fire and rockets into thousands of innocent women and children gathered to collect food from a UN World Food Program distribution site. Permission had been secured by the UN from Khartoum, the location was well-known, there was no military presence, and the building was well-marked. UN World Food Program workers were present as witnesses. None of this spared the dozens of civilians who were killed and the many more who were wounded, perhaps dying later. Bieh has now been put off limits to humanitarian relief, as has virtually every other relief site in the oil regions of Western Upper Nile Province.

The State Department is already well overdue in assembling and deploying the team of human rights monitors who will investigate attacks on civilians in southern Sudan. The important achievement of the Danforth mission in securing agreement on this issue is being squandered for lack of an effective monitoring regime. I have attached what I believe is a compelling outline of such a regime, offered to Senator Danforth by Human Rights Watch in December 2001—well before agreement was reached between Khartoum and the SPLA/M on this issue in March. The ongoing aerial attacks on southern civilians in the oil regions, reported by various sources, are presently not being investigated, despite the signal opportunity provided by agreement between the combatants.

I have deliberately used the word "genocide" to describe the realities of southern Sudan and to indicate why we may not afford to indulge the moral equanimity that lies behind the refusal of the Danforth report to "arbitrate the competing claims of the parties in Sudan." For whatever the diplomatic exigencies of the peace process, whatever reasonable compromises are necessary to secure a just peace, we cannot lose sight of the nature of the regime in Khartoum. They will not negotiate out of a concern for justice, or because the human suffering and destruction in the south has become intolerable. The National Islamic Front will negotiate only if it sees that there is no alternative—that its very survival politically and economically will be threatened by a refusal to engage in good faith peace talks.

Ideally the pressures on Khartoum will be applied by the US in concert with our key Western allies, though the record of Canada, Europe, and the European Union on Sudan has hardly been encouraging, with the exception of the Norwegians. The Canadian government, for example, has proved singularly impotent in restraining Talisman Energy, the only Western oil company involved in the Greater Nile producing consortium.

Despite the damning findings of numerous human rights assessment missions to the oil regions, including one commissioned by the Canadian Foreign Ministry, Talisman operates without restraint of any sort. Consequently, its airstrips continue to be used by Khartoum's helicopter gunships for attacks on civilian targets; its oil roads continue to facilitate the movement of Khartoum's ground forces; the oil it pumps to the El Obeid refinery supplies all fuel for Khartoum's deadly air assaults; and Talisman-generated oil revenues fund massive additional military purchases, including helicopter gunships, Khartoum's present weapon of choice for civilian destruction. Talisman stands as the very embodiment of western corporate evil in Sudan, and shows no sign of ending its present complicity in genocidal destruction.

It was in response to these realities that the House of Representatives passed the Sudan Peace Act with provision for capital market sanctions against oil companies like Talisman Energy. Such sanctions offer a potent means of bringing US capital market leverage to bear in a way that will help pressure Khartoum. Without such leverage, we have no obvious policy options for moving Khartoum to engage in good faith peace negotiations. If we mean to end the most destructive civil conflict in the

world today, we simply must acknowledge the ongoing recalcitrance on the part of Khartoum—we must see that their larger military strategy entails continued scorch-earth warfare to secure great sections of the south for further oil exploitation. This strategy is viable only with continued oil revenues at present or increased levels.

The House should continue to press the Senate on the Sudan Peace Act, which has stalled by virtue of the Senate's failure to name conferees. The House of course named its conferees last year. Certainly all in the Congress must recognize that without meaningful pressure on Khartoum, peace will never come to Sudan. Genocidal destruction of the sort emblemized by the attack on Bieh will continue, and our refusal to do all we could to stop this catastrophe will mark a moment of terrible moral failure.

History will judge this failure savagely.

[NOTE: Additional information submitted for the record by Dr. Reeves is not reprinted here but is available in Committee's records.]

Mr. SMITH OF NEW JERSEY. Dr. Reeves, thank you very much for your testimony. Just all of you have made, I think, a number of very important points, and not only does it help this Committee, I do believe it also helps the Administration, and you can see Mr. Winter is still here, and members of the State Department. Your criticisms, I think, are very thoughtful, and like I said, very helpful.

I just would like to yield to Mr. Tancredo. I understand he has to leave at 2:15. I yield to Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman. I am sorry I did not keep track of my own calendar there.

