

Congressional Testimony
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How could U.S. policy toward **South Sudan** over the last decade be so successful, and its policy toward **Sudan** be such an abject failure? The answer to that question partially holds the fate of millions of Sudanese who remain trapped in a state at war with its own people on four fronts and ruthlessly repressing all forms of unarmed opposition.

Over the last three presidential administrations, Republicans and Democrats in Congress have worked closely together to demand that Presidents Clinton, Bush and Obama craft policies that supported the aspirations of the people of South Sudan. This led to the isolation of the Khartoum regime in the mid to late 1990s, the securing of a peace deal in 2005 between North and South Sudan, and the successful referendum and independence of South Sudan earlier this year. Throughout this time, Congress often was far out front of each of the three administrations, pressing for more active engagement by the Executive Branch and keeping its eye on the strategic prize: the self-determination referendum for the South.

It worked.

Contrast this with U.S. policy towards the North, what is now known as Sudan. U.S. policy has never focused on the fundamental issue of the abuse and total concentration of power in the hands of a minority party. American diplomats have ineffectually chased disparate peace processes down disparate rabbit holes in Darfur, Abyei, the Nuba Mountains, Blue Nile State, and the East. Instead of focusing on a comprehensive solution to Sudan's authoritarian system of government, negotiators have invested heavily in separate regional peace processes which have played right into Khartoum's strategy of divide-and-conquer. None of the peace "deals" that have been struck have ever been implemented. No attempt at justice or accountability has ever been seriously supported, including that of the International Criminal Court. The result is an unmitigated human rights and governance disaster.

It is time for a fundamental change in U.S. policy toward Sudan. In the long run, democratic transformation should be at the center of all that the U.S. does going forward, consistent with the bold decisions made in support of people's aspiration for change in Egypt, Libya, Yemen, and Syria. In the short run, protecting civilians should be an urgent and immediate priority of the United States. Congress has often led administration policy over the past two decades. Your advocacy for a new policy and a more bold approach is needed more than ever.

The time to begin demanding change is now. The opportunity for more aggressive action may come in the next few months when levels of malnutrition begin skyrocketing in South Kordofan and Blue Nile, as Khartoum uses the denial of humanitarian assistance as a weapon of war. That

will be the moment to move, and Congress must be ready to help the Obama administration and other key countries seize that moment.

RECOMMENDATIONS FOR THE U.S. GOVERNMENT

SUPPORT FOR DEMOCRATIC TRANSITION:

- Tangible political, logistical and financial support for Sudanese parties and non-governmental organizations pressing for democracy
- Unified international support for internationally observed elections
- Refocusing the peace strategy on support for one comprehensive process dealing with all rebelling regions, opposition groups, and civil society organizations

SUPPORT FOR CIVILIAN PROTECTION

- Draconian financial sanctions against officials (and their associated businesses) responsible for attacks against civilians
- Acceleration of decisions regarding how to protect Nuba, Blue Nile, and Darfuri populations from air attacks, looking at options such as a no-fly-zone or destruction of offensive aerial assets
- Immediate initiation of a cross border emergency aid program to the Nuba Mountains and Blue Nile wherever the denial of aid is used as a weapon of war

SUPPORT FOR JUSTICE

- Increased international coordination around apprehension of ICC suspects
- Increased international support for further ICC cases targeting those responsible for war crimes in Abyei and the Nuba Mountains

SUDAN'S WINDOW OF OPPORTUNITY

Against a backdrop of the Khartoum regime's population-clearing invasion of Abyei, its war crimes spree in the Nuba Mountains, its ongoing attacks against civilians in Darfur, and most recently its assault on the Blue Nile border state, it sounds counterintuitive to proclaim this as an unprecedented moment of opportunity for Sudan. Yet that is my premise here—to argue that the combination of current internal, regional and international variables could provide a real catalyst for future peace in Sudan.

Internally, the secession of South Sudan produced massive reverberations in the state of Sudan it left behind. The regime in Khartoum can no longer play the South against other regions, or use peace processes with the South as a reason to force international actors to deemphasize human rights and conflict resolution issues within the remaining Sudan. As Darfur, Abyei, the Nuba Mountains, Blue Nile, the East, and the Nubia in the far North all represent armed or unarmed opposition to the regime with almost identical grievances, the potential grows daily for a more united opposition advocating for structural change in Sudan. Unlike the street revolutions beginning in Khartoum that overthrew Sudanese dictatorships in 1964 and 1985, my colleague Omer Ismail reminds me, today's dynamic is very different, marked by a revolution of peripheral regions against an exploitative, non-inclusive central government.

