

# Sudan

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## Summary

Congress has played an active role in U.S. policy toward Sudan for more than three decades. Efforts to support an end to the country's myriad conflicts and human rights abuses have dominated the agenda, as have counterterrorism concerns. When unified (1956-2011), Sudan was Africa's largest nation by area, bordering nine countries and stretching from the northern borders of Kenya and Uganda to the southern borders of Egypt and Libya. Strategically located along the Nile River and the Red Sea, Sudan was historically described as a crossroads between the Arab world and Africa. Domestic and international efforts to unite the country's ethnically, racially, religiously, and culturally diverse population under a common national identity fell short, however, and in 2011, after decades of civil war and a six-year transitional period, Sudan split in two. Mistrust between the two Sudans—Sudan and South Sudan—lingers, and unresolved disputes and related security issues still threaten to pull the two countries back to war.

The north-south split did not resolve other simmering Sudanese conflicts, notably in Darfur, Blue Nile, and Southern Kordofan. Roughly 3.7 million people are displaced, internally or as refugees, by violence in these areas. Like the rest of the Sahel, Sudan is susceptible to drought and food insecurity, despite significant agricultural potential in some areas. Civilians in conflict zones are particularly vulnerable. Instability and government restrictions limit relief agencies' access to conflict-affected populations. Logistical challenges, particularly during seasonal rains, also constrain access to those who have fled to remote refugee camps in South Sudan. The internal conflict that unfolded in South Sudan in late 2013 further threatens access to those refugees, and has led more than 146,000 South Sudanese to flee into Sudan. Harassment of aid workers is a problem in both countries, further hindering aid responses.

The peaceful separation of Sudan and South Sudan was seen by some as an opportunity to repair relations between Sudan's Islamist government and the United States. Those ties have long been strained over Khartoum's human rights violations and history of relations with terrorist groups. Among the arguments in favor of normalizing relations has been the notion that the United States, given robust sanctions already in place, has few additional unilateral "sticks" to apply. Advocates have argued that certain "carrots," such as easing sanctions or elevating the level of diplomatic engagement, might advance U.S. policy goals. Efforts by the Obama Administration to improve relations, given Sudan's reported counterterrorism cooperation and acceptance of South Sudan's separation, have been impeded by reports of ongoing abuses, including allegations that Sudan continues to commit war crimes against civilians. Diplomatic relations are also complicated by the fact that several Sudanese officials, notably President Omar al Bashir, stand accused of war crimes, crimes against humanity, and genocide at the International Criminal Court.

In 2014, under domestic and international pressure to address calls for reform and to resolve ongoing conflicts, President Bashir announced a National Dialogue, under which the government would engage opposition and civil society groups on the development of a new constitution. The African Union, the United Nations, the Obama Administration and other international actors expressed cautious support for the initiative, although the extent of the government's commitment to major political reforms remains unclear, and efforts to facilitate the participation of armed opposition groups in the process have been, to date, unsuccessful. Major opposition parties boycotted elections held in April 2015; President Bashir was reelected with 94% of the vote.

This report provides an overview of political, economic, and humanitarian conditions, examines conflict dynamics in the country, and outlines U.S. policy and congressional engagement.

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## Overview

The U.S. Congress has a long history of engagement on U.S. policy toward Sudan—since the end of apartheid in South Africa, there is no country in Africa on which Congress has focused more sustained attention. This bipartisan focus has been driven in part by diverse advocacy groups and public awareness campaigns on issues in Sudan ranging from famine to modern-day slavery, religious persecution, genocide, and other violations of human rights and humanitarian law. Terrorism concerns have overlapped the policy debates.

Prior to the secession of South Sudan, Sudan was Africa's largest nation by area, and the site of its longest running civil war. In 2011, after decades of fighting broadly described as a conflict between the “Arab” Muslim north and “African” Christian and animist south, the country split in two.<sup>1</sup> Mistrust between Sudan and South Sudan lingers, and unresolved disputes still threaten the stability of the region. The north-south split did not resolve other simmering Sudanese conflicts, notably in Darfur, Blue Nile, and Southern Kordofan (see **Figure 1**). Overlapping struggles between security forces and armed groups, among ethnic groups, and between nomadic and farming communities have caused extensive displacement and human suffering. Across the country, social tensions, economic pressures, and political dissent pose ongoing challenges for the Islamist government that came to power through a coup in 1989.

The secession of South Sudan was a major financial blow to Sudan, which lost 75% of its oil production, two-thirds of its export earnings, and half of its fiscal revenues.<sup>2</sup> The country carries a heavy external debt burden of \$45 billion (78% of GDP), much of it in arrears. Khartoum's internal military operations against restive regions continue to draw international condemnation and have prevented Sudan from improving relations with many Western countries, including the United States. U.S. sanctions limit Sudan's access to U.S. dollars and, alongside debt arrears, impede Sudan's access to international financial markets and institutions. After the United States levied heavy fines against the French bank BNP Paribas in 2014 for violating U.S. sanctions against Sudan and other countries, most foreign banks stopped transacting with Sudanese banks, tightening the foreign exchange market and adversely affecting its trade.<sup>3</sup> The International Monetary Fund anticipates that the breakdown in relations with correspondent banks could have a “considerable negative impact on the economy.”<sup>4</sup> The ongoing cost of waging war on multiple fronts compounds Sudan's economic troubles and, combined with allegations of political repression, fuels domestic criticism of the government and sparks periodic public protests.

<sup>1</sup> Sudan, when unified, was composed of more than 400 ethnic groups. Arab identity has cultural, linguistic, religious, and racial connotations that have been manipulated by northern political elites. Many northern groups identify themselves as “Arab” based on lineage they trace back to traders from the Arabian Peninsula who integrated with the indigenous population centuries ago. Sudanese politics have been dominated by the Arabized “Riverine tribes” that live along the Nile north of Khartoum. The CIA *World Factbook* states that in post-separation Sudan “Arabs” comprise 70% of the population—the Riverine Arabs are a small minority among this broader group of Arab Sudanese. While all Sudanese are African, the term “African” is often applied to non-Arab ethnic groups to differentiate from Arab groups.

<sup>2</sup> Sudan's remaining oil production was 127,000 barrels per day in 2014. It relies increasingly on gold exports that total over \$1 billion per year, agriculture, and revenues derived from a deal with land-locked South Sudan for the export of its oil through Sudanese territory. Sudan received \$884 million in transit fees for South Sudan oil in 2014.

<sup>3</sup> BNP Paribas pled guilty in a U.S. federal court in June 2014 to violating U.S. sanctions and was fined \$8.9 billion. Since then, Germany's Commerzbank agreed in March 2015 to a \$1.45 billion settlement for various sanctions and banking violations, including transfers through the U.S. financial system on behalf of Iranian and Sudanese companies.

<sup>4</sup> International Monetary Fund, *Sudan: 2014 Article IV Consultation and Second Review Under Staff-Monitored Program – Staff Report*, December 30, 2014.

