

SOUTH SUDAN: THE COMPREHENSIVE PEACE AGREEMENT ON LIFE SUPPORT

HEARING AND BRIEFING

BEFORE THE
SUBCOMMITTEE ON AFRICA AND GLOBAL HEALTH
OF THE
COMMITTEE ON FOREIGN AFFAIRS
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WEDNESDAY, JANUARY 24, 2007

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA AND GLOBAL HEALTH,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:35 a.m., in room 2172, Rayburn House Office Building, Hon. Donald Payne (chairman of the subcommittee) presiding.

Mr. PAYNE. Good morning. This hearing of the Subcommittee on Africa and Global Health will come to order. First of all, let me welcome you here to the first hearing on the Subcommittee on Africa and Global Health in the 110th Congress.

I am honored to open this hearing as chairman and would like to thank Chairman Lantos of the House Committee on Foreign Affairs for granting us this hearing and the opportunity to call it in such short order. Without his support, this hearing would have been impossible.

I would also like to thank the ranking member, Chris Smith from New Jersey, who, as you know, chaired the subcommittee last year, last term, 109th, and I certainly commend him for the fine and outstanding work that he did as chairman of the committee. Our committee then also dealt with human rights and international organizations, and we worked very well together, and we will continue to do that in the spirit of bipartisanship so that people on the continent will perhaps have a better quality of life, and I appreciate the fine work that you did last year.

I also would like to thank Ms. Ileana Ros-Lehtinen, the ranking member of the Foreign Affairs Committee, for also enabling us to move forward with her approval of this meeting to be held in such short notice.

At this time, I would like to take a moment to welcome our new members of the subcommittee. I think that the meeting was called so quickly that we were unable to get them all here, but we do have with us Ambassador Diane Watson of California, who is returning to the committee, and also sitting in, our former member, who now is a member of the Appropriations Committee, Ms. Barbara Lee from California also. I would have introduced the other members, but since they are unable to be here because of the short notice, we will save that for another time.

We would certainly like to call this hearing to order, and it was called under special circumstances. Last week, the Government of South Sudan opened its first mission to the United States. This

was an historic day. I attended the opening, along with former Special Representative to Sudan, The Honorable Roger Winter, who will be our second witness today, and Presidential Envoy Andrew Natsios, to recognize the achievement that the Government of South Sudan and, more importantly, the people of South Sudan have made.

I want to recognize the Government of South Sudan and those witnesses: Minister Luka Biong Deng, who is the minister for presidential affairs; and Minister Barnaba Benjamin, who is the minister for regional cooperation. We thank you for coming to testify and for your service to your people. We look forward to your testimony on the status of the implementation of the Comprehensive Peace Agreement.

The people of South Sudan suffered for decades under brutal oppression and war, the war of the National Islamic Front Government, now the National Congress Party, against the Sudan People's Liberation Army/Movement (SPLA/M) for the last 21 years. During that time, a horrifying 2 million people were killed and more than 4 million people were displaced. It was the first Darfur, and now we have a continuation of the Government of Sudan in another region. Innocent citizens were terrorized, killed, and maimed by aerial bombardments carried out by the Government of Sudan.

When oil was discovered in Southern Sudan, and the government began exploring the finds in 2000, the government used this newfound wealth to buy more Antanovs, more helicopter gunships, and more weapons of mass destruction to use against the people of the South. Under the strong leadership of the late Dr. John Garang, and with the support of the Intergovernmental Authority on Development (IGAD), under the leadership of General Lazaro Sumbeiywo, as well as the support of the international community, particularly the United States, the U.K., and Norway.

The Comprehensive Peace Agreement, headed by Senator Danforth, on Sudan was signed 2 years ago. On January 9, 2005, the Government of Sudan and the SPLM, after 2½ years of negotiations, signed the Sudan Comprehensive Peace Agreement at a ceremony in Nairobi, Kenya. Even then, former Secretary of State Colin Powell called for an end to the suffering in Darfur. The signing of this agreement effectively ended the 21-year-old civil war and triggered a 6-year interim period. At the end of the interim period, southerners are to hold a referendum to decide their political future.

