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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, although the parties must still negotiate and agree on a comprehensive cease-fire and modalities for implementation. On June 5, 2004, the parties signed "the Nairobi Declaration on the Final Phase of Peace in the Sudan."

Meanwhile, the ongoing crisis in Darfur in western Sudan has led to a major humanitarian disaster, with an estimated 1.2 million people displaced and more than 200,000 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 50,000 people have been killed over the past 18 months. U.S. Agency for International Development (USAID) officials assert that an estimated 320,000 could die by the end of 2004, irrespective of the international response. 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

In September 2004, the Bush Administration declared the atrocities in Darfur genocide. In a testimony before the Senate Foreign Relations Committee, Secretary of State Powell stated that “genocide has been committed in Darfur and that the government of Sudan and the Janjaweed bear responsibility — and that genocide may still be occurring.” Meanwhile, the United Nations Security Council passed Resolution 1564, threatening sanctions against the Government of Sudan (see below for more on 1564).

In mid-September, negotiations between the Government of Sudan and the Sudan Liberation Movement (SLM) and the Justice and Equality Movement (JEM) in Nigeria under the chairmanship of President Obasanjo ended without much progress. Negotiations are expected to resume in late October 2004. Moreover, talks between the SPLA and the Government of Sudan are expected to resume in early October 2004.

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.

Developments in Darfur

Overview. The crisis in Darfur State in western Sudan has raised serious concerns about a major humanitarian disaster, with an estimated one million people displaced and more than 100,000 people forced into neighboring Chad. There are no reliable estimates of the number of people killed as a result of the conflict. The government of Sudan has denied or severely restricted access to relief officials in Darfur. Some observers and U.S. officials estimate that between 10,000-30,000 people have been killed over the past twelve months. 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 the Muslim African ethnic groups in Darfur. The government of Sudan dismisses the SLA and JEM as terrorists. The conflict pits the three African ethnic groups, the Fur, Zaghawa, and Massaleit, against the nomadic Arab ethnic groups. Tension between the largely African-Muslim ethnic groups and the Arab inhabitants of Darfur can be traced to the 1930s and most recently in the 1980s. Successive governments in Khartoum have long neglected the African ethnic groups in Darfur and did very little to prevent or contain attacks by Arab militias against non-Arabs in Darfur. 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 disarm the largely African ethnic groups.

The Current Crisis. At the core of this conflict is a struggle for control of resources. The largely nomadic Arab ethnic groups often venture into the traditionally farming communities of Darfur for water and grazing, often triggering armed conflict between the two groups. Darfur is home to an estimated 7 million people and has more than 30 ethnic groups, although these groups fall into two major categories: African and Arab. Both communities are Muslim, and years of intermarriages have made racial distinction impossible. Fighting over resources is one of several factors that has led to intense infighting in Darfur over the years. The NIF government systematically and deliberately pursued a policy of discrimination and marginalization of the African communities in Darfur and gave support to the Arab militia to suppress non-Arabs, whom it considered a threat to its hold on power. In 2000, with 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 the North-South conflict, the SLA and JEM were able to gain the upper hand in the initial phase of the conflict against government forces, and appear well prepared and armed. 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 also benefitted from outside support, including from fellow Zaghawa in Chad and financial support from Darfur businessmen in the Persian Gulf. The government of Sudan has also accused Eritrea and the Sudan People's Liberation Movement/Army (SPLM/A) of providing support to the SLA. The government of Sudan also accuses 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, along with a number of senior army officers, was arrested. The government claimed that Turabi was behind an attempted coup, although officials in Khartoum seemed to back off from that claim by mid-April 2004.

In mid-2003, the government of Sudan significantly increased its presence in Darfur by arming the Arab militia, the Janjaweed, and by deploying the Popular Defense Force (PDF). The Janjaweed, under the direction of regular government forces, reportedly unleashed a campaign of terror against civilians. The Arab militia engaged in what United Nations officials described as “ethnic cleansing” of the African ethnic groups of Darfur. Men have been summarily executed, women have been raped, and more than 100,000 have been forced into exile in neighboring countries. In early February 2004, the government launched a major military offensive against the rebel forces, and by mid-February 2004, President Omar Bashir, in a nationally televised speech, declared that the security forces had crushed the SLA and JEM and offered amnesty to the rebels.