Relations between Sudan and key Arab Gulf countries, which have been important sources of trade, investment, and project financing for Khartoum, had cooled in recent years amid some Arab countries' concerns over Sudan's ties to Iran and its perceived support for the Muslim Brotherhood in other countries. Khartoum has since taken several conspicuous steps to address concerns about its relationship with Iran, including by expelling Iran's cultural attaché in September 2014 and closing its cultural centers in the country. The extent of its security association with Iran, however, remains subject to speculation. Iranian warships make routine port visits, and the two countries have a long history of diplomatic and military ties. Iran has reportedly played a significant role in the development of Sudan's military industry (Sudan now ranks as the third largest weapons manufacturer on the continent, after Egypt and South Africa).<sup>5</sup> The two countries also reportedly have been involved in weapons smuggling to Gaza, and Israel has reportedly conducted several air strikes in Sudan to disrupt the route.<sup>6</sup> Periodic allegations of Sudanese support for Islamist militias in neighboring Libya may also have contributed to strains in Sudan's relations with some countries, including Egypt.<sup>7</sup> Many observers speculate that Sudan's decision in March 2015 to join the Saudi-led regional military intervention in Yemen, against Houthi rebels reportedly backed by Iran, may be motivated in part by an effort to reinvigorate Arab confidence and investment in Sudan.

## Background

After Sudan gained independence from Anglo-Egyptian rule in 1956, successive governments in Khartoum perpetuated development disparities between the north and south that were, in part, a legacy of colonial administration. Northern "Arab"-led regimes espousing Islamist ideals have dominated Sudan's political history since independence, often pursuing policies to press distant provinces to conform to the political and sometimes sectarian priorities of the center, Khartoum, rather than accommodating the country's diverse local customs and institutions. Instead of forging a common national identity, these policies have exacerbated Sudan's racial, cultural, and religious differences. Government efforts to Arabize and Islamize the countryside met with resistance from southerners and other marginalized groups, sparking two related insurgencies in the south (1955-1972 and 1983-2005).<sup>8</sup> Groups in other regions have risen up periodically, citing local grievances. In the 1980s, for example, minority groups in the ethnically diverse central states of Southern Kordofan and Blue Nile joined the southern rebellion, the Sudan People's Liberation Movement/Army (SPLM/A).

Revenues from Sudan's oil reserves, which were discovered in 1978 in southern Sudan, primarily benefitted the north, in particular state elites in Khartoum. Oil money also financed the

<sup>5</sup> Sudan produces small arms, light weapons and ammunition, military vehicles, naval boats, and communications and optical equipment, among other items. Many of its products replicate foreign-manufactured items, often of Chinese and Iranian design, according to experts. See Small Arms Survey, "The Military Industry Corporation (MIC)," July 2, 2014, and *Following the Headstamp Trail: An Assessment of Small-calibre Ammunition Documented in Syria*, April 2014.

<sup>6</sup> See, e.g., "Smuggling weapons to Gaza—the long way," CNN, November 19, 2012. For more on Sudan's relationship with Iran, see, e.g., Harry Verhoeven, "Middle East's sectarian tensions play out in Sudan-Iran relations," *World Politics Review*, September 22, 2014.

<sup>7</sup> See, e.g., "Libya accuses Sudan of arming 'terrorists'" *Al Arabiya*, September 6, 2014.

<sup>8</sup> Official efforts to "Arabize" Sudan began with Gen. Ibrahim Abboud (president from 1958 to 1964), who declared Arabic the official language for administration and education and expelled Christian missionaries. See Francis M. Deng, *War of Visions: Conflict of Identities in the Sudan* (Washington, DC: The Brookings Institution, 1995), and Robert O. Collins, *A History of Modern Sudan* (Cambridge, UK: Cambridge University Press, 2008).

government's countering of domestic insurgencies with force—first in the south, and then also in the west and east. These counter-insurgency campaigns did not discriminate between fighters and civilians, and the government repeatedly questioned the neutrality of international aid agencies and restricted access to affected populations. The rebel groups persisted, and among them the SPLA was the most successful in gaining ground against the more heavily armed Sudanese military. The SPLA faced internal divisions in the 1990s, largely along ethnic lines; Khartoum fueled these splits by arming breakaway factions. Along the north-south border, Khartoum also used its oil revenues to finance local Arab militias as a front line against the south.

**Figure 1. Map of Sudan**



Source: CRS.

Sudan's north-south war took a heavy toll on both sides, and in 2005, the government and the SPLM signed the Comprehensive Peace Agreement (CPA). The CPA enshrined the south's right to self-determination after an "interim period" of more than six years, during which the SPLM and the ruling National Congress Party (NCP) formed a unity government. Despite the NCP's stated effort to "make unity attractive" to southern Sudanese during the interim period, southerners saw few, if any, benefits from remaining part of Sudan and voted overwhelmingly in a January 2011 referendum to secede. South Sudan achieved independence in July of that year.

The CPA failed to resolve several contentious issues, and talks have continued on border disputes and related security issues, debts, and once-shared resources, such as oil. Sudan and South Sudan signed partial deals on security and economic cooperation in 2012, but the full deployment of a joint monitoring mission to ensure the demilitarization of the border has been repeatedly delayed and is limited to sporadic aerial surveillance. The proximity to the border of rebel activity in

Sudan's "new south" (Southern Kordofan, Blue Nile, and the southern part of Darfur) and the unresolved status of contested areas such as the Abyei region complicates border demilitarization.

The border region of Abyei, which was accorded special semi-autonomous status in the CPA, has repeatedly been a flashpoint for violence. The deployment of the U.N. Interim Force for Abyei (UNISFA) defused a violent standoff in 2011 between Sudan and South Sudan, but tensions among local communities still have the potential to destabilize the border and draw the two countries back into direct conflict.<sup>9</sup> Under the CPA, Abyei residents were to vote in a 2011 referendum on whether the area should retain its special status in Sudan or join South Sudan. A dispute about voter eligibility has delayed the process.<sup>10</sup> The Ngok Dinka, who have historically comprised a majority of the area's permanent residents, controversially held their own referendum in 2013, voting to secede from Sudan. Neither Sudan nor the international community has recognized the result. The final status of Abyei is likely to remain unresolved until Sudan and South Sudan negotiate a resolution, possibly as part of a broader deal on outstanding issues between the countries. The United Nations has pressed, unsuccessfully to date, for the establishment of a temporary local administration and police service to maintain order until a final settlement is reached.

The armed forces of Sudan and South Sudan have engaged in minor clashes along the border sporadically since separation, most prominently in 2012 when the South Sudanese army briefly occupied the Sudanese oil town of Heglig, purportedly acting in self-defense after an attack on its territory. Sudan bombed one of South Sudan's oil fields in retaliation and further skirmishes ensued. South Sudan periodically accuses Sudan of conducting other air strikes inside its territory. Sudan alleges that South Sudan's ruling party, the SPLM (the former rebel movement), provides support and refuge for Sudanese rebel groups (the likely target of reported air strikes). South Sudan contends that Sudan has, at times, provided weapons and other support for South Sudanese rebel militia, including, most recently, the rebellion known as the SPLM-in Opposition (SPLM-iO), led by South Sudan's former vice president, Riek Machar. In the context of South Sudan's current conflict, there is concern that this alleged proxy support by both sides could spark a wider regional war. Given the mass displacement already caused by the conflicts in the two countries, direct hostilities between the two countries could have devastating humanitarian consequences.