Tragically, just 21 days after being sworn in as Vice President of Sudan and the President of South Sudan, Dr. John Garang, chairman of the SPLM, was killed in a plane crash in Southern Sudan. The death of this great leader of the people of not only South Sudan but of all of the people of Sudan—Muslims, Christians, Animists—saddened the nation and the region and threatened to derail the CPA.

However, Salva Kiir was soon named as Dr. Garang's replacement and was sworn in as first Vice President of Sudan and President of South Sudan, and the Government of South Sudan was formed. Yet, 2 years later, the CPA is in serious danger. The Assessment and Evaluation Commission, which was mandated under

CPA to monitor implementation of the peace agreement, has created four working groups to monitor implementation of the CPA, although the parties to the agreement have not been actively engaged in the process.

The parties have made no major progress in the implementation of the wealth- and power-sharing provisions of the CPA while working on the North-South border is scheduled. Therefore, we are seeing continued problems. Failure to resolve the issue is likely to complicate the redeployment of forces and sharing of oil revenue since a number of the oil fields are located along the 1956 North-South border.

South Sudan President Salva Kiir has spoken out against the lack of implementation. The people of South Sudan are concerned that the promises made to them 2 years ago will not be fulfilled.

In the West, the people of Darfur continue to suffer under the brutal scourge of genocide which the National Congress Party, formerly the National Islamic Front (NIF), led by Omar al-Bashir, is perpetrating. It is almost 4 years now. More than 400,000 in the Darfur region have died, and 2.5 million have been forced to flee their homes, and over 200,000 have gone into Chad, where the violence is spilling over.

The NIF Government hired hands, the Janjaweed, have done cross-border attacks into Chad, and even more innocent people are being affected.

Dr. John Garang had a vision for a new Sudan. In this new Sudan, people would have a right to live freely without the threat of murder and destruction by their own government. In order to make this vision become a reality, we must strengthen the Government of South Sudan so that they can represent and defend their people and all Sudanese. We must do this in order to end the genocide in Darfur. We must do this for all of the people of Sudan.

At this time, I will ask the ranking member to make his comments. Then we will have our first witness, Congressman Wolf. Then we will allow Congressman Wolf to leave, and we will ask our other members if they will have opening statements, and I will make a comment or two about other issues related not necessarily to South but to the problem in general.

So with that, at this time, I yield to the ranking member.

[The prepared statement of Mr. Payne follows:]

PREPARED STATEMENT OF THE HONORABLE DONALD M. PAYNE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY, AND CHAIRMAN, SUBCOMMITTEE ON AFRICA AND GLOBAL HEALTH

Welcome to the first hearing of the Subcommittee on Africa and Global Health in the 110th Congress. I am honored to open this hearing as Chairman and would like to thank Chairman Lantos of the House Committee on Foreign Affairs for granting us this hearing under special circumstances. I would also like to thank our Ranking Member, Christopher Smith of New Jersey, for agreeing to go forward with this hearing on such short notice.

At this time, I would like to take a moment to welcome our new Members to the Subcommittee as well as those who served with us previously. The Democratic Members are: Diane Watson of California, Lynn Woolsey of California, Sheila Jackson-Lee of Texas, Adam Smith of Washington, and Brad Miller of North Carolina. The Republican Members are: Ranking Member Christopher Smith of New Jersey, who served as the Chairman of the subcommittee under its former incarnation—Africa, Global Human Rights, and International Operations—during the last Congress. We thank him for his service and strong commitment to human rights around the

world as a leader on these issues. We also have Tom Trancredo of Colorado, John Boozman of Arkansas, John Fortenberry of Nebraska, and Michael McCaul of Texas. We welcome the new Members and greet our returning Members to the Subcommittee.

The hearing was called under special circumstances. Last week the Government of South Sudan opened its first Mission to the United States. This was an historic day. I attended the opening, along with former Special Representative to Sudan, the Honorable Roger Winter (our first witness today), and Presidential Envoy Andrew Natsios to recognize the achievements that the Government of South Sudan, and more importantly, the people of South Sudan have made.

I want to recognize our Government of South Sudan witnesses, Minister Luka Biong Deng who is the Minister for Presidential Affairs, and Minister Barnaba Benjamin who is the Minister for Regional Cooperation. We thank you for coming to testify and for your service to your people. We look forward to your testimony on the status of implementation of the Comprehensive Peace Agreement.

