

**IMPLEMENTATION OF THE 2005 COMPREHENSIVE PEACE AGREEMENT:
ENSURING HUMAN RIGHTS FOR THE PEOPLE OF SUDAN**

HEARING

BEFORE THE

TOM LANTOS HUMAN RIGHTS COMMISSION

HOUSE OF REPRESENTATIVES

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FIRST SESSION

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THURSDAY, JULY 30, 2010

HOUSE OF REPRESENTATIVES,
TOM LANTOS HUMAN RIGHTS COMMISSION,
Washington, D.C.

The Commission met, pursuant to call, at 1:00 p.m., in Room 210, Cannon House Office Building, Hon. James P. McGovern [co-chairman of the Commission] presiding.

Mr. McGOVERN. All right. I think we are going to begin, because there may be a series of votes.

It is a pleasure to be here this morning. And I want to welcome our distinguished panelists and thank everybody for coming to focus on the critical matters of human rights and an enduring peace in Southern Sudan.

I especially want to thank the staff of the Tom Lantos Human Rights Commission. I want to thank Hans Hogrefe and Elizabeth Hoffman for their work in putting this together today; my legislative director, Cindy Buhl.

I also want to especially thank Andrew Whitacre. This is his last day here. He has been a fellow with the Commission since January. And we appreciate all of his great work, and we thank him for being part of this effort to promote human rights.

There are many times when the international community comes together and tries to do the right thing to end a conflict, protect vulnerable people, and help a nation or a region move towards greater freedom and self-determination. Unfortunately, too often, in my opinion, we blow it.

I was in East Timor in September of 1999 just a couple of weeks before the historic referendum where the people of East Timor were going to choose whether to remain a part of Indonesia or have an opportunity to vote for independence. The signs of increasing violence and threats against the East Timorese people were everywhere. And, despite many voices calling out for the protection of these people so that a national referendum on potentially claiming their independence could safely move forward, the international community did nothing with the exception of a little handwringing. And we all know what happened: Thousands of East Timorese were murdered; tens of thousands more were displaced into neighboring West Timor under the control of the Indonesia-backed militias; and the entire country was ravaged. Ten years later, East Timor is still struggling to recovery, although it has successfully established its independence.

I look at Southern Sudan, an entirely different situation, an entirely different negotiated agreement, and I worry that the situation is growing more precarious. I worry that, since the war officially ended in 2005, Southern Sudan remains out of the media, forgotten, overshadowed by the crisis in Darfur and off the public radar screen.

I worry that, once again, the international community, including the United States, is failing to channel the appropriate resources and provide the necessary security and safeguards that can bolster Southern Sudan's ability to support and protect its population,

develop economically, and carry out free and fair elections next April.

Once again, we are seeing ethnic groups attacking one another over territory, over scarce resources, over access to such basic needs as food. Once again, we are seeing violent outside agents like the Lord's Resistance Army enter Southern Sudan to pillage, rape, kidnap, murder, and terrorize local villages.

And, once again, we are seeing the government of Khartoum playing fast and loose with fulfilling its commitments under the terms of the Comprehensive Peace Agreement and concretely contribute to Southern Sudan's economic and political viability.

At the same time, we see a new government in Juba trying to learn how to ensure that people's rights are protected, with varying degrees of success and failure.

So I very much look forward to hearing from our witnesses on the progress and challenges facing the implementation of the CPA and, most importantly, how people's rights are being promoted and protected and what areas remain vulnerable to abuse.

Nine months from now, I don't want us to be caught just wringing our hands because we let the situation in Southern Sudan continue to deteriorate. I want to know how much time is left for us all to help the people of Southern Sudan write a story with as hopeful an ending as the beginning was in 2005 and what needs to be done now to secure that hopeful future.

I am happy to welcome our witnesses here: Ezekiel Lol Gatkuoth, who is the head of the Government of South Sudan Mission to the U.S.; John Norris, the executive director of the Enough Project; Roger Winter, former special representative on Sudan, Department of State; and Amir Osman, the senior director of policy and government relations for Save Darfur.

I think that was just a vote that has been called, and we are going to try to see how we can work this. There are 12 votes in a row. The first one is about 15 minutes, so we will begin.

And even though this is kind of a little bit off the main subject here, General Gratton has been testifying up on the Hill lately, and I would be curious to get your comments to his views of relaxing some of the sanctions against Sudan and his statement that somehow Sudan is on the terrorist list for political reasons. I am a little bit startled by some of those statements, but I would welcome your comments on that, as well.

So, Ezekiel, why don't we begin with you? Welcome.

STATEMENT OF EZEKIEL LOL GATKUOTH, HEAD OF THE GOVERNMENT OF SOUTHERN SUDAN MISSION TO THE UNITED STATES

Mr. GATKUOTH. Thank you very much for having me, Honorable McGovern, Congressman Wolf -- I hope he is going to join us later -- for having me here. And, of course, Tom Lantos has been my hero, in working very closely when he was the Chair in the Foreign Relations Committee of the House. I am so happy to be here, and thank you for organizing these hearings on Sudan and to hear on the status of the implementation of the CPA.

I just wanted to go briefly, don't want to read my statement. Just wanted to tell you that I represent the SPLM here in Washington and the U.S. and also, at the same time, the Government of Southern Sudan.

The vision of the SPLM, when it was formed in 1983, was to transform Sudan into a better Sudan. That has been the vision of the SPLM, to see Sudan transform into a better Sudan. This vision has been the core values of the SPLM, and we continue to have this vision until today.

But, of course, in 2005, this vision has been transformed into the CPA. We signed this agreement in 2005, hoping that this agreement will transform Sudan into a democratic Sudan. We have been in this agreement for the last 4 years.

The implementation of the CPA has been very difficult. The National Congress Party is not interested in transforming this country of ours called Sudan. They wanted to continue maintaining -- they crept into power. Of course, they are still controlling the security force that we were wishing to transform in 2005. And they are still controlling the media. We have no freedom of expression in the media. And, of course, they have the money, the oil money.

So it has been very difficult, the implementation of the CPA has been very difficult. I don't want to list the unimplemented issues, but I wanted to just tell you that, as of now, the border between the North and the South is not demarcated.

The issue of the census, that needs to be transparent and fair. It was not acceptable to the parties. SPLM rejected the census because it is a prearranged census. The National Congress Party decided to do it in a way that they have, or their constituencies are going to have more numbers than others. And even the issue of the referendum law is still pending in the National Assembly.

Of course, we are finished with Abyei demarcation, or Abyei arbitration in the first place. We should have not been to The Hague because, in the CPA, the Abyei Protocol was very clear. Experts rendered their report to the presidency, and of course we have accepted it because we have agreed that the ABC report will be final and binding on the two parties. But when the report was presented to the presidency, the National Congress Party rejected it, and then we have to end up into The Hague. So the announcement was made last week, and we have accepted it as SPLM even though some of the areas that need to be addressed will be addressed in the border commission.

Of course, the human rights situation in Sudan after the CPA was signed, we thought that this was going to subside, but it is not the case. There is violence that is being sponsored now in Southern Sudan. The incident in Abyei in 2008 was a clear example. And also in Upper Nile state, in Malakal, there were two incidents, one in 2007 and one in 2009.

It is a clear indication that the National Congress Party is going to -- or is continuing to destabilize the South using these militias, providing guns to them, so that the destabilization of the South, in their strategy as a party, can lead into maybe delaying the referendum. Because they know for sure, if the referendum is going to be conducted today, 90 percent -- this is not my make-up; it has been reported by the National Democratic Institute that, if the referendum is conducted today, 90 percent of the people of Southern Sudan will vote for separation.

And, of course, for the last 4 years, the unity that needs to be made attractive, according to the CPA, has been made very ugly to the people of Southern Sudan. And it is a clear case that, in these 18 months, I don't think unity will be made attractive at all. But we can try our best to see if this unity can be made attractive.

So this insecurity and human rights violations in the South is a well-calculated plan by the National Congress Party to continue destabilizing the South. The JIUs that need to be joined, they are not joined. And their component, it is only the formal militias that have been associating themselves with them. And they are using them as proxies to destabilize the South.

In Darfur, the SPLM is concerned about what is happening in Darfur. Of course, we are standing in solidarity with the people of Darfur, and we wanted to make sure that this war comes to an end. The President of the South, His Excellency, President Salva, is engaged, and our vision is to unite them. When we unite them, the rebel movements in Darfur, we wanted to unite them so they can have a better position where they are negotiating with the National Congress Party. We are standing with them in solidarity, and we wanted to continue standing with them in solidarity.

The violations that are happening in Darfur, it is not acceptable to the SPLM. We are condemning them. And we think that this is genocide. Because, for your information, genocide was happening in the South for the last 22 years, but it was not just reported to the media. And this is what is happening in Darfur. We have lost 2.5 million

people in the South. You can compare this figure to the lost in Darfur, 400,000. So we have lost enough.

So the CPA needs to be protected and guarded by the international community, and the role of the U.S. is very important. We wanted to make sure that this one is going to last until 2011 because we don't want to have more Darfurs in the Sudan. Because if the CPA is not implemented, definitely we will have more Darfurs. The people will fight; the South will not resist fighting because this is the only future we have.

So, in conclusion, I just wanted to express my appreciation. And I will entertain questions. Thank you very much.

[The prepared statement of Mr. Gatkuoth is unavailable]

Mr. McGOVERN. Thank you very much.

They just called the votes. I have 2 minutes to get over and vote. What I would like to be able to do is to have everybody continue with their testimony, which we will record. And then members will come back for questions, if that is okay with the panel.

So, Mr. Winter, why don't we continue with you? And I apologize for this, but we certainly didn't expect votes at this point. But nice to have you here.