## Current Conflicts in Sudan

The CPA did not resolve Sudan's long-standing center-periphery tensions. Khartoum has continued to respond to the political demands of restive regions more often with force than reform. Its response to an uprising in Darfur in the early 2000s (discussed below) prompted the George W. Bush Administration to declare that Khartoum's "scorched earth policy" against the rebels and civilians constituted genocide.<sup>11</sup> More than a decade later, widespread violence still

<sup>9</sup> UNISFA is composed almost entirely of Ethiopian troops. For more on tensions in Abyei, see, e.g., U.N. Security Council, *Report of the Secretary-General on the Situation in Abyei*, S/2015/302, April 29, 2015.

<sup>10</sup> Abyei is home to the Ngok Dinka, a subset of South Sudan's largest ethnic group. The area has also long been used by the Misseriya, an Arab nomadic group, who migrate south through Abyei seasonally to graze their cattle. Many Misseriya fought in militias allied with Khartoum during the civil war, while most Ngok Dinka supported the SPLM. The Ngok Dinka have accused Khartoum of settling tens of thousands of Misseriya in the area, purportedly to sway the referendum vote in favor of Abyei remaining part of Sudan, and arming them to fuel instability.

<sup>11</sup> Testimony of Secretary of State Colin Powell, Senate Foreign Relations Committee, *The Current Situation in Sudan and the Prospects for Peace*, September 9, 2004.



plagues that region. The government's response to a rebellion launched in 2011 in Southern Kordofan and Blue Nile (often referred to as "the Two Areas") has also drawn international concern. More than two million people have been displaced in the context of that conflict. Unlike in Darfur, where relief agencies are able to operate in most areas, humanitarian access is extremely restricted in those states.

As in Darfur, where the Sudanese government has been accused of war crimes and crimes against humanity, Khartoum has been accused of grave violations of human rights and international humanitarian law in the Two Areas. It finances local Arab militias, including the paramilitary Rapid Support Forces (RSF), which have been deployed, like the infamous Janjaweed in Darfur, in what the U.N. Panel of Experts on Sudan refers to as a "proxy war" against rebel groups. The RSF are widely criticized for indiscriminate and disproportionate attacks against civilians in insurgent areas.<sup>12</sup> The government also continues aerial bombings in Darfur, in violation of U.N. Security Council resolution 1591 (2005), and in the Two Areas, and has been accused of targeting hospitals in Darfur and Southern Kordofan in the past year.

According to the U.N. Panel of Experts, which the U.N. Security Council created to monitor an arms embargo in Darfur and a related sanctions regime, the government's strategy "appears to consist of (a) collective punishment of villages and communities from which the armed opposition groups are believed to come or operate; (b) induced or forced displacement of those communities; and (c) direct engagement, including aerial bombardment, of the groups when their location can be identified."<sup>13</sup> The Panel's reporting, which is limited to Darfur, indicates that 3,324 Darfuri villages were destroyed in the five-month period from December 2013 to April 2014, coinciding with a Sudanese military operation led by the RSF known as "Operation Decisive Summer." Independent human rights groups also documented extensive damage to civilian areas in Southern Kordofan in the context of that operation.<sup>14</sup> In December 2014, with the onset of the dry season, referred to in Sudan as "the fighting season," Sudan's defense minister announced the launching of new offensive operations against the rebels in both regions.<sup>15</sup> Those operations, which President Omar al Bashir subsequently described as aiming to eliminate armed groups that do not heed the government's call for dialogue, are ongoing.<sup>16</sup>

## Darfur

In the early 2000s, as Khartoum and the SPLM were beginning to negotiate an end to their civil war, a new conflict was unfolding in the western region of Darfur. Underlying tensions between Darfuri groups over land, water, and grazing rights had driven low-level violence in this arid land for decades, and the central government had historically struggled to govern the region.<sup>17</sup> For years, arms flows by both internal and external actors, including neighboring Libya and Chad,

<sup>12</sup> See, e.g., Akshaya Kumar and Omer Ismael, *Janjaweed Reincarnate: Sudan's New Army of War Criminals*, June 2014; and U.N. Security Council, *Report of the Panel of Experts on the Sudan*, S/2015/31, January 19, 2015.

<sup>13</sup> U.N. Security Council, *Report of the Panel of Experts on the Sudan*, S/2015/31, January 19, 2015.

<sup>14</sup> See, e.g., Amnesty International, *Sudan: Civilians Under Attack in Southern Kordofan*, June 2014.

<sup>15</sup> "Minister of Defense in Al Fashir: Decisive summer operations (two) launched," Sudanese News Agency, December 11, 2014.

<sup>16</sup> U.N. Security Council, *Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur*, S/2015/141, February 26, 2015.

<sup>17</sup> For background on Darfur, see, e.g., J. Millard Burr and Robert O. Collins, *Darfur: The Long Road to Disaster* (Princeton: Markus Wiener Publishers, 2008).



further fueled the violence. Described in 2004 by the State Department as “the worst humanitarian and human rights crisis in the world,” what began as a conflict primarily between Arab and non-Arab ethnic groups, namely the Fur, Massalit, and Zaghawa, quickly deteriorated into a civil war characterized by “widespread and systematic” rape, torture, killings, forced displacement, and the looting and destruction of hundreds of villages.<sup>18</sup> The crisis drew a massive humanitarian response in the mid-2000s, stemming the casualties, but continuing insecurity in the region has discouraged more than two million displaced persons from returning to their homes.<sup>19</sup> In effect, the conflict created a large semi-urban population with few means of sustaining itself economically. Many of the displaced remain reliant on food aid to survive.

Fighting in Darfur among ethnic communities, armed groups, and the military has escalated since early 2013, causing displacement on a scale not seen since the first years of the conflict. The 2011 Doha Document for Peace in Darfur (DDPD) has not stopped the violence.<sup>20</sup> By many accounts, the lack of accountability for crimes perpetrated by local groups has generated a sense of impunity in the region. Khartoum’s evolving use of local proxies to spur tensions between ethnic communities over land and political power has changed the dynamics of the conflict, and increasing inter-tribal conflicts and fissures within the various armed groups further complicate the path toward a peaceful settlement in the region. Some Arab groups that were previously aligned with the Bashir regime, for example, have recently accused Khartoum of exploiting the Arab tribes in Darfur and declared themselves in opposition to the government’s actions.<sup>21</sup>

Access by peacekeepers and humanitarian organizations to affected communities in Darfur is limited by both insecurity and government restrictions. Violent criminality in the region has risen, and humanitarian workers have been abducted for ransom. Contestation over land and local natural resources has long been a factor of conflict in the region, and disputes over resources such as gold have fueled further clashes in recent years. Attacks by armed groups against civilians, peacekeepers, and relief workers remain a serious problem—more than 60 peacekeepers have been killed in Darfur since the mission began in 2007.<sup>22</sup> The credibility of the African Union–U.N. Hybrid Operation in Darfur (UNAMID) has increasingly been questioned amid allegations that it has self-censored its reporting related to state-backed crimes against civilians and peacekeepers. In 2014, when a former UNAMID spokesperson revealed unpublished documents from the mission, a *Foreign Policy* correspondent wrote:

UNAMID ... has been reluctant to cast blame on the Sudanese government ... without irrefutable firsthand proof collected by its personnel, an evidentiary standard that has been impossible to achieve. As a result, UNAMID public reporting has often minimized Sudan’s

<sup>18</sup> State Department, *Documenting Atrocities in Darfur*, September 2004; and *Report of the International Commission of Inquiry on Darfur to the U.N. Security Council Pursuant to Security Council Resolution 1564*, January 25, 2005.