The forceful expulsion of the mainly African ethnic groups from their homes was done in a deliberate, sequenced, and systematic way, according to a briefing paper on the Darfur crisis by the Office of U.N. Resident and Humanitarian Coordinator for the Sudan. The report describes the mechanisms used to cleanse the area of non-Arabs by “total disengagement of administration and suspension of all government services.” These include suspending most government functions, including non-payment of salaries to government workers, and abandoning basic government services, such as health care and law enforcement. According to the United Nations, once government officials leave these communities, the people in these areas are then accused of being rebel sympathizers and are targeted by government militias. The Janjaweed would then burn villages, loot the properties of the non-Arabs, abduct children, rape women, and prevent people from returning to their homes.

Negotiations and the Cease-Fire Agreement

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.

The parties agreed to observe a cease-fire for a period of 45 days, renewable automatically if both parties agree. The cease-fire agreement appears to be holding, although the government of Sudan was accused of violating the agreement. The situation in Darfur, however, continues to deteriorate, largely due to repeated and deliberate denial of access to the affected areas by government officials. Moreover, monitoring mechanisms agreed to by the parties are yet to be implemented, and many observers fear that continued delay could unravel the cease-fire agreement. As part of the agreement, the African Union, with the help of the United States and the European Union, was tasked to deploy a monitoring team in

Darfur and establish a Joint Commission consisting of the two parties, Chad and the international community. American and European Union officials argue that the monitoring team must be independent and credible.

The International Community's Response

The international community's response to the Darfur crisis was slow and ineffective, in part because of the government of Sudan's repeated refusal to allow relief workers in Darfur. It was not until late 2003, almost one year after the crisis erupted, that some members of the international community began to speak about gross human rights abuses and widespread humanitarian crisis in Darfur. According to some analysts, the Bush Administration did not consider the Darfur crisis as a priority; instead the Administration was largely focused on the talks between the government of Sudan and the SPLM. The first and only Darfur statement by the White House was issued in early April 2004, although U.S. Agency for International Development (USAID) officials spoke of a growing humanitarian crisis and visited the area in late 2003.

U.N.S.C. Resolution 1564

- Expresses grave concern about lack of security.
- States that GOS is responsible for the security and safety of the population.
- Declares the situation in Sudan as a threat to international peace and security.
- Deplores recent cease-fire violations by GOS
- Supports the African Union's plan to enhance and augment its monitoring mission in Darfur.
- Calls on member states to provide financial and logistical support to the AU mission.
- Threatens the GOS with sanctions, including measures targeting its petroleum sector, if it fails to comply with the Council's demands.

Source: United Nations

Administration officials were concerned that forceful measures against the government of Sudan could undermine the peace process between the GOS and the SPLM. Some United Nations officials, however, have been forceful in their statements and have publicly expressed concerns about the deteriorating humanitarian conditions in Darfur. The United Nations Resident Humanitarian Coordinator consistently reported to headquarters about gross human rights violations in Darfur. In a letter dated March 22, 2004, to the State Minister for Foreign Affairs of Sudan, U.N. Humanitarian Coordinator Mukesh Kapila wrote that "the war in Darfur started off in a small way last year but it has progressively got worse. A predominant feature of this is that the brunt is being borne by civilians. This includes vulnerable women and children ... The violence in Darfur appears to be particularly directed at a specific group based on their ethnic identity and appears to be systemized. Thus it is akin to ethnic cleansing." The African Union and the Arab League did not make public statements on the Darfur crisis until the signing of the cease-fire agreement.

The Humanitarian Situation and the U.S. Response

According to United Nations and U.S. officials, the situation in Darfur is considered the worst current humanitarian and human rights crisis in the world. Out of a population of 7 million people, 1.2 million are internally displaced, an estimated 200,000 are forced into exile, and an estimated 30,000-50,000 civilian have been killed. As of September 2004, total U.S. government (USG) assistance for Darfur and Chad was estimated at \$218 million [<http://www.usaid.gov>]. USAID has also established a Disaster Assistance Response Team (DART) for Darfur, although the government of Sudan has not yet allowed the team to go into Darfur. The government of Sudan has refused to issue visas for the 28-member team, although they have indicated that they might issue the visas after the U.N. delegation, currently in Sudan, completes its mission. The government of Sudan has harshly criticized USAID and has accused the agency of being too sympathetic to the rebels. Meanwhile, humanitarian conditions continue to deteriorate, in large part because of continued government restrictions. According to USAID, “due to GOS [government of Sudan] impediments that block travel permits and relief operations in Darfur, humanitarian access to vulnerable populations outside of the state capitals of Geneina, Al-Fashir, and Nyala is extremely limited, and access to many areas is completely denied.” And according to Doctors Without Borders, “because of the lack of appropriate, urgently needed aid, the health of displaced people in Sudan’s Darfur region, particularly children, is radically worsening.”