Well, I just wish this panel had been the first panel actually because I wish more Members were here to have heard this panel's analysis which I think was just right on target all the way across the board.

Mr. Prendergast, I should tell you that, you know, I used you as a foil in a way, not a foil really, but I mischaracterized you purposely to my wife a long time ago when we were going to go to the Sudan, and the State Department was sending cables to my house saying that they would not provide us with security because we were going into an area that they did not have the full—and my wife would read that, and go, "Are you crazy?"

And I would say, "No, this guy Prendergast, he is our security."
[Laughter.]

So I mischaracterized. I did it on purpose to allay her fears. But I want to tell you to a large extent you did provide that in a different kind of way. I mean, you gave me a feeling of security even when I hear you talk, every time we talked in Sudan you gave me that same sense of security because you know what you are talking about, and it comes across. And you have the purpose and it is refreshing because, you know, let us face it, the State Department is not a place that is, and the people there are not designed in that mode, to be specific and to be definitive about what needs to be done and how we need to act. So it is great to hear you and you do provide some sense of security there.

The one thing I wondered about was you said that the pressure point, one of the pressure points for Khartoum was IMF and debt relief. But how much of a pressure point is that if oil revenues will—as you say, I know that they have significant debt and interest on it is accruing, but right now the bulk of the oil revenues going to the people who actually, you know, constructed the pipeline and that sort of thing, but that is going to change pretty dra-

matically in a short period of time when they will begin to achieve—the north, that is to say, will be able to achieve the advantage of the dollars that flow from oil, and expand exploration if we do not do anything to stop it.

So is that really a pressure point, I mean, of great magnitude?

Mr. PRENDERGAST. Thank you very much for your encouragement. You know, the debt of Sudan outweighs any other country in Africa by far. The payment on the interest on the debt then becomes a major issue both for internal domestic investment implications as well as the debts they owe and the repayment they must make to the multilateral institutions and private institutions globally.

Now, revenues from the oil right as we speak are flat and declining. They have a certain amount of geographic area that they can exploit the oil from, but they cannot expand because of the SPLA military operations.

Now, they conducted a huge dry season offensive from January until the present to try to expand the area of operation because in order even to keep revenues flat they have got to continuously expand production. And they were unsuccessful in expanding those areas.

So the leverage point, in order for Khartoum to undertake the kinds of domestic investments, just basic domestic investments that can maintain any kind of level of governance in Sudan as well as to be able to expand and undertake the kinds of activities that it wants to conduct abroad as well as to be able to have the domestic capital to expand its own oil production, they need to receive additional financing from multilateral institutions, additional loans, and they cannot get them because they have tapped out the international market on what they can borrow because people are seeing that they are not expanding production so they do not have any equity upon which to trade. So this is a vicious cycle they have entered.

Now, this is not the predominant point that will drive them into negotiating some massive compromise, but I do think it is a form of pressure that if we prematurely let go of this will be one more thing they will put in their pocket and say, ah, pressure is relieved, we do not have to compromise.

So in conjunction with a number of other elements of a multilateral strategy of pressure, I think this one is important.

Mr. TANCREDO. Thank you.

I just will say this to all of you, when I talk about the moral high ground, and I reference that in conjunction with our discussions of our policy in Sudan, the combined testimony that you have provided to us today to me is the epitome of the moral high ground. It is exactly where we should be. It is how we can, I think, show the world what American leadership is all about, what it should be all about.

There is a moral basis for these decisions that we should be making here, and it is easier for me to say that sitting here than it is to say it sitting in the White House or in another place. I recognize that. They are confronted by a multitude of issues. But I think that after we analyze this thoroughly, one can only come to the conclusion that taking the moral high ground in this particular area with

regard to Sudan is not only the right thing to do from a moral standpoint, it is the right thing to do politically. It all works together, and one of these days, we will be able, all of us, and you gentlemen in particular, whose efforts far exceed mine, anyone else on the Committee actually, perhaps with the exception of Mr. Payne who has been involved with it a long, long time, but you will be able to walk away from this issue and say, you know what, we have done something here that is truly a shining example of what can be done when people put their hearts and minds to bringing a moral peace to this particular part of the world.

And I want to thank you from the bottom of my heart, all three of you, for what you have done to achieve that goal.

