

**Assessing Challenges and Opportunities
for Peace in Sudan**

**Testimony before the Senate Committee on Foreign Relations
Subcommittee on African Affairs**

**by
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Chairman Feingold, Senator Isakson, and members of the Senate Committee on Foreign Relations Subcommittee on African Affairs: thank you for the opportunity to join this important and timely discussion on, “Assessing Challenges and Opportunities for Peace in Sudan.”

I am pleased that the Subcommittee is looking at this issue through a “whole-of-Sudan lens.” A comprehensive approach is a critical component to achieving sustainable peace and security, and will be a theme that I will come back to often in my remarks.

As you know, Sudan’s history has been marked by two civil wars, and various local and regional conflicts. This has left the country with very few years of experience with peace, and an over-reliance on militaries, militias, and proxies to maintain control within Sudan’s borders. Although the deal that brought an end to the active conflict between the Government of Sudan (GoS) and the Sudan People’s Liberation Army (SPLA) in 2005 was called the Comprehensive Peace Agreement (CPA), it failed to address the decade-long conflict in eastern Sudan, the then-raging conflict in the western region of Darfur, and the many fractures within the SPLA and other organized militia and armed actors.

There have been many subsequent efforts to address these security challenges, but they have yielded mixed results. The Juba Declaration (January 2006) paved the way for more than a dozen warring militias to be integrated into the SPLA.¹ The Darfur Peace Agreement (May 2006) was stillborn and was followed by a proliferation of armed actors. The East Sudan Peace Agreement (October 2006) resulted in tenuous peace, although wealth and governance reform dividends remain largely undelivered. Outright conflict between the major parties to the CPA is a major threat to regional and international security. However, these fragile follow-on security deals at the local and regional level are as likely to unravel into widespread violence against civilians and humanitarian crises. Finally, the shifting attention of the international community from one Sudan crisis to another has undermined initial investments in sustainable progress toward peace for the whole country.

Success in Sudan requires talent, persistence, and investment to juggle competing, and sometimes contradictory, policy priorities. For example, we must be able to identify and address the various flashpoints for violence throughout Sudan. Each requires a tailored response at the local level. At the same time, we must remain attentive to the relationships between local conflicts, and national and regional dynamics. And we need to take immediate steps to help guard against various undesirable scenarios related to the 2011 referenda, while we continue to invest in longer-term solutions.

This testimony will explore three potential triggers of wide-spread violence in Sudan, immediate steps the United States and international community should take in the months leading up to and following the referenda to prevent and mitigate wide-spread violence as well as longer-term steps that should be pursued to achieve sustainable peace and security in Sudan.

Challenges to Peace

There are three major areas of potential wide-scale violence in Sudan over the coming years:

- 1) ***Between northern and southern Sudan:*** The five-year interim period between the signing of the CPA and the expected 2011 referenda was designed to give the main parties additional time to build trust and negotiate some of the most sensitive issues including how to manage a census, elections, border demarcation and ultimately the

¹ John Young. *South Sudan Defence Forces in the Wake of the Juba Declaration*. Geneva: Small Arms Survey, Graduate Institute of International Studies, 2006.

referenda. However, five years was not enough time to make unity attractive, build a functioning government in southern Sudan and the transitional areas, and reform the security sector. Moreover, there was little incentive for the major parties to adhere to the CPA's foundational security protocols, namely to disarm and demobilize, in the face of unfinished negotiations and when trust between parties remained precarious.

In direct contravention of the security protocols, the parties have reportedly continued to arm and move provocatively toward sensitive border areas. As evidenced in Abyei and Malakal, with tensions high, small clashes between even low-ranking members of the armed forces have the potential to escalate quickly into widespread violence. Local tensions over land and resources in areas along the still-undetermined north-south border are also incendiary. These communities were armed and used as proxies by the main parties throughout the civil war. Rumors abound that the parties are arming and stoking the flames between rival tribes and communities. Whether or not the rumors are true, community perceptions could serve as accelerants to conflict. Tensions are simmering between parties and within communities. A number of forthcoming benchmarks including: border demarcation, negotiation of resource rights, the implementation and results of an ill-defined and little-understood popular consultation process in Southern Kordofan and Blue Nile, and the process leading up to and following the referenda for Abyei and southern Sudan could all spark violence at the local, and subsequently national level.

