

**Statement of Ambassador Princeton Lyman, U.S. Special Envoy for Sudan
U.S. House of Representatives Subcommittee on Africa, Global Health, and Human Rights
Hearing**

October 4, 2011

Introduction

Chairman Smith, Ranking Member Payne, Members of the House Foreign Affairs Committee's Sub-Committee on Africa, Global Health, and Human Rights, thank you for the opportunity to come before you again to discuss the challenges and opportunities facing Sudan and South Sudan. Since I last came before you in June, we have witnessed a historic achievement – the independence of South Sudan. After decades of conflict, the people of South Sudan have peacefully exercised the right of self-determination enshrined in the 2005 Comprehensive Peace Agreement – an agreement the United States helped to negotiate and implement. This is an achievement that was not foreordained, and for which the people and governments of Sudan and South Sudan, as well as their international partners, deserve great credit. Today, the United States is committed to supporting the emergence of two viable states at peace with one another and their neighbors.

Ranking Member Payne and I had the privilege of participating in the U.S. delegation to Juba on July 9 to witness that extraordinary day – with the unveiling of the John Garang statue, the raising of the South Sudan flag, and the well-wishes of dozens of heads of state and international organizations. We also watched in awe the tens of thousands of South Sudanese who stood in the sweltering heat for more than eight hours to hear their President speak and their new national anthem played for the first time. We saw their positive reaction to President Bashir's speech welcoming the new nation and pledging good relations.

Rhetoric alone, however, will not remove the underlying tensions that continue to exist between these two countries. The peace is fragile. Several key issues from the Comprehensive Peace Agreement (CPA) remain unresolved, especially the status of Abyei and border disputes. Post-CPA arrangements for oil must also be agreed. Deep mistrust and a lack of well developed instruments of communication make progress on these issues difficult. The peace is further threatened by the outbreak of fighting in two states in Sudan, the so-called "Two Areas": Southern Kordofan and Blue Nile. These two states are in Sudan, not South Sudan, but the political issues underlying the conflict there have the same roots as the civil war that ended with the CPA, and which should have been resolved in that context but were not. International engagement on all these matters will be of utmost importance in the coming weeks and months if the full promise of the CPA is to be realized.

Unresolved CPA and post-CPA issues between Sudan and South Sudan

Let me begin with the unresolved issues between Sudan and South Sudan.

One of the most critical is the future status of Abyei, whose population has been unable to exercise its own right of self-determination granted to it in the CPA. Negotiations on this issue were severely set back by the occupation of Abyei by the Sudan Armed Forces in May. Long, hard negotiations have resulted in a new UN peacekeeping force in Abyei, led by the Ethiopian military, and an agreement for the withdrawal of the armed forces of Sudan and South Sudan.

Yet each step along the way has proved difficult. Even when both sides agreed recently for the withdrawal to take place from September 11 to September 30, in fact it did not. Both sides have raised obstacles to the implementation of the agreement, and both sides must completely withdraw from the Abyei area, and this withdrawal must be verified. The statement by the Sudan Armed Forces (SAF) spokesman that SAF would remain in Abyei until the UN is fully deployed is unacceptable, and counter to the spirit and the letter of the agreements. Meanwhile, nearly 100,000 displaced persons from Abyei remain in dire conditions. We greatly appreciate efforts by the United Nations and Government of Ethiopia to rapidly deploy a robust peacekeeping mission to Abyei. The deployment of this force, called UNISFA, and the withdrawal of armed groups will, we hope, pave the way for a final resolution of Abyei's status.

Other outstanding issues, including oil sector arrangements and resolution of disputed border areas, are in both countries' interests to resolve. Negotiations on these matters are scheduled to resume in October. Beyond these issues lie many others that the two countries should address. For example, there is still no trade agreement between the two, leading to blocked trade across the border that has produced hardships on both sides. We were encouraged by the establishment of the first intergovernmental mechanism between Sudan and South Sudan, the Joint Political and Security Mechanism, which held its inaugural meeting on September 18. Coupled with President Kiir's planned visit to Khartoum for meetings with President Bashir later this week, this will hopefully result in the establishment of a robust and regular bilateral dialogue.

Situation in the Two Areas and Our Response

The violence in Southern Kordofan and Blue Nile States is of particularly great concern. Fighting between the Sudanese Armed Forces and the Sudan People's Liberation Movement & Army, Northern Sector (SPLM/A-N) has displaced an estimated 200,000 people in Southern Kordofan and more than 134,000 in Blue Nile, though humanitarian actors have only very limited access to these areas to conduct accurate assessments of affected populations and provide needed aid. At least 25,000 civilians have fled into Ethiopia, and some 11,000 more into South Sudan.