Sudanese are taking multiple paths in support of altering the status quo. Demonstrations earlier this year, inspired by Arab Spring initiatives in neighboring countries, were ruthlessly crushed with draconian regime tactics—including rape of women involved in protests. The ability of the national security apparatus to utilize modern day technology and infiltrate potential opposition groups further chilled mass protests which might have drawn the type of attention we have seen from the international community to similar uprisings. Traditional opposition political parties and civil society organizations continue to agitate for democracy and inclusive government. Moreover, armed opposition movements in Darfur, South Kordofan and Blue Nile are at full-scale war with the regime, but are not yet fully coordinating their activities.

Regionally, Sudan is adrift in a sea of change. Egypt, Tunisia, Libya, Syria, Bahrain, Yemen and others are facing mass protests and/or armed revolutions. The Arab Spring is reverberating throughout Sudan, though a specific direction has not yet fully manifested itself. Rather than the street protests of Syria and Egypt, the more likely scenario in Sudan is an increasingly coordinated armed opposition focused on negotiating transformation or overthrowing the regime.

Internationally, the Arab Spring has produced major changes in U.S. and European policy, with China and Russia even altering course when their options have narrowed. The international community's abandonment of Mubarak and Gaddafi, and the increasing isolation of Assad have defied most prognostications. Dictators like Sudan's Bashir cannot be confident in the face of this domino effect. Furthermore, the success of focused interventions to protect civilians in Benghazi, Libya and Abidjan, Ivory Coast demonstrate that the world is not powerless and not always unwilling to act in the face of human rights atrocities. The apprehension of key war crimes suspects from the Balkans and Africa has breathed new life into international accountability efforts.

The U.S. and Europe can play a major role in supporting the Sudanese people as they strive for a positive outcome, but real changes must be made in their policies toward Sudan. The existing approach encapsulated in acceptance of an authoritarian system and the pursuit of a series of stove-piped "peace processes" for Darfur, Abyei, the Nuba Mountains and Blue Nile, the East, and South Sudan weakens leverage and entrenches the fractured status quo.

The U.S. and other countries with leverage in Sudan should prepare and present a clear choice for the Sudanese regime. A comprehensive peace deal that addresses the grievances of the peripheral states in rebellion as well as those of civil society and opposition in the center of the country, followed by internationally monitored elections, would positively transform the relationship between a more democratic Sudan and the broader international community. On the other hand, further conflict, repression, and autocracy should trigger rapid, meaningful, and escalating international consequences. The Arab Spring, successful international efforts at civilian protection, and the escalating multi-front civil war in Sudan, have changed the framework for what the endgame should look like in Sudan. The new goal for the U.S. and other governments of influence should be a framework peace deal for all regions followed by genuinely free and fair elections.

Time is of the essence. Besieged civilian populations in the Nuba Mountains, Blue Nile, Darfur, and Abyei require immediate protection and emergency assistance. Very little is being done to meaningfully protect those populations. Escalating financial sanctions should target those

officials most responsible for human rights abuses, and a no-fly-zone or destruction of offensive air capacities should be deployed immediately to end aerial bombing of civilian centers.

With regime change in Egypt and Libya, and a similar shift in policy on Syria, the time has come to consider whether Sudan's track record of war crimes and rapidly worsening violence against civilians should qualify it for inclusion in that category. I think in the first instance efforts should be expended on a comprehensive peace deal for all rebelling regions alongside free and fair elections. If the regime refuses, then increased support should be provided to its opponents, along with other measures that would hasten the end of the present authoritarian, exclusionary governing system.

WHERE WE SHOULD GO IN SUPPORTING CHANGE IN SUDAN

The people of Sudan certainly deserve no less than those in Egypt, Syria, and Libya. In those countries, the U.S. and Europe are actively supporting processes, efforts, and institutions aimed at creating democratic governments that can help bring peace, development and security to those countries.

Why should Sudan be different?

