Thank you very much, Senator Lugar.

I want to emphasize that the situation existing in Sudan today

very much involves the surrounding region. I would also suggest

that most of Sudan’s nine neighbors would prefer to see problems

between Northern and Southern Sudan ultimately resolved, with

Southern Sudan remaining united with the rest of Sudan, even

though that is not the way it seems to be headed today; with Egypt

perhaps most forcefully taking that position.

I think it’s clear that a geographically unified Sudan is clearly

dependent on the willingness and the ability of Khartoum to make

unity attractive to Southern Sudan, and Southern Sudan’s willingness

to leave the door open to that possibility. Some observers

might argue that a breakup of Sudan—and I would suggest that

a breakup might very well go beyond just a Northern Sudan and

a Southern Sudan, but possibly the breaking off of parts in the

North and in the South—some would argue that might be a good

thing. I respectfully disagree, so long as Khartoum can make unity

attractive to the South. And that is the big question. Should that

fail, of course, it is incumbent upon Khartoum to allow the CPA to

move forward and the referendum on independence to proceed.

There is a lot to criticize in Sudan. But, I want to focus on a few

things—a few areas where there has been progress.

One has been talked about already today; whether Sudan should

be left on the list of state supporters of terrorism. I would argue

it should not; it should be removed from that list. It is often said

that if you remove Sudan from that list, then you remove sanctions

on Sudan. That is a misnomer. The web of sanctions against Sudan

is so long and so entangled, it would take years to undo that jungle,

even if you remove Sudan from the state sponsors of terrorism

list.

We’ve talked a lot today about the highly emotional charge of

genocide. I happen to be in the camp that would argue that today

what is happening in Darfur does not meet the definition of ‘‘genocide’’

as defined by the 1948 Convention. And I think it does not

serve U.S. policy well to continue to call it that, because of the

heavy emotional baggage this brings to the question.

I’ve suggested a series of very specific policy suggestions, some

of which have been alluded to earlier today. Just to mention a few

of them, I would try to make one last-gasp effort to make unity

attractive in Sudan, perhaps by pulling together a small group of

international experts that could sit down with both the SPLM and

the National Congress Party and try to identify an agenda where

that might still happen. The odds are not good, but nevertheless I

think the effort is worth trying.

I think that a much greater effort should be made in resolving

the internal difficulties in Chad, working closely with both France

and Libya, and that plays out very heavily upon what is happening

inside Sudan itself.

I think that United States policy would be well served if what

is going on in Sudan involved, more directly, some of the international

key actors. And General Gration indicated that may, in

fact, be underway now. I think that is a positive move.

I think it’s also important that the international community

press hard on both the SPLM and the Government in Khartoum

to demarcate the border in Abyei that has just been adjudicated by

the arbitral tribunal.

And finally, I would suggest that there ought to be pressure on

both the SPLM and the NCP to reduce the amount of money

they’re spending on the military. And I would urge both of them

to rebuild their agricultural sectors.

Just very briefly on one or two operational considerations, I

would make the argument for upgrading United States representation

in Khartoum to the ambassadorial level, from the charge´ level.

More importantly, I would agree with General Gration that there

must be more on-the-ground ability to monitor what is happening

in Sudan, and I would try to make a case for the American Presence

Program of assigning one person, one American officer, to cities

scattered around various locations in Sudan, with maybe one or

two local nationals. I think that would give a great advantage to

understanding the situation.

Thank you very much, Senator Lugar.

I thank the chairman and members of the committee for inviting me to provide

a strategic overview and perspective on U.S. policy toward Sudan.

The conflict in Darfur, the longstanding 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 toward 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 toward 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 longterm

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.

While there is still much to criticize in Sudan, it is important to acknowledge

progress when it occurs. I have followed United States-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 United States-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 5 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 intertribal fighting.

The Sudan Government armed the militia involved in the intertribal 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.

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 toward 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.

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.

Yes. Of the nine countries that border

Sudan, I think I could make a strong case that at least six of them

would prefer a unified Sudan, when all of this is over with. I would

have some question marks on Kenya and Uganda, who may see

some economic advantages in having a Southern Sudan that looks

South. The situation in Chad is so confusing now that it’s hard to

decipher what they might want. Normally they would want a unified

Sudan, because you have the same problems of bifurcation in

Chad, potentially, that you have in Sudan, and that’s not a good

precedent for them. But the bad relations between Khartoum and

N’Djamena complicate that position.

In some cases, it’s a very practical consideration. With Egypt, it’s

Nile-water related. They simply don’t want to deal with one or

more additional countries that they have to negotiate quotas for

use of Nile water. They’d rather just deal with Khartoum and be

done with it.

In the case of a country like Ethiopia, they just find it easier to

deal with one neighboring capital, not two or three or more. I’ve

had these conversations a number of times with Prime Minister

Meles, and he has made very, very clear that the preference is for

a unified Sudan. They will obviously accept independence if that

comes.

The more interesting part of the question that you raised is perhaps:

are some countries interested in having a division in Sudan

in order to make Sudan weaker, which might work to their advantage?

That is a possibility, and that’s why I leave Chad, particularly,

in a separate category. I would argue that Chad is the one

country that might fall into this situation.

I’m not sure that would be the case anywhere else, even with the

Democratic Republic of the Congo or Central African Republic. I

think the precedent of division along ethnic lines is more overriding

than wanting to take advantage of smaller entities. And in terms

of U.S. interests, I think the last thing we would want to see is a

series of countries that are landlocked and poor and dependent

upon outside aid, even those that may have oil.

It’s very hard to read, obviously, the minds

of the people who are running the Government in Khartoum. I do

see, however, a willingness to reach out to governments, like the

American Government, for perhaps the first time in a long time,

and I think that ought to be pursued rather than rejected.

It may not lead anywhere, and it will be unfortunate if it doesn’t,

but I think that General Gration is essentially on the right track

by reaching out, seeing what is there, and seeing if there can’t be

further moves by the Government in Khartoum to do what has to

be done to resolve, not just the problem in Darfur, but implementing

the CPA.

I am a little bit optimistic on this, not real optimistic, but a little

bit.

Mr. Chairman, I don’t mean to sound too

Pollyannaish on this, but the key clearly is the Government in

Khartoum, and particularly the National Congress Party, in having

a change of approach to what it does, or how it receives Darfurian

civil society, in terms of bringing them into the process. They have

to be convinced that this is in the interest of Sudan and in the

interest of Darfur, generally.

I think that it is incumbent upon the international community—

certainly including the United States, but not just the United

States—to use this opening that the United States and the international

community seem to have, to press this point and to make

it clear to Khartoum and the NCP that this is the occasion to turn

a new leaf, to bring more Darfurian civil society into this. I agree

with you wholly, it’s critical to do that.

I don’t think the other groups would disagree with this, and the

SPLM component of the Government of National Unity would probably

be supportive of this. So, I think there’s an opening to do

something here.