- 2) ***In southern Sudan:*** Southern Sudanese expectations have been hard to meet during the interim period, given the level of need, and the resources and time available to meet them. In building a government virtually from scratch in southern Sudan, international efforts and funding were slow to get off the ground. Initiatives focused on strengthening the capacity of the central government in Juba. These efforts occurred at the expense of the state and local governments despite the fact that these government institutions are the most appropriate and effective at providing essential services and security.

Similarly, security sector reform (SSR) has focused on the army at the expense of the police and judiciary. Inattention to the police is particularly troubling given the way demobilization was pursued in southern Sudan. In an attempt to decrease the ranks of the SPLA, SSR programs have led to the demobilization of the army into the police, resulting in a Southern Sudan Police Service (SSPS) that is untrained in civilian safety and security measures. An additional challenge to training and executing basic police tasks is the 90% illiteracy rate of the SSPS. Moreover, the growing SSPS payroll, a result of the influx of demobilized SPLA, saps resources that could pay for equipment and training.²

Given the absence of a functioning police force, southern Sudanese communities continue to rely on the SPLA, the United Nations Mission in Southern Sudan (UNMIS), traditional leaders, and – due to the availability of small arms and weapons -- the arming of their own communities for security. The proliferation of small arms in a vacuum of state security has resulted in increasingly deadly conflicts over cattle and resources, conflicts that last year killed 2,500 people, displaced more than 390,000, while increasingly targeting women, children, and the elderly.³ The over-reliance on the SPLA

² Alfred Sebit Lokuji, Abraham Sewonet Abatneh, Chaplain Kenyi Wani. Police Reform in Southern Sudan. The North South Institute. June 2009.

³ Joint NGO Briefing Paper January 2010, "Rescuing the Peace in Southern Sudan." UN OCHA, Humanitarian Update Southern Sudan Issue No. 1, 17 February 2010.

for internal security, and lack of appropriate laws and governance structures has also led to tensions and clashes between the SPLA and SSPS.

Despite the focus on reforming the SPLA, the integration of militias into the SPLA resulted in a large force that is difficult to feed and equip, let alone professionalize. Integrated militias and individual soldiers unhappy with their salaries (which are not paid, delayed, or are skimmed by superiors) continue to prey on the communities they are meant to protect, resulting in violence against civilians and community mistrust.

- 3) ***In northern Sudan:*** The biggest security challenge in northern Sudan remains a centralized, opaque, and oppressive government without the will or capacity to provide security and essential services in an equitable and accountable manner. The most evident symptom of this threat is the ongoing—and I want to emphasize the nature of “ongoing”—conflict in Darfur. Though the conflict changed from the initial period of 2004, it has remained largely the same since 2006. The epicenter of violence shifts, and erupted most recently in Jebel Marra and Jebel Moon. Armed actors continue to splinter and proliferate, and attacks against civilians persist.

The parties to the conflict are keenly aware of the power of information and perception. They have gone to great lengths to control information, as evidenced by the continued restrictions on access to conflict areas, most recently Jebel Moon. Space for civil society, the press, and international NGOs to operate in northern Sudan opens and closes at the will of the GoS. The government in northern Sudan has systematically silenced and slowly chipped away at independent civil society, the press, international aid agencies, and the United Nations.

The expulsion of 13 humanitarian agencies and the dissolution of three national NGOs on March 4, 2009, targeted organizations providing protection programming for communities, humanitarian coordination, and information on threats to and vulnerabilities of civilians (activities that are fundamental to effective humanitarian assistance). While large scale death was averted, the expulsions severely undermined the quality of assistance and protection programming throughout northern Sudan (including post-conflict eastern Sudan and the transitional areas). The expulsions also undercut the gathering and reporting of information about threats to, and vulnerabilities of, communities. This kind of information is key to preventing and responding to protection threats, and to the kind of contingency planning that needs to occur in preparation for and the wake of the 2011 referenda. Moreover, the increasing insecurity and attacks against humanitarians and the UN has resulted in a diminished presence outside of the main cities, undermining the delivery of essential services and information about dynamics on the ground. A tree that falls in the forest does make a sound even if there are no internationals there to hear it. Conflict, violence against civilians and humanitarian needs persist in Darfur even if there are no internationals monitoring or reporting it.