Mr. SMITH OF NEW JERSEY. Thank you, Mr. Tancredo.

Mr. Prendergast, all of the testimonies have had an incredible sense of urgency to them, that the window of opportunity is fast closing.

I am amazed myself, as you pointed out, that we still have not picked a chief operating officer. You know, policy is often personnel. If you do not have the right person there aiding this effort, IGAD, like you point out, could be on its last stand. I am not sure what it takes. Hopefully, the Administration does not have the sense that, you know, we have been there. Senator Danforth has done his bit, and now the wheels of peace will somehow inevitably grind out.

I think you have made the case that just the opposite is likely to happen as the lethality of the war escalates, and I think your timely admonishment to all of us, I think, is important, and I hope the Administration is getting that word as well from other quarters as well as your own.

The point, Dr. Reeves, that you make about the compromising the U.S. commitment to IGAD in saying that there would be no referendum on the south in terms of it being free and independent reminds me of what we had in Yugoslavia when the previous Administration, and I mean previous Bush Administration, even as James Baker was making a statement in the former Yugoslavia about international borders being sovereign and that there would be no independent states, referendums were being held or about to be held that would suggest otherwise. People voted with their feet as well as with their ballot for freedom, and now who would want to put that rump country back together again now that Bosnia, Croatia, Slovenia and all the other countries have gone into their own independent stake.

It seems to me we have that same myopia here of not seeing that this at least should be a possibility decided by the people themselves.

So you have—as Tom Tancredo said, I think you have all made some very, very important and very timely interventions, and I hope that all of us are listening to your very wise counsel.

If you have any comments before I yield to Mr. Payne.

Mr. PAYNE. Thank you very much, and let me thank the three of you for your continued interest and your insight and knowledge on the situation in Sudan.

I just might ask you all briefly, where do you stand on the capital market sanctions, and do you feel, in your opinion, that if they were applied to Sudan, that that would mean that a precedent

would be set, and therefore we are in a whole new economic situation? I just wonder what your comments on the effectiveness in your mind of capital market sanctions.

Mr. REEVES. Perhaps I can go first.

One of the interesting things about the remarks today is that nobody questions the efficacy of capital market sanctions. The issue is always the precedent we may be setting. I think you yourself raised a very good point, Congressman, about the urgency that exists in Sudan such that if we have 2 million dead now, if we have 3 million dead a year from now, 4 million dead, will we still be hearing from Secretary Kansteiner that, no, I am sorry, we cannot politicize the capital markets? Yes, the death toll has gone from 2 million to 4 million to five. Obviously at some point the capital markets, if not already politicized, must be politicized.

In a piece I published in *The Washington Post*, I argued hypothetically about a Swiss company during the second world war that perhaps was shipping Zyklon B to Nazi Germany. If that company from a neutral—that product from a neutral country, Switzerland, if the company had been listed on the New York Stock Exchange, could you conceivably imagine that we would not have delisted that company?

As it happens, our capital markets continue to be tapped not just by Talisman Energy listing on the New York Stock Exchange, Petro China, the capital market surrogate for China National Petroleum Corporation, but just this past month Petrones, the state-owned oil company of Malaysia, tapped into our debt markets to the tune of one plus billion dollars of American capital to be used if they wish in southern Sudan.

If we cannot make the case that this is the egregious situation, that Sudan's catastrophe is so great that we must declare American capital will not support it in any way, then we will never use capital market sanctions, and it seems to me those arguing that we confront a slippery slope must in turn confront the egregious examples that we might produce looking back at previous instances of genocide in the second world war.

Mr. PRENDERGAST. I can add to Eric's points, and say that on the ground there would be quite an important impact of this kind of legislation. It would have, I think, two principal impacts. It would reduce dramatically the pool of available capital and available companies for expansion of the oil industry in Sudan, and it would just as importantly reduce the technological capabilities necessary to explore and exploit the oil that exists under the ground in Sudan because the companies that have that technology are listed on those exchanges. There are small wildcat companies that are not listed on the exchanges that will go in. In fact, they feast on places that have sanctions against them.

But the companies that are needed in Sudan today are the ones that have the technology. They will not go. They will run from Sudan if CMS provisions are legislated.