The people of South Sudan suffered for decades under brutal oppression and war. The war of the National Islamic Front Government—now the National Congress Party—against the Southern People's Liberation Army/Movement (SPLA/M) lasted for 21 years. During that time, a horrifying 2 million people were killed and more than 4 million people were displaced. It was the first Darfur.

Innocent civilians were terrorized, killed, and maimed by aerial bombardment carried out by the Government of Sudan. When oil was discovered in Southern Sudan and the government began exporting in 2000, the government used this new-found wealth to buy more antonovs, more helicopter gunships, and more weapons of near mass destruction to use against the people of the South.

Under the strong leadership of the late Dr. John Garang—and with the support of the Intergovernmental Authority on Development (IGAD) under the leadership of General Lazaro Simbeiywo, as well as the support of the international community, particularly the U.S, the UK, and Norway, the Comprehensive Peace Agreement on Sudan was signed two years ago.

On January 9, 2005, the government of Sudan and the SPLM, after two and half years of negotiations, signed the Sudan Comprehensive Peace Agreement at a ceremony in Nairobi, Kenya.

Even then, former Secretary of State Colin Powell called for the end to the suffering in Darfur. The signing of this agreement effectively ended the 21-year old civil war and triggered a six-year Interim Period. At the end of the Interim Period, southerners are to hold a referendum to decide their political future.

Tragically, just 21 days after being sworn in, on July 30, 2005, First Vice President and Chairman of the SPLM, Dr. John Garang, was killed in a plane crash in southern Sudan. The death of this great leader of the people of not only South Sudan but of all people of Sudan—Muslim, Christian, and animist—saddened the nation and the region and threatened to derail the CPA.

However, Salva Kiir was soon named as Dr. John Garang's replacement and was sworn in as First Vice President of Sudan and President of South Sudan and the Government of South Sudan was formed.

Yet two years later, the CPA is in serious danger.

The Assessment and Evaluation Commission, which was mandated under CPA to monitor implementation of the peace agreement, has created four Working Groups to monitor implementation of the CPA, although the parties to the agreement have not been actively engaged in the process. The parties have made no major progress in the implementation of the wealth and power sharing provisions of the CPA, while work on the north-south border is behind schedule. Failure to resolve the border issue is likely to complicate the redeployment of forces and sharing of oil revenues, since a number of the oil fields are located along the 1956 north-south border.

South Sudan President Kiir has spoken out against the lack of implementation. The people of South Sudan are concerned the promises made to them two years ago will not be fulfilled.

In the west, the people of Darfur continue to suffer under the brutal scourge of genocide which the National Congress Party, formerly the National Islamic Front, led by Omer al Bashir, is perpetrating. It has been almost 4 years. More than 400,000 have died, 2.5 million have been forced to flee their homes, and over 200,000 have gone into Chad where the violence is spilling over. The NIF's hired hands, the Janjaweed have done cross-border attacks into Chad and even more innocent people are being affected.

Dr. John Garang had a vision for a New Sudan. In this New Sudan people would have a right to live freely without the threat of murder and destruction by their own government. In order to make his vision become reality, we must strengthen the Government of South Sudan so they can represent and defend their people and

all Sudanese. We must do this in order to end the genocide in Darfur. We must do this for all people of Sudan.

Mr. SMITH OF NEW JERSEY. I thank my good friend for yielding, and let me just say that since this is the first meeting of the Subcommittee on Africa and Global Health in the 110th Congress, I want to congratulate you, Don Payne, on your new position as chairman. Over the last several years, you and I have worked closely on numerous human rights issues, especially as they pertain to Africa.

As you know, for 8 years, I served as chairman of the Human Rights Committee, and for two of those, it was Africa and Global Human Rights, and I can remember, time and time again, when you and I were the last two standing, 3, 4, 5 hours into the hearing, when we were really pushing the envelope on human rights around the globe, and I want to thank you and tell you that I deeply respect your commitment to the people of Africa and to people around the globe. So I thank you and look forward to working with you as we get off to a good start.

I also want to thank you for calling this extremely important hearing and briefing on the important and difficult issues on the implementation of the Sudanese Comprehensive Peace Agreement. The quest for peace in Sudan has been a high priority for both of us and, I would say, all of us in the Congress, most recently evidence by your and my and many members of this subcommittee support for the Darfur Peace and Accountability Act of 2006, which became law in October 2006.

