Subcommittee will come to order. Over the last few

years, the United States Congress has devoted a great deal of attention

to the troubled East African nation of Sudan.

Initially, we were as concerned about the issue of slavery as we

were about the country’s destructive civil war. Over several years

I have held several hearings on this issue of slavery, as early as

March 1996.

Unfortunately, to this date, there is no proof that the existence

of slavery in Sudan has been eliminated. Certainly no reason has

been given to Congress to justify the downgrading of Sudan’s status

as a nation guilty of trafficking in persons.

We have also devoted attention to resolving the 21-year-old

North/South conflict between the National Congress Party Government

in the North and the Sudan People’s Liberation Movement in

the South.

With the signing of the Comprehensive Peace Agreement on January

9 of this year, there was great hope that this longstanding

war would finally be brought to a peaceful and equitable end so

that the suffering would be over and reconstruction could begin.

However, the sudden death of SPLM leader, Dr. John Garang,

seems to have thrown the peace process off track and there is evidence

that the National Congress Party may be trying to forestall

the peace accords rather than to implement them.

Most recently, we have been focused on the tragic situation in

the Darfur region of Sudan, where as many as 400,000 people have

been killed in a conflict that began in February 2003. At one point,

as many as 10,000 people per month were dying due to attacks led

or abetted by the Government of Sudan.

More than 2 million residents of Darfur have been displaced,

many of them living in internally displaced persons camps.

I visited two of these camps in August with my friend and colleague,

a member of the Subcommittee staff who deals with African

issues, Greg Simpkins. We went to Mukjar camp and Kalma camp,

perhaps the largest IDP camp in the world.

When I visited South Darfur this past August, again with Greg,

we found encouraging signs in the determination of the people of

Darfur to survive, even in horrendous circumstances.

We also were impressed with the dedication of the USAID staff

and contractors, as well as the NGOs on the ground, to provide

much needed humanitarian assistance, despite many logistical and

bureaucratic obstacles.

However, there were some troubling conditions that have only

worsened since our return. The tens of thousands of people living

in Kalma camp had refused to allow Sudanese police into the camp

because they saw them as enemies.

The police proved them right by shooting over the camp nightly

to frighten residents. When the shooting didn’t chase camp residents

out, a commercial embargo was put into place so that people

in the camp were unable to bring in any supplies beyond what they

could carry on themselves.

The people in Kalma camp, like the people in other IDP camps,

are justifiably afraid to leave. Women have been routinely raped

upon venturing outside the camp for water or for firewood. Bandits

are not only robbing people outside the camps, but they are killing

them, as well, in all too many cases.

While in Darfur, we met with African Union (AU) troops, whose

commanders told us that they had too few vehicles to patrol effectively

and to carry out their mission to protect the people of Darfur

from attacks.

AU commanders told us that the pay they had been promised

was not forthcoming. When we were there in August, the average

AU soldier was receiving $1.28 a day and had been promised about

$15 a day.

Given the attacks and kidnappings of AU troops, I believe they

are demonstrating extraordinary commitment under trying circumstances.

Last month, the AU accused the Government of Sudan of joining

with the Janjaweed militias in attacking villages and refugee

camps. After supposedly ending their collaboration with the

Janjaweed weeks ago, this alliance appears to be back in place.

The Darfur peace talks have not made much progress, largely

due to the splintering of the rival Sudan Liberation Army, or SLA,

who with the Justice and Equality Movement, or JEM, declared

war on the Government of Sudan nearly 3 years ago.

The Government of Sudan also bears responsibility for these

talks being stymied. Furthermore, Eritrea and Libya are supporting

these rebel movements and they too are making a peaceful

settlement less likely.

Meanwhile, the SPLA, now a part of the Government of Sudan,

has not played a noticeable role in the Darfur conflict, as it did

under Dr. John Garang.

However, failure to resolve the Darfur situation could help unravel

the peace between the North and the South. That peace

agreement certainly faces its own challenges from a National Congress

Party that seems to want an agreement in name only, and

from an SPLM struggling to regain its footing after the death of

its longtime leader.

Too many aspects of the Comprehensive Peace Agreement remain

undone. I spoke with the Catholic Archbishop of Juba last

week and he told me that the development of the South was desperately

in need of international support. He said frustration over

the slow pace of the peace process will only increase the separatist

elements in the South.

According to the Archbishop, the northern part of the government

has not withdrawn its troops from the South, as scheduled,

nor has it established key commissions to implement the peace accord,

nor complied with the international commission that already

has set the boundary between the North and the South.