Humanitarian Situation at a Glance

- Affected Population: 2.2 million.
- IDPs: 1.2 million.
- Refugees: 200,000
- Deaths: 50,000 (as of September 2004).
- U.S. Assistance: \$218 Million as of September 2004.

Source: USAID

Peace Talks

Peace efforts to end the civil war in Sudan have not succeeded in part because of irreconcilable differences on fundamental issues between the “Arabized” north and southern rebels. The strong belief by the NIF regime that it could resolve the conflict through military means has been and continues to be a major impediment to peaceful efforts. Another major obstacle is NIF’s inflexible position on the role of religion in politics and government. The government seems to show interest in talks when it is weakened militarily or to buy time to prepare for another military offensive.

The IGAD Peace Process

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.

Current Developments

In late June 2004, United Nations Secretary General Kofi Annan visited Sudan to assess humanitarian and human rights conditions in Darfur, Sudan. Annan was scheduled to visit three internally displaced persons (IDP) camps to make a first-hand assessment of the situation in Darfur. While at the Zam Zam camp in Northern Darfur, Annan was informed of human rights abuses committed by the Janjaweed, including rape, murder, and destruction of African-Muslim villages. At the Meshtel camp, Annan found the camp empty. He was later informed that the IDPs were forcefully removed to another.

On July 22, 2004, the House of Representatives and the Senate passed resolutions declaring the atrocities in Darfur genocide. H.Con.Res. 467 called on the Bush Administration to “continue to lead an international effort to prevent genocide in Darfur, Sudan.” S.Con.Res. 133 called on the Administration to “impose targeted means, including visa bans and the freezing of assets, against officials and other individuals of the Government of Sudan, as well as Janjaweed militia commanders, who are responsible for war crimes and crimes against humanity in Darfur, Sudan.”

Meanwhile, the United States and the European Union expressed “grave concern at the continuing humanitarian crisis in Darfur, western Sudan, where the lives of hundreds of thousands civilians, who live in desperate conditions and require immediate life-saving relief, are at great risk.” The U.S.-EU declaration strongly condemned human rights violations in Darfur.

In late June 2004, Secretary of State Colin Powell visited Sudan to assess human rights and humanitarian conditions in Darfur. Powell is the highest U.S. official to visit Sudan in

over two decades. In Khartoum, the capital, Powell stated that the international community “need[s] to see action promptly because people are dying and the death rate is going to go up significantly over the next several months.” United Nations Secretary General Kofi Annan was also expected to visit Sudan to assess humanitarian conditions in Darfur.

A high-level U.S. delegation visited Khartoum in mid-February to discuss the IGAD-led peace process. Acting Assistant Secretary of State for Africa, Charlie Snyder, met with senior Sudanese officials to encourage them to bring an end the two-year old peace process as soon as possible. The delegation also discussed the humanitarian situation in Darfur and called on the government of Sudan to provide access to relief organizations to deliver much-needed humanitarian assistance. U.S. Agency for International Development’s Assistant Administrator, Roger Winter, visited Darfur and met with traditional and religious leaders. According to press reports, some of the people who met Mr. Winter were later arrested by security forces in Darfur.

In December 2003, President Bush called President Bashir of Sudan and Dr. John Garang of the Sudan People’s Liberation Movement (SPLM) to encourage them to conclude a just peace agreement and end the 20-year civil war. In mid-December, Vice President Osman Taha and Dr. Garang reportedly reached an agreement on wealth sharing. The parties agreed to split oil revenues equally during the Interim Period. Meanwhile, in late November 2003, the SPLA sent a high-level delegation to Khartoum, the capital, for the first time since the current conflict began in 1983. The delegation was warmly received by both southerners and northern students.

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.” (World Food Program website, [http://www.wfp.org/country_brief/index.asp?region=2].) 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 20-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, and \$139.7 million in FY2002. The United States has provided an estimated \$162.9 million in humanitarian assistance for FY2003. For 2004, the Administration is proposing a significant increase in development assistance to Sudan, requesting \$81 million, making Sudan the largest recipient of bilateral assistance in sub-Saharan Africa. 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. The Sudan Transition Assistance for Rehabilitation (STAR) program was initiated in 1999 with a budget of \$2 million in FY1999 and is scheduled to continue through FY2003. The budget for FY2003 is \$9.5 million. In 2002, the Bush Administration also 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.