STATEMENT OF ROGER P. WINTER, FORMER SPECIAL REPRESENTATIVE ON SUDAN, U.S. DEPARTMENT OF STATE

Mr. WINTER. Thanks.

We have an energetic and active envoy. The question is, the fundamental question is, who are we negotiating with when we are negotiating with the National Congress Party?

The people who made up the delegation who recently came here and gathered a lot of publicity for their positions are people who have all worked for President Bashir for 20 years. They are all used to getting away with murder.

They have seen American envoys come and go, almost a revolving door of American special envoys and diplomats, who are working on the same issues that we are all working on now. This is a crowd of people who knows how to read us very well. We almost never surprise them.

When they put the team together initially, it was going to be headed by perhaps Salah Gosh, but his record is too negative to show his face here. Then they talked about Nafie. Nafie, of course, was the guy in the middle 1990s who, when he was in charge of intelligence and security, was the overseer of Osama bin Laden as he got his start in Sudan.

So they came upon Ghazi, Ghazi Salah al-Addin. Ghazi Salah al-Addin was starting when I and others who were working on the CPA process in 2001, he was the point person for President Bashir. He didn't have the visibility in the West that some of these other people have developed, but he is a very smooth operator.

And I would just like to mention a short little story about my own personal experience with him, because we had a lot of things to do with him over time. In the fall of 2001, myself and another gentleman from the State Department were left behind to develop former Senator Jack Danforth's tests to test whether the two sides were seriously interested in a peace process. And one of the major tests was to continue the cease-fire that the Americans had negotiated between the two militaries in the Nuba Mountains.

And while we were there, we got a report, or a number of people reporting, that 22 men in the Nuba Mountains had been executed by the government for suspicion that they may have been connected to the SPLM. So myself and the other American diplomat went quickly to meet with Ghazi because he was the point person for the government.

And we explained to him that we had these reports. And he is a very cool character. He sat there, and he stroked his beard a little bit, and then he looked at us, and he said with all seriousness, "It is not a problem." We said, "What do you mean it is not a

problem?" He said, "We have agreed with the Americans that we will have a cease-fire between our two militaries," ours and the government and that of the SPLM. "These people who were killed were civilians, they weren't military, so it is not a problem."

Okay, that is the guy who headed the delegation here. And that is the kind of approach they take with word games and mind games when they are approaching the United States and its diplomats.

Nobody from the Sudan People's Liberation Movement has that kind of tendency. It is a very different kind of crowd, and it is important to keep in mind, in my view at least, the kind of crowd we are negotiating with.

And I would say the problem is not engagement. I think most of us, even those that may have served in the prior administration, believed that the policy of isolation, as it functions specifically, most particularly during the second Bush term, wasn't working. Okay? So many of us think that a level of engagement is certainly called for.

But history shows us that the National Congress Party has an absolutely perfect record. Okay? One hundred percent of the time, they violate their agreements after they sign them. It is very predictable.

And so, any kind of engagement such as the one, in my view, that Special Envoy Gration is currently pursuing is not the right course of action. Because you need not only to be able to provide carrots; you need to apply sticks. And so far, there isn't a single stick in his armory, in his approach to the National Congress Party. Responsible for 3 million deaths, and not a single one of them has yet to pay a single price.

As a matter of fact, I suggested in another forum that the approach he is taking amounts not to making nice but actually making love with Khartoum. It is overdone, and it is not a realistic approach. And I would suggest that his style of operation is leading many to fears and questions about where all this is going.

Let me also say that the ultimate issue in the South of Sudan now, which is one of my primary focuses, is the issue of the end game. And the end game in the CPA is what we call the referendum. There are two referendums. There is one for the South, and there is one for Abyei. And in my written testimony, there is a lot of stuff about the situation in Abyei that I won't try to regurgitate here.

The choices in the referendum are for the unity of the Sudanese state or for the separation of the South, and possibly Abyei, into a new country.

My view is that President Bashir and the National Congress Party have killed any possibility of a vote for unity. Ezekiel said a moment ago 90 percent are going to vote for separation. It may be higher; it may be a little lower. It will be overwhelming, under any set of circumstances.

So it is not them making a poor choice if they see it as in their interest to move away. Okay? They have been driven to such a course of action by the perpetual actions of the National Congress Party in failing to implement the CPA, failing to do it timely, and splitting hairs about who lives and dies and getting away with it.

In my view, there are only two options that the people of South Sudan will pursue. One is if they are given a promised right in the CPA for a free and fair referendum on their destiny. That will work. Okay? The other is if they are not allowed a free and fair opportunity to exercise their vote in the referendum. I expect there will be a unilateral declaration of independence on their part. And, yes, it will probably lead to war. And we should be doing everything we can to avoid that.

But there can be, in my view, no delay in the referendum. Khartoum plays a game of delay, delay, delay. They have done that with the elections. They were supposed to have free and fair elections last month, national elections that were part of making unity attractive by having a viable, real election take place. It hasn't taken place. It has now been moved twice.

That is the kind of thing they will try to do with the referendum, and that would be a catastrophe. They have already taken steps to, in the national parliament, to basically reject the enactment of any enabling law that sets up the architecture for a

referendum. So it will be a heated discussion from here on in.

I will make two last points.

One is, people loosely, and I would say in an untutored fashion, talk about the weaknesses of the Government of South Sudan, Southern Sudan. And there is no question there are weaknesses. I don't think there is anybody within the system in the government that wouldn't acknowledge that.

For 20 years, before I went to the U.S. Government and became a negotiator on the CPA, I headed an NGO that was very involved in civil war and humanitarian disasters and was familiar with all of them in the world that were major over a 20-year period. And I can say without any doubt that the most destroyed place in the entire world is South Sudan and Abyei, not to mention the Nuba Mountains -- the most destroyed place in the world.

So, under the CPA, they have been operating for a grand total of perhaps about 55 months. Okay? Fifty-five months to take the most destroyed place in the world to an up-to-snuff way of functioning, having lost at least 2 million to 2.5 million of its own people and having almost all of the balance actually displaced from their homes and their societies.

All right, if you are familiar with South Sudan today, it has made a tremendous amount of progress. And, yes, there is a corruption problem. Yes, there are government weaknesses. Yes, there is civil violence, in some ways, between communities that are severely underdeveloped and poverty-stricken for resources. Yes, all of that exists.

But who really is a failed state here? Is it the 55-month-old Government of South Sudan coming from all the horrors of 20 years of war and a totally destroyed society? Or is it Khartoum that precipitated all those deaths? Is it Khartoum, whose own corruption has put them in control of almost the entire economy of North Sudan, with a continual violence record and having paid no price?

In the balance, the Government of South Sudan looks good. And they look good primarily because they are democrats, with a small "D." Okay? They want to see -- and it is very clear -- they want to see a democratic South Sudan and Abyei. They would like to see a democratic Sudan entirely. They are not in charge of delivering that the way they might have been.

Government weaknesses or governance weaknesses can be addressed. Okay? Committed intentions can't be addressed so neatly. And I am suggesting that the commitment that the South has to democratic governance, democratic society, and to the development of their civilian population counts more than the deficiencies that can be corrected. Okay? If there are weaknesses in the system of governance, they can be corrected. If there are problems of civil violence, they can be addressed.

The thing I would suggest is that we are coming on a collision course with the timeline of the CPA and trying to address and redress some of these lacks. My suggestion is, in the next 18 months to 2 years, we really, in a new way, surge our involvement with the people of the South and of Abyei and elsewhere in Sudan, but surge to help them overcome these deficiencies, to eliminate this rhetoric about a possible failed state.

The real failed state is in Khartoum, and the real interests of the United States are to promote democracy and development in Sudan and, particularly, in this case, I am suggesting in South Sudan and Abyei.

Thank you very much.

[The prepared statement of Mr. Winter is unavailable]

Mr. HOGREFE. Thank you very much, Mr. Winter.

Just for the record, by direction of the Chair, the staff of the Commission is taking the rest of the testimony until the members will return.

For purposes of identification, my name is Hans Hogrefe. I am the Democratic staff director. And I am joined by the Republican staff director, Elizabeth Hoffman.

I also -- and this has not happened yet. Without objection, your full bios and your testimony will be included in the record.

Mr. Norris?

STATEMENT OF JOHN NORRIS, EXECUTIVE DIRECTOR, THE ENOUGH PROJECT

Mr. NORRIS. Thank you.

And I would certainly like to second Roger's comments. They are as eloquent as they are compelling in discussing the situation.

I would also like to thank the Commission for focusing on this issue right now. The Obama administration's policy review is pending. It has taken them longer than they would like to get it resolved. And I think this is really a crucial time for Congress to weigh in with some very legitimate concerns about the course of policy and to make sure that policy is right.

As the chairman noted, we are really approaching a seismic event in Sudan. It is one of those times when the fundamental map of the world is very likely to change by 2011. As he pointed out, the way it was handled in East Timor was incredibly shoddy, led to a great deal of bloodshed. I think, if you look at other examples, the breaking apart of the former Soviet Union was handled comparably well. The former Yugoslavia was an absolute disaster.

What is real striking to me is that we know that Sudan is very likely going to be two states within a period of 2 years. And yet, the attention and focus is not there in the way that it really should be. And I think the action that Congress takes now, the action the administration takes now, working with our allies and partners, will really determine whether this seismic event in international relations is handled well and peacefully with some bumps in the road or if it is again steeped in blood, as the history of Sudan has all too often been.

I think looking at the CPA and why it has not fulfilled its promise is really instructive, as we look forward. I think there are probably three prime reasons why the CPA has not fulfilled its hope that it would be a transformative document and really lead to a more inclusive, more democratic Sudan, where power was shared more broadly.