Congress has tried, in our recent legislative effort, to take into

account the entirety of the crisis of Sudan. We surely want to focus

on the accountability of those involved in genocide in Sudan, but

we cannot ignore other parts of the complex picture in this country.

We must keep a focus on the North/South peace accord or it may

fail and plunge the country back into a wider conflict.

Today’s hearing is necessary and is required to learn from the

Administration how our Government’s policy is attempting to tackle

this difficult situation and how Congress can help create a comprehensive

plan to contribute to peace and to accountability for

those who have murdered, raped, enslaved and otherwise plagued

the people of Sudan for so many years.

Our Committee’s Chairman, Mr. Hyde, with many of us working

with him, has fashioned a bill that we feel will make such a contribution.

We want to move forward on this effort as soon as possible, for

the sake of so many who are still in danger in Sudan.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE

IN CONGRESS FROM THE STATE OF NEW JERSEY AND CHAIRMAN, SUBCOMMITTEE

ON AFRICA, GLOBAL HUMAN RIGHTS AND INTERNATIONAL OPERATIONS

Over the last few years, the U.S. Congress has devoted a great deal of attention

to the troubled East African nation of Sudan. Initially, we were as concerned about

the issue of slavery as we were about the country’s destructive civil war. Over several

years, I have held numerous hearings on this issue—as early as March 1996.

Unfortunately, to this date there is no proof that the existence of slavery in Sudan

has been eliminated. Certainly, no reason has been given to Congress to justify the

downgrading of Sudan’s status as a nation guilty of trafficking in persons.

We also have devoted attention to resolving the 21-year North-South conflict between

the National Congress Party government in the North and the Sudan People’s

Liberation Movement (SPLM) in the South. With the signing of the Comprehensive

Peace Agreement on January 9th of this year, there was great hope that

this longstanding war would finally be brought to a peaceful and equitable end so

that the suffering would be over and reconstruction could begin. However, the sudden

death of SPLM leader John Garang seems to have thrown the peace process

off track, and there is evidence that the National Congress Party may be trying to

forestall the peace accords rather than implement them.

Most recently, we have been focused on the tragic situation in the Darfur region

of Sudan, where as many as 400,000 people have been killed in a conflict that began

in February 2003. At one point, as many as 10,000 people per month were dying

due to attacks led or abetted by the Government of Sudan.

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in internally displaced persons camps. I visited two of these camps in August,

including Kalma camp, perhaps the largest IDP camp in the world.

What I found in my visit was troubling. The tens of thousands of people living

in Kalma camp refused to allow Sudanese police into the camp because they saw

them as enemies. The police only proved them right by shooting over the camp

nightly to frighten residents. When the shooting didn’t chase camp residents out,

a commercial embargo was put in place so that people in the camp were unable to

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as well in all too many cases.

While in Darfur, I met with African Union troops, whose commanders told us that

they had too few vehicles to patrol effectively and carry out their mission to protect

the people of Darfur from attacks. AU commanders also told me that the pay they

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of the rebel Sudan Liberation Army or SLA, who with the Justice and Equality

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ago. The Government of Sudan also bears responsibility for these talks being stymied.

Furthermore, Eritrea and Libya are supporting these rebel movements, and

they too are making a peaceful settlement less likely.

Meanwhile, the SPLA, now a part of the Government of Sudan, has not played

as noticeable a role in the Darfur conflict as they did under John Garang. However,

failure to resolve the Darfur situation could help unravel the peace between the

North and the South. Certainly, that peace agreement faces its own challenges—

from a National Congress Party that seems to want an agreement in name only and

from an SPLM struggling to regain its footing after the death of its longtime leader.

Too many aspects of the Comprehensive Peace Agreement remain undone. I spoke

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those who have murdered, raped, enslaved and otherwise plagued the people of

Sudan for so many years. Our committee’s chairman, Mr. Hyde, has fashioned a bill,

with many of us working with him, that we feel will make such a contribution. We

want to move forward in this effort as soon as possible for the sake of so many who

are still in danger in Sudan.

I would like to yield to my friend and colleague, Mr.

Payne, who has been a tireless worker for peace in Sudan, for such

time as he may consume.

Thank you very much, Mr. Payne.

Chairman Royce.

Chairman Royce, thank you very much.

Ambassador Watson?

Thank you very much.

Jeff Fortenberry.

Mr. Fortenberry, thank you very much.

Let me now introduce our very distinguished witness for today’s

hearing, Secretary Jendayi Frazer, who was sworn in as Assistant

Secretary for the Bureau of African Affairs in August 2005.