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 and Oil Development

The government of Sudan earns an estimated \$500 million annually from oil since it began to export in August 1999. Chevron began oil exploration in the mid-1970s and made its first discovery in 1979. Large reserves in the Upper Nile region of southern Sudan were discovered in the 1980s. Chevron interrupted its work several times in the mid- and late 1980s after attacks by the SPLA. In 1990, Chevron halted operations and sold its concessions to Arakis, a Canadian oil company. Arakis was not able to raise the necessary capital for its projects in Sudan, and due to company financial troubles, it was taken over by another Canadian oil company, Talisman Energy. In March 1997, Talisman Energy, Petronas Carigali of Malaysia, PetroChina, a subsidiary of China National Petroleum Company (CNPC), and Sudapet, Sudan's national petroleum company, signed an agreement and created a consortium, the Greater Nile Petroleum Operating Company (GNPOC) for oil production and construction of a 1,000-mile pipeline. PetroChina holds a 40% share, Petronas 30%, Talisman Energy 25%, and Sudapet 5% in GNPOC.

The government of Sudan and the oil companies involved in oil development have come under severe criticism from human rights groups and NGOs. Human rights groups accuse the government of Sudan of a scorched-earth policy. In a March 2001 report, Christian Aid, a British-based NGO, declared that "in the oil fields of Sudan, civilians are being killed and raped, their villages burnt to the ground." (*Christian Aid*. "The Scorched Earth: Oil and War in Sudan, March 2001," available on the Christian Aid website at [<http://www.christian-aid.org.uk/indepth/0103suda/sudanoil.htm>].) The report blames foreign companies for assisting the government of Sudan's war effort by helping "build Sudan's oil industry, offering finance and technological expertise and supplies." According to press reports and the International Monetary Fund (IMF), the government of Sudan has doubled its military budget since it began exporting oil. Some observers believe that because of these new oil revenues, the government may not be interested in negotiating seriously to end the war.

Members of Congress and Sudan advocacy groups have called on the Bush Administration to impose capital market sanctions on companies involved in the oil industry of Sudan. The Sudan Peace Act, passed by the House in October 2000, contained a sense of Congress language for such measures. On April 26, 2001, Representative Payne introduced H.Con.Res. 113 (for more see legislation section). On June 5, 2001, Representative Tom Tancredo introduced H.R. 2052, the Sudan Peace Act. On June 13, 2001, the House amended and passed (422-2) H.R. 2052. H.R. 2052 is similar to H.R. 931, introduced in March by Representative Tancredo. H.R. 2052 condemned the government of Sudan, called for the appointment of a Special Envoy, and required foreign companies doing business in Sudan to disclose their activities to the public if they seek access to U.S. capital markets. The amendment, which passed by voice vote, prohibited companies engaged in oil exploration and production related activities in Sudan from "raising capital in the United States." Companies are also prohibited from trading securities "in any capital market in the United States." The Bush Administration opposed the disclosure as well as the

capital market sanction provisions of the Sudan Peace Act. (*Washington Post*, August 15, 2001)

Human rights groups and Sudan advocacy groups have launched a concerted campaign to pressure oil companies involved in Sudan. Since late 1999, a divestment campaign has been underway targeting Talisman Energy. As of April 2001, several U.S. institutions have divested from Talisman Energy, including the State of New Jersey, the State of California Public Employees Retirement System, the State of Texas Teachers Pension Plan, and the State of Wisconsin (late April 2001).

Sudan: Religious Persecution and Slavery

Of the estimated Sudanese population of more than 35 million, Sunni Muslims comprise 70%; animists 25%; and Christians 5%. The NIF government in Khartoum views itself as the protector of Islam in Sudan. Political opponents are viewed as anti-Islam and the civil war in southern Sudan is considered a *jihad*, or Holy War. For the Sudan People's Liberation Army (SPLA), the war is to free southerners from political domination and religious persecution.

The 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. Captured slaves reportedly are forced to attend Quranic schools, change their names, and sometimes indoctrinated to fight their own people. Through the government plan of "forced acculturation," thousands of children are abducted and forcibly converted to Islam or face harsh beatings and torture.

Aerial bombardment of civilian targets has emerged as one of the most serious human rights issues in U.S.-Sudanese relations. In 2000, the government of Sudan bombed civilian targets 167 times, according to the U.S. Committee for Refugees (USCR), a Washington-based NGO. In November 2000, the government dropped several bombs at a market in Yei, killing an estimated 18 people and wounding dozens. The State Department has condemned such attacks by the government of Sudan on a number of occasions, but to no avail. The government claims that it is targeting the military bases of the SPLA and that the SPLA deliberately surrounds its bases with civilians. But human rights groups and non-governmental organizations (NGOs) working in Sudan argue that the government is destroying hospitals, schools, and feeding centers. Media have reported that in February 2002, government helicopter gunships killed 17 civilians and wounded scores of people at a U.N. feeding center in Bieh, Upper Nile province; that in May 2002, over a dozen people were killed and over 50 wounded after government war planes dropped 16 bombs in Rier, Upper Nile.

