Thank you very much for holding this hearing and for

inviting us to testify. I will try to address some of the questions

that you raised. You have my statement, and we could pursue that

further, if you would like.

You asked: Do we have enough personnel and do we have enough

resources to make this peace project go? I do not think so. I agree

with John Prendergast and Steve Morrison in that 100 percent.

I think that the sign of this is that it has taken the State Department

so long to mount the human rights monitoring operation

which is so vital to prove U.S. credibility and to educate our allies

on the severity of the war in the South and to bring along the parties

and train them in good human rights and war practices.

The money is a large problem. The Nuba Mountains, their monitoring

team has just announced that they need another $6.5 million.

But larger than that, and in addition to the peace effort, the

OLS, North and South, the humanitarian relief has announced that

there is a shortfall of about $223 million in what they have said

was their absolute basic minimum requirement for the year to keep

people, North and South, alive.

The trip that Senator Danforth is making to Europe, I hope, includes

holding out the hat for those very important items, plus

there is a lot more money that is needed for the diplomatic offensive

and the personnel. It appears from the outside that the existing

personnel are being stretched by what has been the government’s,

and to some extent the SPLA’s, habit of manipulating the

process in trying to slip by fast ones on everyone in big projects as

well as small projects. And a lot of personnel time goes to putting

out those fires when you need a lot more people devoted to looking

at the big picture and making sure it is on track.

I also feel that the response that you got on the process issue

from Assistant Secretary of State Kansteiner was not—or did not

indicate to me that there is enough thinking right now about the

process; that is, the timing of negotiations.

And I know our Swiss allies have an expert who has worked on

that in Burundi. He said it took him 18 months to straighten out

the discussions there, because every and all discussions were occurring

at the same time. It was impossible to trade things off.

I think we also need to think about helping and empowering

southern civilians particularly, but also others, to have a role in

the peace process and to create the kind of groundswell that we

have seen in the Nuba Mountains that can bring pressure on the

leaders, both North and South, at crucial times to go ahead with

parts of the agreement that they may not like.

One thing that can be done and that touches on what Steve Morrison

was saying is that I think there needs to be a lot more training

of leadership, southern leadership on some of the difficult technical

issues.

I think that part of the reason they are not willing to talk about

oil or water is because these are very difficult and technical subjects.

They do not have the commercial background or experience

and they are very much afraid that, as in the past, the northern

government will pull the wool over their eyes.

And I think that one way of reaching out to the southern community,

beyond just the people who are in the SPLA leadership, is to

include a lot of them, including southerners who have represented

political parties in Khartoum and are still in Khartoum, including

even the southern militia members who are always with one foot

in the independents camp even though they side with the government.

It is a very strange constituency, but one that has been totally

neglected by the U.S. diplomatically.

These people are not really known to the United States, and they

do not have any contact with them, when they, in some ways, hold

the balance of power militarily, in the South and politically.

I think they all would be helped in this by training on the technicalities

of oil and water negotiations. That is one way to reach

out to them. There are other ways. And I have made other technical

suggestions for this, including a radio that broadcasts

throughout the South objective reports of what is going on in the

peace process and offers people an opportunity for real dialog and

real discussion, not demagoguery.

The Nuba Mountains agreement has been a great success on the

whole, but there are problems with it. And there was a democratic

participation at a large meeting held to discuss those problems on

the SPLA side. This meeting was observed by Nuba from Khartoum,

who were quite impressed with the democratic give and take.

They came up with a whole list of things they want to see changed

in the enforcement of this cease-fire agreement. And they put them

forward.

I am not sure that people have focused on them at all. They have

to do with the Government of Sudan not withdrawing from their

garrisons where they had promised to withdraw, impeding civilians

from going back and forth across the lines, and using—where they

do withdraw troops, they substitute very heavily armed police,

which is novel in the Nuba Mountains.

There are a series of other things that the Joint Monitoring Commission,

perhaps, has not been able to tend to, because they do not

have sufficient staff. They are understaffed, and they do need another

several million dollars to get there.