Prior to becoming Assistant Secretary, Secretary Frazer served

as the U.S. Ambassador to South Africa and as Special Assistant

to the President and Senior Director for African Affairs at the National

Security Council.

Ambassador Frazer came to the NSC from Harvard University,

where she was Assistant Professor of Public Policy.

As a counsel on Foreign Relations International Affairs Fellow,

she served as a political military planner, with the Joint Chiefs of

Staff, in the Department of Defense, and as Director for African Affairs

at the NSC.

Ambassador Frazer has a very distinguished career, is very capable,

and is a very able leader on these vexing issues. You are very

welcome to this hearing and please proceed as you would like.

Without objection.

Secretary Frazer, thank you very much for your testimony

and for your leadership. I would like to begin the questioning,

if I could.

First, one of the many things that Greg Simpkins and I took

away after meeting with President Bashir, Taha, the Vice President,

and Salva Kiir, the First Vice President, was a comment

made by Salva Kiir, who had only been on the job for 7 days when

we met with him, but who was very committed to making the government

work.

He said, ‘‘I am part of this government and we want to make this

government work, for all the right reasons,’’ as he put it.

My first question is about whether or not you feel that this unity

government has really been integrated. I have read some disconcerting

reports that when it came to allocating the top ministries,

that the SPLM did not do very well. These reports said that

except for foreign affairs, perhaps, most of the key bureaucracies

were safely vested in the other side. Secondly, if you could speak

to First Vice President Kiir’s request that we allow United States

companies to provide spare parts to rehabilitate Sudan’s railways,

and consultation with Congress on this issue.

I struck up that conversation, as well, when I was in Khartoum:

How do you move masses of people from Khartoum back to the

South? Yes, the railroad has a dual-use capability, but if the peace

becomes more durable, will this become a way of providing the

means for those people to get back to their homes?

Let me also ask you, if I could, about trafficking. As you know,

I was the prime sponsor of the Victims of Trafficking and Violence

Protection Act of 2000, which led to the creation of the tiers: Tier

1, tier 2, tier 3, and the watch list. The watch list, as you know,

we put in the 2003 act.

I was very concerned when I saw that Sudan was upgraded, if

you will, to the watch list from tier 3. If you could, elaborate on

what concrete facts exist that would suggest that the Government

of Khartoum or the Government of Sudan merits that kind of treatment.

It seems to me that the situation in Sudan is still a major

problem, warranting tier 3 status.

On the Government of Southern Sudan, how well or poorly are

Salva Kiir and others doing in the South in establishing that government?

Then I would like to ask for your comments on the issue of humanitarianism

and the lack of responsiveness by Khartoum. Greg

and I saw this firsthand and we heard reports before and after our

trip that the government has not been helpful in ensuring that the

NGO community, the United Nations, and USAID personnel flow

in an unfettered way. They have been profoundly unhelpful in

many instances, which means that people are put at grave risk.

Finally, I have a question on accountability. Mr. Payne and I are

trying, along with others, to get Henry Hyde’s bill on this issue,

which is now a bipartisan piece of legislation, moved forward. One

of the key terms in that legislation is accountability: Holding those

men and women who have committed atrocities accountable.

We know that UN Resolution 1593, which was adopted on March

29, provides for referral to the ICC for those who have committed

atrocities.

The International Commission of Inquiry recommended that the

ICC prosecute. Where is that? Is there a list on a printed page

somewhere of people who need to be prosecuted at the ICC? When

will that be made public, if you will, and what is the status of that

whole effort?

Madam Secretary.

Are they in favor of that?

Of lifting the sanctions regarding spare parts?

Excuse me, but if you could provide, for the record,

a copy of that action plan. I think it would be very helpful.

The idea behind the act was to try to bring about

constructive action and, as you pointed out so well, if this is nothing

but a paper promise, they should immediately revert back to

tier 3. So I thank you for that explanation.

Just two final questions before yielding to Mr. Payne.

The Sudan Tribune had an article online over the weekend that

said, ‘‘Darfur rebel SLA opens unity conference without leader.’’

Can you speak to what that means in terms of not having a segment

of the group there, including its leader?

Secondly, you heard in my opening comments concerns about the

pay for African Union troops. Has that been rectified? I also note

that the Administration has identified approximately $100 million

that the United States is expected to contribute to the African

Union. Will that be forthcoming and when?

. I asked about African Union troops. What we heard

from commanders on the ground, and also in Addis Ababa when we

went to AU headquarters, was that they had been promised about

$15 a day. They were getting $1.28 a day, and while the morale

implications had not really shown themselves yet, they will soon,

especially if there are remittances to their families back home.