<sup>19</sup> Julie Flint and Alex de Waal, *Darfur: a New History of a Long War* (London: Zed Books, 2008); Office for the Coordination of Humanitarian Affairs, *Sudan Humanitarian Update: 2<sup>nd</sup> Quarter 2012*, July 16, 2012.

<sup>20</sup> The DDPD was a peace agreement signed in Qatar in 2011 between the government and the Liberation and Justice Movement (LJM), an umbrella group of rebel splinter factions. The main Darfur rebel groups rejected the deal, and implementation of the agreement has been limited. For more, see, e.g., International Crisis Group, *Sudan’s Spreading Conflict (III): The Limits of Darfur’s Peace Process*, Africa Report no. 211, January 27, 2014 and *The Chaos in Darfur*, Africa Briefing no. 110, April 22, 2015.

<sup>21</sup> For more, see, e.g., Nuba Reports, “Musa Hilal and the spreading fires in Darfur,” March 25, 2014.

<sup>22</sup> To date, 61 UNAMID peacekeepers have been killed in hostile attacks, with the most recent deaths in October 2014.

violations or withheld strong circumstantial evidence of Khartoum's complicity in, or responsibility for, attacks in UNAMID's reports to the U.N. Security Council.<sup>23</sup>

Despite ongoing conflict and a humanitarian situation described by U.N. officials as “dire and very worrisome,” UNAMID is under pressure from Sudan's government to develop an “exit strategy.”<sup>24</sup> President Bashir alleged in late 2014 that “UNAMID has become a security burden on the Sudanese army more than a supportive [sic] to its forces in the protection of civilians, and unable to protect themselves” and accuses the force of acting as “a protector to the rebels.”<sup>25</sup> While the government subsequently clarified that it did not intend for an immediate exit, negotiations on a strategy are underway. As part of an effort to streamline its personnel and recalibrate its activities toward identified strategic priorities, UNAMID will cut 1,260 of its 4,110 civilian positions in the next two years. Its authorized troop size is already down from almost 20,000 to just below 15,800. The mission is reducing its aviation fleet and has transferred 400 of its vehicles to West Africa for Ebola response. In November 2014, Sudan forced the closure of the mission's human rights office in Khartoum, which the government contends is outside UNAMID's mandate. The following month, Sudan expelled the top two officials from the U.N. Development Program (UNDP), including the U.N. Resident Humanitarian Coordinator.

### Reports of Mass Rape in Thabit, North Darfur

Tensions between Sudan's government and the United Nations have mounted since late October 2014, when the Sudanese Armed Forces were accused of raping more than 200 women and girls in the North Darfur village of Thabit. According to Human Rights Watch, which conducted phone interviews with villagers because of travel restrictions, soldiers committed serious violations of international humanitarian and human rights laws in the context of operations against a village that was seen as supportive of one of the rebel groups.<sup>26</sup> Human Rights Watch contends that mass rape may amount to crimes against humanity if committed in the context of a widespread or systematic attack on a civilian population. Despite repeated requests in the days after the incident, a UNAMID team was not permitted access to the village until November 9, during which time a heavy Sudanese security force presence during the team's interviews rendered its findings inconclusive. In their first report, they indicated no evidence of mass rape. Subsequent UNAMID requests to return to Thabit have been rejected by the government.

## Compliance with the U.N. Sanctions Regime

In 2005, the U.N. Security Council established an arms embargo on Darfur. Critics note that arms regularly flow between Darfur and the rest of the country and argue that the Security Council should widen the embargo to cover all of Sudan.<sup>27</sup> In its January 2015 report, the Panel of Experts cites the government's “routine violations of the arms embargo” and identifies members of Sudan's security forces as the perpetrators of violations of international humanitarian law in attacks against civilians in North and South Darfur.<sup>28</sup> The Panel argues that Sudan's lack of

<sup>23</sup> Colum Lynch, “They just stood watching,” *Foreign Policy*, April 7, 2014. See also Colum Lynch, “Now we will kill you,” and “A mission that was set up to fail,” *Foreign Policy*, April 8, 2014.

<sup>24</sup> U.N. Security Council, Official Record of the 7326<sup>th</sup> meeting of the Security Council, S/PB.7326, December 4, 2014. The initial response to Khartoum's request for UNAMID's exit strategy, which appears to involve a gradual, phased drawdown, is outlined in U.N. Security Council, *Special Report of the Secretary-General on the African Union - United Nations Hybrid Operation in Darfur*, S/2015/163, March 13, 2015.

<sup>25</sup> “Sudan president urges UNAMID to leave Darfur,” *Sudan Tribune*, November 30, 2014.

<sup>26</sup> Human Rights Watch, *Mass Rape in Darfur: Sudanese Army Attacks Against Civilians in Tabit*, February 11, 2015.

<sup>27</sup> See, e.g., Global Centre for the Responsibility to Protect, “Populations at Risk: Sudan,” at <http://www.globalr2p.org/regions/sudan>.

<sup>28</sup> Ibid.

cooperation in implementing the U.N. assets freeze and travel ban for four designated individuals (among them a military commander) and its refusal to comply with the arms embargo renders the sanctions regime “in effect inoperative within Sudan.” Following a February 2015 decision by the Security Council to extend the Panel’s mandate, U.S. Ambassador to the United Nations Samantha Power remarked, “we are reminded that the sanctions regime is impotent when the Sudanese government systematically violates it, and the Council cannot agree to impose sanctions on those responsible for the violence and the abuses.”<sup>29</sup>

## Compliance with the International Criminal Court

In 2005, the U.N. Security Council granted the International Criminal Court (ICC) jurisdiction over serious crimes committed in Darfur. The ICC did not have territorial jurisdiction in Sudan prior to the referral, as it is not a state party to the Rome Statute establishing the Court. Darfur was the first case the Council referred to the Court. Ten years later, the ICC has yet to commence a trial in the case. Five ICC arrest warrants remain outstanding, including one for the arrest of Sudan’s defense minister and two for the arrest of President Bashir on accusations of war crimes, crimes against humanity, and genocide. Sudan has not cooperated with the Court, and in December 2014, the ICC Prosecutor announced that she was suspending the investigations, expressing frustration with inaction by the Security Council on the outstanding arrest warrants. The warrants remain active. In her statement to the Security Council, the Prosecutor suggested that some of those sought by the Court “continue to be implicated in atrocities committed against innocent civilians,” and added that the situation in Darfur was “deteriorating,” with the brutality of crimes becoming “more pronounced” (see below).<sup>30</sup>

