

**U.S. Senate Committee on Foreign Relations
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I thank the Chairman and members of the Committee for inviting me to provide a strategic overview and perspective on U.S. policy towards Sudan.

Sudan and the Region

The conflict in Darfur, the long-standing war between northern and southern Sudan, implementation of the Comprehensive Peace Agreement (CPA) and even the quiescent problems in eastern Sudan are related. The linkages may not always be thoroughly understood, but there is an effort to consider all these issues when formulating policy towards Sudan.

The conflicts in Sudan also impact the wider region. Geographically the largest country in Africa, Sudan has a border with nine other countries. Darfur has had a dramatic effect on Chad-Sudan relations. It has also complicated the situation with Libya and the Central African Republic. Earlier unrest in eastern Sudan had an impact on relations with Eritrea and to a lesser extent Ethiopia. While all of these neighbors would prefer that these problems in Sudan did not exist, they have contributed at different times both positively and/or negatively towards their solution. When Khartoum believes the contribution has been negative as in the case of Chad, Sudan has responded in kind.

Most of Sudan's nine neighbors would prefer to see the problems between northern and southern Sudan ultimately resolved with southern Sudan remaining united with the rest of Sudan. Egypt is the most committed to this position because it receives 95 percent of its fresh water from the Nile, all of which passes through northern Sudan and some of which transits southern Sudan. It does not want to negotiate with another state in southern Sudan on differences over allocation of Nile water. Ethiopia, Eritrea, and Libya have traditionally expressed a preference for a united Sudan. The Democratic Republic of the Congo and Central African Republic have been generally silent on the question. They probably do not want to see the precedent of redrawn boundaries in Sudan that may impact their own future. Uganda and Kenya seem to be ambivalent about an independent southern Sudan. They may have concluded that they could benefit economically from a new southern Sudan that looks south rather than north. Chad would normally support a united Sudan so as not to have a precedent that has negative implications for its own political future. The troubled relationship between N'Djamena and Khartoum in recent years concerning Darfur has complicated matters. Both countries have charged the other with supporting opposition groups across the border. These differences may cause Chad to prefer an independent southern Sudan even if it is not in its long-term interest and encourages a similar division in Chad.

A geographically unified Sudan is dependent, of course, on the willingness and ability of Khartoum to make unity attractive to southern Sudan and southern Sudan's willingness to leave the door open to the possibility of unity. The record has not been good on this score so far and time is running out. Darfur and eastern Sudan have not, at least not yet, been pressing for independence. This could become an issue, however, if their grievances are not resolved and if southern Sudan opts for full autonomy in the 2011 (or later) referendum. Finally, should southern Sudan decide to vote for independence and Khartoum allows the separation to occur, there is no guarantee that southern Sudan would remain one geographical entity. There are significant regional differences today that if managed poorly could result in serious pressure for further divisions.

What happens in Sudan in the coming months and years will have important implications for a large chunk of Africa. As a result, it will also impact the United States and the international community generally, especially the donor community. Although some observers may argue that a breakup of Sudan and even splits in an independent southern Sudan are a good thing, I respectfully disagree **SO LONG AS** Khartoum can make unity attractive to southern Sudan. A balkanized Sudan would increase the number of relatively poor, land-locked countries that have a highly questionable economic future. They would still lack truly meaningful boundaries because ethnic groups do not live in clearly demarcated areas and a pastoral lifestyle is common. The existence of oil, although providing badly needed revenue for some, would exacerbate tension among the new political entities. In the worst case scenario, this means more conflict, internally displaced persons, refugees and requirements for emergency assistance.

All of the parties, but especially the government in Khartoum, to these existing conflicts has an enormous responsibility to make every conceivable effort to avoid the worst case scenario. The first step is working much harder to make unity attractive to southern Sudan. Should that fail, it is incumbent on Khartoum to implement the CPA, including the referendum on independence. While it is important to maintain efforts to resolve the conflict in Darfur and not to forget about the fragile situation in eastern Sudan, the priority should be making unity attractive to southern Sudan. Agreement by most southern Sudanese to remain part of Sudan, even with substantial local autonomy, would go a long way toward preventing the eventual unraveling of the country. Khartoum's past record for accommodating southern grievances going back to the 1972 Addis Ababa peace agreement does not encourage optimism. This is probably Sudan's last chance to avoid putting in motion events that could result in additional divisions.

Acknowledging and Responding to Change in Sudan

While there is still much to criticize in Sudan, it is important to acknowledge progress when it occurs. I have followed U.S.-Sudan relations since I served at the U.S. embassy in Khartoum from 1983 to 1986. Sudan continues to make some decisions that almost seem designed to poke a finger in Washington's eye. At the same time, however, the United States has a propensity to move the goal posts when there is positive movement on the Sudanese side. This has not built confidence over the years.