First, I think there is the matter of bad faith. I think the NCP never has been willing to commit to sharing power more broadly with the people of Sudan, whether they are in the South, West, East, or North. And I think the fact that events in Darfur were happening relatively concurrent to the signing of the CPA really says a lot, that a government that would so willingly victimize its own people, terrorize them, drive them from their homes, kill, maim, rape, use proxies to do that, the thought that they would be willing to share more power at the ballot box or in the halls of power I think really begs some disbelief.

I think, second, there was a certain drift in international attention from the CPA. I think there was a sense that, once an agreement was signed, people could move on to other things. But, as we know from dealing with the NCP, as we know from every peace negotiation everywhere, it is hard to get an agreement; it is even harder to have it implemented. And I think the lack of international attention on implementation and really putting the same concerted international effort and focus into making sure that the agreement was fulfilled has been one of the key reasons it hasn't gotten as far as we would like.

And, lastly, I think this is perhaps most germane for the administration's course on policy right now. There were really no sanctions or no costs for not fulfilling the terms of the agreement. Deadlines slipped, were missed again and again. Khartoum saw no real opprobrium from the international community for failing to deliver on its commitments to empower its own people. And so it figured it could slow-roll the process. And I think it really does point out the importance of approaching Sudan not just with an incentives, not with just the path to normalization, but actually real, concerted, orchestrated international pressure.

My colleague, John Prendergast, yesterday made the very valid point that this administration has worked very hard to line up clear international agreement on a path forward for exerting pressure on the North Korean Government and on the Iranian Government for their roguish behavior on the international stage. Yet that approach has largely been absent in the discussions on Sudan. And I think the international community is really looking to Washington for leadership on getting the CPA off the carpet, on reaching a peace agreement in Darfur, and really managing the transition process as we move towards a referendum or even a unilateral declaration of independence in 2011.

I think that is also why there was a lot of concern with the comments by Special Envoy Gration this morning. He made rather clear that he would like to see the sanctions regime dropped or substantially modified. I don't think he presented a very compelling set of reasons to Senators in direct questions on what Khartoum has done to date to have the question of sanctions revisited.

I think any sound approach to Sudan really has to condition any change in Sudan's relationship with the United States or the world on Sudan actually delivering on its promises and not just the utterance of further promises, of which there have been so many to date.

Special Envoy Gration suggested that one of the reasons he would like to see sanctions revisited was he felt they were deleterious to the development of Southern Sudan and that it was a roadblock to specific development projects. I think if that is, indeed, the reason he would like to see the substantial regime revisited and he has very specific reasons and things he would like to change on the ground in Southern Sudan, I think he probably wouldn't have that hard a time bringing a package to Congress and having that kind of discussion. But I do think there would be broad, substantial, and rightful concern if the United States is looking at dropping sanctions more broadly against Sudan without some real, clear, practical roadmap and change in behavior from Khartoum.

The special envoy also suggested that he thought that the designation of Sudan as a state sponsor of terror was a purely political decision. And, certainly, I hope that is something that the Commission and other Members of Congress ask for a clarification for from the administration.

I have certainly never seen any official guidance or suggestion from the administration that a state can be put on the state sponsor of terror list for purely political or diplomatic reasons, and that it is usually based on very direct and substantial behavior. So, certainly, I hope there is clarification forthcoming from the White House and the State Department in that regard.

Just a couple of final points, keeping it brief, knowing that there are votes today.

I think it is also really important for the administration and for the international community to look at what it wants Sudan to look like in 2011 and do some very important reverse engineering. I think there has been too much of an emphasis on kind of the daily firefighting of dealing with relations with Sudan.

Obviously, the expulsion of humanitarian aid groups, the crisis du jour, is always going to take up a lot of time and attention for a special envoy. But I think it is absolutely crucial that the United States and its allies have a good sense of what they would like Sudan to look like the day after the referendum vote.

And I think there really needs to be a fairly sweeping set of agreements between

North and South on issues of what you do with debt that might be shared, what you do with resources that might be shared, water, oil -- there is a whole range of issues that are obviously going to be sources of very considerable tension between the two. And more emphasis should be placed on adjudicating those concerns so they don't just immediately blow up the day after a referendum vote that almost everyone agrees would vote for secession at this point.

Secondly, I think it is very important to look at the situation in Darfur. I think the acid test for the success of this administration's approach to Darfur is the issue of refugee and displaced returns. And I think, until and unless we create conditions where refugees and displaced feel secure going home, we cannot say that we have succeeded in our diplomatic efforts.

And, right now, we are very, very far away from creating conditions where people would feel secure going home. The peacekeeping force on the ground, UNAMID, isn't protecting civilians. There has been no effort to disarm the Janjaweed. There has been no efforts in terms of accountability, either for President Bashir or other people who have been directly involved in the violence.

And I think creating that set of conditions that would allow for safe, stable, orderly returns, compensation for victims, all under the broader rubric of a lasting and secure peace agreement for Darfur, is absolutely essential. And I think we really are very far from that today.

Lastly, I think it is very important not to neglect the issue of power-sharing. It has been the theme that all of us come back to again and again. It is a central theme in Darfur. It is a central theme as to why the CPA has stumbled very badly. And until we really look at power-sharing and until we actually have very serious agreements in place that ensure power-sharing, even if we manage the North-South divorce fairly smoothly, we will again and again have crises in Sudan as problems crop up in the East, the West, and the North.

And, lastly, I must say I was rather taken this morning in Special Envoy Gration's testimony. The word "justice," the word "accountability" I don't think really appeared anywhere.

There was no discussion of the pending charges for war crimes and crimes against humanity against President Bashir, other members in the NCP. And that simply can't be swept under the rug. It has to be part of a lasting solution. I think the United States should be adamant that President Bashir present himself as soon as possible to defend himself against these charges.

And I think we have learned some very hard lessons from previous experience in other conflicts: We will not have lasting peace in Sudan unless we have accountability. And the administration should absolutely resist any effort to sweep those issues aside.

Thank you.

[The prepared statement of Mr. Norris is unavailable]

Mr. HOGREFE. Thank you very much, Mr. Norris.

Mr. Osman?

STATEMENT OF AMIR OSMAN, SENIOR DIRECTOR OF POLICY AND GOVERNMENT RELATIONS, SAVE DARFUR

Mr. OSMAN. Good afternoon. I would like, first, to thank the two chairmen of the committee in their absence for inviting me to testify today on this very important issue before this very important Commission. I appreciate the opportunity to talk about the critical issues currently facing my home country of Sudan.

It was a difficult decision for me to flee Sudan in 2003. I left because my work on human rights had put my life at risk. As a refugee living in Egypt, I continued to advocate for peace, justice, and democracy in Sudan at the American University in Cairo

and the Cairo Institute for Human Rights Studies. I specifically focused on the genocide in Darfur during those years.

After being resettled to the United States in 2006 through the UNHCR, I moved here to Washington and joined the Save Darfur Coalition to aid in its international advocacy efforts. As co-senior director of policy and government relations, I help design and implement the coalition's international policy, advocacy and outreach to foreign governments and international partner organizations in Europe, Africa, and the Middle East. I also focus on the human rights situation in Sudan and the peace processes in Darfur and South Sudan.

During the past decade, President Omar al-Bashir and his inner circle have transitioned from an ideologically driven regime to one whose primary aim is self-preservation. The regime now makes human rights compromises when it feels compelled to do so.

The regime's continued abuses have been well-documented by human rights organizations. Regular warnings have been issued about illegal detentions, unfair trials, press censorship, and the routine harassment of journalists. In addition, current laws do little to protect victims of gender-based crimes.

The most urgent human rights challenge in Sudan today, however, continues to be the crisis in Darfur. Three million displaced civilians continue to suffer as a result of the genocide that began in 2003. While the systematic destruction of villages has largely ended, the people of Darfur continue to live in a lawless, dangerous environment, where rape continues to be a daily terror. On March 4th, the Sudanese Government demonstrated its ability to cut off humanitarian aid at any moment from the 4.7 million Darfuris who depend on it.

The mass violence committed by the Sudanese Government several years ago has been replaced with the harassment, detention, torture, and murder of Sudanese civil society leaders. This violence led a significant number of the Sudanese human rights defenders to flee the country shortly after March 4th. Such abuses must be stopped.

The suffering in Darfur resembles in many ways the war in Southern Sudan. Both Darfuris and Southern Sudanese have experienced the bombing of villages and mass civilian displacement. The Sudanese Government's use of humanitarian aid as a weapon of war and its divide-and-rule tactics among the Southern rebels have also been repeated in Darfur.

At the same time the Sudanese Government was launching its genocidal campaign in Darfur, it was negotiating with the SPLM an end to the conflict in the South of Sudan. Bashir made the calculation that the international community would turn a blind eye to Darfur in the effort to get the CPA signed. His calculation turned out to be largely correct.

Bashir's favorite tactic is to delay true reforms by creating crises that distract the international community, allowing Bashir to never actually fulfill any of his promises. The international community enables Bashir by focusing on the crisis of the moment rather than a comprehensive solution. The NCP is using cooperation on the implementation of the CPA as leverage to resist international pressure on Darfur, and it is working.

The United States and the international community have failed to develop policies suited for dealing with the regime, which lacks a fundamental willingness to transform into the democratic state envisioned by the CPA. Sudan issues will not be resolved satisfactorily between just the NCP and the SPLM or the NCP and the Darfuri rebels. All of Sudanese civil society must be empowered to participate in these processes.

The United States must understand that Sudan's crisis cannot be managed forever or resolved individually. Only when the international community demands serious judicial and democratic reforms will there ever been a chance to resolve South Sudan and Darfur and move toward lasting peace.

Policymakers have too often focused on the South to the detriment of Darfur, or

Darfur to the detriment of the South. But Darfur and South Sudan are not separate problems. They are the result of a single problem: the undemocratic, centralized, and abusive nature of the ruling regime. Only when this problem is addressed will peace be forthcoming.