In March 2015, the ICC requested that the Security Council take “necessary measures to enforce compliance” by Sudan with the arrest warrant for President Bashir, noting that while Sudan is not a state party to the ICC Rome Statute, it is obligated to cooperate based on its status as a U.N. member and on Security Council resolution 1593 (2005). In it, the Council determined that the government “shall” cooperate with the Court. According to the ICC, “if there is no follow up action” by the Security Council, “any referral by the Council to the ICC under Chapter VII of the UN Charter would never achieve its ultimate goal, namely, to put an end to impunity. Accordingly, any such referral would become futile.”<sup>31</sup>

African countries have struggled with how to respond to a warrant against a sitting head of state. Most are states parties to the Rome Statute and thus bound to execute ICC warrants, but several have allowed Bashir to travel to their territories in recent years. In January 2015, the African Union’s Assembly approved a resolution requesting that the Security Council withdraw its referral of the Sudan case to the ICC.<sup>32</sup> Some African governments have threatened to withdraw their accession to the Rome Statute, but none have formally done so to date.

<sup>29</sup> U.S. Ambassador to the United Nations Samantha Power, Explanation of Vote at a Security Council Session on the Sudan Sanctions Panel of Experts Renewal, February 12, 2015.

<sup>30</sup> “Security Council inaction on Darfur ‘can only embolden perpetrators’—ICC prosecutor,” UN News Service, December 12, 2014.

<sup>31</sup> International Criminal Court Pre Trial Chamber II, *Decision on the Prosecutor’s Request for a Finding of Non-Compliance Against the Republic of the Sudan*, ICC-02/05-01/09, March 9, 2015.

<sup>32</sup> African Union Assembly, *Decision on the Progress Report of the Commission on the Implementation of Previous Decisions on the International Criminal Court (ICC)*, Doc. Assembly/AU/18(XXIV), January 30-31, 2015.

## Southern Kordofan and Blue Nile

In 2011, with the international community focused on ensuring the peaceful separation of Sudan and South Sudan and Khartoum still struggling to contain multiple armed insurgencies in Darfur, rebellions in Southern Kordofan and Blue Nile opened a new southern front among Sudan's array of internal conflicts. The conflict in the Two Areas is driven by unresolved grievances against Khartoum that date back to the north-south war, when some groups in these areas joined the SPLM's rebellion against the government. The CPA provided for a process in which the two states might achieve greater autonomy within Sudan, but the process stalled and the conflict reignited in 2011. South Sudan's ruling party has denied any ties to the insurgency, although the rebels, known as the SPLM-North (SPLM-N) remain linked to the SPLM by their historic relationship. In addition to alleged support from South Sudan, the SPLM-N draws support from Darfur rebel groups like the Justice and Equality Movement (JEM). The SPLM-N and the three main Darfur rebel groups have formed a loose armed alliance known as the Sudan Revolutionary Front (SRF).<sup>33</sup> While the Darfur groups operate independently of one another in Darfur, they have reportedly conducted several joint operations in Southern Kordofan with the SPLM-N.

Khartoum has restricted aid agencies' access to rebel-held areas since the conflict began, and military bombings and state-backed militia attacks exacerbate the already grave humanitarian situation in these areas.<sup>34</sup> According to the Small Arms Survey, which provides extensive reporting and analysis on Sudan's conflicts, the fighting and air strikes have pushed the remaining population away from their home areas into government-controlled urban centers or to neighboring countries as refugees. Local monitors further suggest that air strikes have increasingly targeted farms and food stocks, purportedly to "starv[e] the population to weaken its support for the rebellion."<sup>35</sup> Unlike in Darfur, there is no U.N. sanctions regime focused on the conflict in the Two Areas, nor a U.N. Panel of Experts or U.N. peacekeeping operation.

## The Humanitarian Situation

Sudan's conflicts continue to cause mass displacement and create widespread humanitarian needs. U.N. estimates suggest that more than 6.6 million Sudanese require humanitarian aid.<sup>36</sup> Of that figure, 4.4 million are in Darfur (almost 60% of Darfur's total estimated population). More than 2.5 million people in Darfur are displaced internally—some 430,000 Darfuris were displaced in 2014 alone, and by U.N. estimates more than 140,000 people have been displaced in the first four months of 2015. Chad hosts 367,000 Darfur refugees. Another 1.75 million Sudanese have been internally displaced or severely affected by conflict in Southern Kordofan, Blue Nile, and Abyei. Ethiopia and South Sudan host more than 275,000 refugees from Southern Kordofan and Blue Nile, and more than 20,000 Abyei residents remain displaced in South Sudan. Relief agencies are also struggling to assist more than 140,000 South Sudanese refugees in Sudan who have fled conflict in their own country. Sudan hosts more than 100,000 refugees from Eritrea.

<sup>33</sup> For more on the SRF, see Andrew McCutchen, *The Sudan Revolutionary Front: Its Formation and Development*, Small Arms Survey, October 2014.

<sup>34</sup> For more on the situation in the Nuba Mountains, the area of Southern Kordofan hardest hit by the conflict, including video, see independent reporting by Nuba Reports, available at <http://www.nubareports.org>.

<sup>35</sup> Small Arms Survey, "Conflict in the Two Areas," updated January 29, 2015 on <http://www.smallarmssurveysudan.org>.

<sup>36</sup> Figures cited here are from U.N. Office of the Coordinator for Humanitarian Affairs (OCHA) May 2015 reporting.

Access by relief agencies to Sudan's conflict zones is at times constrained by government restrictions, fighting, and other forms of insecurity. Médecins Sans Frontières (MSF)-Belgium announced in late January 2015 that it was halting operations in Sudan in response to the government's "systematic" denial of access to people in conflict areas and other administrative blockages. Nine days prior, a hospital operated by MSF-France was bombed by the Sudanese military in Southern Kordofan, prompting MSF to withdraw from that state. Sudan previously expelled 13 international relief organizations in 2009 (some were subsequently allowed to return), and banned four aid groups from eastern Sudan in 2012.

## Political Challenges

The NCP government is under pressure. It remains isolated internationally, with ICC arrest warrants against President Bashir and his defense minister that restrict official travel, Western sanctions against the regime, and limited access to international financing. The loss of South Sudan spurred criticism from some elements within the regime, and the failing economy and allegations of large-scale state corruption have led even some Islamists to question the ruling party's trajectory. Inflation and related economic troubles have fueled periodic protests in urban centers in recent years. Protestors have been killed by police on several occasions, notably in September 2013, when as many as 200 people were killed during a demonstration against a decision to end fuel subsidies. In late 2013, Ghazi Salahaddin Atabani, then head of the NCP's parliamentary caucus and a former top presidential advisor, was expelled from the party along with several other NCP "reformists" after criticizing the government's response to the fuel subsidy protests. He subsequently formed the Reform Now Party (RNP). The RNP and another party, the Popular National Congress (PNC), led by prominent Islamist and former regime ideologue Hassan al Turabi, represent growing Islamist opposition to the NCP. Turabi was a key architect of the National Islamic Front, the political organization behind the 1989 coup, which was later transformed into the NCP after an internal power struggle between Turabi and Bashir.