I think the lack of enforcement, the lack of getting the Zones of

Tranquility for health matters and the human rights monitoring of

the no targeting of civilians on the ground, rapidly may have given

the government the feeling that they could go ahead and fool

around with the relief effort and try not only their ordinary manipulations,

which Roger Winter very eloquently described, but what

really has amounted to almost a coup attempt to change the entire

OLS structure, which was done surprisingly by the government

right in the middle of this whole peace process.

I concur with Roger’s statements about how they are proceeding

in this manner is really counter-productive to their expressed desire

for peace. But I think they may have felt that because there

was no, you know, really quick enforcement of the civilian monitoring

and of the Zones of Tranquility, that perhaps the United

States did not care that much about these details, and they could

exploit this opening.

I think we closed the opening but I think the message has been

unfortunate.

The way that the Eminent Persons team to investigate slavery

was put together was really in a way, retrospectively now, a model

of good, quick administration. The AID people who set it up were

on the phone all the time to everybody, soliciting names, asking

about reputations, standing in the field, asking who was the best

for the Eminent Persons internationally, who was the best fact

finder, et cetera, et cetera and, in all other ways, was really pumping

the NGO community for help.

Now, none of that outreach has come out with regard to the civilian

monitoring team of no civilian attacks in the South. I have sent

names including one who is an academic and a Nuer speaker who

is teaching at the University of Wisconsin, and nobody has really

pursued those with me or with any of the people who are on the

list, because I asked them, ‘‘Has anybody called you?’’ and they say,

‘‘No.’’

I have not recommended many people, but I think they are all

highly qualified, experienced field workers and know southern

Sudan intimately. You have to have someone like that at the elbow

of whatever two-star general goes out there, because the politics

and the anthropology of the situation are so difficult that even a

really cagey two-star is going to be walked around and taken advantage

of by the parties.

The learning curve is very, very steep here. And we have got to

have people who are tried and true and know the situation on the

ground and know Human Rights Watch methodology to get anywhere

with this peace or with this civilian targeting monitoring.

I wanted also to mention that we are in the process of supporting

the SPLA, which does have a bad human rights record, and that

it appears that the United States is going down the trail or the

track of funding a rebel group, which has not really been done very

much since the cold war ended.

I do not think there has been any debate or really open discussion

of the advisability or propriety of this. I think it is really also

unfortunate that there are absolutely no human rights conditions

at all attached to any of the money that the SPLA is directly or

indirectly receiving and has veto power over.

I think there should be a whole, perhaps, another group comparable

to the slavery commission, the Eminent Persons Group,

that takes a hard look at the SPLA and makes recommendations

for things that it should do as a condition of receiving continued

assistance from the United States.

I would also like to plead with the people who are negotiating

that they not be trading off human rights or humanitarian assistance

in the peace process. I think that has to be absolutely kept

separate as a way to demonstrate the good faith and the sincerity

of the administration’s statements on this issue that civilian lives

are important, human rights are important. We have got to maintain

that by not sending a double message with sloughing off or

trading off human rights and humanitarian aid as a part of the

bargaining process.

I think there are many other things I could say, but I am probably

out of time, so I thank you.

Thank you for the opportunity to testify before you today. Human Rights Watch

is honored to be invited.

Human rights are key in the twenty-first century. The gross abuse of human

rights in Sudan has lead to its on-going civil war, as we have heard at so many

hearings and from so many reputable reports.

The lack of respect for the rule of law and for basic human rights makes the

search for peace in Sudan very difficult.

The U.S. can lead the way, however, especially in the South. Suggestions include:

Fully fund and provide necessary U.S. personnel to enforce the Danforth agreements,

which Human Rights Watch considers to contain important advances for

human rights in Sudan. Their full enforcement is a key test of U.S. credibility.

Support for south-south peace and reconciliation efforts led by the New Sudan

Council of Churches based in Nairobi and rebel areas of the south is required.

This People-to-People process needs serious money and personnel, not the lip

service it has received until now. The NSCC conference at Wunlit in 1999, reconciling

the (West Bank of the Nile) Nuer and Dinka laid the groundwork, unintentionally,

for the popular pressure on the SPLM/A for reconciliation and

peace throughout the south.

The SPLM/A does not control or speak for the whole south. The U.S. needs to

know who southern leaders outside the SPLM/A are and establish contact with

them in order to prepare the ground for future democracy and human rights

respect in the south, as well as to prepare the ground for short-term success

in the peace negotiations.