In Southern Kordofan, there have been reports of significant human rights abuses, including arbitrary arrest; extrajudicial killings; targeting of individuals based on their ethnicity, political or religious affiliation; and, indiscriminate bombing of civilians. There has reportedly been deliberate obstruction of vital routes required for resupply of food and aid.

Mr. Chairman, accountability for human rights violations that have occurred in the Two Areas is critical to a lasting resolution of the conflict. We will continue to push for a credible, independent investigation of violations of human rights that will contribute to efforts to bring those responsible to account. Unfortunately, to date, there has been insufficient support in the UN Security Council for such an investigation. While just last week, we successfully secured renewal of the Independent Expert on Human Rights by the UN Human Rights Council, this Expert will not be in a position to mount an investigation of the type and scale that is warranted.

We are also deeply concerned with the looming humanitarian crisis in these areas. Ongoing bombing has caused many people to flee their homes. Food stocks have been depleted and the planting season interrupted. We believe a major humanitarian crisis may be developing in

Southern Kordofan and potentially in Blue Nile. We have urged the Government of Sudan to allow an international agency such as the World Food Program and/or UNICEF to have full access to these Two Areas, but so far they have been denied. We condemn the Government of Sudan's ongoing denial of humanitarian access. While the ultimate resolution of the conflict in the Two Areas requires negotiations and a political solution that addresses the broader issues at stake, the issue of humanitarian relief is too urgent to await a political solution. Humanitarian access must not be conditional on a ceasefire or progress on political talks—the Government of Sudan and the SPLM/A-North must allow access even while conflict is ongoing. The Government of Sudan can and should immediately allow humanitarian organizations to undertake humanitarian assessments in affected areas and provide assistance commensurate with the needs of those populations. Mr. Chairman, the Administration has sent one of our most trusted Africa experts, Ambassador Mary Yates, to Khartoum as Chargé d'Affaires to provide consistent high-level dialogue on these issues with the Government of Sudan.

The conflict in Southern Kordofan and Blue Nile cannot be solved militarily. Our view is that continued armed conflict will result only in a stalemate and prolonged suffering by the citizens of the Two Areas. There is also the danger that the conflict could spread, with possibly serious consequences for the peace between Sudan and South Sudan. South Sudan must be careful not to be drawn into this conflict, and it should be working along with others to promote a political solution. Both the Government of Sudan and the SPLM/A-N must be ready to address the underlying political as well as security issues as part of a political dialogue. In June, both sides agreed to such an approach in a Framework Agreement, but the Government of Sudan has since reversed its decision on that agreement. We commend the efforts of the African Union High-Level Implementation Panel, led by former South African President Thabo Mbeki, as well as the efforts of Ethiopian Prime Minister Meles Zenawi and UN Special Envoy Haile Menkerios, to bring the parties back to the negotiation table. The June 28 Framework Agreement created a process to address political and security arrangements for the Two Areas; it was a welcome step forward and it is vital that the parties return to the principles of it.

Darfur

The Darfur conflict remains unresolved, despite significant international efforts to support a mediated settlement. In July, the Government of Sudan signed a peace agreement in Doha with the Liberation and Justice Movement (LJM) – one of the four major armed movements. The agreement represents a step forward in the Darfur peace process, and we have called upon the Government of Sudan, in consultation with LJM, to implement provisions in the agreement that could immediately improve the lives of Darfuris, such as setting up a National Human Rights Commission, a Compensation Fund for victims of the conflict, a Special Courts system with UN and AU monitoring to try alleged perpetrators of war crimes, and a Land Commission to address one of the main drivers of conflict in Sudan.

Despite the signing of this agreement, an inclusive settlement with all the armed movements remains elusive. We and our partners in the international community see the Doha Document as the basis for future talks between the Government of Sudan and other Darfuri armed movements, as it attempts to deal with the root causes and the extraordinary consequences of the conflict. For this reason, we have called upon the non-signatory armed movements to refrain from armed action and to commit themselves to a political process and a readiness to negotiate on their

political objectives. At the same time, we have urged the Government of Sudan to remain open to negotiating with these movements.

After much fighting between December 2010 and May 2011, there was a lull on the ground due primarily to the rainy season. Many analysts are predicting an upsurge in violence this month as the rainy season comes to an end. We are particularly concerned about the reported return of members of armed movements to Darfur from the fighting in Libya. The Justice and Equality Movement's Chairman Khalil Ibrahim stayed in Tripoli from the beginning of the uprising there until the beginning of September. Since returning to Darfur, he has called for further fighting, including an assault on Khartoum.