Sudan's economic troubles may also constrain President Bashir's ability to distribute state resources to patronage networks, viewed by many analysts as an important source of political power. In January 2015, the NCP (which then controlled 90% of parliament) passed three controversial amendments to the current constitution, including one which enables Bashir to appoint and relieve state governors, who were elected in 2010 by popular vote. The move toward more centralized authority in the presidency is seen by some as an effort to reconsolidate control amid apparent fissures in the regime. Another constitutional amendment transformed the country's intelligence agency, long linked to the recruitment of proxy militias, into a regular armed force whose mission is to oversee internal and external national security. It also legitimized the agency's paramilitary Rapid Support Forces. The amendments have been widely criticized by both unarmed and armed opposition groups, which contend that the security services play an increasingly prominent role in government decision making.

President Bashir has been in office since 1989. He was reelected to a new five year term in April 2015, and under the current interim constitution, adopted in 2005, it would be his last.<sup>37</sup> The 2015

<sup>37</sup> The current constitution is an interim one adopted in July 2005 to reflect changes agreed to by the parties to the CPA. The government initiated a process for drafting a new constitution in 2011. The government has held elections four times since taking power in 1989: in 1996, 2000, 2010, and 2015. Carter Center and European Union election monitors declared that the 2010 polls, while largely peaceful, did not meet international standards; neither sent monitors in 2015.



elections were controversial and were boycotted by the main opposition parties. Bashir won with more than 94% of the vote amid reportedly low voter turnout; NCP candidates won more than three-quarters of the seats in parliament. The United States and European governments publicly criticized the election environment as not conducive to allowing a free and fair vote, while African Union (AU) election observers described the voting as peaceful and reported that the results reflected the will of the voters. The AU monitors did note, however, limits on several basic political freedoms, reiterating findings from an AU pre-election assessment that described the overall political environment as “restrictive,” with freedom of expression, association and assembly “generally not respected.”<sup>38</sup> That pre-election assessment had also raised concern that most of the political parties slated to contest the elections were reported to be created by the NCP to “give the semblance of competitive elections.”

The government’s decision to hold elections in April was strongly opposed by both the main armed and unarmed opposition groups. More than a year prior, in January 2014, President Bashir had announced that, in preparation for the development of a new constitution, the government would commence a National Dialogue on conflict and political issues in the country. At the time, the move seemed to indicate official recognition of mounting public demands for reform, and the announcement was received with cautious optimism by some who have called for a more holistic approach to resolving the country’s overlapping crises and political challenges.<sup>39</sup> Many observers have expressed skepticism, however, that the NCP leadership will concede to significant political changes, and efforts to facilitate the participation of armed opposition groups in the process have been, to date, unsuccessful. The timing of elections, widely seen as an attempt by the Bashir government to bolster its legitimacy, in the midst of a rhetorical commitment to political change, appears to have undermined international support for the government-led dialogue process.

Reports of increasing press censorship and the detention of political opponents in the past year raise additional questions about the regime’s commitment to an inclusive political dialogue. Sudan’s intelligence agency periodically confiscates the print runs of many of the country’s daily newspapers, and harassment and intimidation of journalists reportedly remains a problem. One prominent political opposition leader, former Prime Minister Sadiq al Mahdi, who was briefly jailed in mid-2014, has been in exile since signing an August 2014 accord known as the Paris Declaration and a follow-on agreement known as the Sudan Call, under which his Umma party (the largest opposition party) pledged to collaborate politically with the SRF and other opposition groups. Al Mahdi’s daughter Meriam, who is deputy head of the party, was briefly detained after the Paris meeting. In the Paris Declaration, the SRF declared its readiness to cease hostilities as a basis for a credible national dialogue. The government has described the subsequent document, the Sudan Call, as “treason.” It outlines a “joint platform for the transformation of Sudan,” pledging to “dismantle the one-party regime and replace it with a state founded on equal citizenship, through daily popular struggle, including popular uprising,” and setting an agenda for political, economic, and social reforms.<sup>40</sup> The agreements are significant in that they bring both armed and unarmed opposition voices together under a common set of political principles. Farouk Abu Issa, head of an alliance of unarmed opposition parties known as the National Consensus

<sup>38</sup> African Union, “AUECOM is satisfied that voting went on peacefully in Sudan; calls on Sudanese political leaders to strive for genuine and inclusive national dialogue after the elections,” Press Statement, April 16, 2015, and *Report of the African Union Pre-Election Assessment Mission to Sudan, March 1-10, 2015*.

<sup>39</sup> For more on calls for an inclusive national dialogue, see, e.g., Princeton Lyman and Jon Temin, *Pathways to National Dialogue in Sudan*, Peace Brief 155, U.S. Institute of Peace, August 13, 2013, and U.S. State Department, *Joint Statement on the National Dialogue in Sudan*, March 24, 2015.

<sup>40</sup> An English translation of the Sudan Call can be found at <http://www.scribd.com/doc/249490588/Sudan-Call-English>.



Forces, and Amin Mekki Madani, a prominent civil society activist, were imprisoned for months after signing the Sudan Call. They were released days before the April elections.

Many opposition parties and civil society groups have indicated that they will boycott the National Dialogue until the government creates a more conducive environment for participation, including through the release of individuals they view as political prisoners and greater respect for press freedom. As noted above, the major opposition parties, along with several prominent Arab tribal elders, campaigned for a boycott of the April elections, contending that elections should not be held until the dialogue on the constitution is complete. Looking ahead, the prospects for the dialogue process are uncertain—just weeks after his release from prison in late April, Abu Issa called for the various opposition forces to build on the election boycott effort for a popular uprising against the regime.<sup>41</sup>

While the government remains publicly committed to holding a dialogue with unarmed opposition and civil society groups and has rhetorically welcomed the participation of armed groups in that process, it has rejected calls to combine peace negotiations with the SRF on Darfur and the Two Areas. Khartoum insists instead on negotiating separately with the Darfur groups and the SPLM-N. The African Union High-level Implementation Panel (AUHIP), under the leadership of former South African President Thabo Mbeki and with U.N. support, is charged by the AU with mediating between Khartoum and the various armed groups. The AUHIP, which, like the U.N. Security Council, maintains that Sudan's various conflicts require a political, rather than a military solution, has sought to coordinate the various peace processes with the aim of facilitating the eventual participation of all armed and unarmed groups in a national dialogue. In late 2014, the AUHIP convened its first talks between the government and the Darfur armed groups, in Ethiopia (Qatar had previously hosted most of the Darfur negotiations). Those talks, like AUHIP-hosted talks between the SPLM-N and the government in December, were inconclusive. The Sudanese government, meanwhile, seeks to maintain ownership of the National Dialogue process, and President Bashir has resisted proposals by Mbeki to meet under AUHIP auspices with the political parties who have suspended their involvement in the process.