The U.S. does not have relations at this time with the Nuer who took the

places of Riek Machar and his followers when they left the Sudan government

in 2000. This is a crucial intelligence gap at the very least. The Nuer

government militias in particular will play an important role; they are

ready for contact with the U.S. and the U.S. can use this opportunity to

press them on human rights abuses and to engage them in favor of peace,

neutralizing the Sudan government divide and conquer weapon.

The lack of commercial experience and education of the southern leadership

has been an obstacle at peace negotiations. The U.S. can help ‘‘level

the playing field’’ by providing an informed and realistic education about

difficult technical issues such as oil and water, two natural resources located

in the south, and the main natural resources of the entire country.

Now lack of familiarity with these issues and commercial and other enforcement

mechanisms has prevented the parties, especially the SPLA, from seriously

negotiating on these topics. The Sudan government needs to understand

that if it shares resources, its revenue will be larger than it is now.

It is not necessary to forcibly displace southerners from the oilfields, a difficult

and costly process, if there is peace and human rights respect.

The U.S. administration and the Congress need to reexamine U.S. financial

support for the SPLM/A, a strategy often used during the Cold War in Angola,

Nicaragua, and elsewhere. This support to the SPLM/A, given without any

human rights conditions whatsoever, will not lead to more democracy or respect

for human rights inside the SPLM/A or the south. It is unlikely to influence the

outcome of the peace talks. Human Rights Watch opposes such aid until the

human rights record of the SPLM/A is substantially improved, as independently

verified.

The U.S. support for the rebels comes in several ways, including the Congressionally-

approved ESF funding of the National Democratic Alliance

(NDA). The NDA now has offices in Washington DC and Asmara. The

SPLM/A is the dominant member of the NDA; its spokespersons in Washington

are now funded, we understand, by U.S. taxpayers.

The U.S. AID program, intended to begin to lift the south from its extreme

level of underdevelopment, has a catch that favors the SPLM/A. It

in effect gives a veto to the SPLM/A over projects and persons funded by

U.S. AID in SPLA territory. This tends to create a one-party patronage

state. It does this without any human rights conditions at all being placed

on the SPLM/A by the U.S. government.

A serious radio program conducted by independent journalists beamed at the

entire south for hours a day, in Juba Arabic and local languages, should cover

the peace negotiations in non-inflammatory detail and provide a forum for

southern discussion. This forum would provide an opportunity for free expression,

which now is very limited in southern Sudan.

Likewise, facilitated access for international press to the south will increase

world interest in Sudan and support for human rights and the peace

process among U.S. allies.

Continued high-level engagement in the peace process by responsible U.S.

officials, who should be ready to weigh in when the inevitable obstacles develop.

Engagement with southerners across the board will increase the chances for

peace and human rights. In the Nuba Mountains the popular groundswell on

both sides for a ceasefire forced both the Sudan government and SPLM/A to

come to an agreement. The southern situation is more complex than the Nuba

Mountains, but the need to engage popular constituencies for peace and human

rights is the same.

Former U.S. Sen. John Danforth presented a four-point test to the parties in late

2001. The test was to determine if they were serious enough about peace to warrant

U.S. engagement for peace in Sudan. In May 2002 Sen. Danforth concluded that the

parties, the government of Sudan and the rebel Sudan People’s Liberation Movement/

Army (SPLM/A), were serious.

Human Rights Watch applauded the Danforth initiative because it produced four

agreements by the parties which were essentially human rights agreements. We

gave the U.S. negotiators substantial credit for this. Negotiations were fraught with

frustration and difficulty.

Unfortunately, U.S. enforcement of these four agreements has not lived up to expectations.

There is a lack of funding and lack of sufficient U.S. personnel to assure

enforcement and also be proactive in the peace negotiations now underway in

Nairobi. More funding is something this committee can facilitate. Pushing U.S. allies

for a stepped-up financial commitment is also a must. The State Department

should make that one of its top priorities.