There is an urgent need for a coherent and comprehensive strategy to guide Sudan to a more democratic and peaceful future. Such a strategy requires that important and difficult choices be presented to the NCP. The Sudanese Government must be forced to choose between cooperation and confrontation.

If they cooperate by ending the violence in Darfur, ensuring accountability through cooperation with the ICC, and fully implement the CPA, they may be allowed to reap the benefits of becoming a responsible member of the international community. If they continue to delay implementation of the CPA and continue to attempt to divert and distract the international community by using one conflict as leverage against the other, they must face real consequences.

While we here in Washington sit and debate policy, the people of Sudan continue to suffer. This policy debate should not be complicated. The United States and its allies must force Sudan's hand and then commit to seeing this through. We have played Bashir's game too long to be fooled any longer.

Thank you.

[The prepared statement of Mr. Osman is unavailable]

Mr. HOGREFE. Thank you very much, Mr. Osman.

With your indulgence, we would like to ask, Elizabeth and I, a few questions to follow up on your testimony. And we hope, of course, that our members will join us momentarily.

All this buzzing that you heard in the background, those are all the votes. There is a whole series of votes, so that you understand. We can ignore the buzzing; it is not a fire alarm. But it also means that our bosses, unfortunately, are detained on the floor.

Let me, first of all, before we go into the testimony that you have presented -- and I congratulate all of you on your excellent and comprehensive testimony -- I would like to draw attention to another very important issue that is very crucially important to the Commission, which is maybe an aside story to the bigger story today. But today, in The Washington Post, there is a report that a Sudanese female journalist is facing 40 lashes for wearing pants. And she is currently protected by U.N. immunity. And to challenge this sharia law provision, she is actually going to quit her job to take on that law in a Sudanese court.

Now, we will follow that issue very closely. And if there is anybody here from the Sudanese Government, you better believe that we take that very seriously and that we follow that very, very closely. I find that incredibly, remarkably courageous for the woman to forgo her immunity that her current job gives her. She quits her job, then to face a very uncertain outcome in a Sudanese court.

So that as an aside, I wanted to first comment on Mr. Norris's statement, when you summarized General Gration's testimony this morning, when you talked about the sanctions regime and talked about the negative impact on the South that that may incidentally have.

Well, I would refer you to the Omnibus Appropriations Act of 2009, which is Public Law 111-8, which already makes provisions that we can provide specific assistance to Southern Sudan, specifically excluding South Sudan from that definition of the Government of Sudan. So that the relevant provision reads, "For the purposes of this act, the term 'Government of Sudan' shall not include the Government of Southern Sudan. And, notwithstanding any other provision of law, assistance under this act may be made available to the Government of Southern Sudan to provide nonlethal military assistance, military education and training, and defense services control under the international trafficking in arms regulations, requiring the Secretary of State to determine that the

provisions of such items is in the national interest of the United States, of course, and that such action will be reported to the relevant Committees on Appropriations."

So, you know, it is a little bit not quite accurate, technically speaking, what was presented this morning.

Let me first come back to the pending question that the chairman asked before he had to leave, which was about the claim this morning that the designation for the terrorism list was really done under political consideration. What is your view on that particular statement?

Whoever. It goes to the entire panel.

Mr. NORRIS. Yeah, certainly, I am not an expert on counterterrorism, but I can only imagine the special envoy's comments and use of those words was not cleared elsewhere in the government, because it really is a rather remarkable assertion, that we would designate a country as a state sponsor of terrorism and leave them on that list with no grounds to do so. I think that would obviously raise some profound procedural, political, diplomatic issues. And, as I said, I think he really needs to clarify what is going on there.

It was telling, in this morning's discussions, there were some sharp back and forth among the Senators, themselves, as to the extent of Sudan's cooperation on counterterrorism issues and the overall value of that cooperation. I know Senator Feingold thought that the degree to which Sudan has cooperated on counterterrorism issues has been substantially overstated. The committee agreed to discuss it in a private session.

But I also think it is important to put it in a large picture, that we have a government headed by a man who is wanted for war crimes, crimes against humanity, a situation in Darfur where hundreds of thousands, by any account, have been killed, his role in Southern Sudan where millions were killed. Is that not a form of terrorism itself? Are we asking to let this guy off the hook for helping round up a few bad actors that may have passed through Sudan and willing to look past much larger crimes?

Thank you.

Mr. WINTER. I think I mentioned before my view that the new envoy has a steep learning curve. And I think this is one of the areas.

If, in fact, it is true -- and it is -- that they regularly, and I would assert even 100 percent of the time, violate the agreements they make, and notoriously so, why would you give away the store? Now, I am not suggesting that any one of these sanctions came on by a political those choice as a opposed to a meritorious decision. But why would you give it away? Why wouldn't you use it for leverage when you know what is actually going on in Darfur and you know what is actually going on in terms of presenting obstacles to the implementation of the CPA and so forth?

I am not aware of any diplomat in a serious card game showing all his cards up front. Now, maybe this is a new way of doing business, but it seems to me that it is very naive. And I would suggest that the learning curve is steeper than I thought. That kind of rhetoric will rapidly become very dangerous. In Khartoum's mind, it means they are halfway home. And that is a scary thought, under the circumstances, given their track record.

Mr. HOGREFE. Yes, sir?

Mr. GATKUOTH. We have been fighting this government, the National Islamic Front -- you don't need to have intelligence reports to know that they have been involved in terrorism. In 1993, they almost brought down the World Trade Center; Sudan was involved. In 1995, they almost assassinated Hosni Mubarak; Sudan was involved. They hosted bin Laden, Osama bin Laden; Sudan was the one who was the host back then. You don't need to have intelligence reports to know that they are involved in terrorism.

But, of course, in 2001, after the 9/11, they have to change their tactics, because the policy of the U.S. Government was, "Either you are with us, or you are with the enemy." And they find themselves cornered, because bin Laden was wanted by the U.S.

Government, and bin Laden was in Sudan. So they had to change their tactics. So they had to cooperate with the CIA and the U.S. Government officials to show that they are cooperating in the war on terror.

This is not politically motivated. It is the acts of the Sudan Government showing that they are involved in terrorism. That is why they were put on the list of the states sponsoring terrorism. If they have changed now, then that will be a different ball game altogether.

But recently, Salah Gosh, the head of the national security service, was threatening that if we are not being considered -- because the objective for the National Congress Party is to normalize relations with the U.S. Government. That is why they are cooperating on the war on terror, if at all, they are cooperating or they are giving you the intelligence that you need. He said it publicly that, if we are not being considered -- saying that if the relations or the cooperation that we are showing, there is no reward for it, we can go back to our old ways of doing things, basically saying that they will go back to doing activities that are contrary to the views of the majority in the world.

So I think the views of the special envoy, personally, I don't know why, but I have been engaging with him as the head of the Government of Southern Sudan and SPLM. He has good intentions. I think he wanted to make sure the CPA is brought to light, because so far we have been focusing on "save Darfur." Yes, we need to save Darfur, but also we need to save the Sudan as a whole, not the state of only Darfur. Because if you let go of the CPA and the South returns to war with the North, then you will have another "save South Sudan." And Eastern Sudan is actually boiling; then you will have another "save Eastern Sudan." And then Northern Sudan, you will have another "save Northern Sudan." And "save Darfur" -- you will have saved many in the Sudan.

So I think he wanted to make sure that the CPA is implemented, the war is ended in Darfur. And he is learning that Sudan is very complex. As a Sudanese who is involved in politics daily, I know it is a very complicated issue, compared to somebody who is just new and learning all the complexities: the JEM, the SPLM, the Umma Party, and all of this, National Islamic Front, and Popular Defense Forces. All of this you need to learn, and it will take a lot of time.

So I think he has good intentions. He has energy. Of course, if I disagree with him, I will tell him that I don't appreciate the way you are approaching issues this way or that way. But I think we need to work with him to educate him so that he can also see the realities of the situation in the Sudan.

Mr. HOGREFE. Thank you very much.

Mr. Winter, I would like to come back to an issue that, to me, seems to be right now crucial to explain the growing tensions between the parties that have ultimately agreed to the CPA and that may very well destroy the whole CPA, in my view, to begin with, which is the region that you talked about, Abyei.

Obviously, recently, the Permanent Court of Arbitration has come down to a decision that, on face value, was accepted by both parties but which, in essence, has left both parties dissatisfied with the decision. The South was handed, basically, a victory by the court deciding that most of the area will go with the South. But, of course, the oil fields, that is a very contentious issue, and that was not going in the South's favor.

First of all, can you give us a little bit of background on the development in this region? And given that this is the traditional bridge between the South and the North, this district, how important is it? And does it really have the potential to ignite a war that could start much sooner than we think, prior to referenda or anything else that is on the agenda?

Whoever. Mr. Winter first maybe, and then whoever wants to --

Mr. WINTER. I can start.

In terms of interpretation of the PCA decision, I hope Ezekiel will really do it on behalf of the Government of Southern Sudan and the SPLM. I can make some reactions to it, but that would be the one that counts more than mine.

Let me say this. I think it is important to understand that Abyei was an issue before oil. Okay? Everybody says, "Well, it is an oil field, and that is the problem." But in the first war, so to speak, or the first phase of the war between Khartoum and the South, Abyei was perhaps the earliest flash point of all: the history of that population having been moved from the South to the North, the fact that pogroms against the civilians of Ngok Dinka were happening regularly and, at times, at the instigation of the authorities. That was the history in the earliest of days. And so, Abyei was seriously represented in the Anya-Nya movement, which engaged in conflict with Khartoum all the way up to 1972.

At that point, it is important to note that the Abyei was offered a referendum, okay, that they were going to be able to vote as to whether they returned to the South or whether they stayed in the North. Of course, that was a promise that was never kept, like so many.

So there are issues beyond oil.