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.¹ 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.

The Clinton Administration and Sudan

In May 1996, then U.S. Ambassador to the United Nations, Madeleine Albright, reportedly called Sudan “a viper’s nest of terrorism.” The United States closed its embassy in Khartoum in February 1996 and moved the remaining embassy personnel to Nairobi because of security concerns. Moreover, the U.S. government has imposed a series of sanctions on the NIF regime over the years. Washington suspended its assistance program after the NIF-led coup in 1989, placed Sudan on the list of states that sponsor terrorism in August 1993, and supported United Nations Security Council sanctions on Sudan. The Clinton Administration expelled one Sudanese embassy official, who had been based in New York, for suspected links to an alleged plot to bomb the United Nations. (Goshko, John. “Sudanese Envoy at U.N. Ordered to Leave U.S.” *Washington Post*, April 11, 1996. A17.) Another Sudanese diplomat, who was a suspect in the plot, left for Sudan.

On November 22, 1996, President Clinton announced the Administration’s decision to ban senior Sudanese government officials from entering the United States as called for in Security Council Resolution 1054. On September 28, 2001, the United Nations Security Council lifted these sanctions. The Administration actively supported allies in the region affected by an NIF-sponsored destabilization campaign. The United States has provided an estimated \$20 million in surplus U.S. military equipment to Uganda, Eritrea, and Ethiopia. The non-lethal military assistance such as uniforms and communications equipment to the “frontline states” was intended to support them in fending off NIF’s campaign of destabilization. Observers interpret U.S. support to these countries as a measure to contain, punish, and facilitate the downfall of the fundamentalist government in Khartoum.

In November 1997, the Clinton Administration imposed comprehensive sanctions on the NIF government after an exhaustive policy review. The sanctions restrict imports or

¹ *U.S. Policy to End Sudan’s War*. Report of the CSIS Task Force on U.S.-Sudan Policy, Feb. 2001.

exports from Sudan, financial transactions, and prohibit investments. In making his case for the sanctions, President Clinton stated that “the policies and actions of the government of Sudan, including continued support for international terrorism; ongoing efforts to destabilize neighboring governments; the prevalence of human rights violations, including slavery and the denial of religious freedom, constitute extraordinary threat to the national security and foreign policy of the United States.” (Text of the executive order can be found at the U.S. Department of the Treasury’s Office of Foreign Assets Control website at [<http://www.treas.gov/offices/enforcement/ofac/legal/sudan.html>].)

LEGISLATION

H.Res. 194 (Capuano)

Called for an end to slavery and human rights abuses in Sudan. Introduced April 10, 2003. Passed House July 16, 2003.

H.Con.Res. 402(Tancredo)

Calls for an investigation of Sudanese officials involved in international terrorism. Introduced March 30, 2004.

H.Con.Res. 403 (Wolf)

Condemns the government of Sudan for violations of human rights in Darfur State. Introduced April 1, 2004; passed House May 17, 2004.

H.Con.Res. 467 (Payne)

Declares the humanitarian crisis in Darfur, Sudan as genocide. Introduced June 24, 2004; passed House July 22, 2004.

S. 2705 (Biden)

Condemns the government of Sudan for violations of human rights and authorizes funds in support of peace and for humanitarian purposes. Introduced July 21, 2004.

S. 2720 (Lugar)

Condemns the government of Sudan for violations of human rights in Darfur. Authorizes \$300 million, including \$200 for Darfur. Introduced July 22, 2004.

S.Con.Res. 133 (Brownback)

Declares genocide in Darfur, Sudan. Introduced and passed Senate July 22, 2004.

S.Con Res. 137 (Frist)

Urges the United Nations to suspend Sudan from the United Nations Human Rights Commission. Introduced September 15, passed same day. Passed House September 22.

S. 2781 (Lugar)

Calls for comprehensive peace in Sudan, authorizes \$300 million for humanitarian and development purposes, and proposes sanctions. Introduced September 9, passed with amendments by Unanimous Consent.

H.R. 5061 (Tancredo)

Imposes sanctions on the government of Sudan, authorizes \$450 million for humanitarian and development purposes, and exempts opposition-controlled areas from current sanctions. Introduced September 9, 2004.