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Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and U.S. Policy

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Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and U.S. Policy

SUMMARY

Sudan, geographically the largest country in Africa, has been ravaged by civil war intermittently for 4 decades. An estimated 2 million people have died over the past two decades due to war-related causes and famine, and millions have been displaced from their homes.

The relief operation in southern Sudan is being coordinated by Operation Lifeline Sudan (OLS), established in 1989 in response to the 1988 humanitarian crisis in which over 200,000 people died of starvation. The OLS, a consortium of U.N. agencies and three dozen non-governmental organizations (NGOs), operates in both government and rebel-controlled territories.

The 21-year civil war has been and continues to be a major contributing factor to recurring humanitarian crisis. There have been many failed attempts to end the civil war in southern Sudan, including efforts by Nigeria, Kenya, Ethiopia, former President Jimmy Carter, and the United States. To that end, the heads of state from Ethiopia, Eritrea, Kenya, and Uganda formed a mediation committee under the aegis of the Inter-Governmental Authority for Development (IGAD) and held the first formal negotiations in March 1994.

In July 2002, the Sudan government and the Sudan People's Liberation Army (SPLA) signed a peace framework agreement in Kenya. In early September, the government of Sudan walked out of the Machakos talks and returned under pressure in early October 2002. On May 26, 2004, the government of Sudan and SPLA signed three protocols on Power Sharing, the Nuba Mountains and Southern

Blue Nile, and on the long disputed Abyei area. The signing of these protocols resolved all outstanding issues between the parties. On June 5, 2004, the parties signed "the Nairobi Declaration on the Final Phase of Peace in the Sudan." On January 9, 2005, the government of Sudan and the Sudan People's Liberation Movement signed the final peace agreement at a ceremony held in Nairobi, Kenya. The signing of the Sudan Comprehensive Peace Agreement effectively ended the 21-year old civil war and triggered a six-year Interim Period.

Meanwhile, the ongoing crisis in Darfur in western Sudan has led to a major humanitarian disaster, with an estimated 1.9 million people displaced and more than 213,000 people forced into neighboring Chad. While there are no reliable estimates of the number of people killed as a result of the conflict, some observers project that up to 300,000 people have been killed over the past 24 months. In July 2004, the House and Senate declared the atrocities in Darfur genocide, and the Bush Administration reached the same conclusion in September 2004.

Relations between the United States and Sudan are poor in part because of Khartoum's human rights violations, its war policy in the south, and its support for international terrorism, although in recent months relations have improved somewhat. In November 1997, the Clinton Administration imposed comprehensive sanctions on the NIF government. President Bush has renewed the sanctions since he came to office in 2001.

MOST RECENT DEVELOPMENTS

On July 30, 2005, First Vice President and Chairman of the Sudan People's Liberation Movement (SPLM) Dr. John Garang was killed in a plane crash in Southern Sudan. His death triggered violence between government security forces and southerners in Khartoum and Juba. More than 100 people were killed. The crash is currently being investigated by a team from Sudan, Uganda, Russia, United Nations, and the United States.

In early August 2005, the SPLM Leadership Council appointed Salva Kiir as Chairman of the SPLM and First Vice President of Sudan. He was officially sworn in as First Vice President on August 11, 2005. Kiir stated that "the fundamental principles for which the SPLM, under Garang's leadership has struggled, were not only the clauses in the Comprehensive Peace Agreement, CPA, that are meant to solve the current problem of war and peace. But no less important, are the parameters which the CPA has set to save our country from disintegration and guide the ship of government to safe shores."

BACKGROUND AND ANALYSIS

In 1956, Sudan became the first independent (from Britain and Egypt) country in sub-Saharan Africa. For almost 4 decades, the east African country with a population of 35 million people has been the scene of intermittent conflict. An estimated two million people have died over the past two decades from war-related causes and famine in southern Sudan, and millions more have been displaced. The Sudanese conflict, Africa's longest-running civil war, shows no sign of ending. The sources of the conflict are deeper and more complicated than the claims of political leaders and some observers. Religion is a major factor because of the Islamic fundamentalist agenda of the current government, dominated by the mostly Muslim/Arab north. Southerners, who are Christian and animist, reject the Islamization of the country and favor a secular arrangement. Social and economic disparities are also major contributing factors to the Sudanese conflict.

The abrogation of the 1972 Addis Ababa agreement in 1983, which ended the first phase of the civil war in the south, by former President Jaffer Nimeri is considered a major triggering factor in the current civil war. Although the National Islamic Front government, which ousted the democratically elected civilian government in 1989, has pursued the war in southern Sudan with vigor, previous governments, both civilian and military, had rejected southern demands for autonomy and equality. Northern political leaders for decades treated southerners as second-class citizens and did not see the south as an integral part of the country.

Southern political leaders argue that under successive civilian and military governments, political elites in the north have made only superficial attempts to address the grievances of the south without compromising the north's dominant economic, political, and social status. In recent years, most political leaders in the north, now in opposition to the current government, say that mistakes were made and that they are prepared to correct them. But the political mood among southerners has sharply shifted in favor of separation from the north. The current government seems determined to pursue the military option. Economic conditions have deteriorated significantly, and millions of southern Sudanese are at risk of

starvation due to a serious humanitarian crisis, partly caused by the government's decision to ban United Nations relief flights.