While the status quo in Darfur remains deeply unacceptable, the security and humanitarian situation has improved slightly in several parts of the region. There are pockets of security and therefore better opportunities for at least some of the displaced. We believe that projects supporting sustainable livelihoods that reduce dependency on humanitarian assistance could now be undertaken in those areas where conditions permit. In these cases, we must look for ways to improve the livelihoods of communities there that have lived under abnormal camp conditions for far too long. In doing so, we will be careful that all such activities are based on the voluntary cooperation, and are reflective of the desires, of the IDPs themselves, and are in no way suggestive that the fundamental problems of Darfur have yet been resolved.

Sudan

United States policy has consistently been aimed at seeing two viable states emerge from the results of the referendum. Instability, conflict, or economic decline in either Sudan or South Sudan would impact on the other and not only raise the threat of renewed war between them but could endanger the stability of the entire region. Sudan, since the secession of the south, faces particularly great challenges in this regard. On the economic side, it has, by some estimates, lost 60% of its annual revenue with the loss of southern oil revenues. The government predicts a \$2 billion budget deficit for the balance of this year and a \$4 billion deficit next year. Inflation this year is 21% higher than last year. Food prices are rising and the value of the Sudanese pound is falling precipitously. Even with a possible financial contribution from South Sudan to ease the transition, Sudan will face several years of difficult adjustment to restore growth to previous levels.

But it is the political situation that offers at once the greatest challenge and the greatest opportunity. Right now, Sudan is engaged in war in three parts of the country – the Two Areas and Darfur – and maintains a substantial presence in Abyei. As I indicated earlier, we see no military victory in these conflicts. Meanwhile, the wars drain scarce resources and create both humanitarian and political crises. While we often speak of the conflicts in these areas independently, at the root of all of them, as with the previous conflict in the east, is the question of how Sudan will be governed in the future. This is a decision for the people of Sudan, not outsiders. But for Sudan the time is right for addressing this question. The government, in fact, recognizes that in the wake of the South's separation and the end of the Government of National Unity under the CPA, a new constitution is needed and has promised a broadly participatory process in creating it. Therein lies the opportunity to address the fundamental issues that have driven conflict in Sudan for many years, issues of power and wealth sharing, human rights, and the role of democratic institutions such as political parties and the judiciary. A broad-based

national dialogue on these issues, and a clearly defined process for participatory development of the new constitution would offer the promise of a new day in Sudan—one in which all parts of the country, and all of its people, would benefit.

It is the participatory nature of such a national effort that is most important, and such an enterprise must reach all sectors of Sudanese society, including civil society actors, workers, students, and representatives from all of Sudan's diverse populations. This process must account for the unique influence of women in Sudanese society, for they have often served as peacemakers and social advocates.

There are some, in the armed movements fighting the government, and elsewhere, that have come to the conclusion that such a dialogue and process is impossible with the present government in power, and they have committed themselves to seeking a military overthrow of the regime. But it is our belief that such a conclusion might well be a prescription for years, even decades of civil war in Sudan, with untold numbers of Sudanese killed, and no assurance that the outcome would be that which the protagonists desire. Instead, we believe that there is real need for political dialogue on all these issues, and opportunity thereby for peaceful, collaborative change. In all our dealings with the armed movements, we have urged them to develop a political platform that would lay the foundation for their participation in such a process, and to put less emphasis on threatening forced regime change. We will continue to urge the Government of Sudan to cease hostilities, engage in dialogue, and put forward its plan for constitutional development. Further, we have appealed to the government to forswear military solutions that will only prolong the crises and worsen the economic problems of the country. We will continue to press all parties for peaceful dialogue as hard as we can, for the alternative is painful to contemplate.

Peaceful political processes for addressing the current conflicts, and completion of the key post-CPA issues between Sudan and South Sudan, offers a clear path to improved U.S.-Sudan bilateral relations as well as to broad international support for Sudan, with debt relief, new investment, and assistance. Then we will indeed see two viable states, side by side, in peace and with growing prosperity.

South Sudan

Let me now turn to South Sudan. When President Obama met President Salva Kiir at the United Nations General Assembly last week, he emphasized that the United States is committed to assisting the South Sudanese as they face the responsibilities and obligations of independence. U.S. assistance programs are helping to support health care, education, infrastructure, good governance, and economic diversification in South Sudan. President Obama has nominated one of our top Sudan experts, Deputy Assistant Secretary of State Susan Page, as our first Ambassador to South Sudan, and we look forward to a close relationship with the new state. We have encouraged U.S. companies to do business in South Sudan, and I reiterate here that U.S. sanctions do not apply – South Sudan is open to U.S. business. We are working to end difficulties South Sudan is having in the banking and financial sectors as a result of confusion over sanctions, and to clarify our licensing policy with respect to South Sudan's oil sector.