There is the issue of Sudan's continuing inclusion on the U.S. list of state sponsors of terrorism. The United States appropriately put Sudan on the list of state sponsors of terrorism in 1993. The situation has changed. Sudan began even before 9/11 to cooperate with the United States on counterterrorism. It significantly expanded that cooperation after 9/11. The State Department's Country Reports on Terrorism for 2006 described the Sudanese government as "a strong partner in the War on Terror." The report for 2007 reaffirmed the cooperation and added, "While the U.S.-Sudanese counterterrorism relationship remained solid, hard-line Sudanese officials continued to express resentment and distrust over actions by the USG and questioned the benefits of continued cooperation. Their assessment reflected disappointment that Sudan's counterterrorism cooperation has not warranted rescission of its designation as a state sponsor of terrorism."

The most recent State Department report covering 2008 stated: "Sudan remained a cooperative partner in global counterterrorism efforts. During the past year, the Sudanese government continued to pursue terrorist operations directly involving threats to U.S. interests and personnel in Sudan. Sudanese officials have indicated that they view their continued cooperation with the United States as important and recognize the benefits of U.S. training and information-sharing." The 2008 report added: "With the exception of HAMAS, whose members the Sudanese government consider to be 'freedom fighters' rather than terrorists, the government does not appear to openly support the presence of extremist elements."

There is no logical justification for leaving Sudan on the U.S. list of state sponsors of terrorism. In my discussions around Washington on this subject, I sometimes hear the response that removing Sudan from this list would end sanctions against Sudan, and until there is more improvement in Darfur, there is no willingness to end sanctions. This is an inaccurate analysis. The United States has a tangled web of sanctions against Sudan tied to the list of state sponsors of terrorism, debt owed the United States, military coup provisions, religious freedom sanctions, trafficking in persons sanctions and Arab League and boycott sanctions. Removing Sudan from the list of state sponsors of terrorism would end many impediments to providing assistance to Sudan, but other provisions would remain in effect that effectively bar U.S. assistance to Sudan. It would take years to untangle this legal jungle and in some cases require action by Congress. (For those interested in this topic, I commend to you the March 2004 report published by the Center for Strategic and International Studies by Bathsheba Crocker entitled *Addressing U.S. Sanctions against Sudan*.)

There is also the highly emotional charge of continuing genocide in Darfur. Article II of the 1948 Convention on the Prevention and Punishment of Genocide identifies two elements that constitute the crime: (1) the mental element, meaning the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such" and (2) the physical element which includes five different acts. A crime must include both elements to be called genocide. The five acts are: (1) killing members of the group; (2) causing serious bodily or mental harm to members of the group; (3)

deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (4) imposing measures intended to prevent births within the group; and (5) forcibly transferring children of the group to another group.

Secretary of State Colin Powell declared in September 2004 before this Committee that the actions of the Sudanese government and its proxies amount to genocide against the people of Darfur. That was almost five years ago when the Sudan government supported the Janjaweed, which killed tens of thousands of persons. The situation in Darfur has changed significantly. In all of 2008, UNAMID reported there were about 1,550 violent deaths in Darfur. Less than 500 were civilians. More than 400 were combatants of various rebel groups and about 640 died in inter-tribal fighting. The Sudan government armed the militia involved in the inter-tribal fighting and is ultimately responsible for these deaths. This was and continues to be a deplorable situation, but it does not meet the definition of genocide. I have not seen the figures for 2009 but doubt that killings have increased. Nor is there any other new evidence to suggest the situation in Darfur continues to meet the definition of genocide in the 1948 Convention.

When I made this assertion before groups in Washington this year, it was often met with derision. A few senior people in government even responded what difference does it make what you call it. In view of the emotional baggage that accompanies the charge of genocide and the implications that it has for taking remedial action, the distinction is very important. Those who continue to say there is ongoing genocide in Darfur should at a minimum make the case why they believe it merits being referred to as genocide. To the best of my knowledge, no other nation has identified what is happening in Darfur as genocide. The United Nations and most other countries have called it crimes against humanity. While the United States should do everything within its power to end the death and displacement in Darfur, it is time to drop the genocide label.