The Crisis in Darfur: Background

The crisis in Darfur began in February 2003, when two rebel groups emerged to challenge the National Islamic Front (NIF) government in Darfur. The Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM) claim that the government of Sudan discriminates against Muslim African ethnic groups in Darfur and has systematically targeted these ethnic groups since the early 1990s. The government of Sudan dismisses the SLA and JEM as terrorists. The conflict pits three African ethnic groups, the Fur, Zaghawa, and Massaleit, against nomadic Arab ethnic groups. Periodic tensions between the largely African-Muslim ethnic groups and the Arab inhabitants of Darfur can be traced to the 1930s and most recently surfaced in the 1980s. Successive governments in Khartoum have long neglected the African ethnic groups in Darfur and have done very little to prevent or contain attacks by Arab militias against non-Arabs in Darfur.¹ Non-Arab groups took up arms against successive central governments in Khartoum, albeit unsuccessfully. In the early 1990s, the NIF government, which came to power in 1989, began to arm Arab militias and attempt to disarm the largely African ethnic groups.

The conflict in Darfur burgeoned when the government of Sudan and its allied militia began a campaign of terror against civilians in an effort to crush a rebellion and to punish the core constituencies of the rebels. At the core of the current conflict is a struggle for control of political power and resources. The largely nomadic Arab ethnic groups often venture into the traditionally farming communities of Darfur for water and grazing, at times triggering armed conflict between the two groups. Darfur is home to an estimated 7 million people and has more than 30 ethnic groups, which fall into two major categories: African and Arab. Both communities are Muslim, and years of intermarriages have made racial distinctions impossible. Fighting over resources is one of several factors that has led to intense infighting in Darfur over the years. Many observers believe that the NIF government has systematically and deliberately pursued a policy of discrimination and marginalization of the African communities in Darfur, and has given support to Arab militias to suppress non-Arabs, whom it considers a threat to its hold on power. In 2000, after the ouster of the founder of the NIF, Hassan al-Turabi, and a split within the Islamist Movement, the government imposed a state of emergency and used its new authority to crack down on dissidents in Darfur. By 2002, a little-known self defense force of a largely Fur-dominated group emerged as the SLA, challenging government forces in Darfur.

With the NIF regime internally in turmoil and mounting international pressure to end Sudan's North-South conflict, the SLA and JEM were able to gain the upper hand in the initial phase of the conflict against government forces in early 2003, and appeared well armed and prepared. The rebels also enjoyed the support of the local population, as well as officers and soldiers in the Sudanese army. A significant number of senior officers and soldiers in the Sudanese armed forces come from Darfur. The SLA reportedly benefitted from outside support, including from fellow Zaghawa in Chad and financial support from

¹ International Crisis Group (ICG). *Darfur Rising: Sudan's New Crisis*. March 25, 2004.

Darfur businessmen in the Persian Gulf. The government of Sudan has accused Eritrea and the Sudan People's Liberation Movement/Army (SPLM/A) of providing support to the SLA.

In late 2004, another Darfur armed group, the National Movement for Reform and development (NMRD) emerged. Initial reports suggested that the NMRD was created by the government of Sudan in order to undermine the SLA and JEM. In December 2004, the NMRD and the government of Sudan signed a ceasefire agreement in Chad and a month later agreed to cooperate in facilitating the return of refugees from Chad to Darfur. Regional officials and Sudanese opposition figures note that the NMRD is being backed by the government of Chad and that the rebels wear uniforms and carry arms similar to that of the Chadian army.

The government of Sudan has accused the founder of the NIF, Hassan al-Turabi, of having links with JEM. Some observers say that Turabi, through his supporters, provides political and financial support to JEM. In late March 2004, Turabi was arrested along with a number of senior army officers. The government claimed that Turabi was behind an attempted coup, although officials in Khartoum seemed to back away from that claim by mid-April 2004. In late September 2004, the government of Sudan, once again, accused supporters of al-Turabi of an attempted coup. The government arrested more than 30 people, including military officials.

The Humanitarian Situation and the U.S. Response

According to United Nations and U.S. officials, the situation in Darfur is considered to be one of the worst current humanitarian and human rights crises in the world. Out of a population of 7 million people, 1.9 million are internally displaced, over 200,000 have been forced into exile, and tens of thousands of civilians have been killed. Since February 2003, USAID has provided an estimated \$724 million in humanitarian assistance for Darfur. USAID has also established a Disaster Assistance Response Team (DART) for Darfur, although the government of Sudan delayed the deployment of the team to Darfur for several weeks.

Recently the USAID/DART has expressed concern regarding the government of Sudan's plan to forcibly return internally displaced persons to their places of origin. Meanwhile, humanitarian conditions continue to deteriorate, in large part because of continued government restrictions and violence against civilians by the pro-government militia, the Janjaweed. According to USAID, "the Government of Sudan has imposed rigorous registration requirements that hinder qualified health workers from entering Darfur. These regulations are severely affecting relief agencies' capacity to respond to disease outbreaks

Humanitarian Situation at a Glance

- Affected Population: 2.61 million.
- IDPs: 1.9 million.
- Refugees: 200,000.
- Deaths: 70,000 (U.N.) (As of September 2004).
- Other Mortality Estimates: 300,000.
- U.S. Assistance: \$724.9 million (FY2003-2005) (As of 8/19/05).
- U.S. Assistance: FY2005, \$466.5 million (As of 8/19/05).

Source: USAID

anticipated in the coming weeks.”² Surveys conducted by NGOs indicate high rates of malnutrition in many areas in Darfur.

The African Union and the Crisis in Darfur

The African Union (AU) has been slow in responding to the crisis in Darfur. The AU became actively engaged during the cease-fire negotiation in Chad and subsequently assumed a central role in monitoring the ceasefire agreement and facilitating political dialogue between the government of Sudan and SLA/JEM. In late March 2004, the AU sent a team led by Ambassador Sam Ibok, Director of the AU’s Peace and Security Department, to participate in talks in Chad. In the April Cease-Fire Agreement, the African Union was tasked to take the lead in the creation of a Cease-Fire Commission. The Commission’s mandate consists of “planning, verifying and ensuring the implementation of the rules and provisions of the cease-fire agreement.” In addition, the Commission was mandated to define the routes for the movement of the respective forces, assist with demining operations, and collect information about cease-fire violations. The Commission reports to a Joint Commission composed of the parties to the agreement, Chad, and members of the international community. The African Union mission does not have the mandate to protect civilians; however, the estimated 1400 troops primarily from Rwanda, Nigeria, and Gabon are tasked to protect the AU cease-fire monitors in Darfur.