You know, the people of Abyei are really quite extraordinary, if you really focus on what has happened in recent history to them. I can tell you, there were times earlier this decade and back into the 1990s when I would get to Abyei and there wouldn't be a single person visible anywhere. It was entirely denuded of population. Many people -- they fled in all directions. A lot of people, because of the location of Abyei, had to go into the Northern cities. In some cases, they were displaced for 10 years, for 20 years, for very long periods of time. But they are coming back in significant numbers because it is their place. All right?

So, in May of last year, I think it is very clear that Khartoum triggered an intentional displacement of the population and the total demolition of the economic heart of Abyei, the marketplace and the residential areas. I was up there while the place was still burning. We videoed. I mean, literally, it was still burning. Everybody was gone. And I was in Abyei last week. They are back.

These are tough guys, tough people. They get driven out; they come back 10 or 20 years later. They get burned out again last year, and they are back again. Even the outlying villages that were all denuded of population when I was there earlier last year, there are people back in them. This is their place. They want it to be their place. They want it to be a livable place.

Now, one thing you should note with the PCA decision is that it hasn't brought a level of satisfaction. And I don't know that anybody would have expected that everybody would be satisfied. And that is, kind of, part of what I would like Ezekiel to speak at from a Sudanese perspective.

What I can tell us you is this. The Bashir pattern is the same. Okay? He never, over a 3-year period, after signing multiple times publicly the Abyei Protocol as part of the CPA, he never implemented its provisions. All right? So then they burn the place down. Then the SPLM agrees to go to arbitration. Then there is a decision. All right? They came out better, apparently, than they thought they were going to come out in Khartoum.

But what is the first pronouncement, at least that I have seen, from Bashir in the media about it? He is already telling how he is going to prostitute the referendum on Abyei and whether it goes South or stays with the North. He is already telling the non-Ngok Dinka population, "I am going to make sure you get the vote. All of you will be able to vote." All right? So he was really looking to undo the PCA already. Now, why does a President do that? I really don't know. It is not in the parameters of normalcy to continually do that kind of thing.

But I would prefer to defer to Ezekiel on the reaction.

Mr. HOGREFE. Thank you very much.

Mr. GATKUOTH. Historically, Abyei has been part of the South. It was transferred in 1905 to Kordofan because of demonstration of Abyei. That was the reason, because it is very far from Bahr el Ghazal, and then the administration was a bit far. So

they preferred -- the British and the Anglo-Egyptian decided, well, it would be good to transfer it to Kordofan.

And then now, even the reason why we have been going here and there, to The Hague, and even trying to see the Abyei boundaries, is because we were trying to address it. Of course, when it was transferred, it was just administratively, not the people, to be transferred to go to Kordofan. And even in 1972, it was an issue in the 1972 agreement that we had between the North and the South.

And so Abyei remained to be administrated by the presidency, not Kordofan. And the same way in the CPA agreement, it is being administered by the presidency, but they have to have their local administrative unit in the Abyei area.

Basically, Abyei is the place of the nine Ngok kingdoms. It is historically known that, of course, the Messiria migrated into the area, and they have been co-existing without any problems until the political leaders in the North decided to influence them.

I don't want to go into the history. But, of course, in the first place, in the Abyei Protocol, we have agreed that there will be a committee of experts to demarcate the border. And all of us, before their work started, we have agreed that it will be just final and binding, this report of the experts. It was headed by an American former Ambassador to Sudan, Don Peterson.

And then when they presented their report to the presidency, Bashir immediately rejected it, contrary to what we had agreed upon in our agreement, that it will be just final and binding.

I continue?

Mr. WOLF. We apologize. The House is voting, and they are in an interim of 10 or 15 minutes, so we wanted to come over.

Secondly, I hope the staff told you, we are going to put all of the statements in the Congressional Record so the world can see what you say. So, thank you.

And Chris told me a little bit about your hearing. He said it went to 9 o'clock last night.

So, anyway, go ahead. But thank you all for coming.

Mr. GATKUOTH. Yes.

So the award, the SPLM can live with it. The Abyei award, or the Permanent Court of Arbitration award that was awarded on the 22nd of July, we can live with it. But there are some areas that we will settle in the North-South border: the area Leich has been historically part of Bentiu or Unity state; and the area of Merdum in the west of Abyei has been historically part of the Northern Bahr el Ghazal state.

But the intention of the National Congress Party is to get the oil from the Abyei area. And this has been the intention. It is not the land or demarcating. If there is nothing underneath the land, this border can be even demarcated tomorrow. But, of course, they wanted to have their share of oil.

Thank you.

Mr. WOLF. Has everyone finished?

Mr. HOGREFE. We were on the questions. The gentleman answered the question about Abyei.

Mr. WOLF. Okay. Maybe I would just ask you this. I did not have the benefit of the hearing that Mr. Smith had, so maybe he might want to follow up, but where are we now with regard to the status?

And I met yesterday after afternoon with the special envoy, and he seems very sincere in what he is doing. And we are going to get your testimony and send it to him. Have you all been meeting with him? Do you sit down with him? Do you know him? Does he meet with you on a periodic basis? Could you, kind of, tell us?

Mr. NORRIS. Yeah, we have had the pleasure to sit down with the special envoy on a fairly regular basis. I certainly give him credit for reaching out to outside groups and outside experts. He acknowledges that he is not a life-long Sudan expert or a life-long diplomat, so I think it is quite useful that he has been reaching out.

That said, you know, we have some very serious disagreements on the policy approach. And I think, in summation, right now I think there is a lot of concern among Members of Congress and a lot of folks who work this issue on a day-in, day-out basis that the approach is a little incentive-laden right now without a lot of pressure. And I think that sends a very dangerous signal to Khartoum, and they feel that they don't really need to do a lot, in terms of delivering on their commitments, to improve the relationship with the United States.

I think in terms of the peace process as a whole, the CPA, what is going on in Darfur, you know, it is very clear that we are headed for a very dangerous situation by 2011. There is simply so much unfinished work, in terms of the CPA, that more and more profound decisions are getting jammed into a narrower and narrower window of decision-making.

So I think both North and South are looking to the referendum and trying to position themselves in terms of things that are most important -- the border, resources -- with, you know, a very distinct possibility that it could lead to a resumption of violence.

And, at a time when some of the key provisions of the CPA, such as next year's national elections, it is very difficult to imagine them working as designed. For example, an election in Darfur, I can't imagine how you would have a free and fair election in Darfur with millions of people driven from their home. It is difficult to consider a national election in Sudan as credible if Darfur is simply set aside or not included in this vote. And key figures in the Department of Peacekeeping Operations at the U.N. have already come out and said that they think it is almost impossible to imagine a free ballot in Darfur next year.

So I think there is a lot of concern about the approach right now. We certainly will continue to engage special envoy and agree where we agree and disagree where we disagree. But I certainly think continued discussions with key Members of Congress, such as yourself, are also a useful palliative.

Mr. OSMAN. On the approach of the special envoy, I haven't met with him yet, but my colleagues at Save Darfur, you know, did meet with them several times. And I appreciate his efforts. He is a great man. He is trying to do whatever he can to resolve the country. But, however, I would disagree with him on his approach about dealing with the NCP.

I think the problems of Sudan lies on the NCP. And, I mean, being Sudanese, monitoring the situation in Sudan, and knowing the Government of Sudan officials for so long, I am certain that they will not bring peace to the country without feeling the pressure.

They did it in 2005 when they signed the CPA with the SPLM, not because they were willing to end the war in the South of Sudan, but because they felt they have one choice to make, one of two choices: either to sign a peace agreement or the international community would increase the pressure on them and they would leave power. Now they want to remain in power. And they will do the same in Darfur. If, and only if, the United States showed enough sticks to the NCP, I think they would respond positively.

And another point about war between the North and the South. I do believe that we should not expect a war only between the North and the South. The next war in Sudan which I see happening would be a war all over. And the case was a war between the North and the South before because we had the official army of the NCP, or the Government of Sudan, fighting the SPLM. Now we have weapons in Darfur and rebel groups. We have tension in the East of the country. And we have many armed groups within Khartoum. And we have to go into Sudan militias with weapons in Khartoum.

So if something happened in Sudan, it will not be war between the North and the South or war between Khartoum and Darfur. It will be a civil war, and the state of Sudan will collapse. It will be another Somalia, I would think.

So I think being nice to the NCP will not help; it will definitely hurt. The Government of Sudan officials were very concerned when President Obama was elected

because of his statements during the campaign and Secretary Clinton and Biden and Susan Rice statements during the campaign. They realize that they need to have a better relationship with the Obama administration.

And I think if General Gration went the first time to them and showed at least a balance between carrots and sticks, they would have this responded better. They did expel the humanitarian organizations because they wanted to shift the focus from the indictment of President Bashir. And everyone focused on the humanitarian organizations that were expelled out of the country. General Gration did get some of them to go back.

And now the Government of Sudan is trying to shift the focus to be on Abyei. And next month they will have another crisis, they will make up another crisis so the international community will focus on it.

Without having a comprehensive and coherent approach and strategy and putting a proposal for the NCP to choose either to resolve the entire country's problems once and for all or to face the consequences -- and I think the United States needs to reach out to key countries to make such a proposal -- the NCP will not respond. Engaging in a dialogue with them will not certainly help.

Mr. WOLF. We are down to 10 minutes again. And, Roger, do you want to respond?

Mr. WINTER. I will say something quick. I suggested earlier here that our special envoy is, I think, well-intentioned, but he is on a very steep learning curve. And one of the problems is that the people in Khartoum, who have all been around for 20 years, they have seen envoys come and go, they know how we think, they know how to deal with us, they read us very well.

In that context -- I wasn't in hearings earlier today on the Senate side, but some of what we have heard about the envoy suggesting that some of the major sanctions that we have in place against the Khartoum regime are unjustified, were applied for the wrong reasons, and all of that, is actually very destabilizing, dangerous.