It is a tough posting to begin with, and to be underpaid as they

told us at headquarters and in the field in Darfur, they are cash

poor. They have airlift. They have other kinds of help, but they are

not getting the cash.

Will my friend yield?

If I could ask you, Madam Secretary, in addition to

the armored personnel carriers not being allowed in, what other

material has been stopped by President Bashir?

I had asked earlier about the humanitarian crisis, because we

have heard much about it. It is ongoing. There was reluctance to

allow the Norwegians, for example, into Kalma camp to pick up the

director, who was absolutely committed, who suffered malaria himself

doing this humanitarian work, and who didn’t know from one

day to the next whether or not his mission was going to be decertified

by the Bashir Government.

What other problems do you see? You have a platform on this

side of the Government of Sudan. What other things would you say

have to be done?

I think my friend Mr. Payne is absolutely right. The government

will allow a third of these workers in, but not the other two-thirds,

constantly crippling the efforts of the international community to

help the people on the ground.

Thank you.

Chairman Royce.

Ambassador Watson?

If the gentlelady will yield?

This is part of an ongoing effort. I can guarantee we

will have several additional hearings on Darfur, and on Sudan. So

you will have ample time.

Thank you, Ambassador Watson.

Ambassador Frazer, just let me ask you a couple of additional

questions. We have been talking a little bit about the mandate of

the AU, and first of all, if you could assess what your feeling is

about how well they have performed.

I would just say, parenthetically, that both Mr. Simpkins and I,

as much as one can glean from a couple-day visit to Darfur, were

very impressed by their esprit de corps. They were very committed.

When I got to talking to Major Ajumbo, who is from Kenya, we

compared notes, because he was very active in peacekeeping in Sarajevo

in the former Yugoslavia. He is no stranger to being deployed

in very difficult straits.

Is there mandate enough? Is it clear enough? How would you like

to see it either changed or expanded? I ask because I am concerned

like many.

But again, when you don’t have armored personnel carriers and

you are riding around in small vehicles that hardly provide the

kind of protection necessary for a more robust mandate. But if you

could speak to the mandate issue.

Second, in your prepared testimony you mentioned that we convened

a donor meeting on October 18. Could you just give us some

update on what happened at that donor meeting to help the African

Union?

Third, on the issue of Dr. Garang’s tragic death, do you have any

insights on that case? Obviously most of us hope that it was an accident,

but there were also some suggestions, including by the

President of Uganda, that it might have been something other than

that. What does the evidence tell you so far?

Fourth, I have a question about the Lord’s Resistance Army in

or near Juba in the South. What is being done to get the Sudanese

to end their relationship with these Ugandan rebels, the Lord’s Resistance

Army?

Finally, mention was made earlier about the $530,000 contract

to CR International. Could you elaborate on what that was all

about?

We have had lobby firms in the past that have represented dictatorial

governments, from Haiti to governments in eastern Europe:

Very reputable firms, though not by the clients that they

were able to front for, often came up and made presentations that

had an awful lot of circus appeal.

This was the case when I was leading the effort to stop MFN status

for Romania, because of the Securatate’s horrific abuses of religious

believers, and other human rights abuses under the

Ciaucescu regime.

Every year when MFN status was coming up for review, the Romanian

Government had lobby firms deliver seemingly excellent

talking points that really got you to look askance as to what was

really happening on the ground and put a gloss on gross misbehavior.

So if you could speak to the lobbying firm as well.

Mr. Payne?

Thank you. If I could, if the gentleman would yield

for 1 second, the record should note that on the gum arabic question,

both Mr. Payne and I were united. When the original Sudan

Peace Act went through our Committee, way back in the 1990s, we

originally wanted to prescribe that in terms of its ability to come

into this country.

There was another Member from New Jersey, who also sits on

this Committee, who took the opposite view, and that view prevailed.

So we, at the markup level, could not hold onto that sanction,

but we were united in trying to keep that, even though the

chocolate-maker, Mars, is located in our State, along with a number

of pharmaceuticals.

We did unite on that one, but again it was another Member from

our own State who led the effort in the opposite direction.

Mr. Tancredo?

Just two final questions and then Mr. Payne might

have one as well. H.R. 3127, as amended: Does the Administration

have a position on that legislation?

Secondly, what was concluded at that donor meeting on October

18 for the African Union in terms of additional resources?

Ranking Member Payne has a final statement.

Thank you very much.

Ambassador, do you have any final comment you would like to

make?

Ambassador Frazer, thank you so much for your

leadership and for graciously spending this time here with us this

afternoon. It has been very enlightening and informative. Thank

you so much.

The hearing is adjourned.