Some Specific Policy Suggestions

- On the assumption that it is still possible to achieve an outcome in the referendum on the future of southern Sudan that results in a unified Sudan, the United States and the international community should recommend to the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) that they agree to work with a small international group of experts who would try to design an agenda that makes unity attractive to southern Sudan.
- A lasting regional peace requires a strategy that takes into account the internal governmental weaknesses and instability in Chad. I endorse the suggestion by Project Enough in its July 2009 *Chad's Domestic Crisis: The Achilles Heel for Peacemaking in Darfur* that the United States should become more actively engaged in efforts to obtain genuine political reform in Chad. This can only be accomplished in close collaboration with France and Libya and perhaps several others. The Obama administration is in a strong position to forge these partnerships and to work towards progress on Chad's internal weaknesses.
- The talks on Sudan that took place in Washington in June 2009 were largely tripartite in nature involving the United States, the Government of Sudan and the

- SPLM. There were observers from key countries such as Kenya, Ethiopia, China and Norway. Moving forward, U.S. policy would be well served if the process had more direct involvement by other key actors in the international community.
- The Government of Sudan and the SPLM/A said they will accept the binding arbitration decision on Abyei announced in July 2009 by the Arbitral Tribunal. In discussions with both parties, the United States and the international community should impress upon them the importance of implementing this decision. In this regard, the international community should work with both sides to help establish a joint survey team that begins demarcation of the border.
 - The sharp drop in the price of crude has significantly reduced revenue in both northern and southern Sudan. The Government of Sudan recently sent a letter of intent to the International Monetary Fund (IMF) requesting help in monitoring Sudan's economic performance and policies. Sudan also asked the international community to help with debt relief, which is estimated at \$30 billion. The United States and the international community should support Sudan's request to the IMF for assistance in monitoring its economic performance. The international community should also begin the process of looking at Sudan's debt, especially if Khartoum makes progress in ending the Darfur conflict. The United States will not be able to take any action until the broader question of sanctions is resolved.
 - Northern and southern Sudan are currently spending the single largest percent of their budgets on the military and security. The United States and the international community should engage both sides in a dialogue that encourages them to reduce the percentage of their budgets devoted to military expenditures.
 - In concert with the international community, the United States should urge the governments of northern and southern Sudan to rebuild their agricultural sectors. Civil war in southern Sudan caused significant deterioration of agriculture. The reliance on oil revenue led to a "Dutch disease" syndrome in northern Sudan that has severely set back agricultural production. Oil revenue has the potential to do the same thing in southern Sudan. The international community should also be prepared to help revive the agricultural sector.

Operational Considerations

The official U.S. presence in Sudan is inadequately staffed and organized to cope with the plethora of issues confronting it, particularly if the United States retains a lead position in helping to resolve these problems. The United States should upgrade its representation to ambassador from charge d'affaires. It may not seem like an important change, but it is. Representation by a charge limits the ability to accomplish as much as it otherwise could with an ambassador. The United States should also reciprocate by allowing Sudan to upgrade its representation in Washington to the level of ambassador.

Equally important is the need to provide sufficient numbers of reporting staff so that the embassy can provide up-to-date and accurate information on political and economic developments throughout the country. As the embassy staff moves from the dilapidated building in downtown Khartoum to its new fortress structure in the suburbs, American personnel will become even more isolated. A new embassy is fully justified

because of the inadequacy of the current one, but the new structure will change the American presence in Khartoum from overexposure to underexposure. These fortress embassies are so inhospitable and difficult to enter that they virtually cut off contact with host country nationals inside the embassy. The burden is then on embassy staff to move around the capital and the country. To its credit, the United States was one of the first countries to open a consulate in Juba in southern Sudan. Embassy officers also make regular visits to Darfur.

In view of the complexity of the problems looming in Sudan, however, there is no substitute for an on-the-ground American presence that provides continuity and the ability for an officer to travel regularly throughout all parts of the country. Sudan is an ideal candidate for several “American presence” posts. They would consist of only one American officer and perhaps one or two local nationals hired on a contract basis. Armed with appropriate language skills, a healthy travel budget and the latest in mobile communications gear, this is the only way I know under the current fortress embassy concept to ensure a good understanding of developments in a country as large and complex as Sudan.

Launched by former Secretary of State Rice, the “American presence” concept has not taken hold in Africa, apparently due to lack of assigned positions and concerns by State Department security. This should change. Three or four “American presence” positions in some combination of the following locations make eminent sense: Nyala and El Fasher in the west, El Obeid and Kadugli in the center, Wau and Malakal in the south and Kassala and Port Sudan in the east. The “American presence” post has one significant bureaucratic advantage. It involves so few people and administrative support that it can, if requirements demand, be shut down or moved to another location without much difficulty.

Creating “American presence” positions in Sudan or many other parts of the world raises staffing and funding issues and the concerns of State Department security. There are, however, certain risks that come with a Foreign Service career and the time has passed since it should assume a few more risks in countries that are not part of a war zone. All “American presence” positions in difficult environments should be filled by volunteers. I think you will be pleasantly surprised at how many junior Foreign Service officers would like to show what they can do on their own initiative.