Both of us were strong advocates of the legislation that provides much needed assistance to the Government of Southern Sudan and the Sudan People's Liberation Movement Army.

I would be interested to hear from the representatives of the Government of Southern Sudan what, if any, impact that legislation is having on their efforts to build a strong and viable government. This assistance certainly is not the panacea for the continued and apparently rising tensions between the various political parties in Sudan. There is more that we can do, and there is more that we must do, to reinforce the CPA, and, where necessary, to ensure the implementation of areas that are being ignored.

As I think it is clear; the CPA process has been impacted by the atrocities being committed in Darfur and the consequent understandable diversion of international attention to the extreme suffering of the people of that region.

I remember when I met with Salva Kiir during one visit 18 months ago. He made it very clear that the fate of the people in Southern Sudan was inextricably linked to the resolution of the problems and the peace in Darfur, and I do not think that has changed at all since he made that statement in August of 2 years ago.

Taking into account the critical role of the United States and the rest of the international community, one must emphasize that the primary ingredient for achieving peace in Sudan is the political will of the leaders of the various factions to establish peace and to sustain it.

In saying this, I do not mean to minimize the formidable distance that looms between where we stand today and the goal of tran-

quility and prosperity for all Sudanese people. The leaders of the SPLM are to be commended for their courage and their perseverance in pursuing a peaceful settlement. I will be joining others in making sure that every effort of this Congress is behind those efforts, especially as they face so many challenges from the Bashir government.

Finally, just let me say that it is important that we work on a number of issues, including the transparency, and I was very encouraged, frankly, that when five leading officials of the Ministry of Finance in the Government of Southern Sudan had their cases referred to the Anticorruption Commission. I think that shows that the process is working. Whether there is corruption, and every government has it, you need to take corrective action, and that will lead to people having confidence and the international community having confidence in the government.

So this is an important hearing, and I think it is very important that we hear from the people from the government, and I think these kinds of briefings are extremely important, so we hear from those who are actually living the issues day in and day out, and that we can get firsthand knowledge from the ground.

Let me also say, I want to especially welcome Roger Winter, who has been a real lion in pushing peace in Darfur. I remember when he came and testified before our committee, and you were there, Don, and we were talking about the atrocities in Rwanda and elsewhere as part of Refugees International. He did an extraordinarily good job in speaking for the suffering and the disenfranchised of Africa.

And a special, special welcome to my good friend and colleague, our good friend and colleague, Frank Wolf, who has really been one of the most tenacious leaders in pushing human rights not only around the globe but in Sudan and Darfur and Southern Sudan. Frank has led the efforts in Congress for many years, and I am so glad he is joining us and will be presenting some testimony at the beginning of the hearing. I yield back the balance.

Mr. PAYNE. Thank you very much, Mr. Smith. As I indicated, I look forward to working with you this year.

Since Congressman Frank Wolf has to leave, I will forego the opening statements until he gives his remarks, since he has to leave, and then I will recognize any member who would like to make an opening statement before we have our special representative for Sudan, Mr. Roger Winter.

Congressman Wolf?

Mr. WOLF. Thank you, Mr. Chairman. I want to let the record show; I agree with everything that Mr. Smith said about you. I think you have done as much on this issue as anybody, and to have both you and Mr. Smith involved in this issue—it seems every time that it is Smith, Payne, Lantos, and God bless Henry Hyde, who are always there in the forefront. So thank you, on behalf of the people of the Southern Sudan, thank both of you for all you have done.

This is an important hearing. I appreciate the opportunity to be here. It is timely, to focus like a laser beam on the comprehensive peace agreement. The violence in Darfur has understandably eclipsed any discussion about the South, but we cannot lose sight

of the region of Sudan that first experienced the brutality of the National Islamic Front. As you mentioned, Mr. Chairman, over 2 million people have died.

I have traveled to Sudan five times, the first time with Roger Winter, who is sitting in back of me, and each time I visit, I am amazed at the resilience of the Sudanese people. They have suffered so much. For 20 years, the Government of Sudan has been engaged in a brutal civil war with the people of the Southern Sudan. The conflict took over 2 million lives, mainly Christians but a number of Muslims and a number of animists. During this time, slavery flourished, and terrorism took root.