The root causes of Sudan’s conflicts—including the monopolization of power and resources among a minority, a system maintained through marginalization and oppression—will continue to undermine progress in negotiations on Darfur, and risk sparking renewed conflict and humanitarian crises in other marginalized areas of northern Sudan.

As we look toward the 2011 referenda, the governments' capacity and will in northern and southern Sudan remain unable to prevent and mitigate wide-scale violence on their own. Unfortunately, the safety net that civil society, UN peacekeeping operations, and international aid agencies can sometimes provide in the absence of state capacity has alarming gaps.

Immediate Steps to Prevent and Protect

The concept of protecting civilians is broad and evolving. The term is used by diverse stakeholders to describe efforts to protect civilians from physical violence, secure their rights to access essential services, and create a secure environment for civilians over the long-term. Armed actors have a dual responsibility to protect civilians. At a minimum, in the case of armed conflict, armed actors must adhere to international humanitarian law in, and abide by, domestic and international human rights and criminal law in cases that don't reach the threshold of armed conflict. However, third-party military operations are increasingly tasked with proactively protecting civilians in the midst of conflict by preventing or responding to threats and attacks against civilians.

Raise awareness of national security forces' responsibilities and obligations under law: Donors, including the United States, should ensure that the Government of Southern Sudan's (GoSS) police and army are receiving training in international humanitarian law, refugee law, and domestic and international human rights law, including training in preventing and fighting sexual violence. The training should be scenario-based and appropriate to forces with high rates of illiteracy. Although there is inadequate time before potential conflict related to the CPA benchmarks and referenda to fully professionalize these forces, such training may help to sensitize SPLA troops and SSPS officers to their responsibilities and obligations under domestic and international law. The ICRC, as well as appropriate UN and other international agencies, should continue efforts to raise awareness of security forces and other armed actors in northern Sudan of their obligations under domestic and international law.

Improve peacekeeping operations' ability to protect civilians under threat: UNMIS and the African Union/United Nations Hybrid Operation in Darfur (UNAMID) are tasked with providing proactive protection to prevent violence against civilians in their areas of operation. Both UNAMID and UNMIS have taken notable steps to implement this task. Both missions have developed protection strategies and the civilian and/or military leadership of these operations have issued protection directives. Unfortunately, the protection strategies were not comprehensive, and as such, did not provide adequate guidance to personnel executing them. Further, a lack of training on how best to develop, prioritize, and interpret these protection strategies and related directives has undermined effective implementation.

Although the UN Security Council has helpfully prioritized protection in UNAMID's and UNMIS's current mandates, the missions lack the assets, mobility, and flexibility to effectively execute this objective. Information gathering, analysis, and sharing on protection threats and vulnerabilities -- the starting point to providing effective protection -- remains inadequate. Finally, civilian and military components tasked with protection, including the ground troops, lack an understanding of their mandate and often have no background or training on what protection means in practice.

There is insufficient time, international will, and resources to overhaul UNAMID and UNMIS in advance of the referenda.⁴ However, there are steps that can and must be taken in coming months.

⁴ Erin A. Weir and Limnyuy Konglim, "Sudan: No Complacency on Protecting Civilians." Refugees International, 8 April 2010.

First, UNAMID and UNMIS should develop comprehensive mission-wide protection strategies. Developing and implementing such strategies requires consultation horizontally across the various civilian and military components of a mission, and vertically between the tactical and the strategic level. The missions' leadership and the UN secretariat need to discuss the mission-wide strategy and/or other directives to protect with troop and police contributing countries to ensure they are willing to undertake these tasks and are trained accordingly.