It undermines the confidence of our friends who are collaborating on the implementation of the CPA and relying on a democratic referendum to determine their future. As I said a little bit earlier, I really don't know a card player that exposes all his cards at the beginning of the game. It amounts to giving away the store, if he were, in fact, successful. I don't believe our society, our Congress, our people are prepared to see that kind of thing happen.

And I hope, somehow or other, the administration collectively comes up with a package that approaches, as has been said, with carrots and sticks, taking into account the fact that this current government refuses to implement agreements over and over and over again that are signed and you cannot count on their word.

Mr. WOLF. Ezekiel, you may not want to comment, so I don't want to put you in a bind. So I will go to Mr. Smith, if he has any questions.

Mr. SMITH. I will be brief, only because we do have to run for another set of votes, which will be 2-minute votes again.

Pa'gan Amum yesterday talked -- and you remember this, Roger; Ezekiel, you remember it as well -- very strongly about this alarming situation, the escalation as he called it. He talked about rewarding the National Congress for nothing. And, of course, I think your recommendations yesterday and, Roger, yours were outstanding.

I have asked Don Payne, our chairman of the Africa Committee, we want to take all of your testimonies and these, as well, obviously sending them in their entirety but also, as best we can, summarize and get it to the NSC as quickly as possible before they, you know, go down the wrong street and lead to -- you know, good intentions are not enough now. We need concrete and effective understanding and actions.

But this escalation idea -- and Pa'gan mentioned some 79,000 AK-47s, which is an estimation that they have made, of arming people in and around the South. If all of you could speak to this.

It seems to me -- and Mr. Wolf and I, I will never forget some of our early trips to

Bosnia and to Croatia, especially to places like Vukovar, which, frankly, fell 3 weeks or so after we left it. We had naiveté down at Foggy Bottom like I couldn't believe, in terms of Milosevic's intentions. And Larry Eagleburger would tell us, "This won't happen, that is not going to happen," and all of it happened with a vengeance, and hundreds of thousands of people were killed.

It seems like déjà vu again here, with some of the best and the brightest at the State Department and White House missing by a mile what could be the early warning system of an impending new war on Southern Sudan.

So I would hope you would all speak to that issue. We know about the AK-47s, presumably coming through China. They arm the world. But, also, what other kinds of munitions and materiel are out there that you have heard about?

And, again, I am sure, I looked through some of the testimonies; it is like déjà vu from yesterday. We are getting from all of you what we got from some of the witnesses yesterday and again from Roger, just to, you know, do something. You have to stop being so -- you know, the U.S. has to -- ostrich-like, head in the sand.

You know, and Bill Clinton actually only got involved with Bosnia, as we all remember, and Yugoslavia when Elie Wiesel turned to him at the Holocaust dedication and said, "Do something, Mr. President." Because we were fiddling while people were being slaughtered, and part of it was attributable to our policy on the arms embargo.

So here we go again. There is more we could be doing. Please speak to that and, also, this arming issue that I think portends and is the harbinger of a very dangerous situation.

Mr. WOLF. And we are down to 4 minutes.

Mr. NORRIS. Yeah, very briefly, lots of weapons pouring into Sudan, lots of oil money going for weapons.

And I think the real danger of an approach that is not uniformly tough on the Government of Sudan is that they feel they have the green light to take by force what they want, as the country moves towards an independence referendum. If they want oil fields, if they want territory, if they don't like the way issue A or B is resolved, that they will simply change facts on the ground, use force to do it, regardless of the human cost involved in that. And we absolutely have to change that dynamic.

Thanks.

Mr. WOLF. Yeah, why don't you keep on talking, but it will be for the record. And, also, we will send your testimony not only to the special envoy -- not only will we put it in the record, but we will also send it to General Gration and the Secretary and the whole group so that, as Chris was saying, people that are the decision-makers will know.

Thank you all. And, please, I apologize for leaving. It is in the record.

Mr. HÖGREFE. Absolutely. Yes, we will take it for the record.

Mr. GATKUOTH. Let me say something about this distribution of arms. As Secretary General Pa'gan Amum said yesterday, yes, there are 79,000 small arms distributed already. But the shipment was 200,000 AK-47s. But they managed to distribute only 79,000. And you know the Sudanese army is using G3 guns. They don't use these Kalashnikovs. So, basically, it is a clear indication that they wanted to pass it on to somebody else. They are not going to use it for their army.

The other thing that I wanted to add is, of course, we have been talking about 18 months; we have just only 18 months left for the referendum to be conducted, which is January 9, 2011, because the referendum must be conducted 6 months before the interim period ends. And then in July 9, 2011, the interim period will end officially.

If the National Congress Party is going to continue delaying and we pass 2011, January 9th, then in July 9th, 2011, there is no CPA, there is no National Congress Party. Completely the South, or the parliament of the South, will definitely have a right to declare their independence.

And this is also going to be scary, because the North or the National Congress Party will not accept this unilateral declaration of independence. They will declare a war

on us, and we will have a justification that the interim period has ended, there is nothing that can bind us together.

So this is a very scary picture. And I think, as Congressman Smith said, we need to do something about it before we are all caught off guard.

Mr. WINTER. Yes, speaking of off guard, in a collaboration between the Enough Project and myself earlier last year, 2008, we did a number of reports on Abyei and what the prospects were. And, to be very honest with you, having worked in the State Department with a lot of the folks that are still around, there has been almost no comprehension about what Abyei is all about, almost zip.

And so, we were trying to create an awareness, because we knew that the fact that Bashir signed the CPA, including the Abyei Protocol, and then refuses to implement would not last forever; it would lead to further violence. And so, we did a series of papers.

And what we actually did, because it seemed so obvious if you were paying any attention to it, was predict that in the middle of May of last year -- you can look it up on their computer, on their Web site -- we said, in the middle of May, Abyei is going to be attacked. And just like clockwork, that is exactly what happened.

Because if you understand not just the populations but the movements of their animals and these other kinds of aspects and that some of the outlying villages are already being knocked off one at a time and the populations are flooding into the town for protection, you could see it coming. All right? And it was burned to the ground.

So, when these guys are saying that what is happening is very dangerous, it is because they have been around. Okay? They know their turf. All right? It is a very dangerous game we are playing right now, at least what I see.

And the United States of America can't be so blind as to be snookered by a crowd that never keeps its word and that is responsible for 3 million deaths and never paid a price for it. It just can't play that kind of game, as far as I am concerned.

Mr. HOGREFE. With your indulgence, I have two more questions before the Republican staff director has additional questions.

Moving a little bit away from the subject of Abyei, yesterday, before the full committee of the House Committee on Foreign Affairs in a hearing on the future of U.N. peacekeeping, our U.S. Ambassador, Dr. Rice, U.N. Ambassador, in very eloquent statement, basically laid out for us that, in the hybrid peacekeeping operation, UNAMID, between the A.U. and the U.N. mission to Sudan, only 65 percent or 69 percent of the allotted ceiling of 19,500 troops are actually there. And, of course, the percentage for the police was even lower, the police force.

Now, we have all heard about the obstructionist attitude of Khartoum, the whole thing about, you know, visas and access and all this. But why is that still so shockingly low?

And the sub-question to that is also, obviously given that the entire operation pretty much depends on one port, Port Sudan, that helicopters are still missing. Why is that so difficult, to get the strategic infrastructure in place so that we can have a sufficient operation there that really can protect civilians?

You know, if you think about that just NATO, itself, has 12,000 -- I mean, I am making up these numbers -- helicopters sitting around everywhere, where pilots take, like, you know, because they have to fulfill their flight lessons, take trips that really have no purpose in and of itself other than that the pilot flies, why can't that be resolved? Why is that so hard to resolve? That seems to be inexplicable to me. Why is it still an issue?

Mr. OSMAN. If I may start to answer this question about UNAMID, people often referred to UNAMID as it was authorized 2 years ago. I would say it was 3 years ago, when the Security Council decided that a U.N. mission should be deployed to Sudan, and Khartoum rejected the Security Council resolution. It was 1706. And a year later, the Security Council did pass another resolution which authorized UNAMID.

I think, to answer your question, simply it is because of the international

community's lack of willingness to resolve Sudan's problems at large and because the major powers, including the U.S., have no sufficient political leverage over Khartoum, either because they are not serious to resolve the continuous problems or because they are busy with other conflicts.

I talk to most of the countries that own these helicopters, and the simple answer they were giving was, why would we put our equipment and our pilots at risk? It is not safe for us to send our helicopters. We need to make sure that Khartoum will not shoot these helicopters.

And I think, because no country was willing to go and put sufficient pressure on Khartoum to make them be willing to end the violence in Darfur, Khartoum continued to do this obstruction.

And about the UNAMID deployment, they do smaller and silly things to obstruct the deployment. And whenever we have the United States or the special envoy go and talk to them, they would remove the obstruction, and unfortunately they get praise to do that. Whenever they give visas to U.N. staff, we would get the special envoy to say they are cooperating. I wouldn't see this as cooperation. This is a very basic thing for them to do, to allow the peacekeepers and humanitarian aid workers to go back.

The second example, I think, is the expulsion of the humanitarian organizations. The situation was extremely bad on March 4th, even before these organizations were kicked out. And when the ICC indicted President Bashir, he decided to kick out these certain humanitarian organizations. And he did the same for three national Sudanese organizations.

The entire international community was talking about how to get these organizations back. General Gration managed to get four of them back under different names. And now people are celebrating that the humanitarian situation is improving. I wouldn't describe it as improving. I don't think it is back to the point of March 4th, when these organizations were expelled.

So I think we need to have the United States and the other key countries in relation to Sudan to be more serious in their negotiations with the NCP party.