Osama bin Laden lived in Sudan from 1991 to 1996. The people of the South were the first victims, if you will, of the action of Osama bin Laden. So these people have perhaps suffered more and suffered longer than anyone else.

In 2003, a conflict in the Sudan's Darfur region broke out. The government reacted by unleashing a war on innocent people and began the genocide. The House and Senate have called it a genocide, the President has called it genocide, and Secretary Powell has called it genocide 3 years ago, and now, as you said, over 400,000-plus have died, and a generation has pretty much been lost, with no schools, no education, and millions living in camps.

I led the first congressional delegation to Darfur with Senator Sam Brownback. I saw the horror of the people, their day-to-day life. There is no question that the Bashir government orchestrated and continues to direct the genocide. The Antanov bombers fly over, flown by Sudanese pilots. Soviet Hein helicopters flown by Sudanese pilots come in and gun the people. Janjaweed are armed by the Sudanese Government, and when you go to Darfur, you will see a Janjaweed operation, and then you will see a Bashir government at Khartoum military base sometimes as close as maybe a couple hundred yards away.

In one village I visited, 27 of the people that were killed were children under the age of 12. The carnage in Darfur continues, despite the effort to bring peace.

The South is participating in its own peace process with the government. In early 2005, the Government of Sudan and the Sudan People's Liberation Movement signed a Comprehensive Peace Agreement, and you were there in Nairobi at that time, I remember, formally ending the 21-year civil war between the North and the South. The agreement provides for the sharing of wealth and power under a new coalition of government. After 6 years, the South can choose unity with the North or secession.

This 6-year interim period gives the National Congress Party a chance to make unity with the North appealing to the South. Even if this regime had reformed, making unity attractive would be a huge challenge. After 20 years of burning down villages, destroying schools, hospitals, abducting women and children, taking some into slavery, it would be hard for anyone to win the trust of the people of the South.

But it is clear that the regime has not reformed. The National Congress Party has already shown its true colors after signing the agreement. It continues to manipulate the peace agreement, espe-

cially in the areas of security, wealth sharing, and demarcating the North-South border.

The Government of Sudan is withdrawing its troops from less-strategic areas only to redeploy them in the border areas where oil is produced. Reports of forcible movement of civilians from these areas are becoming more frequent. The European Coalition on Oil in Sudan estimates that tens of thousands of civilians have been forced from their villages. These civilians are receiving little to none of the compensation required under the peace agreement.

The Assessment and Evaluation Commission, which has been established under the agreement to oversee its implementation, has created working groups to monitor the implementation process.

Neither party has been actively engaged in the process. The parties have made no major progress on implementing the wealth- or power-sharing provisions of the agreement. Several key national commissions, including the Electoral Commission, have not yet been established. In 2006, the National Constitution and Review Commission did not meet once, and the National Assembly passed only one act.

Also, the National Petroleum Commission is not functioning. This commission is intended to monitor new and existing oil contracts. Unfortunately, without oversight of the oil sector, no one knows whether the oil revenue being transferred to the Bank of Southern Sudan is actually the 50 percent required under the agreement. Some of the oil-producing states which are supposed to receive a portion of these revenues are complaining that they are not receiving their portion.

Reports have surfaced that oil tankers are pulling up to the oil wells in Bentiu and extracting oil directly from the ground. If the oil is not pumped through the pipeline, then it does not get counted. Chinese and Malaysian oil companies are aggressively developing these oil fields with virtually no accountability. And the members of this body and the administration will not deal with the Chinese issue.

This Congress and this administration just will not confront this issue. The U.N. could have passed something if the Chinese on the Security Council had not threatened with regard to the veto, and the Congress and the Bush administration says basically nothing.

While large parts of the South are experiencing stability that they never saw in 20 years of fighting, there are still pockets of violence throughout the South that need our attention. Recent fighting in Malakal left over 100 people dead and dozens injured. Each of these families is as important as ours, and we cannot ignore such episodes of violence. Massive numbers of Sudanese refugees and internally displaced persons are making their way back to their homes. While the prospect of starting their lives over again is an exciting development, many are suffering from a lack of essential services, including food and clean water and shelter.