An early version of UNAMID's 2010 protection strategy demonstrated a lack of consultation with key protection actors external to the mission. The draft strategy had a misplaced emphasis on creating conditions for recovery, development, and returns, rather than focusing on protecting civilians from immediate threats of physical violence. Although the status quo cannot continue, moving to recovery and return amidst active conflict over scarce resources and land risks spreading/intensifying conflict. Moreover, many of Sudan's internally displaced and refugees may be unable or unwilling to return home given the lack of land reform, lack of services, and loss of traditional methods of livelihood and income generation.

Producing a comprehensive mission-wide strategy is an end in itself. Effective protection is dependent on a network of protection stakeholders within and outside a peacekeeping mission, including humanitarian actors and the communities under threat. Developing the strategy can create trust, lines of communication for gathering and sharing information, and innovative ways to leverage scarce resources—all critical tools in the face of crisis and escalating violence. Neither UNAMID nor UNMIS will be able to predict, prevent, or respond to every protection threat in their areas of responsibility, but they can effectively prepare to prevent and respond to rising insecurity and violence against civilians, based on appropriate intelligence and early warning.

Second, UNMIS and UNAMID should develop contingency plans for possible scenarios, including worse-case scenarios that can be taken off the shelf for immediate implementation. Such planning can help an under-resourced mission predict and preposition in potential areas of conflict. UNMIS's preparation in advance of the Abyei border demarcation did just that.

Third, UNMIS should expand the use of temporary operating bases and long-range patrols to reach areas where violence is likely to erupt. UNMIS has used long-range patrols and temporary operating bases in the past to prevent and mitigate tribal violence. These tactics do more than deter violence through their presence. They often include a mix of civilian and military efforts that provide mediation and diffuse tensions. These contingency plans must be developed in consultation with communities, local authorities and government officials (when appropriate), and international humanitarian and development actors within and across the two missions.

Increase access to vulnerable populations and potential crisis areas: One of the greatest challenges to international crisis prevention and response efforts throughout Sudan is the inability to access vulnerable populations. A lack of infrastructure (particularly in the transitional areas and southern Sudan) and lawlessness combined with government or armed actor obstruction of access (particularly in the north) keep many areas of Sudan out of reach. Increased access could enable the delivery of essential services and peace dividends in a way that can mitigate, rather than exacerbate, competition over already scarce resources. When conflict has erupted, access is critical to evacuating international staff, providing safe areas for civilians, and providing services that prevent other negative humanitarian consequences. The UN peacekeeping operations have a role to play in maintaining stability and security to enable access. In addition, high-level diplomacy by the UN, special envoys, and other international actors is key to negotiating access

with the Government of Sudan or other armed actors and monitoring compliance over the coming year. Moreover, the international community should be planning and negotiating with communities and government officials to establish potential safe areas for civilians to use, and in which essential goods and services might be prepositioned.

I have focused my remarks on immediate steps that the international community can take in relation to domestic and international security forces during what will likely be a volatile time. These activities should not be pursued at the expense of other political lines of effort. In fact, to be effective, they must be nested in political strategies. I cannot stress enough the important role of diplomacy at the strategic and national level, as well as conflict negotiation and mediation at the local and national level. Nevertheless, I will leave a discussion of the role of strategic-level political efforts for other witnesses to address in greater detail.

Investing in the Long-Term Security

If there is a relatively peaceful outcome following the referenda, the need for SSR in southern Sudan should continue. SSR programs have thus far been late in supporting the development of: 1) effective security strategies, and 2) management, governance, and oversight structures. Best practice demonstrates that effective SSR begins with national consultations on every level (from community leaders and the public to the highest political and security levels) to develop and coalesce a national conception of security. Such a process helps to foster domestic ownership and lead to the development of an effective security strategy. The United States should coordinate with other donors to ensure these foundational elements are a priority following the interim period.

Donors should increasingly focus on creating domestic capacity for police training, mentoring, and oversight. Donors should also provide technical assistance to the Ministry of Interior, but they must increasingly look toward the decentralization of these organs to the state and local level.