## U.S. Policy and Foreign Assistance

U.S.-Sudan relations have long been turbulent. Sudan was seen as a Cold War ally starting in the late 1970s, but after the 1989 coup that brought Bashir and the National Islamic Front to power, the United States downgraded diplomatic relations and cut off aid. The Clinton Administration designated Sudan as a state sponsor of terrorism in 1993, identifying Sudan as a “rogue state” and supporting neighboring Ethiopia, Eritrea, and Uganda as “frontline states” to contain Khartoum, and to provide support to the southern rebellion. In 1996, under Western pressure, Sudan expelled Osama bin Laden from the country. However, relations between Washington and Khartoum deteriorated further in August 1998, when, in response to the U.S. embassy bombings in East Africa, President Clinton ordered the bombing of a Khartoum pharmaceutical factory purportedly linked to bin Laden. U.S. policy shifted under President George W. Bush to focus on achieving reforms through increased diplomatic engagement. The U.S. Embassy in Khartoum, which had suspended operations in 1996, reopened in 2002. The United States has not appointed an

<sup>41</sup> “Sudan’s opposition leader calls for popular uprising to overthrow the regime,” Sudan Tribune, April 29, 2015. See also International Crisis Group, *Sudan: The Prospects for “National Dialogue*, Briefing 108, March 11, 2015.

ambassador to Sudan since 1997; a chargé d'affaires leads the U.S. embassy, and a special envoy directs policy in Washington.

The United States maintains sanctions on Sudan through Executive Orders and congressionally-imposed legal restrictions. Initial sanctions were imposed in 1988, when economic and security assistance was frozen because of Sudan's debt payment arrears to the United States. Congress proposed additional limits on non-humanitarian aid in 1989 to protest government restrictions on aid access in southern Sudan, and by 1990 all non-humanitarian aid was suspended because of the coup. Some sanctions relate to Sudan's state sponsor of terrorism designation, others to abuses committed during the north-south war. Trade sanctions were imposed in 1997. Further sanctions relate specifically to the Darfur conflict, including a prohibition on U.S. transactions in the petroleum and petrochemicals sectors.<sup>42</sup> Under Executive Orders 13067 (1997), 13400 (April 2006), and 13412 (October 2006), Sudanese government assets in the United States are frozen and U.S. transactions with the government or with designated persons involved in the Darfur conflict are prohibited. The FY2015 consolidated appropriations act (P.L. 113-235) prohibits aid to the government or modification of loans held by Sudan.

Khartoum seeks to improve its relationship with the United States, in part to boost its international standing and its efforts to reengage with multilateral financial institutions. (Of the roughly \$45 billion Sudan owes in external sovereign debt, over \$2 billion is owed to the United States.) Efforts to normalize relations appeared to have some momentum in 2011, when Sudan was the first country to officially recognize South Sudan. They have since been stymied by several factors, among them the ongoing conflicts in the Two Areas and Darfur. According to U.S. officials, "the fundamental issue we have in the relationship has to do with the way that the government has treated the people of Sudan, particularly those in the periphery."<sup>43</sup> In Khartoum's view, the United States has repeatedly "moved the goalpost" on lifting sanctions. The Obama Administration contends that mistrust and miscommunication hinder efforts to improve the bilateral dialogue. To that end, in February 2015 the Administration invited one of President Bashir's top advisors, Ibrahim Ghandour, to Washington for discussions on how to advance "a more frequent and substantive exchange about our respective interest and concerns in the region, including ways to achieve sustainable peace in Sudan."<sup>44</sup> President Obama's Special Envoy for Sudan and South Sudan, Ambassador Donald Booth, who was appointed in 2013, is expected to travel to Sudan for the first time in mid-2015.

The U.S. Special Envoy has expressed support for the AU effort to facilitate a more cohesive mediation of Sudan's various peace talks and to link those talks to an inclusive national dialogue process. According to Ambassador Booth, "compartmentalized and regional approaches to peacemaking cannot address grievances and aspirations that are national in character ... dialogue should address fundamental issues of governance, inclusiveness, resource-sharing, identity, and social equality at a national level."<sup>45</sup> He has described the conflicts in Darfur and the Two Areas as "symptoms of a common national ill," and referred to the 2011 establishment of the opposition SRF alliance as recognition by disparate groups of "the national nature of their struggle and of

<sup>42</sup> Executive Order 13412, October 13, 2006; the Darfur Peace and Accountability Act of 2006 (P.L. 109-344).

<sup>43</sup> State Department, Excerpts of Remarks made by U.S. Special Envoy for Sudan and South Sudan Ambassador Donald Booth on May 22, 2014 in a Telephone Conference Hosted by the African Media Hub, May 26, 2014.

<sup>44</sup> State Department, Daily Press Briefing, February 11, 2015.

<sup>45</sup> U.S. Special Envoy Donald Booth, "U.S. Policy on Sudan and South Sudan: The Way Forward," Remarks at the Atlantic Council in Washington, DC, October 9, 2014.

any sustainable solution.” The Envoy has encouraged Sudan to engage in confidence-building measures to signal good faith as it lays the groundwork for the national dialogue.

The Treasury Department’s Office of Foreign Assets Control (OFAC) has issued two general licenses in the past year to authorize some activities otherwise prohibited by the Executive Orders cited above. These licenses allow certain academic and professional exchanges and authorize the transfer of certain software and services related to personal communications over the Internet.

Sudan remains designated as a State Sponsor of Terrorism, although the State Department has described Sudan as “a generally cooperative counterterrorism partner” in its annual Country Reports on Terrorism in recent years. Per the last report, the Palestinian group Hamas, a U.S.-designated Foreign Terrorist Organization, continues to have a presence and raise funds in Sudan, and elements of Al Qaeda-inspired terrorist groups remain in the country. Sudan’s reported role in Iranian arms smuggling to Gaza is another area of concern. In 2013, the State Department named three Sudanese nationals involved in the 2008 murder of two USAID employees in Khartoum as Specially Designated Global Terrorists, subject to sanctions under Executive Order 13224 (2001).

The State Department has designated Sudan a Country of Particular Concern under the International Religious Freedom Act since 1999. A Christian woman, Meriam Ibrahim Ishaq, was sentenced to death for apostasy in May 2014, drawing international condemnation; her conviction was overturned by an appeals court in late June 2014. She subsequently settled in the United States with her family.

## Congressional Engagement on U.S. Policy Toward Sudan

Congressional action has often influenced U.S. policy toward Sudan. In 1993, the same year that the Clinton Administration designated Sudan as a State Sponsor of Terrorism, the House of Representatives recognized the right of the southern Sudanese to self-determination.<sup>46</sup> By 1999, some Members of Congress who were sympathetic to the cause of the southern insurgents initiated efforts to tighten sanctions. At the same time they pushed to authorize not only food aid but development assistance, including programs to build local administrative capacity, for areas outside of Khartoum’s control—namely areas held by the SPLM.<sup>47</sup> In 2002, Congress also appropriated nonlethal assistance for a coalition of armed and unarmed opposition forces (including the SPLM) to “strengthen its ability to protect civilians from attacks.”<sup>48</sup> At the same time, Congress expressed support for Bush Administration efforts to seek a negotiated settlement to end Sudan’s north-south civil war.