Mr. NORRIS. Yeah, I would add that UNAMID was not created to support peace in Darfur. It was created instead of sorting out peace in Darfur. Its creation was an act of extraordinary cynicism by the Security Council. The head of U.N. DPKO, Department of Peacekeeping Operations, said clearly, unequivocally, not only to members of the Security Council and the bureaucracy, but also to the New York Times, "This mission will fail as designed." It was clear to everyone in New York, anybody who has ever worked in a peacekeeping mission, what was being put together would not work.

And, not surprisingly, UNAMID has fulfilled that incredibly low expectation. It is unable to protect civilians. They need permission slips from Khartoum for even basic supplies. Senator Corker, who had been out there recently, said, "The best they could do was to wave at bad people, as they see them off in the distance." They are never getting there in time.

It is simply not the way you put together a modern peacekeeping operation. There is no peace process or peace agreement that it is tied to. There is no clear command and control arrangement. There is no modern military force, a Western European or North American force, as the backbone. UNAMID ignores every single lesson we learned about how peacekeeping works during the 1990s. And until it is fundamentally restructured and reauthorized, it will not work.

Mr. WINTER. Perhaps I could add a little different element to it. Special Envoy Gration has been suggesting that there should be a merger of UNAMID and UNMIS. I can't fathom what the thinking is behind that. There may be some good thinking behind it; I don't see it.

But what I can tell you is, to the South, that sends from the special envoy a really problematic image. The South, most of the people of the South, as we have heard, are expecting a referendum that will vote for separation. Why would you merge the two

U.N. peacekeeping forces at this time? You can read all kinds of things into that. But it certainly logically wouldn't make sense to merge those, only to unmerge them again 18 months down the road.

So I just point that out as an additional element here.

Personally, I think that, besides all that has been said, I assume that those decision-makers that deal with these kinds of issues on helicopters all understand very clearly we have the number of helicopters, we have the crews, we can do all of that. I suspect it is much more of a political insecurity analysis that this shows the imagery of a Western invasion, that it will draw the crazies and the killers in their direction, and it has all of those kind of negative aspects to it. It certainly isn't an issue of supply and availability.

Mr. HOGREFE. I think, in one regard, Mr. Osman had already anticipated my final question, which goes to the current access to humanitarian organizations, but let me rephrase my final question then by saying, as the policy review is ongoing for the current administration, how, in your view, should they deal with the 800-pound gorilla in the room, which is, of course, the ICC indictment for Bashir?

And, to go back to Mr. Winter's original point, which is, of course we can't simply forgive and forget, you know, and just move on and pretend that nothing happened. What would your recommendations be to reflect and to take into account the ICC indictment?

Mr. NORRIS. I think there are some important steps that can be taken. Obviously, I think we all agree that there needs to be engagement with Khartoum and that that means negotiating with a regime headed by a wanted war criminal. And that, obviously, creates some diplomatic difficulties.

But I think the administration can do a much better job shrinking the space for Bashir. Bashir went on a bit of a victory lap after the indictment, visiting friends and allies throughout the region and thumbing his nose a bit at The Hague. I certainly would have welcomed an approach by the President where he called up heads of state and said, you know, "If President Bashir happens to land in your country, I will view this as directly hurting our bilateral relationship, that we see it as an impediment to progress, and perhaps you should just let President Bashir get a new travel agent."

We need to take justice seriously. We know from hard experience in other places that an indictment doesn't mean that he winds up in The Hague today or tomorrow, but we have to consistently press and keep the pressure on.

You know, I think if you look at -- a great example is Serbia. There was a peace in the Post this morning, that the Serbs are finally getting serious about going after Mladic because the Dutch have said, "Over our dead body will you join the European Union until you bring him to justice, when we know full well he is at large in Serbia."

It is that kind of consistent pressure and commitment to justice that not only ensures that people do end up in the dock, but makes it far less likely that people will repeat those crimes in the future.

Thank you.

Mr. WINTER. Yeah, I would say that one thing I wouldn't do is announce the relaxation or elimination of sanctions against the government in Khartoum, because this would be seen by the population as a genuine win.

This is a -- and I wasn't at the hearing, so I shouldn't overstate. The very idea, under current circumstances, of precisely the point you are making with the ICC and all of the other things we have been talking about in terms of failure to live up to the commitments they make, I am mind-boggled. And I am afraid I can't be more creative than that.

Mr. HOGREFE. Thank you, Mr. Winter.

Mr. OSMAN. On the ICC, one, I don't think we have the right to forget and forgive. Only the victims should decide whether they want to forget and forgive. And I know that the vast majority of the victims in Darfur are determined that they want to see

justice and accountability.

Number two, some suggested last year in July and after, after the persecutor did file his application for the arrest warrant of President Bashir, that the arrest warrant will hinder the peace process. And I remember, at that time, there was no peace process. Now we have some sort of process going on in Doha. It is nowhere close to ideal, but at that time last year there was no peace process.

Because the Government of Sudan realized that the Darfur issue or conflict is very serious, and it is serious to the extent that the head of state will likely be indicted, they tried to move forward in the peace process; they agreed to join Doha. President Bashir, a week after the application was filed in July, went to Darfur and did change his message, inviting the Darfur rebels to come and negotiate. And I think, in this sense, the justice is helping peace, it is not hindering peace.

Number two, I think President Bashir should go to The Hague. And I think the U.S. should play a role in that, in particular encouraging the member states to the ICC to demand President Bashir to present himself to the court.

Number two, I go to Africa and the Middle East and Europe quite often, and I talk to African governments about the issue of the ICC and why they thought the court is focusing on the African leaders. I think President Obama could make a very good case if he calls them or meets with them. Most of the African leaders and, I would say, most of the foreign leaders are very thirsty to get a phone call from President Obama. If he does call them and discuss the issue of Sudan with them, I think this would put the NCP in a very critical position. Now that they are getting support from the African Union, I think the U.S. administration could change this equation.

If I may answer your first question about Lubna Ahmed Hussein, the journalist in Khartoum, I have been following her case, and Lubna is a very brave journalist. She did make her case public because she is a journalist. She sent out an invitation to -- she put an invitation online, inviting people to come and attend the court in Khartoum. And she did do many interviews to tell about her case.

But Lubna is not alone. There are hundreds or thousands of Sudanese women facing the same law. The police in Khartoum and elsewhere in Sudan have been detaining women for what they dress and prosecuting them. And this has been happening for so long. And I think this is one of the serious human rights violations that the NCP should change. And they would if they feel compelled to do so.

And there are so many laws in Khartoum that violate the international human rights law. And I think this is something serious that when the U.S. administration negotiates with Khartoum should bring to the equation. I understand -- and this is from General Gration's remarks this morning -- that Khartoum is still cooperating with the U.S. in sharing intelligence. And I think this shouldn't be at the expense of human rights in Sudan.

I remember in 2002 I was in detention in Khartoum. And, at that time, Special Envoy Danforth came to visit Sudan. He went to the Nuba Mountains, and he came back to Khartoum. And the security officers were making jokes that, you are here, no one knows about you, and you will be tortured, and the U.S. special envoy will do nothing to release you. I was released the second day because Danforth at that time said he wants to discuss human rights with the NCP and he wanted to visit the security agency offices in Khartoum.

And I think this should be conducted by General Gration, reform for the laws and ensuring respect for human rights.

Ms. HOFFMAN. I just have one very brief question because, as Congressman Wolf said, we would like to send this to the administration. So I just hope that perhaps we could hear from all of you on key things that you think we should see in the administration's much-anticipated policy review for Sudan. And that is directed towards everyone.

Mr. GATKUOTH. Can I start?

Ms. HOFFMAN. Yes.

Mr. GATKUOTH. Let me just go back a bit about the issue of Lubna. I was with her I think a week and a half ago in Khartoum, and she is really, really disturbed. And I think your support to her is very important, because, as Amir said, she is a very brave journalist. She is hoping -- we had a 1-hour discussion with her in Khartoum. She wanted to know how can I help, as somebody who is representing SPLM here in the U.S. and the Government of Southern Sudan. But we need to support her.

The issue of the ICC, this ICC has complicated a lot of issues, because now even the issue of the election -- Bashir is running next year. And for him, he must win election at all cost. Otherwise, if somebody else is going to win election, it won't be handed over. So it has complicated the election and even the implementation of the CPA. I would even agree with some people to persuade him to step aside.

And I was saying it to friends of mine that, if this Sudan can be changed into a better Sudan so that we avoid breakups and disintegration of Sudan, the mindset of the North must change. South Africa decided to move away from the apartheid era into a better rainbow nation by accepting that the blacks had been oppressed for years and they need to be given this leadership so that they can take the country in a better country.

But in Sudan it is the opposite. Even though we had an agreement signed, it is opposite. Bashir is even asking us, SPLM and other marginalized people, to support him. I thought it would be the other way around, so that we can transform this country of ours into a better Sudan, because this has been the vision of the SPLM.

The key issues that we need to focus on, or this administration to focus on, I think number one is to make sure that the CPA is implemented. Because if it is not implemented, we will go back to square one. Because January 9, 2011, I am a Southerner, if we are not given our rights to vote during the referendum, it is a red line for me and to many others in the South. It is going to be the resumption of war. We will definitely declare war on the North if we are not going to be given our rights to vote. That is a very clear message. We are sharing it with them, that the rights of the people of South Sudan must be respected and they have to express their aspirations through this referendum. Implementing the CPA is very important.

Roger was talking about the corruption and insecurity and governance in the South. We have been there for only 4 years. Our capacity needs to be built, because we need to use the South as a model to change the whole country.

You are hearing these writings on the Net about the corruption and insecurity. We are not arresting any journalists. We are free. We are giving them this freedom. And we are expecting the same in the North. But if you write articles so critical to the government like some of the articles that are being written in the South, I think everybody will be in jail, all the journalists, those who are writing in the South will go to jail. But we see say it is their freedom. This is what we have been fighting for. They need to have this freedom to criticize the government and provide solutions.

