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Subcommittee on Africa and Global Health
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Thank you, Mr. Chairman, Ranking Member Smith and members of this Subcommittee for the opportunity to share my thoughts on the dire situation right now in Sudan. I salute this Subcommittee for paying such close and consistent attention to this crisis and its tireless dedication to the people of Sudan.

The existing strategy of the United States and the broader international community to prevent all-out war in Sudan is failing. It is time to alter course in bold and specific ways in order to avert what could be the deadliest conflagration in Sudan's war-torn post-colonial history.

Two of the pillars of the Comprehensive Peace Agreement (CPA) are the elections and referendum. But the CPA clearly calls for conditions that must exist for the holding of a credible election, including a new security law to reduce harassment of opposition figures, media access and freedom of assembly for opposition parties, and unrestricted access for international observation teams. Not one of these preconditions has been met to date.

The risks of ignoring the prerequisites and holding a non-credible election are enormous. Non-credible elections will:

- Fuel violence and divisions, particularly in the South;
- Undermine the CPA's aim of democratically transforming the country;
- Disenfranchise millions of Darfuris and further fuel violence there;
- Provide false legitimacy to an indicted war criminal, Omer al-Bashir, and to his ruling National Congress Party (NCP);
- Waste tens of millions of American taxpayers' dollars.

Until the parties agree to conditions that will allow a credible election, the United States and broader international community should suspend all electoral assistance. Non-credible elections should not be financed and legitimized by American taxpayers. The parties should agree to delay the election until these CPA-mandated conditions exist, because the U.S. and international community should not recognize any election that does not meet basic standards. However, efforts should continue to put in place the conditions for the January 2011 referendum, including the passage of the referendum law by the National Assembly before it adjourns. Not holding the referendum on time is the most certain trigger for all-out war.

To be clear, the Enough Project is not demanding a postponement of the elections per se. We are pushing for the conditions for a free and fair election as spelled out in the CPA. If the international community lets the NCP just gloss over the provisions that would create

a fair election, this will demonstrate once again the lack of international will to enforce crucial CPA components, and will signal to the NCP that it can wriggle out of further CPA requirements, thus further imperiling the fragile peace in the South. We are calling for full implementation of the CPA, and rushing toward elections without the proper conditions in place will end badly for all involved, and further embolden the NCP to undermine the next major CPA process: the referendum.

There is a reason Sudan is facing this ten minutes til midnight make-or-break scenario. Until now, because there has been no cost for not implementing key parts of the CPA, the parties – particularly the NCP – continue to trample the agreement. **It is time for President Obama to decide to implement his administration's own benchmark-based policy. Flouting the establishment of conditions for a credible election and referendum should trigger immediate consequences. The U.S. should work within and outside the UN Security Council to develop a coalition of countries willing to impose consequences on the NCP for its obstruction of basic conditions for peace. Consequences should include ratcheting up targeted multilateral sanctions, enforcement of the arms embargo, denial of debt relief, and greater support for further International Criminal Court investigations and indictments. Similar consequences should await senior SPLM officials and Darfur rebel leaders if they are found to be undermining peace as well.**

There is a path to peace for the parties in Sudan. The United States has a major role to play. But to contribute to peace, the U.S. needs to stand for peace with principle, and back principle with real leverage in the form of credible multilateral consequences in support of genuine democratic processes and verifiable commitment to peace.

What to Do Now

One month after the release of the Obama administration's Sudan policy, the situation has further deteriorated. Violence against civilians continues unabated in Darfur and in southern Sudan while the ruling National Congress Party, or NCP, continues to act in bad faith and undermine lasting peace in Sudan.

At the core of the administration's new Sudan policy is a set of confidential benchmarks that the United States will use to evaluate progress toward peace. If the Obama administration is serious about this strategy, it is clear that the NCP's actions right now should immediately trigger an escalating set of multilateral consequences. The United States must firmly respond now by forging a coalition of nations willing to put in place and enforce meaningful consequences for those individuals who are obstructing peace in Sudan, no matter what party to which they belong. This, I believe, is the only thing that can prevent a full-scale war in Sudan with catastrophic human consequences.

Peace on the Rocks

There are four key areas where the NCP's tried and true use of endless delays, bad faith negotiations, and skillful manipulation of tensions to divide and destroy, demand a

determined and coordinated international response. Such a response is unimaginable without U.S. leadership.

1) Black-out in Darfur

A recent report from the United Nations group of experts on Darfur was clear: the NCP is the party most responsible for continued violence on the ground and continues to obstruct U.N. peacekeepers and restrict humanitarian access. Although the Obama administration continues to call what is occurring in Darfur genocide, the reality is we don't really know. And we don't know because the NCP has effectively stifled independent outlets for assessment, analysis, and publication of what is happening presently in Darfur.