In 2003, conflict and human rights abuses in Darfur captured international attention and galvanized a campaign that led Congress and President Bush to accuse Khartoum of genocide and further tighten sanctions.<sup>49</sup> Congress added Darfur to the areas outside government control

<sup>46</sup> H.Con.Res. 131 also condemned Sudan for its human rights abuses and called for the President to appoint an envoy.

<sup>47</sup> The House and Senate separately passed several versions of the Sudan Peace Act (in 1999, 2000, and 2001) before it became law in October 2002 as P.L. 107-245. It authorized \$100 million annually “to the areas of Sudan that are not controlled by the Government of Sudan to prepare the population for peace and democratic governance, including support for civil administration, communications infrastructure, education, health, and agriculture.”

<sup>48</sup> The Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2002, P.L. 107-115. H.Rept. 107-142 also stated that the Administration “can and should do more to support the democratic opposition in Sudan.”

<sup>49</sup> The 108<sup>th</sup> Congress declared the Sudanese government’s actions in Darfur to constitute genocide in the House with (continued...)

eligible to receive U.S. foreign aid and required the President to develop a contingency plan for delivering relief aid to any areas where the government denied access.<sup>50</sup> In 2006, after the north-south war had ended, Congress enacted additional economic and diplomatic sanctions against Khartoum to press for a resolution of the Darfur conflict. It also authorized assistance to implement the north-south agreement, including military aid to support the SPLA's transformation from a guerilla movement into a professional army.<sup>51</sup> Congress later supported the efforts of U.S. state and local governments to divest any assets in companies that conduct certain business operations in Sudan, and required U.S. government contracts to meet similar standards.<sup>52</sup>

## U.S. Assistance

In the years prior to South Sudan's separation, Sudan ranked among the top destinations for U.S. foreign aid, with more than \$1 billion allocated annually for humanitarian and development aid and peacekeeping support. Since South Sudan's independence, development aid for Sudan has been limited. The State Department and USAID requested \$9.5 million for FY2015 to support civil society and conflict mitigation. The FY2016 request is for \$9.1 million in nonemergency aid. Humanitarian aid totaled \$260 million in FY2013, and roughly \$413 million to date in combined FY2014 and FY2015 funding. The State Department's FY2016 request includes \$366 million for assessed contributions to UNAMID and \$92.5 million for UNISFA. It also includes a request for transfer authority to allocate funds for bilateral debt relief for Sudan under the Heavily Indebted Poor Countries (HIPC) Initiative, should Sudan meet the requirements to qualify. As noted above, P.L. 113-235, the Consolidated Appropriations Act for FY2015, prohibits funding for modifying loans and loan guarantees held by the Sudanese government.

**Table I. State Department and USAID Assistance to Sudan, by Account**

(\$ in thousands)

	<b>FY2013 Actual</b>	<b>FY2014 Estimate</b>	<b>FY2015 Request</b>	<b>FY2016 Request</b>
Economic Support Fund	10,708	9,197	9,500	9,149
P.L. 480 Title II	142,470	—	—	—

**Source:** State Department FY2015 and FY2016 Congressional Budget Justifications for Foreign Operations. This table does not include all emergency humanitarian assistance provided in Sudan.

## Conclusion

The United States has found itself pursuing multiple, and at times conflicting, aims in Sudan. Balancing these objectives has occasionally placed Congress and the Executive Branch at odds. Ending the human suffering and related human rights violations associated with Sudan's distinct but overlapping conflicts has been the overarching goal of U.S. policymakers for more than two

(...continued)

passage of H.Con.Res. 467 (422-0) and in the Senate with the adoption of S.Con.Res. 133, (by Unanimous Consent).

<sup>50</sup> The Comprehensive Peace in Sudan Act of 2004, P.L. 108-497.

<sup>51</sup> The Darfur Peace and Accountability Act of 2006, P.L. 109-344.

<sup>52</sup> The Sudan Accountability and Divestment Act of 2007, P.L. 110-174.

decades. With finite attention and resources, however, U.S. policy toward Sudan has, at times, appeared to prioritize resolving one conflict at the expense of another. Negotiating humanitarian access to communities affected by the conflicts has required compromise, and that compromise has sometimes appeared to moderate calls for a more confrontational approach toward Bashir's regime. Similarly, U.S. pursuit of counterterrorism objectives in the broader region has led successive Administrations to seek dialogue and cooperation from Khartoum. Facilitating peaceful relations between Sudan and South Sudan has also complicated U.S. engagement with regard to ongoing conflicts in the two countries.

Peace and stability in Sudan remains among the highest of U.S. foreign policy priorities in Africa, yet this goal remains elusive. Critics of Sudanese peace negotiations suggest that piecemeal approaches to Sudan's overlapping conflicts have prolonged the country's seemingly chronic instability. In recent years, the United States has increasingly called for a comprehensive agreement that promotes democratic reform and "lasting peace throughout all of Sudan." African Union mediators have expressed a similar sentiment since 2013, recommending that possible solutions for both the Darfur and Two Areas conflicts "be explored in the context of national democratization and constitutional reform in Sudan."<sup>53</sup> Khartoum has long resisted efforts to combine discussions with various opponents to the regime, preferring to negotiate separately with the SPLM and the SPLM-N, the Darfur groups, and others. This approach has yielded some positive outcomes, but it has also resulted in partially implemented agreements that do not fully address regional grievances or resolve disputes that are fundamentally national issues. Government rhetoric about a national dialogue may hold some promise, but deteriorating security conditions in Darfur, ongoing conflict in the Two Areas, and continued violations of basic rights and freedoms across the country have not engendered trust among Khartoum's critics.

The United States faces a complex range of policy options as it considers the way forward for engagement with Sudan. Members of Congress may debate whether they concur with the Administration's current approach or wish to guide U.S. policy in a different direction. Previous congressional action on Sudan may provide lessons and examples. Advocates and experts may have new ideas on the merits of various "carrots" and "sticks," or other policy options to promote peace and stability and discourage serious human rights abuses in the country. While annual aid appropriations measures continue to include provisions restricting U.S. aid to the government of Sudan, Congress has not passed standalone Sudan legislation since 2007 (prior to the outbreak of the conflict in the Two Areas). During the 113<sup>th</sup> Congress, the House of Representatives considered, but did not pass, new punitive measures on Sudan under H.R. 1692, the Sudan Peace, Security, and Accountability Act of 2013. The 114<sup>th</sup> Congress may consider similar legislation, or explore other legislative or oversight efforts to influence the direction of U.S. engagement.

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<sup>53</sup> Report of the African Union High-Level Implementation Panel for Sudan and South Sudan, July 31, 2013.

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