

A Critical Moment for the CPA, Darfur and the Region

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Testimony before the Senate Foreign Relations Committee
Washington, DC
May 12, 2010

Chairman Kerry, Members of the Senate Foreign Relations Committee: I am honored by the opportunity to discuss with you today the situation in Sudan and the important challenges that lie ahead. As you noted in your invitation to testify, the coming months clearly bring a series of critical decision points for policymakers in Khartoum, Juba, neighboring capitals, and here in Washington as well. I will focus my remarks today primarily on the road to the referenda in January 2011, the post-2011 planning and capacity-building that need to continue at an accelerated pace, and issues of peace, accountability, and security for Darfur.

Prior to January 2011 there are a number of tasks to be undertaken in a short time period. The United States and the international community in general must be prepared to assist the parties in this endeavor to help maintain peace and stability in Sudan and the region. Before we look ahead, though, it's important to take a moment to take stock of some of the most important recent developments.

* Chad and Sudan have made notable progress in their bilateral relationship, moving toward stopping the long-running proxy war among rebels from both states and ending support to the rebels, deploying a joint border monitoring force, and opening the border between the two countries on April 14.

* Peace talks under the auspices of the UN and African Union in Doha have resulted in unification of some Darfur rebels into two groups and involved civil society in preparations for negotiations. However, the Darfur rebel leader with the most popular support among the Fur, Abdul Wahid, has refused to participate in the talks. The Justice and Equality Movement – the most militarily significant rebel group in Darfur – last week suspended its participation in the talks amid new reports of clashes with government forces in Darfur.

* In April, Sudan held its first multiparty elections in 24 years in a largely peaceful manner. We share the serious concerns expressed by the Carter Center, the European Union, and other organizations that undertook election observation missions about widespread logistical and administrative challenges and procedural irregularities, restrictions on civil liberties, some cases of fraud, harassment by military and security services, and that the ongoing conflict in Darfur did not permit an environment conducive to elections. We also have concerns about the tabulation process. As these observation missions have also noted, the elections failed to meet international standards. There were some positive outcomes from these elections, in addition to fulfilling a Comprehensive Peace Agreement (CPA) milestone. Dozens of registered parties and thousands of candidates participated, and over 10 million votes were cast, according to the National Elections Commission. The elections period also saw renewed engagement by civil society groups and increased civic participation among the populace.

We cannot ignore the challenges that continue to exist, and there is daunting work ahead. There are less than eight months remaining until the referenda. Before those votes take place, there are important issues in the CPA that must be resolved, including:

1. North/South Border Demarcation: Earlier this year the parties approved a report detailing undisputed areas of the North/South border, but they need to agree on remaining disputed areas and urgently begin demarcation.
2. Southern Sudan Referendum Preparations: The parties must finalize composition of the Southern Sudan Referendum Commission, to be approved by the newly-formed National Assembly, and these bodies must immediately create plans to undertake voter registration and develop voting procedures within a very tight timeline.
3. Abyei Referendum Preparations: In addition to finalizing the composition of the Abyei Referendum Commission that must create similar plans, the parties must also resolve sensitive questions around who is eligible to vote in Abyei. The Abyei boundary must also be demarcated.
4. Popular Consultations for Southern Kordofan and Blue Nile: Technical committees have begun planning, but commissions to be created from newly-elected state assemblies will undertake the actual consultations. Postponed state-level elections in Southern Kordofan must first take place before this state's commission can be formed.

The above issues are complex and it is clear that time is limited. The NCP and SPLM must work together in an atmosphere of open dialogue and trust, consulting with other Sudanese stakeholders as necessary to ensure broad support. These CPA issues recently took a back seat to electoral preparations, but now the parties must refocus and intensify their implementation efforts. Both the government in Khartoum and the Government of Southern Sudan are in the process of reallocating positions based on electoral results. In the coming weeks following the elections, they will need to quickly appoint credible ministries and institutions that are able to gather support for the tough decisions that lay ahead.

As we look to the referenda, which are stipulated by the CPA and enshrined in the Interim Constitution of Sudan, we have carefully considered possible scenarios for which the international community should be prepared. The scenario we'd like to see is outlined in the CPA: credible and peaceful referenda are undertaken during which Southern Sudanese choose unity or secession, and the people of Abyei choose whether to remain with the North or join the South. In this scenario the outcomes are respected by the National Congress Party (NCP), the Sudan People's Liberation Movement (SPLM), other political parties and Sudanese citizens, as well as the international community, including those who signed on to the CPA as witnesses and supporters of implementation of the CPA in 2005. We must also be prepared to respond to less favorable scenarios.

We are mindful that the end of the Interim Period will change the relationship between the north and south, regardless of the outcome of the two referenda. We continue to strongly encourage the parties to formalize a framework for negotiations on post-CPA issues. The critical issues for agreement will include: citizenship, management of natural resources such as oil and water, the status of trans-boundary migratory populations, security arrangements, and assets and liabilities.