Civilian disarmament will also be key to longer-term security. Disarmament is most effective when: 1) the reach of state security services is extended and able to address security needs, and 2) a comprehensive approach is taken to disarm communities simultaneously and voluntarily. Developing and implementing a comprehensive strategy that crosses states takes time because it requires understanding dynamics and tensions between communities, identifying how supply and demand works across borders, and building trust between stakeholders in the process.⁵ Without functioning state security organs, civilians will be reluctant to disarm over the next year at a time of increasing tension. Doing so in an ad hoc approach can leave communities vulnerable to attack. The ad hoc, forced disarmament initiatives undertaken by the SPLA has resulted in violence. The international community should continue to discourage this approach.

Finally, land reform and negotiation of resource use and distribution is critical to sustainable security. Laws governing land ownership and the exploitation of those laws have been a root cause of conflict. In addition to acting as a root cause and current driver of the conflict in Darfur, large portions of the population have been displaced into densely populated environments, overstressing scarce resources, such as water. This must be addressed in any peace agreement. Successful land reform will hinge upon the inclusion of civil society in the dialogue.

⁵ The Center for International Governance Innovation, "Security Sector Reform Monitor, Southern Sudan," April 2010, No. 2.

Other war-affected areas in Sudan are also affected by land and resource issues. Migration routes continue to be a nexus for tension and violence during the dry season, and have been exploited and manipulated by parties to conflicts. In some areas of southern Sudan, SPLA soldiers continue to occupy land and extract resources as payment for liberating the area. Mass movements of the population to urban centers seeking economic opportunities or fleeing violence over previous decades have created marginalized communities vulnerable to further displacement, abuse, and depredation.

Finding ways to allow resource sharing of oil revenues at the national and state-level is important, as Sudan's GDP remains dependant on oil revenues. Nevertheless, the use and distribution of land and other resources at the local level is critical.

U.S. Policy Toward Sudan

Sudan's challenges are complex and any opportunities for success will involve multiple stakeholders. Under past Administrations and in the early months of this Administration, the United States Government failed to communicate and coordinate effectively with other allies. In the past, failure to coordinate approached to Sudan among international allies has diluted diplomatic resources, and left fractures in the international community prone to exploitation by the Government of Sudan and other parties to Sudan's multiple conflicts. However, I have been encouraged by the development and implementation of U.S. policy over the past six months, as it appears to be increasingly coordinated internally and with other allies and stakeholders.

U.S. policy toward Sudan is at its most effective when coordinated with the United Nations, the five permanent members of the UN Security Council, members of the AU and League of Arab States, and countries neighboring Sudan. U.S. Special Envoy Jonathan Scott Gration's efforts to communicate and coordinate with other special envoys is a welcome step. Similarly, humanitarian assistance and development aid is most effective when delivered in coordination with other donors, especially during difficult economic times.

I have witnessed the impact on the ground of constructive, coordinated U.S. diplomacy and aid. Humanitarian access in Darfur was gradually opened in 2005 due to joint efforts of donors and the United Nations. Diminished access and operating space is in part a result of disinvestment in high-level monitoring mechanisms. Quick and coordinated diplomatic action helped prevent a protection crisis in Kalma camp in September 2007, when the Government of Sudan introduced plans to forcefully disarm the camp. Kalma camp hosts over 80,000 displaced persons, and a government advancement on the camp would have resulted in forced displacement and death as demonstrated in the government incursion on Kalma Camp in August 2008.⁶

I have been particularly impressed and encouraged by this Administration's interest in improving institutions and mechanisms—including peacekeeping operations—to effectively protect civilians. U.S. efforts under the previous Administration in combination with other donors proved to be essential to ensuring greater resources for, and attention to, the protection of civilians by both UNAMID and UNMIS. However, we are still in early stages of this Administration's policy implementation, and have yet to see real results on the ground in Sudan.

⁶ On 25 August, government security forces surrounded Kalma Camp, one of Darfur's largest camps for internally displaced persons. The government asserted the operation was a move to forcefully disarm individuals that were reportedly armed within the camp. UNAMID condemned the government's use of excessive force during the operation, which resulted in 64 killed, 117 wounded, and obstructed humanitarian access.

Preventing and mitigating conflict in Sudan is important to regional and international security. The coming year presents particular risks. Thank you for continuing to bring attention to the challenges and opportunities for peace in Sudan through hearings like this. I am honored to have been asked to testify.