The overall ability, therefore, of the government to expand oil production would be compromised severely by the imposition of capital market sanctions. Certainly they should have happened 4 years ago. That is when we really could have made a difference. We could have stopped the pipeline. It is there. But as was pointed

out earlier, they can only pump so much through that pipeline, and they need to build an additional pipeline to increase production, and that will not happen either if capital market sanctions is there.

So most importantly the point is that as capital market sanctions become a critical element of leverage for the United States to help bring peace to Sudan, and we have to set that bar, the bar that Eric is talking about somewhere, and it certainly should be high because no one wants to throw capital markets asunder. But that bar has to be set somewhere, that there has to be a point at which egregious human rights violations impact the private sector and hold onto that bar.

Mr. ISAACS. I am not an economist nor an analyst in these things, but I am just wondering on the precedent issue and particularly on the question of mixing economics and politics, I thought that was a comment hard to understand.

But was there not some kind of precedent set with the Helms-Burton Act with Cuba, and was there not some kind of a precedent approached in the anti-apartheid embargoes?

So, you know, I am not a historian, I do not know this, but that just sort of comes up in my mind if I am wondering if that might be something to look into.

Mr. PAYNE. And that was one reason I did not want him to try to explain what he meant. But the Eminent Persons Group, I guess they have returned recently, and we have been on recess, and I have been unable to catch up on exactly what was reported.

Does anyone have a thumbnail sketch of what the Eminent Persons Group submitted in their report?

Mr. REEVES. I think they have found what every other credible human rights report has found, which is that slavery does exist in Sudan; that it is sponsored by the National Islamic Front regime; that slavery is the appropriate word. The report did not quantify, did not attempt to quantify on the basis of the evidence they were able to assemble, but I think the lack of clarity that has existed by virtue of our using different words to describe the realities of chattel slavery has confused the issue, and I think if nothing else the Penn Kemble Mission has disambiguated the language. Let us call slavery, slavery. Let us not call it abduction.

If people are taken into captivity and made to work in the conditions which many of the young people and women from the south are made to work in, if the coercion is of the sort that we see in the lives of those taken from the south, this is slavery, and the fact that the report was able to establish that this is government supported, again squares with every human rights report that we have today.

Mr. PAYNE. You know, it was surprising to me. Thank you. Now I do remember hearing part of the report. But the thing that was so surprising that it was felt that this was a great breakthrough—in the Danforth Report—that they were going to study to see whether slavery existed. I mean, I thought that was determined when the Baltimore Sun's reporters went down in 1996, I think, or 1995, when they actually had photos and kept a log of everything that went on.

But first of all, I wonder why the government of Sudan agrees to allow a group to go in to find out something that they all know

exists. My question, once again, is the administration of the government of Sudan so unusual to try to understand what sort of governance, what kind of policies they have. I mean it is mind boggling, as I indicated before, when our envoy is there, those who are trying to almost appease the government, they do acts like bombing civilians while U.S. officials are there trying to negotiate some kind of a settlement. So I am not very surprised that they were able to verify that.

What is your take, any one of the three of you, on the sort of suggestion in the Danforth Report that the self-determination is really not an option because that actually, in my opinion, changes U.S. policy? We have never really said that we did not think that we would almost oppose self-determination if it came to that, which simply means a separation if you take it to its final point.

Anyone have a comment on that?

Mr. PRENDERGAST. One quick point. I think all of us will probably have something to say about it because it is so extraordinary.

The Bush Administration was deeply undercut in its credibility as a mediator, and as a supporter of the IGAD process, by early drafts of the Danforth Report getting circulated around, drafts which indicated that in fact, as you are pointing out, Congressman Payne, that he was basically withdrawing the option of independence as one of the options in the context of the self-determination referendum, which is just mind boggling. It is just walking back policy in a paper that of course was going to be taken very seriously.

The Administration scrambled and sort of came up with some compromise language that softened it a bit, but still the damage is done. It has hurt the U.S. in its effort to be a supporter of a serious peace process here. So now we are scrambling to retain some of the important credibility that we have with one of the two parties, the SPLM, and that will take some time to rebuild that credibility.

But I think I would really, really urge you to consider what Francis Deng has told us today; that indeed the self-determination referendum, a referendum on whether or not the southern people remain part of the State of Sudan or whether they find their own country, that is the principal form of leverage that the southern people will have absent fighting a way that will ensure that the government will implement whatever agreements are reached at the table that would guarantee the kind of rights and the kind of freedoms that would make people want to stay in a united Sudan.