The limited mandate of the AU force, logistical and financial troubles of the organization, and the size of the force have made the AU mission inefficient, according to many observers. The deployment of the AU force, albeit small, took more than four months after the signing of the agreement. Moreover, even the limited mandate of monitoring of the cease-fire agreement has not been effective. The mandate does not have any enforcement mechanisms aside from reporting the violations to the Joint Commission. Since the signing of the cease-fire agreement and the deployment of the AU mission, there have been many violations and only a limited number of the violations have been reported to the Joint Commission. Moreover, no corrective measures have been taken by the AU to end these violations. In September, Secretary General Kofi Annan reported that “It is clear that the ceasefire is not holding in many parts of Darfur. Clashes were reported from 8-12 September in Sayyah, north of El Fasher, and Government aligned militia attacked the SLA in Abu Dalek on 7 September.”³

President Paul Kagame of Rwanda, who came to power after the 1994 Rwandan genocide, had stated that his country would respond if called to end genocide in Sudan during a speech in April 2004 at the 10th anniversary of the Rwandan genocide. Rwanda was the first to deploy troops as part of the AU mission. Senior Rwandan officials have also asserted that despite the limited mandate, Rwandan troops would defend civilians, if they are attacked. Rwanda has not yet followed through on its threat, however, although in late 2004 Rwandan troops blocked Janjaweed militia intending to attack a civilian village. Rwandan troops took up positions to prevent the Janjaweed from their planned attack on the village and refused

² U.S. Agency for International Development (USAID). *DARFUR-Humanitarian Emergency Fact Sheet #15, Fiscal Year (FY)2004*. July 23, 2004

³ Report of the Secretary-General on the Sudan pursuant to paragraph 15 of Security Council resolution 1564 (2004) and paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004).

the Janjaweed's demand to disarm.⁴ Rwandan government officials argue that it is better to have a small force present in Darfur than to have nothing at all. However, Kigali has made its views clear that the proposed expanded force should have a mandate to protect civilians. Many members of the African Union do not share the view that a genocide is occurring in Darfur and still consider the government of Sudan as the central player in the resolution of the conflict and protector of civilians, while U.S. and U.N. officials hold the government of Sudan responsible for the atrocities in Darfur.

In late September 2004, as noted above, the government of Sudan and the AU agreed to expand the AU mission by over 3500 troops, several weeks after the United Nations Security Council endorsed an expanded mission for the AU and threatened sanctions if the government failed to cooperate. Many observers contend that the proposed increase in the force protection is not enough since Darfur is the size of France. Moreover, they argue, the mandate of the AU force is still not clear. The government of Sudan has rejected a proposal to expand the mandate to include protection of civilians, especially the internally displaced people (IDP) in camps throughout Darfur. The government of Sudan has also rejected the use of the phrase "peacekeeping;" instead the force is likely to retain its current label, protectors of cease-fire monitors. Rwanda has reportedly offered to send more troops to Darfur. But observers and U.S. officials assert it will take months to deploy additional troops to Darfur. U.S. officials are concerned that the AU might not be able to fully deploy new forces until early or mid-2005, given the number of complications that must first be resolved. Moreover, resources and logistical support to transport the troops have to be secured, especially with donor governments with the capability to move these troops from their respective countries to Darfur. In May 2005, AU Chairman Konare declared that the AU will expand AMIS by 6,000 military personnel and 1,500 police.

Prospects for a Negotiated Settlement in Darfur

In September 2003, the government of Sudan and the SLA signed a cease-fire agreement mediated by President Idriss Deby of Chad. The agreement collapsed in December 2003. In early April 2004, the government of Sudan and the SLA/JEM agreed to a cease-fire and political dialogue to peacefully resolve the conflict. The government of Sudan agreed to negotiate with the rebels after considerable international pressure. The negotiations were conducted under the auspices of President Deby of Chad and assisted by the African Union. The United States and other international participants played an important role in facilitating the negotiations, although the government of Sudan delegation walked out of the talks in protest when the head of the U.S. delegation began to deliver his opening remarks.

On April 8, 2004, the parties agreed to observe a cease-fire for a period of 45 days, renewable automatically if both parties were to agree. In late May, the parties renewed the cease-fire agreement. However, attacks by the pro-government militia have been verified by the cease-fire commission established under the April Accord. These violations by the government of Sudan and the Janjaweed militia have stalled the peace negotiation process. Leaders from the Justice and Equality Movement (JEM) and the Sudan Liberation Movement

⁴ Interview with President Paul Kagame in Kenya, January 2005.

(SLM) initially refused to participate in talks in July in Addis Ababa, Ethiopia because the GOS failed to uphold the core elements of the April Cease-fire agreement. In late August 2004, the parties resumed negotiations in Abuja, Nigeria. In November 2004, the government of Sudan and the Darfur armed factions signed two agreements in Abuja, Nigeria: Agreement for Enhancing of the Security Situation in Darfur and Agreement on Humanitarian Situation. Many observers, however, believe that political agreement between the rebels and the government of Sudan appears unlikely at this juncture. The SLA and JEM are demanding fundamental changes in the political structure in Khartoum and the disarmament of the Janjaweed and the government of Sudan is unwilling to meet these demands.