So capacity-building would be very important.

The South also -- the SPLA in the South, the North will attack the South if they know that we are weak militarily. But if they know that we are strong and we can fight back -- of course, we are strong, but of course they have the air superiority. They will continue to come by air and do damage to the South. So this is part of the CPA also, transforming the SPLA into a professional army, which the U.S. is helping and other countries are helping, would be good.

General capacity-building of the Government of Southern Sudan into a better country, as a model for transforming Sudan into a better country.

And I think the last one would be focusing on ending the war in Darfur quickly. We are ready to help, but of course the NCP is trying to isolate the SPLM not to participate in ending the war in Darfur. Because they know that if we are going to help in ending the war in Darfur, we will gain the sympathy of the people of Darfur, so that in the election we will team up and unseat the National Congress Party.

That is their strategy. They want to do it themselves so that they can be seen like they are the one who brought peace in Darfur so that hopefully they will get the support of the Darfuris. But I think it is wishful thinking. They will never get any support from Darfur.

I think these are the things that I would list. Thank you.

Mr. WINTER. Okay, a short list.

I would like to see a policy which is balanced with carrots and sticks. I don't mind carrots for delivery of deliverables that are important to us. But to not have sticks is an absurd approach. It is more along the lines of submission than it is engagement.

I would want to see, as I indicated earlier before, an embrace of the South. These are the democrats. These are the people who want to develop their civil population. They are being discredited, given their short history, coming back from being the most, in my view, destroyed place in the world.

We have to do our best over the next 18 to 24 months to make them prepared as can be. And that requires not just a business-as-usual approach in USAID or the other mechanisms that we have. That means a surge, a coming along side by side in a partnership arrangement to improve the governance situation in the South of Sudan, prepared as best we can for a severe change.

Ezekiel mentioned the security umbrella, sort of, idea. You know, if you go to Juba today, the largest single building is Salah Gosh's Taj Mahal. Okay? If you haven't seen it, you should see it. A huge building which towers over a whole part of Juba, which has more antennas on it than I have hairs on my head. Okay? They listening to everything -- everything. They know what is going on. You use your cell phone -- even the SPLA frequently has to use a cell phone, talking about security issues back and forth on cell phones. Security of communication for the security forces of South Sudan is important, or you are setting them up for abolition, for all practical purposes.

The issue of air. Nobody expects, especially in the short run, the development of a South Sudan air force, a protective force. I am not a military person; I don't profess to be knowledgeable. But everybody that you can talk to that is knowledgeable about these affairs in South Sudan expects that, if serious war does break out again, the first thing that will happen is the major cities in the South, like Juba, will be bombed and rebombed and rebombed. Because at least at the moment, there isn't anything that is adequate in terms of protecting that.

I am not suggesting that I know what the answer to that is. But if there isn't some security umbrella, I would suggest that their worst expectations are going to be fulfilled. So both in the area of security, it is some resolution of their nakedness towards attack by air and security of communications for at least the security forces of the South.

Mr. NORRIS. I think your question is a very good one. And I think Congress should really look to the policy review and hold it to a bit of an acid test. And if there are a couple things that aren't in there, you should say that it doesn't pass the test.

First and foremost, what is your concrete plan for avoiding the train wreck that everyone here on the panel and other panels around Congress this week have all agreed is very likely imminent?

Is there a specific plan for reaching agreement in Darfur for reviving CPA implementation? Are the bodies there for the special envoy and for the team to actually be engaged in complex negotiations? Right now it is a fairly small team. And, certainly, if you look at the operations some of the other special envoys, they are much more considerable. And I think the problems of Sudan are so significant right now that we need more diplomatic bodies on the ground in Sudan as we go forward, or else trying to do it via shuttle diplomacy simply won't work.

As I said in my prepared statement, any agreement really has to meet the acid test of being robust enough to encourage returns on the ground in Darfur of IDPs and refugees. If the security is not there, if the peace agreement is not there, if a peacekeeping force isn't there, it is not going to work. And I think Congress should not

be shy in expressing that.

And, lastly, to go back to Hans's earlier question, any plan and any policy review that does not come up with a clear roadmap as to the role of accountability in a lasting peace process and the role of accountability as an overarching theme of U.S. foreign policy towards Sudan simply won't be an effective one.

And I just wanted to thank you both and thank the Commission for looking at this important issue. Thank you.

Mr. OSMAN. Thanks for asking this very difficult question. And, simply, it is difficult because we need to come up with a proposal for how to end the Sudan crisis. And I will try to give some recommendations.

I think the United States and other countries that have been engaged on Sudan issues always focused on a quick fix for a particular crisis in Sudan one at a time, and no one looked at a comprehensive solution. No one analyzed the problem of Sudan correctly. I think the policy review should consider, or reconsider, the defining the problem and then deciding how to deal with the problem.

I see the problem as being the NCP in Khartoum. And I think, recognizing that we need to -- and understanding the behavior of the regime in Khartoum, we need to be determined that we shouldn't give more carrots than sticks.

I think the long-term engagement on Sudan issues should focus on ensuring respect for human rights in Sudan, reforming the laws of Sudan. And these are things that Khartoum would do in 1 day if they are pressed to do so.

The human rights defender situation in Sudan, I did mention earlier humanitarian organizations. There were three Sudanese human rights organizations closed down. Many, many human rights defenders had to leave the country because of the harassment of the regime. And the regime did so because they didn't want the Sudanese human rights defenders to report on the abuses on the ground. Many of my colleagues and dear friends left their families to neighboring countries, and now they can't return back home. I think this should be resolved.

The comprehensive approach to Sudan I think is important, in the sense that we need to put our one proposal to the NCP with balanced carrots and sticks. Either to resolve both Darfur and fully implement the CPA and be a responsible member of the international community or face consequences. The justice issue is very critical.

I often say that when the United States and other countries pressed the two warring parties, the SPLM and the NCP, to sign the CPA, many advocates asked the very simple and basic question, what about accountability for crimes committed in the South? And the NCP insisted that, if anyone talks about accountability, we will not sign. And I think they signed because there were no accountability measures.

And because no one was held accountable for the crimes committed during that war, the NCP continued the same operations in Darfur. And it was an encouragement for the NCP leaders to go and recruit militias and rape women in Darfur, because they learned the lesson from the South that in a few years we will come and sign a peace agreement and no one will be held accountable. I think this should be changed.

People often talk about the implementation of the CPA. I think we need to understand the CPA is not an agreement between the North and the South. It is, from its name, it is a comprehensive peace agreement, so it should address the whole Sudan problems. And we shouldn't deal with the CPA as benchmarks that we need to meet in a certain deadline.

We had the census. We insisted to get the results, and no one was satisfied. We had the Abyei issue, and we had the ABC decide on Abyei. The NCP did not implement because they realized that the pressure upon them during the negotiation to sign the peace agreement was lifted. This is why they haven't been serious to implement. So people insisted to get the Abyei decision out. It was out last year. No one implemented -- or the NCP did not commit to it.

We have the elections, and many people insist that the elections should happen as

soon as possible. I would say that we need to have the CPA implemented in the right manner rather than rushing the implementation. Now we are having the elections in April. Almost all the laws in Sudan do not help us to get a free and fair elections.

I was surprised to learn that the USAID spent about \$95 million last year and they keep spending money on support for the elections without making sure this election will be free and fair. They even lowered the bar; they don't talk about free and fair. They have a new term, they say "credible elections."

I think we need to discuss this seriously with the NCP. We need to reform all the laws. We need to have more freedom in order to provide the adequate atmosphere for free and fair elections.

I think the people of Sudan should be involved. And by "the people of Sudan," I mean the civil society. We need to engage in a dialogue among the different societies who are in Sudan so we will have a peaceful Sudan, we will have a country where people will live together regardless of their race or the color of their skin.

And this is something that is often out of the question when the U.S. negotiates with the NCP. The SPLM should be involved to be a responsible partner with the NCP and the Government of National Unity. I think the SPLM has a responsibility to take. I think the U.S. should support the SPLM to challenge the NCP when they sit down as the Government of National Unity.

The U.S. should try to reunify the Darfurian rebels. The joint support negotiation team of the U.N. needs to be supported. And I think this is a very important area that the U.S. should contribute to. The chief negotiator has no sufficient resources to conduct his task. It is a very difficult task, and I think he has no leverage over the warring parties. I think the U.S. and its allies should support him to achieve peace in Darfur.

We should ensure that the people of Darfur -- it is a civil society. The victims of the conflict should be consulted and should be included in part of the peace process. I think Khartoum should be pressed to have a dialogue among the different communities in Darfur.

We tried to help a huge conference last May to happen in Addis Ababa, where about 300 Darfurian civilians were supposed to come together to start a dialogue. The Government of Sudan prevented it from happening. The government did not grant the exit visas for the delegates. I think Special Envoy Gration should discuss this topic with the NCP.

Thank you.

Mr. HÖGREFE. Thank you very much for your excellent statements.

I think that brings us to the end of the hearing, but I would not like to adjourn this hearing before thanking all of you for attending; to our witnesses, for your time and your graciousness with which you have answered our questions on a very hectic day in Congress when we had a long series of votes, that you saw members running in and out all the time.

So we appreciate your understanding of that and also your willingness to, for the record, give your answers that we will obviously share with the administration, as you heard ordered by the chairman of the Commission.

In any event, I would like to thank all of you for attending. This obviously won't be the last time we are going to visit Sudan as an issue before the Commission.

And we certainly wanted to thank again Andrew Whitaker, whose last day it is, who was extremely helpful to the Commission in putting this all together.

And this hearing is adjourned. Thank you very much.

[Whereupon, at 3:15 p.m., the Commission was adjourned.]