So in fact a self-determination referendum with an independence choice, an independence option is the best guarantor of unity if it is respected. So I think that would be the most important thing to walk away from, and the reason why the United States cannot walk back on its commitment to the IGAD Declaration of Principles, which inherently contains the point we are just making.

Mr. ISAACS. I agree with what John is saying. People have a vision of a new Sudan, and like a vision, it is out there but you are not exactly able to define it. Some of them see it as a separate south Sudan and some of them see it as a whole Sudan. I think that is something that the society itself has to work out, and I believe that is why the Declaration of Principles calls for a period of transition.

And my thought is if the political leadership feels like if they have some time they could work toward educating people to see the advantages of staying together, but I do not believe that it can be taken off the table. In fact, the way that it was sort of released reminded me when the war started in Kosovo and the statement was made then by the Administration that ground troops would not go in. Everybody knew what the limitations were and our credibility was in fact lost.

Mr. REEVES. I would associate myself entirely with John's remarks about the importance of conceding of self-determination in IGAD terms. If the U.S. is perceived as reneging on its commitment to IGAD, which is the effect of redefining self-determination, it will be extremely difficult to convince the southern opposition that we are in fact as committed as we declare we are to an IGAD process or an augmented IGAD process if before the real negotiations begin we have begun to attenuate the possibilities for self-determination. We have lowered the negotiating bar for Khartoum and we have done so, I would argue, gratuitously. There is no need for Senator Danforth to lower the bar for Khartoum to begin to renegotiate the terms of the IGAD process. I think it was a deep mistake and creates incoherence within the Administration.

Mr. PAYNE. That is true. You know, I want to ask another question, but you have indicated that this was sort of a concept, something that sort of was a negotiating tool. Well, maybe 30 years ago or so, Malcolm X and Elijah Mohammed said that there should be a separate state in the United States, just a Black nation, period, and that we should just separate. We should just have this nation.

Well, you know, what really happened was that up until that time there were a tremendous amount of race discrimination laws, there were all kinds of discriminatory practices going. You know, Malcolm X said, you know what, we are tired of it, you do not like us, we do not like you, we demand and we are just going to have a Black nation in the United States of America.

Well, then everybody started saying, well, we really do not want you to have your own nation. I mean, how are you going to do it and what land would it be, what states would it be, how are you going to get there. It is impossible. Let us sit down and let us try. Many of you might not have followed the movement that much, but I did at the time because I was just almost a part of it. People started to then say, well, we do not want that to happen. This is one nation, you know, under God, indivisible and all that, you know, liberty and justice, and started to sort of work toward how could we make this a more perfect union, how could we start to try to involve and include everyone.

And so I think that the Danforth Report did a lot of damage. Whether that was really what IGAD said—and they were probably maybe a little bit ahead of our thinking here in the west because they may have said, well, if you say let us just separate, then maybe the people in Khartoum eventually will say, well, let us see what we could do to try to make this thing work. So I think that it was unfortunate that that was also put in it.

Mr. Chairman, I think I have taken a lot of time. Thank you very much. I yield back.

Mr. SMITH OF NEW JERSEY. Thank you very much.

Do any of our witnesses have any final conclusions or statements?

Yes, Mr. Prendergast.

Mr. PRENDERGAST. Just one thing to pick up on what you said earlier, Congressman Smith, and that was that I wanted to make clear that are we devoting the kind of resources necessary to help bring peace to Sudan when President Bush himself is saying that this is going to be a major part of the Administration's foreign policy. Apparently at his meeting with Senator Danforth a couple of weeks ago he made it very, very clear that he wants this to be a high priority, the resolution of the Sudanese and the U.S. involvement in it.

And I think it is thus very, very important that your Committee, as the oversight Committee, really stays on top of the United States' efforts in this regard to ensure that the high level engagement that is necessary is deployed. President Mubarak is here. They, of course, have to deal with the Middle East. But at the end at least President Bush ought to be saying to him, we are going to be stepping up our engagement on Sudan. We know that is one of the most important issues in the foreign policy of Egypt, and in the national security policy in Egypt, and we want to work with you. We are going to dialogue on this a lot because it matters a lot to us.