The April cease-fire agreement (see text box) provided a framework for a negotiated settlement between GOS and the SLA/JEM, but the agreement has not been fully implemented. The African Union and the United Nations have documented a series of violations by the government of Sudan, including bombings of civilian targets and continued support for the Janjaweed militia by the government of Sudan. A report by the Secretary General of the United Nations states that “the United Nations continues to receive reports of militia activities in all three states of Darfur. Of particular concern are several militia attacks on villages in the Yassin area, northeast of Nyala, during the second half of August.”⁵ The report notes that “to the extent the militias that carried out these attacks were under the influence of the government, the wanton destruction of the villages and the killings of a large number of civilians constitutes a serious breach of the government’s commitments.”

Some observers contend that there are also serious structural problems in the negotiating process. The April cease-fire agreement accepted the SLA and JEM as legitimate political actors and called for a political solution to the problem facing Darfur. But measures by the Security Council and proposals by the African Union mediators suggest that the SLA and JEM would be cantoned and disarmed in similar fashion to the disarmament of the Janjaweed. Security Council resolution 1556 imposed arms embargo on “non-government” entities and individuals in Darfur. The “non-government” armed

Highlights of the Cease-Fire Agreement (April 8, 2004)

The parties agreed to:

- Find a political solution to the problem.
- Cease all hostile media campaigns.
- Accept a 45-day cease-fire (renewed in May 2004).
- Establish a Cease-fire Commission and a Joint Commission.
- Free all political prisoners.
- Control their allies and ensure compliance with the agreement.
- Facilitate the delivery of humanitarian assistance.

entities in Darfur are the SLA, JEM, and the Janjaweed. The embargo exempts the government of Sudan and does not provide mechanisms to ensure that the government of Sudan will not continue to arm and support the Janjaweed. Reportedly, the government of Sudan is inducting the Janjaweed into the Popular Defense Force (PDF), an Arab-dominated irregular force. United Nations and African Union reports clearly indicate that the government of Sudan continues to provide support to the Janjaweed and coordinate attacks against civilians. In fact, the leader of the Janjaweed militia, Musa Hilal, recently confirmed

⁵ Report of the Secretary-General pursuant to paragraphs 6 and 13 to 16 of the Security Council Resolution 1556 (August 30, 2004).

that he had been ordered by government officials to recruit Arab militia for the Darfur campaign. He stated that “the war in Darfur was not in our hands. The decision to make war was taken by higher powers in the state.”

The current negotiations, observers contend, treat the SLA/JEM in the same fashion as the Janjaweed. The SLA and JEM have stated on a number of occasions that the April cease-fire agreement is being re-written to accommodate the government of Sudan. The rebels argue that if they are forced to surrender or be cantoned in a security zone, the government of Sudan will have no interest in finding a political solution to the Darfur problem. Thus, a political settlement appears unlikely in the immediate future, although the rebels’ lack of experience in negotiations and possible defections could lead to a temporary agreement.

Moreover, agreements between the United Nations and the government of Sudan have undermined the April 2004 Cease-fire Agreement and impeded the work of the African Union Cease-fire Commission. Article 2 of the April Agreement on Humanitarian Cease-fire on the Conflict in Darfur called for both parties to refrain from any military movement and reconnaissance operations. And Article 4 of the Cease-fire Agreement empowered the Commission to approve the movements of the forces of the two parties to the Agreement. But a Joint Communique signed between the government of Sudan and the U.N. (August 2004) permitted the government to deploy a “police force in all IDP areas as well as in areas susceptible to attacks.” This situation allowed the government of Sudan to deploy forces near or in SLA-controlled areas, where there are an estimated 130,000 IDPs. In addition, the Darfur Plan of Action (August 2004), another agreement between the U.N. and the government Sudan, authorized the government to secure areas in Darfur within 30 days, giving the government of Sudan the authority to deploy security forces in the contested areas without the approval of the AU Commission. Thus, in December 2004, government troops attacked SLA positions in South Darfur in violation of the Cease-fire agreement and occupied the area, further complicating ongoing negotiations.

The IGAD Peace Process: Background

Alarmed by the deepening crisis and multiple failed attempts by outside mediators, members of the Inter-Governmental Authority for Development (IGAD), a regional organization that promotes cooperation and development, formed a mediation committee consisting of two organs: a summit committee of heads of state from Ethiopia, Eritrea, Kenya and Uganda, and a standing committee composed of their mediators. Preliminary talks were held in November 1993 and January 1994, and formal negotiations began in March and May of the same year. Presented at the May meeting, the Declaration of Principles (DOP) included the following provisions: the right of self-determination with national unity as a high priority, separation of religion and state (secularism), a system of governance based on multiparty democracy, decentralization through a loose federation or a confederacy, respect for human rights and a referendum to be held in the south with secession as an option. The NIF government initially resisted the DOP, particularly self-determination and secularism. The Sudan People’s Liberation Movement (SPLM) accepted the DOP and the government was later persuaded by the mediators to accept the DOP.

The IGAD peace process began with the view that the Sudan conflict was having serious repercussions not only in the country but also in the region, and sought to deal with the root causes of the conflict. Conditions were ripe for talks since both sides were

exhausted from years of fighting and some members of the IGAD committee were seen by Khartoum as allies. In 1994, however, relations between IGAD member Eritrea and Sudan began to deteriorate largely due to Sudan's support for an Eritrean opposition group, the Eritrea Islamic Jihad. Meanwhile, serious opposition to the DOP began to emerge from the NIF government. The most contentious issues were secularism and self-determination, which the Khartoum government refused to concede. In July 1994, the polarization of the two sides intensified after the Khartoum government appointed a hard-line NIF member to its delegation.