Also, the Lord's Resistance Army—what a name, “Lord's Resistance Army”—notorious for its heinous crimes and child soldiering in Uganda, continues to maintain a presence in Sudan near Juba. The talks between the LRA and the Government of Uganda, facilitated by the Government of Southern Sudan, have now broken down.

Occasional attacks by LRA members on civilians in Southern Sudan continue to be a problem. Attacks against international relief operations in Nyala and Abyei in the past year have highlighted the pockets of insecurity in the South.

It is easy to feel discouraged about the number of outstanding issues in Southern Sudan, but there are some positive developments: Roads built by the World Food Program, linking major towns in the South and facilitating trade with Kenya and Uganda; a dramatic drop in the prices of foodstuffs; and the SPLA has redeployed 100 percent of its forces from East Sudan, consistent with the agreement. The Government of Southern Sudan's President, Salva Kiir, is developing a relationship with other regional governments. The Government of Southern Sudan, as you said, has opened up a new mission here in town.

I am drafting legislation to establish an agricultural science and technology institute in the South which should be named after John Garang. This institute would aim to attract members of the Sudanese population who have left, who have great skills.

We are also going to try to put together a program, maybe a lost boys scholarship program, a 5-year program where lost boys in this country who want to return to Sudan and take their knowledge and skill back can do that and still have the opportunity to return to the United States. Encouraging the return of skilled workers to Sudan, particularly to the South, is critical to the future of the country, and many of these lost boys have said they would like to go back.

In closing, it is clear that the implementation of the peace agreement in Sudan faces serious challenges. We must redouble our efforts toward peace in Sudan by focusing not only on the crisis in Darfur but also on the myriad of critical issues facing the North-South peace process. Government of Southern Sudan President Salva Kiir needs to ensure that critical implementation issues, such as division of oil revenues and resolution of the border dispute, receive the attention of senior officials.

For its part, the National Congress Party must halt the violence in Darfur and attend to the critical CPA-implementation issues in the South that it is alternately ignoring and intentionally thwarting. The CPA risks complete failure without continued pressure from the United States Government and other world governments, particularly to implement the mandates of the peace agreement.

There is more I could say. I just want to thank you and Mr. Smith again and this committee. If there were peace in Darfur, and they implemented the CPA, the people of the South and the North could live in prosperity, and it could be an unbelievable place, with all of the natural resources that they have.

So, Mr. Chairman, thank you for your leadership, and I thank Mr. Smith and thank the other members of the committee.

Mr. PAYNE. Let me thank you, Congressman Wolf, for your long, long-term interest in Sudan. When I came to the Congress, you were working on the problem of Sudan, and I know your close relationship with Dr. John Garang. As a matter of fact, as you know, we are introducing the resolution, with you and myself and actually the entire CBC and others, to honor the life and the work of Dr. John Garang. We think it is really overdo. There were 46 origi-

nal co-sponsors, and we certainly would like to encourage anyone who is not a member to become a co-sponsor of this resolution.

So I really appreciate that there is no one, no one in the Congress, who has done more to help the people of Sudan than you, and it is just a pleasure for me to work with you. Thank you very much.

Mr. WOLF. Thank you, Mr. Chairman.

Mr. PAYNE. At this time, I will give an opportunity for members who are here, if they would like to make an opening statement. Ms. Jackson Lee, welcome to the committee.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. I thank you and Mr. Smith for convening this important briefing and hearing. I believe that there is no more important foreign policy issue besides, of course, the continuing saga in Iraq, than to bring resolve to at least the issue in Sudan and other conflicting areas surrounding Sudan.

The people of Sudan have suffered for decades. The loss of life is almost unspeakable. My frustration, of course, and I will look forward to the testimony and will return, Mr. Chairman, just to step out for a moment, but might I simply say that the frustration, of course, is the existing peace agreements that then seem to be breached and not supported in its completeness by this government. And I do believe that this committee has an enormous challenge and responsibility to stand up, frankly, to the existing Sudanese Government in Khartoum in order to make sure that they know that we mean serious business about a real peace agreement.