After years of pushing for the resolution of the North-South issue, which led to major policy compromises to the detriment of human rights and democracy in the North, now is the time to step back and refocus on how peace can best be secured in Sudan. If the regime in Khartoum is left unreformed—violently suppressing most independent voices and concentrating wealth and power in the hands of a few regime stalwarts—cycles of warfare that are unfolding today are guaranteed to continue. While the world focused on trying to deal with South Sudan's quest for independence, the aspirations of North Sudanese were largely ignored or regionalized. That is no longer a tenable approach.

In other words, the time has come to press for democracy and justice in Sudan. They are the best guarantors of long-term peace in Sudan. This approach may have the potential to lead to more conflict in the short term, as it has in Libya, or more uncertainty, as it has in Egypt, but the status quo of a dictatorship at war with its own people is the very worst-case scenario, and that status quo has to be altered. Sudanese from around the country are pressing for change, and we need to support them.

To those that think this is naïve and overly ambitious, I would simply point to what is happening in Cairo, Damascus, Sana'a, and Tripoli as evidence of the level of complete unpredictability of this moment in the history of that region.

Why should we treat Sudan with kid gloves at this moment of historic change? Given that the Khartoum regime is responsible for more deaths than all of the other regimes that have unified the bulk of world opinion against them, it seems inevitable that a tipping point will eventually be reached regarding Sudan, when one too many atrocities are committed, followed by a unified call for change. Many lives can be saved if that unified call for change—insisting on real democracy and justice—comes sooner rather than later.

The counter-argument that this will lead to either a further crackdown by hardliners or a power vacuum, assumes that Sudan's situation could get worse. My view is that at this moment under the regime of Omer al-Bashir, Sudan has bottomed out. The Sudanese government is committing war crimes in four different regions of the country and ruthlessly suppressing all dissent. The calls for change and methods for organizing are diverse in Sudan, and include armed and unarmed approaches. U.S. policy should refocus on support for those seeking change, first and foremost through the combination of a coordinated national peace process and free and fair elections.

Concurrently, the U.S., working closely with other countries with means and influence, should accelerate planning for protecting civilian populations. The Obama administration's diplomatic efforts in support of the Southern referendum were grounded in a preventive approach to upholding the international Responsibility to Protect, or R2P, doctrine. In Libya and Ivory Coast, upholding R2P required the eventual use of military force as a last resort. The U.S. and its allies should undertake a robust review of the spectrum of policy options that could be employed to protect civilians at threat of violence in Sudan, and act if attacks against civilians continue.

WHY CHANGE IS NECESSARY NOW IN SUDAN

Left unreformed and autocratic, the Khartoum regime will continue to pursue the same approach to ruling the country it has successfully utilized for 22 years: dividing and destroying any form of opposition it can find. The human suffering this has produced throughout Sudan and South Sudan has few parallels globally. Sudan, when South was still part of it, has recorded the second highest number of war fatalities in the world over the last two decades, and the highest number of displaced people. Human rights crimes have been so egregious that the president of the country has an outstanding International Criminal Court arrest warrant against him for genocide and war crimes, sharing that distinction as a sitting or former head of state only with Colonel Gaddafi.

In order for the Sudanese people to achieve a future that includes a measure of peace, stability and freedom, the U.S. and Europe will need to pursue a more aggressive policy in defense of human rights. Promoting a democratic transition in Sudan is the best guarantee for a more peaceful future for the Sudanese people. Leaving the current autocratic regime in place, unreformed, will ensure a continuation of the divide and conquer approach to governance that has marked the 22 years of Bashir's rule.

The new nation of South Sudan has a major and equally critical stake in what happens to the government of Sudan. Bashir's government has spent the last 22 years undermining stability in the South, and will not stop just because South Sudan is now an independent state. The best insurance against a rocky future for South Sudan is a democratic transition in Sudan.

HOW CHANGE IS POSSIBLE IN SUDAN NOW

The steps required to get to a democratic and peaceful state will be difficult. Without question, there will be failures along the way. The Bashir regime will undoubtedly continue to unleash offensive operations and violate agreements, frustrating and undermining any effort at progress. No process of change is devoid of failures and setbacks, but every temporary failure is fraught

with learning opportunities and insights into what does and does not have an impact. Therefore, these failures and setbacks are an essential part of the path to change.

It is common knowledge that the first rule to follow when in a hole is to stop digging. U.S. and European support for all these uncoordinated, incentive-driven peace processes throughout Sudan should be brought to an unceremonious end. The deals are rarely if ever implemented, thus delaying and undermining any lasting solution that has a chance of dealing with the entire country.