The four Danforth agreements were: 1) agreement not to target civilians or civilian

objects in the south, to be monitored by international observers required periodically

to publish their findings; 2) humanitarian cease-fire in the Nuba Mountains

and access for humanitarian activities; 3) an independent slavery investigation committee

of eminent persons from different countries; and 4) zones of tranquillity for

the purpose of treating polio, guinea worm, and bovine rinderpest.

One: The agreement not to target civilians simply requires that the parties comply

with the Geneva Conventions which both have violated throughout the conflict. Getting

the parties, especially the government, to sign this agreement and to agree to

its monitoring by international observers was very difficult and took months. Yet

this agreement was signed by the government of Sudan on March 10, 2002, and by

the SPLM/A on March 25.

The disturbing fact is that to date, four months later, the monitors have not been

retained, with perhaps a few exceptions. They are not operational and it appears

they will not be operational inside Sudan for several weeks, at least. This is the responsibility

of the U.S.

This is a serious problem for human rights enforcement and for the success of the

peace negotiations. U.S. credibility is at stake. So are the lives of thousands of

southern Sudanese.

A key Swedish oil company, Lundin Petroleum, suspended its oil operations in

southern Sudan in January 2002 because of security concerns. Since that time, as

reported by several reliable extensively documented reports based on interviews in

the field, the government of Sudan has accelerated its military campaign in

Lundin’s area, forcing displacement of its residents. Its plan appears to be to depopulate

the area of the original inhabitants, southerners of the Nuer and Dinka

tribes or ethnic groups, to make the areas ‘‘safe’’ for foreign oil companies. Had the

monitoring operation been in place quickly, it could have deterred many deaths and

the forced displacement of tens of thousands more.

The failure to enforce this key aspect of the Danforth agreements also hurts and

hinders the search for peace. Southern Sudanese have to be convinced that, if they

enter into an agreement with the northern political Islamist government, key governments

will back it up politically and other ways. The U.S. performance on the

enforcement of the ‘‘no targeted attacks on civilians’’ agreement is not convincing.

Two: The Nuba Mountains cease-fire agreement, signed on January 19, 2002, for

six months and recently extended for another month, also lacks sufficient enforcement. According to reports from individuals active in relief in the rebel areas of the

Nuba Mountains for several years, there have been a series of events in the monitoring

operation that make the Nubas and the SPLM/A question whether they

should trust the monitors who are in place. For instance:

The Joint Military Committee (JMC) overseeing the humanitarian ceasefire and

the rest of this agreement is still below quota, and underfunded. It does not

have enough staff to enforce the agreement;

The government is still interfering with free movement of civilians;

The Sudan government promised, in the Nuba agreement, to move some of its

garrisons in the Nuba Mountains. Five such garrisons have not be been moved

and two or three others have dragged their feet about leaving SPLM/A-designated

areas as promised. They have been replaced military that were removed

(as promised) with large contingents of ‘‘armed police;’’ and

The JMC has lagged in locating a neutral site as required in the agreement,

one where both parties could meet. The JMC headquarters is perceived as located

in the Sudan government’s territory.

On the positive side, the Nuba population on both sides eagerly endorsed a humanitarian

ceasefire and thereby brought pressure on their leaders to sign an agreement.

A Regional Conference in June in the rebel areas of the Nuba Mountains, observed

by Nuba representatives living in government areas, was very successful. Its

purpose was to elicit Nuba opinion on what was still to be done to achieve compliance

with the Danforth Nuba agreement. The conference, which resolved to continue

support of the ceasefire agreement with heightened attention to enforcement, was

considered a valuable exercise in democracy.

Three: In mid-May 2002 the International Eminent Persons Commission (created

by the Danforth agreement and funded by the U.S.) released an excellent, comprehensive

and up-to-date report on the situation of abduction, slavery, and forced

labor in Sudan. The recommendations to the government of Sudan seem to have

been ignored.

Four: Zones of tranquillity for three health problems for three limited areas ran

into problems caused by almost all involved. Resolving them consumed large

amounts of time of top U.S. officials.

At the same time, the Sudan government attempted to radically restructure the

thirteen-year-old international cross-border relief program, the U.N.’s Operation

Lifeline Sudan (OLS). The restructuring aimed to give the Sudan government control

of relief going into the oilfield area now the target of government military action,

Western Upper Nile. The U.S. was a leader in creating the OLS in 1988 and

put its foot down against the changes. This too consumed enormous amounts of time

of top U.S., U.N., and other officials.