Agreement on such issues is necessary both to inform the choices of voters and to ensure a smooth post-2011 transition. We are committed to helping mobilize and coordinate international efforts underway to assist the parties with these negotiations. We must be prepared to invest substantial political and diplomatic energy, as well as technical assistance, to ensure that political will is fostered and agreements are not only reached but also implemented. Only with sustainable arrangements will the parties be able to navigate the many hurdles coming in 2011 and beyond.

Whether or not Southern Sudan becomes independent in July 2011, and regardless of whether it includes Abyei or not, the Government of Southern Sudan will require effective leadership as well as strengthened capacity to undertake effective and accountable governance, provide security, and deliver services to its citizenry. A robust, concerted international effort will be required to assist in this capacity-building effort.

In order to assist in building up the capacity of Southern Sudan, we are undertaking a "Juba Diplomatic Expansion" to include staffing and material assistance on the ground in Sudan to support USG foreign policy objectives. Operating under Chief of Mission authority, staff from the Coordinator for Reconstruction and Stabilization (S/CRS) and the Civilian Response Corps (CRC) will provide support to Consulate General Juba and complement USAID's robust presence in the run-up to and following Southern Sudan's January 2011 referendum. Staff is assisting in strategic and contingency planning, program oversight, and technical assistance, both in Washington and in the field.

In keeping with President Obama's emphasis on multilateral efforts in Sudan, we are working closely with our partners in the international community through the Troika, Contact Group, and "E6" group of envoys. We have an ongoing dialogue with key regional organizations and states, including the African Union, European Union, Arab League, Sudan's nine neighboring states, China, Russia, and others. We also regularly engage with the United Nations on UN missions in Sudan. With substantial U.S. input, the Security Council recently renewed the mandate of the UNMIS peacekeeping mission, emphasizing the need for the mission to continue its support to the CPA parties to implement all aspects of the CPA, and requesting that UNMIS be prepared to assist the parties in the referenda process. Promising new leadership on both Sudan peacekeeping missions bodes well for future mission operations. The parties have much to do in the final phase of Sudan's Interim Period and it is our sincere hope that strong international engagement will further bolster these efforts.

While much attention will be focused on the North-South process over the next year, we continue to work on Darfur and the many important unresolved issues there. A definitive end to conflict, gross human rights abuses, and genocide in Darfur remains a key strategic objective, as made clear in the U.S. Strategy on Sudan. Violence continues in and there are credible reports of continued aerial bombardments by the Government of Sudan. This is unconscionable and we have called on the government to immediately renew its ceasefire.

Following progress in Chad-Sudan relations earlier this year, the Darfur peace talks in Doha saw positive progress with the signing of two framework agreements between the Government of Sudan and Darfur rebels in February and March. We are concerned about the Justice and Equality Movement's decision to leave the peace talks and are encouraging them to return to the

negotiating table The UN and African Union are now working hard to include the voices of civil society representatives in the process, implement a ceasefire on the ground, and enter into meaningful and productive political negotiations between the parties.

While issues such as ceasefires, power sharing, and wealth sharing can be addressed at a high level in Doha, we need to think more creatively about how to bring the people of Darfur into local conversations about compensation, land tenure, and rebuilding their communities. Additionally, as stated in the U.S. Strategy on Sudan, accountability for genocide and atrocities is necessary for reconciliation and lasting peace. In addition to supporting international efforts to bring those responsible for genocide and war crimes in Darfur to justice, we are consulting closely with our international partners and Darfuri civil society on ways to strengthen locally-owned accountability and reconciliation mechanisms in light of the recommendations made by the African Union High Level Panel on Darfur led by former South African President Thabo Mbeki.

Local peacebuilding, rule of law, and reconciliation activities must be revived and strengthened. We should not wait for a negotiated political settlement to begin improving the lives of Darfuris. For instance, we are supporting the role of women in peacebuilding and working on the imperative of reducing gender-based violence in Sudan. One of the Administration's highest priorities for Darfur is to improve security so that the people on the ground who have suffered so greatly can see a tangible improvement in their living conditions. We continue to work closely with UNAMID and relevant stakeholders to enhance protection of civilians, expand humanitarian space for the delivery of life-saving assistance, and consolidate gains in stable areas to prepare for the voluntary return of people to their homes. This is not an easy process, but it's one international donors must undertake with great urgency.

We are also working with our international partners to improve access for UNAMID and humanitarian workers to areas still affected by fighting between government and rebel forces, such as Jebel Marra and Jebel Moon, as well as inter-tribal fighting, especially in South Darfur. We are also working with the UN and other key partners on a plan to provide increased security in the triangle that is formed by El Fasher, Nyala and El Geneina, where up to half the population of Darfur lives. In the long term, it is imperative to address the underlying causes of conflict, including disputes over land and water resources. This will require the cooperation of the Government of Sudan, vigorous diplomacy by the United States, and sustained support from the international community.

Thank you and I look forward to your questions.