The Khartoum delegation professed the government's commitment to Islamic law as part of a religious and moral obligation to promote Islam in Sudan and throughout the continent, and refused self-determination as a ploy to split the country. In September of 2002, Kenya's President at the time, Daniel T. Arap Moi, convened a meeting of the committee's heads of state, Sudan's President al-Bashir and the leader of SPLA. The Khartoum government walked out of these peace talks, rejecting the DOP. Loss of military ground and intense international pressure forced the government to the negotiating table in Nairobi in 1997 and formally accepted the DOP. The return to the IGAD process was, in part, in recognition of its failed effort to attract other mediators, who might have been more supportive of NIF positions.

Further meetings in 1997-1998 sought to narrow divisions between the two sides with the government of Sudan formally agreeing to self-determination for the south. The government of Sudan also appeared willing to compromise on some other issues. In May 1998, the parties, despite some progress earlier, disagreed on which territories were considered part of the south. The Khartoum delegation defined the south as the three provinces of Bahr el Ghazal, Equatoria, and Upper Nile, established at independence in January 1956. The SPLM/A argued that Southern Kordofan and Southern Blue Nile and other areas on the margins of the three core provinces were also part of the south. There were also serious disagreements on the duration of the interim period before a referendum on self determination, and issues relating to interim arrangements were shelved by the mediators in part to avoid failure. The question of religion and state remained unresolved.

The United States and the European Union praised Khartoum's acceptance of self-determination as a major step forward. However, some observers saw the agreement on self-determination as a small step in the right direction after years of stalled efforts. The most contentious and difficult issues are yet to be tackled by IGAD mediators, including the separation of religion from politics and interim arrangements prior to the referendum. Some observers believe that it is too soon to judge whether the concession on self-determination represents a change in Khartoum's position or a tactical move to buy more time. A follow-up meeting between the parties took place in Addis Ababa, Ethiopia in early August 1998. The talks collapsed due to differences on the role of religion in politics. The parties also disagreed again on the territorial definition of southern Sudan for the purpose of referendum. In February 2000, the parties met in Nairobi but failed to make progress. In early June 2001, former President Moi reconvened the stalled IGAD peace talks in Nairobi. No progress was made, according to a press release issued at the conclusion of the talks. In January 2002, IGAD mandated former President Moi to merge the IGAD peace process with the Egypt-Libya Initiative (ELI), a peace initiative launched by the governments of Egypt and Libya in 2000. A peace summit is expected to take place in mid-June 2002.

The Machakos Negotiations

On July 20, 2002, the government of Sudan and the Sudan People's Liberation Army, after five weeks of talks in Machakos, Kenya, signed a Framework Agreement to end the war in southern Sudan. The Machakos Protocol calls for a six-year transition period and a referendum on the political future of southern Sudan at the end of the transition period. The Agreement establishes an independent Assessment and Evaluation Commission to monitor and evaluate the implementation of a final peace agreement. The Machakos Protocol also exempts southern Sudan from the Islamic law or Sharia. The United States, the United Kingdom, and Norway participated as observers in the Machakos IGAD negotiations.

The Framework Agreement is seen by the mediators and Sudan observers as a major breakthrough in the long-stalled IGAD peace process. The government of Sudan had favored the earlier Draft Agreement, which neglected self determination for the South and downplayed the separation of religion and the state. The Framework Agreement by contrast gave both sides something to take back to their constituencies. The government of Sudan was able to secure agreement that it can continue its Sharia laws in the North, while the SPLM/A was able to secure clear agreement on a referendum to determine the political future of southern Sudan, after a six-year transition period. The SPLM/A made important concessions at Machakos, paving the way for the Framework Agreement. The SPLM/A had long insisted on a short transition period, two to four years. The government had long insisted on a ten-year transition period. The SPLM/A accepted a longer transition period in order to give unity a chance, according to members of the SPLM/A delegation at the talks. The SPLM/A also abandoned its long-standing opposition to Sharia by agreeing to the continuation of Sharia laws in the North. The government of Sudan's acceptance of a referendum at the end of the transition period was also seen as an important concession.

The second phase of the negotiations in late 2002 proved difficult. There were significant disagreements on a wide range of issues. The parties met to discuss the transition period in mid-August 2002 and agreed to the following agenda: (1) Structure of Government: Power Sharing, Wealth Sharing, Human Rights, and Judiciary and the Rule of Law; (2) Security Arrangements; (3) Modalities for Implementing the Peace Agreement; (4) Regional and International Guarantee. The first two weeks were designed for briefings and lectures by experts on a wide range of issues relating to nation building and conflict resolution. Shortly after, the parties were given a 51-page report called "Draft Protocol on Power Sharing Within the Framework of a Broad based Transitional Government of National Unity Between the Government of Sudan and the SPLM." The parties were asked to respond to the mediators' draft.

The government of Sudan and the SPLM delegations met in Karen, Kenya, in late January-early February 2003 to discuss power- and wealth-sharing arrangements for the Interim Period. The parties reached agreement in principle on some aspects of power and wealth sharing but remain far apart on a number of key issues. In previous talks, the negotiations were stalled because the parties could not agree on allocation of parliamentary seats, civil service positions for Southern Sudanese, share of revenues from oil and other resources, and power-sharing arrangements in the executive. During the recent talks, the parties agreed to move away from percentages and agreed on a formula of "equitable" power and wealth sharing arrangements. Although there appears to be broad understanding and agreement about the formula, the prospects for misinterpretations are substantial. The

mediators appear eager to reach agreements where possible and avoid contentious issues, leaving unresolved issues for a later date. The limited success on power and wealth sharing issues hinges completely on the word “equitable” sharing of power and wealth. The real challenge is likely to come when the parties begin to discuss what “equitable” means to each side. The SPLM asserts that decades of neglect of and discrimination against the South should be compensated by giving Southerners more than what they have been offered in the past. The government of Sudan argues that other Sudanese communities also deserve attention.