The U.N. calls the persistent efforts of the Sudan government to gain control over

the U.N. relief program a ‘‘monthly drama’’ that must stop.

Although the Danforth initiative is a U.S. initiative, E.U. countries need to be included

in its financing and enforcement. The E.U. and its members, the U.N., and

the U.S. are in agreement about basic human rights principles. In Sudan, the lack

of field-based independent human rights monitoring leads to sharp factual disagreements

among the parties. Once the facts are established by independent monitors,

it should be much easier to organize a joint international campaign to enforce respect

for human rights. This will go a long way to convince the Sudan government

that key foreign governments are united and serious about peace and human rights,

and that an agreement must be reached.

The U.S. should not compromise on enforcement of these Danforth four agreements,

which are essentially human rights agreements. It should not compromise

or turn into a bargaining chip humanitarian relief or human rights. That would

greatly compromise the effectiveness and credibility of the U.S. in peace negotiations.

As for the SPLM/A and the south, we emphasize the difficulties on the southern

side because they are less well known and understood than the difficulties with the

government.

Largely because of the SPLM/A’s history of human rights abuses against southerners,

the SPLM/A does not control the whole south nor does it speak for all its

peoples. The persistence of a divided south has opened the door to the Sudan government’s

manipulation of ethnicity in the south. It gives the government tools to

use against a just peace.

The negotiating context includes the issue of self-determination (independence) for

the south. The mandate of Human Rights Watch does not include self-determination.

Yet those familiar with the south recognize that there is strong southern (but

not Nuba) support for self-determination, largely because of the long history of

abuse and discrimination directed against southerners by all Sudanese governments.

Since independence in 1956, northern governments have not respected diversity

nor fostered tolerance.

The south, even before independence, has been one of the least developed areas

of the world. Its underdevelopment has mushroomed since the beginning of the current

phase of the civil war in 1983.

It is hard to imagine how deeply this fundamental deprivation of economic, social,

and political rights has hamstrung the search for peace. The south has a small educated

class. Schools are almost nonexistent. Health conditions are appalling and

drain the energy of a large segment of the population. Communications are extremely

limited due to low literacy rates and absence of media, including the radio

that in other African countries reaches the illiterate. Information, often incorrect,

is conveyed by word of mouth from trusted community leaders who are not necessarily

educated. This reinforces the ethnic divides in the south. Political organization

is rudimentary.

The SPLM/A has contributed to and reflected these problems. It is not a democratic

organization nor does it have a political program or plan that envisions a

movement in that direction, creation of democratic institutions, or training of the

population to participate in a democratic state where rule of law and human rights

prevail.

Its ability to lead militarily has been proved. But it has failed to lead southerners

politically. The SPLM/A does not speak for the whole south. Its leader, Col. John

Garang, cannot lead the south into a peace agreement that does not reflect southern

political aspirations. Signing such an agreement is probably the only thing that

would cost him his leadership.

Southerners have tried recently to make their voice heard in peace negotiations.

The Danforth report in May 2002 and the leaked draft peace agreement in early

July 2002—proposed by some involved in the IGAD negotiations—have sparked

southern protests and demonstrations (outside Sudan’s police state). What lit the

fire was the idea that the peace agreement would not provide a conclusive opportunity

for southerners to exercise their right to self-determination.

In this political climate in the south, created by lack of respect for human rights,

it is hard to see how the SPLM/A can be convinced to sign the draft peace agreement

now circulating. The U.S. can help. Human Rights Watch’s suggestions appear

at the beginning of this testimony.

I think that it was one of the things that really puzzled

me about the Danforth report. I do not think that oil companies

are notorious for fostering peace to begin with, be they American

or other international oil companies. That is not their, you

know, initial responsibility.

I do not have a feeling that they have a clear view of how this

process is going to take place. I think perhaps, as Steve Morrison

has said, that they hope that they will be—both parties, once they

understand the benefits to full exploitation of the resources of the

South, basically will be enticed by the prospect of prosperity to be

or to want to enter into a peace agreement. I suspect that is their

theory.