Stepping the issue up to the Secretary, to the President, Vice President, making sure that this becomes a major priority, I think that when you have your opportunities to see them, every once in a while throw those kind of things in there, it will make a difference.

Thanks.

Mr. SMITH OF NEW JERSEY. Thank you very much. And we were talking earlier about staff and several Members about having a series of follow-up hearings, oversight hearings, probably with the two joint Subcommittees, International Operations and Human Rights, and the Africa Subcommittee, similar to what we did in previous years, but now again you give us the gist of a number of follow-up questions I think that will be very helpful, and in all of our private conversations.

All of us frequently talk to people at the White House, and, you know, I hope that Bush does believe that more should be done. But very often it stops there, and there needs to be follow up. The key is always in the follow up.

We have found that even with the human trafficking legislation, after we briefed everyone within this incoming Administration last year, we said we are going to have an oversight hearing or a series of hearings. We want to know what you are going to do just to implement the law. The word was "shall," not "may" in the way we drafted the law.

Months went by, nothing was being done, and finally we set a date and all of a sudden things got done. So there will be, I can assure you. Mr. Payne and I, and of course Chairman Hyde, will follow up very aggressively on this because if that window closes, as you pointed out and others have pointed out, the death count and the morbidity count will skyrocket even more.

So thank you for this very important and very timely intervention, and all of you have made excellent points. Tom Tancredo said it best, all of us wish that the State Department had heard everything you said earlier, but we will convey it, and some have stayed to listen as well. So we appreciate it.

The hearing is adjourned.

[Whereupon, at 2:35 p.m., the Committee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

QUESTIONS FOR THE RECORD SUBMITTED TO THE HONORABLE WALTER KANSTEINER, ASSISTANT SECRETARY, BUREAU OF AFRICAN AFFAIRS, U.S. DEPARTMENT OF STATE, BY THE HONORABLE JOSEPH CROWLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Question 1:

How can the two sides overcome their distrust of each other and stop seeing this conflict as a zero-sum game?

Answer:

Urging both sides to lay down preconceived notions and negotiating strategies is the only way the Sudanese civil war will end. This is no simple task, however. The civil war has been raging off and on since 1956.

The effort to move the parties to the conflict away from their entrenched feelings of distrust began with the introduction of Special Envoy Danforth's four interim tests. While the tests are still under implementation, there has been an opportunity for each side to build, and demonstrate, a measure of trust. Despite some shortcomings, Senator Danforth has identified, and President Bush agreed, that both parties have shown sufficient will for the United States to assist in the pursuit of peace.

The United States, in concert with the international community, is working to build on that will by holding the parties to their agreements. This is accomplished through careful monitoring and verifications of the agreements. Only through these mechanisms are the parties able to develop the trust they need to carry on negotiations for the peace and end the civil war.

Question 2:

How might the International Criminal Court (ICC) be used to promote peace initiatives in Sudan or, at the very least, to deter such crimes from being committed in the future?

Answer:

The International Criminal Court (ICC) is unlikely to play a significant part in promoting peace initiatives in Sudan. Peace initiatives will succeed if they address the points of contention and if the belligerent's desire to live by them is legitimate.

That is not to say, however, that the parties to the conflict should be immune from the threat of prosecution for war crimes. They should be prosecuted to the extent allowable. That prosecution, however, should be one that serves the Sudanese people's desire for justice or, like the South African model, reconciliation.

Consideration should also be given to indigenous justice and arbitration systems that can address war crimes. These systems have been sophisticated and well established within communities in Sudan. Unfortunately, the ongoing civil war keeps these systems from being effective.

The first step the international community should take to end killings and atrocities should be to end the conflict. Once peace has been achieved, traditional avenues of justice should have the first chance to tackle war crimes, genocide and other issues. Once traditional forms of justice have been utilized, it should be up to the will of the Sudanese people to determine if justice is to be meted-out by an international tribunal on war crimes.

Question 3:

If the United States offered a resolution to the United Nations Security Council detailing the continuing crimes against humanity and war crimes being committed in

the Sudan, thereby holding leaders of the National Islamic Front regime in Khartoum individually accountable for their actions—and if the Security Council referred the Sudanese abuses to the ICC—do you think the Sudanese government’s behavior would change? Would such steps help restore peace in the region?