Recent Developments

In early July 2005, the National Assembly of Sudan and the Southern Legislative Council ratified the draft constitution, paving the way for the inauguration of the Government of National Unity. SPLM leader Dr. John Garang was greeted by more than a million supporters when he arrived in Khartoum on July 8, 2005, and on July 9 he was sworn in as First Vice President in the Government of National Unity. The inauguration of the government of Southern Sudan is expected to take place in September 2005. Meanwhile, on July 5, 2005, the government of Sudan, the Sudan Liberation Army (SLA), and the Justice and Equality Movement (JEM) signed a declaration of principles in Nigeria, paving the way for a final agreement.

On June 18, 2005, the government of Sudan and the National Democratic Alliance (NDA) signed an agreement in Cairo, Egypt, effectively ending more than a decade of conflict between the government and some northern opposition groups. The NDA alliance includes the Democratic Unionist Party (DUP), the Sudan People’s Liberation Movement/Army (SPLM/A), the Sudan Alliance Forces (SAF), and several trade union organizations. This agreement is to bring into the National Unity Government (NGU) several northern opposition groups. The leader of the DUP, Osman Mirghani, is to be given a leadership post in the new government. The Umma Party, one of the major northern political parties, is not party to this agreement.

In early June 2005, the leader of the Sudan People’s Liberation Movement, Dr. John Garang, met in Washington with senior Bush Administration officials to discuss the Darfur crisis and implementation of the North-South peace agreement. Dr. Garang also met with several Members of Congress. In late May, Deputy Secretary of State Zoellick visited Khartoum and Darfur to assess the situation on the ground.

United Nations Secretary General Kofi Annan urged donors, who met in Addis Ababa, Ethiopia, to provide financial and logistical support for the African Union Mission (AMIS) to Sudan. The Chairman of the African Union Commission, Alpha Konare, stated that “the AU mission will include a total of more than 6,000 military personnel and 1,500 police, and will cost over \$465 million for one year.” The United States, the North Atlantic Treaty Organization (NATO), and the European Union have agreed to provide financial and logistical support for AMIS.

In late May, 2005, Sudanese authorities arrested and later released on bail the Director of Medecins Sans Frontieres (MSF) and the Coordinator for Darfur for writing reports of

rape by government forces. The MSF report, *The Crushing Burden of Rape: Sexual Violence in Darfur*, issued in March 2005, was based on interviews of 500 women.

In mid-April 2005, Deputy Secretary of State Robert Zoellick traveled to Sudan to discuss the North-South peace agreement and the crisis in Darfur. Zoellick also led the U.S. delegation to a donor conference in Oslo, Norway, where donor governments pledged \$4.6 billion in aid to Sudan. The United States pledged \$1.7 billion; half of the pledge requires congressional approval. In Khartoum, Zoellick met with First Vice President Osman Ali Taha to discuss the Darfur crisis as well as implementation of the Comprehensive Peace Agreement (CPA). He also visited Darfur and Rumbek in southern Sudan, where he met the SPLA leadership. Zoellick reiterated the Bush Administration's support for the CPA and demanded a quick end to the violence in Darfur.

On March 24, 2005, the United Nations Security Council passed Resolution 1590 establishing the United Nations Mission in Sudan (UNMIS). Resolution 1590 calls for coordination between AMIS and UNMIS, calls for the deployment of 10,000 military personnel and up to 715 civilian police personnel, gives UNMIS the mandate to support the implementation of the Comprehensive Peace Agreement, and authorizes a Chapter VII mandate for UNMIS. On March 29, 2005, the Security Council passed Resolution 1591. This resolution calls for a freezing of assets and travel restrictions by member states against individuals "who impede the peace process, constitute a threat to stability in Darfur and the region, and commit violations of international humanitarian and human rights laws or other atrocities." On March 29, 2005, the Security Council passed Resolution 1593, referring the situation in Darfur to the Prosecutor of the International Criminal Court (ICC). The International Commission of Inquiry on violation of international humanitarian law and human rights law in Darfur recommended that the ICC prosecute individuals responsible for war crimes and crimes against humanity in Darfur.

In early February 2005, Vice President Osman Ali Taha and the leader of the Sudan People's Liberation Movement (SPLM), Dr. John Garang, briefed the United Nations Security Council at the invitation of the U.N. Secretary General, Kofi Annan. Taha asked the Security Council to call on governments to "lift any economic and trade restrictions or sanctions that obstruct reconstruction, development and investment efforts, and initiate an active partnership with Sudan." He also called for debt forgiveness. Garang warned that linking aid to southern Sudan to the resolution of the Darfur problem would put the Comprehensive peace agreement at risk. He argued that this position "punishes two victims of the conflict: southern Sudan and Darfur. It is also morally wrong, as well as politically inapt."

On January 9, 2005, the government of Sudan and the Sudan People's Liberation Movement signed the Sudan Comprehensive Peace Agreement at a ceremony in Nairobi, Kenya. More than a dozen heads of state from Africa attended the signing ceremony. Secretary of State Colin Powell led the U.S. delegation where he urged the parties to end the conflict in Darfur. The signing of this agreement effectively ended the 21-year old civil war and triggered a six-year Interim Period. At the end of the Interim Period, southerners will hold a referendum to decide their political future. National, regional, and local elections are expected to take place during the second half of the Interim Period.