I do not know if that will work. I think that both parties see it

now as a total zero sum gain. They do not want—they get it all or

they get nothing. And I think that they are not willing to share

anything. They are not willing to share any oil revenue in any

meaningful way. And the South, particularly, I do not think they

understand the need to have discussions or some kind of relations

with the Egyptians with regard to their concerns about access to

the waters of the Nile.

And I think they see the oil as an incentive, I am not sure about

that. It is very certain that it is now an incentive for war for—on

the government’s part, and it gives them a status and a buzz, you

know, that they did not have before because this is some measure

of prosperity, and they have really gotten a few grandiose ideas

about how far they can go with it.

I do not think that they really have resigned themselves to the

fact that they are not going to be able to capture enough land in

the South and evict enough people from it that they will actually

be able to provide any kind of meaningful guarantee for international

oil companies that they hope to attract.

I think partly they do not want their industry to be in the hands

of the Asians. I think that is kind of clear. They would like to have

the first-class international oil companies there.

But I am not sure that the government will move off its current

position, if that is the thing, you know, if they feel they have to

sacrifice too much control of the oil to bring in the international.

No, I do not, not in the South, because—and I wanted

to make this point too about something that Mr. Kansteiner said.

There has been talk of an oil escrow, but this was—the talk was

about putting the revenues in escrow while the war was going on,

possibly as a way to also incentivize the government and the SPLA

to wrap it up and make peace, so they can get at the money.

The churches in Sudan, the new Sudan Council of Churches that

is based in the rebel area or serves the rebel areas. And the Sudan

Council of Churches jointly issued a statement many years ago saying

that they posed this, and they insisted and begged the companies

to withdraw from Sudan because the natural consequence of

the geography of the oil is that for the government to get at it, they

have to evict southerners from their lands. And this, the displacement,

forced displacement is inevitable in the government view of

how to bring in foreign companies.

So the churches and the—I must say in terms of institutions that

speak for or are concerned about the welfare of the people and civilian

institutions, the new Sudan Council of Churches is practically

the only civilian institution left standing in the South after

this long war so, by default, you know, they have become it. It has

been very hard to nurture civil society and resurrect or revitalize

even traditional sectors.

But they have asked that no more drilling or exploration or development

occur in order to prevent the continuing cycle of human

rights abuses. And I also wanted to—well, go ahead with your next

question.

I wanted to make a couple of other points about access.

And one being you had a question, I think about—or there

was a question raised about access to eastern Equatoria, and Roger

Winter said he did not know why the government had prevented

access to eastern Equatoria, so close to the Uganda and Kenya borders

for 4 or 5 years now.

I have a theory that is based on the fact that this is really in

many respects a regional war. The Sudan Government has housed

and backed the Lord’s Resistance Army and its attacks on civilians

and the army in Uganda.

The Lord’s Resistance Army is housed in eastern Equatoria. I

would suspect that they did not want international monitors or

food monitors or anybody doing relief work or health assessments

in that area to prove that they were—who would see the proof of

the extent of their assistance to the LRA, and also to see, to stumble

across the miserable conditions in which the LRA has kept captive

Ugandan children.

So that has been, you know, an area that has been

off limits, in a lot of senses, to international observation.

In addition, now that war has leeched back into Sudan because

the LRA, the Government of Sudan and the Government of Uganda

agreed, should be dismantled or driven out or shut down. They

could not agree on a methodology for doing that.

The end result is that the Khartoum Government has given the

Uganda Army the carte blanche to go into southern Sudan and root

out the LRA. Well, the Ugandan Army cannot root the LRA out of

its own territory, much less territory in another country with which

it is not familiar. And this is excellent guerrilla territory, and the

LRA has been there for years, and they know it very well. And

they are eluding the Ugandan Army, plus the fact that since the

Sudan Government cutoff food aid to them and other things, the

LRA has been victimizing southern Sudanese civilians.

And I do not think that Khartoum really cares about that. But

the end result has been a multiplication of wars in this area of

southern Sudan, and an intensification of the vile effects on civilians

of war.

And the LRA is nowhere near being controlled. It is—the southern

Sudanese are just paying a higher price now. It is very difficult.

Thank you.