In Darfur, a large humanitarian gap has not been filled since Sudanese President Omar al-Bashir kicked out relief organizations in March of this year. For the last 8 months, humanitarians have not had access to large areas of Darfur and those who can reach vulnerable populations no longer publicize their assessments for fear of expulsion. Victims of sexual violence, in particular, have suffered from the complete lack of humanitarian support and monitoring. We no longer have independent means to assess the level and scope of rape as a war weapon, a critical instrument of genocide. Recently, the NCP announced that it would return or relocate all internally displaced persons by early 2010, compromising the basic rights of those who have already fled once from violence and war. The thought of three million people forced to abandon life-saving humanitarian assistance should be ringing loud alarm bells here in Washington and in capitals around the world.

2) No conditions for free and fair elections

Elections are set to take place in April 2010, but they will not be free or fair under current conditions. The ruling party continues to block efforts to pass legal reforms, including one that would take away the state's power to arbitrarily detain and arrest citizens. The registration process threatens to disenfranchise millions. And the possibility of widespread election violence as the polls approach looms large and has not been sufficiently addressed. Flawed elections will undermine broader stability in Sudan and further confuse the process leading to the referendum.

3) Undermining the referendum

South Sudan's self-determination referendum, the cornerstone of the peace agreement, is at risk. Legislation governing the referendum process must pass before the Sudan National Assembly goes to recess, on December 17, and does not reconvene until after the April elections. Otherwise, preparations for this important vote cannot begin. Thus far, the NCP has effectively driven the disputes over the referendum law, thrown up obstacles and unreasonable demands, and skillfully manipulated the process so that a compromise is not met.

4) Increased violence in the South

Intercommunal violence has erupted in South Sudan, killing over 2,000 people and displacing about 250,000 Sudanese from their homes. The arms used by Southern militias have been traced to the stockpiles of North Sudan's army. The violence is taking place in the same areas where the NCP destabilized the South during the civil war. The ruling party certainly has motives for promoting Southern violence at this critical juncture.

Policy Implications

The Obama administration's policy, as presented by Secretary Clinton, Ambassador Rice, and General Gration last month, is a strategy for diplomatic engagement with all sides to the conflict that is supported by a balanced set of pressures and incentives. The key element of leverage was a confidential annex that outlined unnamed incentives as rewards for progress, and pressures as penalties for undermining the prospects for peace. Much of the policy review's contents remained opaque. Not only were the penalties and incentives included in a confidential annex, so were the benchmarks against which they would be utilized.

Having the sticks and carrots in a confidential document has pros and cons. On the one hand, the mystery involved leaves the parties guessing as to what the United States is prepared to do. It may be that the perception and fear of what is unknown far outweighs the reality of the contents of the document. But the parties will have to put the Obama administration to the test to find that out. On the other hand, the unwillingness to clearly articulate the penalties could be seen as a potential sign of weakness by some Sudanese actors. Further, keeping the contents confidential leaves key stakeholders in Sudan completely unclear on what benchmarks the United States might be using in making its assessments as to the application of the proposed incentives and pressures.

The Way Forward

What is clear though, is that the current situation in Sudan represents a series of unmet benchmarks that should have already triggered the consequences promised in the administration's new policy. Without a firm response from the international community, led by the United States, full-scale nationwide war is inevitable.

The United States must organize and lead a multilateral diplomatic surge in Sudan aimed at negotiating and consolidating national peace. Such a diplomatic surge would include immediately drafting a framework peace deal for the parties in Darfur based on the extensive civil society consultations to represent the core grievances of the people there. American stewardship of a multilateral process involving all the key countries with leverage is critical to a credible peace effort. The surge would also involve the reconstruction of the troika that helped negotiate the CPA, and should also include China, Egypt, and other countries with serious economic and security interests in preventing a return to war.

Robust diplomatic engagement with all sides should be backed by the creation and application—immediately—of multilateral pressures and clear consequences. If the

U.N. Security Council is unable to act because of Chinese and Russian opposition, then the United States should forge a coalition of countries willing to unilaterally apply certain measures commensurate with the threat posed to peace in Sudan. Many such diplomatic levers that can be utilized include enforcement of existing sanctions (including multilateral asset freezes and travel bans against individuals named by the U.N. group of experts and sanctions committee), support to the International Criminal Court, and denial of debt relief.

Ultimately, the objective of the diplomatic surge, a suspension of electoral assistance, and the pressures that provide leverage for it is the achievement of a sustainable national peace. This will happen only if the NCP no longer holds absolute authority in the country, but rather shares it with other parties and constituencies and eventually allows fully free and fair elections to determine the future leadership of Sudan. In the meantime, averting a return to full-scale nationwide war is the pressing priority, and the actions of the United States will have more to do with success or failure than any other single variable.