The Humanitarian Crisis (South Sudan)

The current humanitarian crisis in southern Sudan is considered one of the worst in decades. According to the World Food Program (WFP), southern Sudanese “are facing serious food and water shortages due to the combined disruptions of civil war and drought.” (see the World Food Program website, [http://www.wfp.org/country_brief/indexcountry.asp?country=736]). According to WFP, more than 2.9 million people in the south of the country are “severely affected” by the civil war, and an estimated 800,000 people are affected by drought in the north. Operation Lifeline Sudan (OLS), which is the U.N.-coordinated relief effort, was established in 1989 in response to the death of 250,000 people due to starvation in southern Sudan. The OLS is a consortium of U.N. agencies and more than 40 non-governmental organizations (NGOs) that provides emergency relief for civilians living in drought and war-affected areas.

The 21-year civil war, drought, and raids by government-backed militias and rebel groups have disrupted the distribution of food aid and obstructed assessments of need in severely affected areas. The crisis has escalated dramatically in recent years. The scorched-earth techniques used by pro-government militias have decimated fields and homes and forced tens of thousands of people to flee the war-torn areas. Many relief centers and hunger-stricken areas are inaccessible by ground transportation because roads were destroyed, did not exist or are impassible due to rain and mud. In February 2002, government helicopter gunships bombed Bieh in Western Upper Nile, while civilians were lined up at a food distribution center. Seventeen people were killed and many more injured.

U.S. Response. The United States contributed more than \$93.7 million in humanitarian assistance in fiscal year (FY)2000, \$154.7 million in FY2001, \$139.7 million in FY2002, and \$162.9 million in FY2003. Moreover, the United States is providing development aid in opposition-controlled areas to build the capacity of civil administration, conflict resolution, and assist indigenous non-governmental organizations. In 2002, the Bush Administration announced two major development programs for southern Sudan and significantly increased the development budget. According to USAID, the Southern Sudan Agricultural Revitalization Project provides \$22.5 million for a five year program to improve agricultural production. The Sudan Basic Education Program is a five-year \$20 million program designed to improve access to quality education. In FY2004, the United States provided \$170 million in humanitarian and development assistance. In FY2005, Sudan (southern Sudan) is expected to receive an estimated \$200.9 million. For FY2006, the Administration has requested \$112 million. In addition, the Administration had requested \$242.4 million for Darfur and \$100 million for southern Sudan in the FY2005 Supplemental Appropriations for Iraq, Afghanistan, and other activities. On March 7, 2005, the House Appropriations Committee approved the full requested amount for Darfur and \$37 million for southern Sudan. The full House approved \$342.4 million for Darfur, \$100 million higher than requested, although the additional funds are all for refugee, food, and disaster programs. The Senate approved \$242.4 million for Darfur and \$100 million for southern Sudan. The conferees approved \$37 million for Southern Sudan and up to \$240 million in food aid for Darfur. In addition, the conferees approved \$40 million for refugee aid and \$40 million in IDFA funds for Darfur, and authorized the transfer of \$50 million in support of the African Union Mission.

Sudan and Terrorism

Sudan is considered a rogue state by the United States because of its support of international terrorism, although in recent years it has taken some measures to improve its record. The State Department's 2002 *Patterns of Global Terrorism* report said that Sudan "has stepped up its counter terrorism cooperation with various U.S. agencies, and Sudanese authorities have investigated and apprehended extremists suspected of involvement in terrorist activities." According to the same report, "Sudan, however, remained a designated state sponsor of terrorism. A number of international terrorist groups, including Al Qaeda, the Egyptian Islamic Jihad, Egyptian al-Gama' al-Islamiyya, the Palestinian Islamic Jihad, and HAMAS continued to use Sudan as safe haven, primarily for conducting logistics and other support activities." Counter-terrorism cooperation began in mid-2000, but the government of Sudan did not offer significant assistance until after the September 11 terrorist attacks. In November 2001, President Bush renewed U.S. bilateral sanctions on Sudan and the State Department kept Sudan on the terrorism list.

The United States placed Sudan on the list of states that sponsor terrorism in August 1993 after an exhaustive interagency review and congressional pressure. Sudan has been a safe haven for major terrorist figures. A particularly noteworthy example is Osama bin Laden. He used Sudan as a base of operations until mid-1996 when he returned to Afghanistan, where he had previously been a major financier of Arab volunteers in the war against the Soviet occupation of Afghanistan. The government of Sudan claims that it expelled bin Laden from Sudan due to pressures from the Middle East and the United States. In August 1996, the State Department said that bin Laden was "one of the most significant financial sponsors of Islamic extremist activities in the world today."

On May 18, 2004, the State Department removed the government of Sudan from a list of countries considered "noncooperative" in the war against terrorism. State Department spokesman Richard Boucher stated that "Sudan has taken a number of steps in cooperation against terrorism over the past few years." Secretary of State Colin Powell later declared that the U.S. will not normalize relations with the government of Sudan until the Darfur situation is addressed.

Sudan: Religious Persecution

Sudan has been designated a Country of Particular Concern for severe violation of religious freedom since 1999. According to the 2004 *International Religious Freedom Report*, the government "continues to place many restrictions on non-Muslims, non-Arab Muslims, and Muslims from tribes or sects not affiliated with the ruling party." The report notes that there was "no significant change in practice concerning the status of respect for religious freedom during the period covered" by the report and states that relations among religious groups have improved, although restrictions and discrimination against non-Muslims remain unchanged.

The government of Sudan views itself as the protector of Islam and considers Islam as state religion. The regime is closely identified with Islamic extremist groups, including Hamas and Hezbollah. Political opponents are viewed as anti-Islam and religion has been

a key factor in the 20-year civil war that has pitted the largely Christian South against the Muslim-dominated North. Of the estimated Sudanese population of more than 35 million, Sunni Muslims comprise 70%, while the remaining 30% are Christians and animists. The National Islamic Front (NIF) government's practice of 'holy war' is reflected in attacks on civilians in the South. Some attackers are wooed in part by the tradition that during a *jihad* they can keep their booty. The result reportedly has been widespread institutionalized slavery and massive dislocation. The 2004 International Religious Freedom Report stated that "while non-Muslims may convert to Islam, the law makes apostasy punishable by death." Previous reports have singled out the government of Sudan as a major abuser of religious rights. In recent years, the United States has intensified its dialogue with the government of Sudan to help bring an end to the conflict and to encourage religious freedom and respect for human rights. The government of Sudan has taken important measures to end slave raids, provide access for humanitarian assistance, and improve human rights conditions in southern Sudan. The government of Sudan, nonetheless, strictly enforces harsh *shari'a* measures against Christians in the North, despite repeated claims by government officials that Christians are exempted from *shari'a* laws.