It is important to remember that the one deal that was at least partially implemented was the promise of a referendum for South Sudan's independence. Why that one? Because after years of infighting, the South Sudanese people unified largely behind one party—the Sudan People's Liberation Movement—and the international community led by the United States backed the deal, the implementation of the referendum, and its results. After some delay and distraction created by his previous special envoy, President Obama led the multinational charge for ensuring that the referendum was held on time, freely and fairly.

The role of Congress and grassroots activists was crucial in bringing about that assertion of U.S. leadership. Emails, petitions, demonstrations, phone calls, letters, and congressional visits were crucial in building the political will necessary to drive U.S. action. This was not only a major success for U.S. diplomatic leadership, but it was also a major success for Congress and activists making a real difference through their advocacy.

This last point is crucial. After years of extremely frustrating advocacy on behalf of Darfur, which did not end the war there as people had hoped (even though thousands of lives were saved by virtue of the attention placed on the region and the corresponding aid and peacekeeping efforts that made it harder for Khartoum to utilize its deadliest tactics freely), the prevention of mass violence between North and South Sudan around the referendum and the peaceful creation of the new nation of South Sudan were remarkable successes in which Congress and activists played an important external role in supporting the aspirations of the South Sudanese people. It demonstrated that concerted advocacy can make a difference by building political will to take the necessary steps to achieve objectives.

So what opportunities does this moment in time bring for Sudan? The key is to get the beginning and ending right. We know in the end the Sudanese and South Sudanese people want to see functioning democracies in both states in which justice is served for human rights crimes. That will be the best guarantor for peace in and between Sudan and South Sudan. So that should be our endgame as well.

So how should we begin? Using the above described lens, groups and processes in Sudan aiming for democratic change demand support. This should involve a very clear 'Door One' versus 'Door Two' scenario. 'Door One' would include a revamped peace process that pulls all the regional initiatives together into one comprehensive process, given that the issues are largely the same in all of the rebelling regions. Unfortunately, Khartoum's ability to manipulate divisions between its opponents and its tendency to sign agreements and immediately disregard them attests to the vested interests that may forestall this scenario. 'Door One' would also require an endgame of internationally monitored free and fair elections. The National Congress Party recently hinted at their openness to early elections, and this could provide a vehicle, if held

appropriately and inclusively, for a huge step towards peace. If 'Door One' was chosen, then following demonstrated action by a democratizing Sudanese government, the international community would normalize relations and provide real aid to Sudan.

'Door Two' would result in a very different Sudan. If the regime continues to prosecute wars throughout the country, continues to undermine peace efforts, and continues to rule autocratically, then regime change in support of Sudanese aspirations and following examples from the region should become the goal of the U.S. and other concerned countries. Without a reformed central government, there will never be peace in Sudan or South Sudan, given the willingness to cross borders to destabilize the newly independent South.

Decisive action is required, or hundreds of thousands more Sudanese will die.

CONCLUSION

This lesson of Congressional and civil society activism's positive role and impact needs to be learned and re-learned. Those who participated in the blood diamond or anti-apartheid campaigns can be proud that they contributed to peace in part of West Africa and democratic transformation in South Africa, just as anyone who ever participated in a Sudan action helped contribute to the peaceful independence of South Sudan. These are huge achievements and rarely cited amidst the usual gloom and doom narrative of Africa. Countries like these have experienced massive transformations due in part to the actions of intrepid members of Congress and activists in the U.S. and elsewhere.

It's Sudan's turn now.

President Obama has shepherded U.S. policy through three successful efforts at civilian protection. First, his diplomatic leadership helped to avert a war between North and South Sudan through the timely and peaceful holding of the referendum for Southern independence. Second, he supported UN efforts at restoring democracy and countering war crimes in Ivory Coast. Third, his decisive action prevented massacres in Benghazi, Libya. These successes, combined with support for regime change in Egypt and Libya, may not provide a perfect parallel to the current situation of multiple ongoing wars in Sudan and huge numbers of at-risk populations, but they do illustrate the potential for positive, sustainable change during this moment of crisis. The Arab Spring provides an historic moment, and a significant, active segment of the American public is strongly supportive of action to end Sudan's suffering. All of these variables could add up to a real possibility for change in Sudan, if the moment is seized.