Answer:

Bringing charges of war crimes and crimes against humanity is certainly one step the international community can take to put pressure on the regime in Khartoum to reach a peaceful settlement.

Unfortunately a number of actors and groups that have participated in the civil war are tarnished by accusations of war crimes. Subsequently, if prosecutors were to focus on the government along for war crimes, this would detract from any proceeding’s balance and legitimacy. The government’s best defense could, and most likely would, be that until accusations of war crimes are prosecuted evenly and in accordance with the rule of law, no verdict would be legitimate.

The best avenue for seeking peace, consequently, is to apply the fullest force of our diplomatic efforts to move the parties to the peace table and help them negotiate a solution that is both just and lasting.

PREPARED STATEMENT OF THE HONORABLE JEFF FLAKE, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF ARIZONA

Any discussion of this issue must begin by acknowledging that all involved here today support the goal of a just peace in Sudan and an end to the suffering of its people.

From the beginning of his Administration, President Bush has made clear his personal concern about Sudan and has spoken out about the terrible war waged by the government in Khartoum against its own people, especially in southern Sudan. With an estimated two million people dead and four million displaced, this war has taken an immense and unacceptable human toll.

The President has already taken significant steps to try to end this war and help the people of the South. First, he appointed AID Administrator Andrew Natsios as special humanitarian coordinator for Sudan. Second, as we will hear today, the President named former Senator John Danforth as special envoy for peace in Sudan. I look forward to hearing from Assistant Secretary of State Kansteiner on the Administration’s efforts.

Let me just make a few remarks regarding the Sudan Peace Act. All versions share an evident desire to promote peace and to alleviate the terrible suffering of the peoples of southern Sudan, a goal we of course share as well. Moreover, all versions appear in the context of comprehensive U.S. economic sanctions against Sudan, which remain in place and continue to be enforced.

Since the bill passed the House last year, I have become concerned with some of the provisions in the House version of the bill, specifically Sections 8 and 9.

The Administration, while supporting the passage of a Sudan Peace Act, has also voiced some concerns with those provisions. The official Statement of Administration Policy (SAP) on the bill when it came to the House floor opposed Section 8 because “of the potential to damage U.S. and international capital markets and to undermine the independence and prerogative of the SEC to determine the nature and definition of information that is material to the investor.” Additionally, with respect to Section 9, the spokesman for the State Department stated last August 8 that the Administration believes that prohibiting access to capital markets in the U.S. would run counter to global U.S. support for open markets, would undermine our financial market competitiveness, and could end up impeding the free flow of capital worldwide—all of which are inimical to U.S. interests. Also, Federal Reserve Chairman Alan Greenspan testified to Congress that “the clear outcome of such a law would effectively be to move financing from New York to London. I’m most concerned that if we move in directions that undermine our financial capacity, we are undermining the potential for long-term growth in the American economy.”

Neither Section 8 nor Section 9 of the House bill seems likely to achieve its goal, while both provisions will likely harm U.S. capital markets. Both sections address the oil industry and foreign investment in Sudan. And obviously oil is a major factor in the war. However, if the U.S. unilaterally passed capital market sanctions, it would merely enable the Khartoum regime to play one government against the other and find an easy replacement for any western oil company that may leave Sudan.

Section 9 would force oil companies to raise capital overseas rather than in U.S. markets. The negative aspect of this section—shifting business away from our mar-

kets, harming our ability to compete for international finance, and calling into question the reliability and openness of U.S. capital markets—is not balanced by any offsetting gains. Oil companies involved in Sudan would readily be able to raise capital they need offshore, so that neither they nor the Sudanese oil industry would be affected in any significant way.

Section 8 seeks to encourage disclosure of involvement in Sudan by any company active there. While the goal is the positive one of giving American investors all the information they need, the method is problematic. The independence of the Securities and Exchange Commission should not be compromised by forcing upon it decisions about materiality that should, in the best interest of investors, be made by experts based on the merits. The SEC should decide whether a company's significant investment in Sudan might affect its share price, and thus be considered material information to investors. Were the precedent established of having such decisions made by Congressional vote, one can easily see the future imposition of a wide range of political decisions—such as labor or environmental standards, all potentially cloaked as “materiality”—judgments best left to the SEC if investors are to be protected.

For these reasons I believe the best way to bring peace to the Sudanese people is to let the Administration continue its active efforts and see what the outcome is.