The United States and Sudan

Relations between the United States and Sudan continue to deteriorate because of Khartoum's human rights violations, its war policy in the south, and its support for international terrorism. In 1967, Sudan broke diplomatic relations with the United States because of American support for Israel in the Arab-Israel war. Relations were restored after several months. In 1973, the U.S. Ambassador and the Deputy Chief of Mission were assassinated in Khartoum by members of the Black September group, who were tried and sentenced to life imprisonment in Sudan. Relations were further strained when Sudanese President Nimeri commuted the sentences of the assassins. In response, Washington recalled its new ambassador.

In the mid-1970s, in the face of Soviet expansion in the Horn of Africa and the fall of Ethiopia into the Soviet sphere of influence, relations with the Nimeri regime began to improve. Nimeri's support during Operation Moses, in which an estimated 7,000 Ethiopian Jews were airlifted to Israel through Sudan, further strengthened U.S.-Sudanese relations, but later contributed to the ouster of Nimeri from power. Relations became strained once again when the democratically elected government of Sadiq el-Mahdi was ousted in a military coup in 1989. Since the military takeover, human rights abuses by the military junta have become a major source of tension between the two countries. The war in the south has also been a thorny issue in U.S.-Sudanese relations.

Another issue in U.S.-Sudanese relations is Sudan's role in support of international terrorism. Some Members of Congress have been instrumental in pushing a tougher Sudan policy and played a key role in the decision to put Sudan on the list of states that sponsor terrorism and to appoint a special envoy for Sudan. The State Department rejected congressional calls for a special envoy in December 1993. The Department argued that a U.S. special envoy would undermine regional and former President Carter's peace efforts. In a December 6, 1993, letter to Members of Congress, the Administration said the appointment of a special envoy "would send the erroneous impression that the U.S. is becoming directly involved, since Khartoum has made it clear that it rejects a role by the U.S. in the peace

process.” However, persistent pressure by some Members of Congress led to a reversal of State’s position in early 1994, at the insistence of the National Security Council (NSC) at the White House. The Clinton Administration appointed former Representative Harry Johnston in late 1999. The Bush Administration appointed former Senator John Danforth in September 2001.

The Bush Administration and Current Policy Debate

In late 2000, Washington defeated efforts to lift United Nations sanctions on Sudan and prevented Sudan from becoming Africa’s representative in the United Nations Security Council. Senior U.S. officials met with Sudanese government officials in 2000 to inform Sudanese officials what it would take to improve relations. U.S. security officials also spent several months in Khartoum talking with Sudanese security officials on terrorism. President Bush has mentioned Sudan twice in his speeches in the last two months, condemning human rights violations by the Bashir government. In early March 2001, Secretary of State Colin Powell told members of the House International Relations Committee that Sudan is a priority to him and the Administration.

Advocates of a tough U.S. policy towards the NIF government seem prominent in the policy debate and appear to have the sympathy of senior Administration officials and Members of Congress from both parties. In mid-2001, senior congressional leaders joined Sudan advocates in condemning the government of Sudan and at a press conference on Capitol Hill, Majority Leader Richard Armey (R-TX), Representative Charles Rangel (D-NY), and the NAACP announced the formation of a bipartisan Sudan Caucus. Advocates of a tough Sudan policy favor additional sanctions, appointment of a high-profile Special Envoy, and active U.S. engagement in peace efforts. They oppose the staffing of the U.S. embassy in Sudan and some favor support for opposition forces. These advocates would like the United States government to take specific measures to address slavery and aerial bombardment of civilian targets. Some who favor a policy of engagement argue that the policy of containment and isolation has failed to produce tangible results and that the United States itself is now isolated.

A report by the Center for Strategic and International Studies (CSIS) argues that the United States should focus on ending the war and engage the government of Sudan in dialogue.⁶ The report argues that “in the past two years, Sudan’s rising oil production has shifted the balance of military power in the government’s favor at the same time that significant internal rifts have surfaced in Khartoum.” The report contends that “in this fluid context, the United States possesses significant leverage. Among the major powers, it is the lone holdout in renewing a dialogue with Khartoum.” The authors of the report support the full staffing of the U.S. embassy, a U.S.-supported peace process, and a “One Sudan, Two Systems” formula to preserve the unity of the country. The CSIS report drew fire from Sudan activists and has triggered a sharp debate on U.S. policy toward Sudan.

⁶ *U.S. Policy to End Sudan’s War*. Report of the CSIS Task Force on U.S.-Sudan Policy, Feb. 2001.

LEGISLATION

H.R. 1424 (Payne)

Urges imposition of sanctions against the government of Sudan and authorizes use of force. Introduced March 17, 2005.

H.R. 3127 (Hyde)

Calls for protection of civilians in Darfur, Sudan, and urges imposition of sanctions on the government of Sudan. Introduced June 30, 2005.

S. 495 (Corzine)

Urges the United Nations to impose sanctions. Introduced March 2, 2005.

S.Con.Res. 17 (Biden)

Calls on the North Atlantic Treaty Organization to examine options to enforce a no-fly Zone in Darfur, Sudan. Introduced March 10, 2005.