Critical to U.S. investment is a commitment to transparency, accountability, and inclusive governance by South Sudan's government. History affords too many tragic examples of states—particularly those blessed with a wealth of natural resources—whose people fought long and hard for freedom but fell victim to corruption, exclusionary politics, and conflict after winning that freedom. We welcome President Kiir's commitments to his people and to the world to combat corruption, and to hold those responsible for impropriety to account for their actions. The five point plan he recently announced is bold and sweeping. It includes a strong anti-corruption unit and investigative body, a process to repatriate assets taken abroad, and new systems for transparency and accountability in the ministries. The key will be in implementation with the full political backing of his government.

Mr. Chairman, the progress the Republic of South Sudan has made in building the backbone of a functioning government since the signing of the CPA in 2005 is commendable. But the depth of administrative capacity is thin. Moving forward, it is critical for the Government of South Sudan, in full cooperation with the UN Mission in South Sudan (UNMISS) and with ongoing support from the United States and other international partners, to continue this long-term process while making significant improvements in basic service delivery. Managing the high expectations of the population will be a key challenge, and the Government of South Sudan must communicate clear, realistic priorities and timelines, and follow through on those commitments.

With the extraordinary opportunity of their hard won independence comes also great responsibility. I encourage the Government of South Sudan to uphold the fundamental responsibility owed to its citizenry by demonstrating a steadfast commitment to democracy, good governance, and respect for human rights. Key elements of this commitment include fostering inclusive, democratic institutions; encouraging the development of robust civil society and free press; and fully involving opposition groups in the political process.

To this end, the Government of South Sudan should also begin the first stage of the permanent constitution development process and ensure that it is inclusive, participatory, and transparent. Further, while the long-term process of institution building is vital, so too is the need to protect the basic rights of those currently residing in South Sudan. The United States is especially concerned about allegations of human rights abuses perpetrated by the security services of South Sudan and the increasing reports of transgressions by the police. The police are a critical institution for establishing public trust in the government and must be seen not only as respecting human rights and fundamental freedoms, but as promoting them as well. We are also gravely concerned about reports of child soldiers in South Sudan. We have sent strong diplomatic messages to both the civilian government as well as the armed forces regarding this issue. We will continue to coordinate with United Nations Mission in South Sudan and the SPLA to encourage efforts to prevent the recruitment of any child soldiers and to ensure all child soldiers are immediately demobilized. The new UN Mission in South Sudan will play a vital role in helping South Sudan address these issues and deserves our strong support. We will, along with UNMISS and other donors, also work with the Government of South Sudan to professionalize its security sector with a strong human rights culture and to begin to plan for eventual demobilization of soldiers equipped to contribute in the civilian sector to the economic growth of the country.

Lastly, let me return to South Sudan's role in preserving the peace. While we understand that the Government of South Sudan has historic ties with the SPLM/A-N, the United States is deeply concerned that support to the SPLM/A-N or Darfuri groups by the Government of South Sudan could further exacerbate the conflict in Southern Kordofan and Blue Nile, and run the risk of instigating direct military conflict with Sudan. The United States strongly urges the Government of South Sudan to use any influence it may have to encourage both the SPLM/A -North and the Government of Sudan to reopen direct lines of communication and work to find a negotiated, political solution to their concerns. President Kiir's forthcoming visit to Khartoum represents an opportunity to do just this.

Closing Remarks

Mr. Chairman and committee members, South Sudan's independence creates a new dynamic and new opportunities for Sudanese on both sides of the border. Yet, the potential for continued violence in the Two Areas and Darfur threatens to subject Sudanese to many more years of brutal conflict. Sudan has known too much conflict, Mr. Chairman, and the region's history shows us that war has only magnified suffering and postponed necessary political decisions. Sudan and South Sudan are intricately linked by history, geography, and economic necessity. Cooperation, not conflict, must define their relationship with each other. We support both states in their objective of achieving peace and development. We share with both our best counsel—that these goals are best achieved when the parties seek justice and democracy for all Sudanese through negotiations and peaceful conflict resolution. This administration will continue to engage all parties toward that end, and to partner with all those in Sudan and South Sudan who are working for peaceful resolutions and a future better than their history.