I applaud Congressman Wolf for his thoughtfulness on an agricultural and science college. I look forward to this committee working with that and, as well, recognizing the plight of the lost boys. Many of them are in Houston, Texas, and they do have knowledge and expertise that we could utilize. But if we do not secure the land of the people, if we do not find an equitable way to share the oil resources, provide the necessary income for the South, and to ensure a balanced governmental process, then we will never find peace and solutions to those who are struggling to survive in Darfur and elsewhere.

So I thank you, Mr. Chairman, for your longstanding leadership. I look forward to, if you will, being guided by that very important leadership and that of the ranking member, whose record I am very well aware of, and I believe that together we will succeed in an effort to bring peace to the region. I yield back.

Mr. PAYNE. Thank you very much. It certainly is a joy to have you on our committee.

I just want to make two other comments regarding Sudan and one other short comment. As we know, President Bashir is expected to assume the chairmanship of the Africa Union. He tried last year, but the United States lobbied aggressively and prevented him from getting the position.

This time around, neither the United States nor the Africans are doing anything to prevent this from happening. This is problematic for the Africa Union and for the whole Darfur issue. To have a President responsible for genocide in Sudan and responsible for genocide in the 21-year war with the South, to preside over the AU,

the organization responsible for peace-keeping operations, is just contrary to common sense.

It is a huge conflict of interest, and it raises the neutrality and credibility question for the AU. Instead of punishing the government accused of genocide, the AU intends to reward them by allowing him to lead the organization, and I know that the AU has tried to stay with rotation and things of that nature, but I think it would be a serious mistake to have Bashir President of the AU, and I think that the effort to prevent it should, once again, reemerge.

Secondly, I want to mention another issue about Sudan, as the possible visit of Ali Kharti nears. This is the person who was allowed to come last time, and we criticized the Bush administration for allowing him to come. Kharti was one of the leading founders and, at one point, the director of the brutal, National Islamic Front-controlled Popular Defense Forces, the PDF. He is a well-known hardliner within the NIF Government, a close ally of Bashir, and he is getting an invitation to a prayer breakfast on February 1st. This is another wrong situation.

The *Washington Post* exposed his visit last time, and he was actually detained at the airport at Dulles for a while there, questioning his right to be here, but I think, once again, that the sponsors of the prayer breakfast should not invite a person who has blood on their hands to pray with those same hands. That is wrong.

Finally, on another area close to the region, is the question of Somalia and that there cannot be a lasting peace in Somalia without reconciliation and dialogue. The Somalis need a peaceful way to resolve their differences. We must never forget the helpless civilians who have endured over a decade of hardship and untold suffering.

A generation of Somalis is growing up surrounded by violence and poverty, a lack of education, a lack of any government. The millions of dollars being wasted in a military campaign against innocent civilians could be well spent to build schools and hospitals or feed the hungry.

I strongly urge, once again, for the international community to support a negotiated settlement and a process that is inclusive and democratic. I will introduce comprehensive Somali legislation soon and plan to hold a hearing. Almost 2 years ago, I co-sponsored a Somali bill that would have given the necessary support in order to address the many challenges facing the Somali region. Unfortunately, neither the administration nor the Congress was focused on the issue, so we see the chaos now that is there.

Lastly I, once again, call for the withdrawal of Ethiopian troops and the deployment of a robust, mutual, peace-keeping force to Somalia so that the people in Somalia can move on with peace and security in their country.

With that, we will now hear from The Honorable Roger Winter, former special representative for Sudan in the State Department and a longtime humanitarian with USAID and critical aid organizations. Roger Winter has probably worked longer on the questions of Sudan than anyone in the Congress or outside, and it is a real honor to have you as our first civilian witness.

Mr. WINTER. Thank you, Chairman Payne and Mr. Smith. I am no longer "honorable," so keep that in mind. I am a "mister" now.

Mr. PAYNE. There was a question about it before anyway.

Mr. WINTER. I am the former.

**STATEMENT OF THE HONORABLE ROGER WINTER, FORMER
SPECIAL REPRESENTATIVE FOR SUDAN**

Mr. WINTER. What I would like to do is focus a good bit on United States policy toward Sudan but with some initial comments about what is going on inside Sudan itself, as the forerunner to those other comments.

It is my very strong belief that the CPA, which was signed 2 years ago this month, is unraveling, and that unraveling can lead to open conflict in the South and the other areas covered by the CPA if the unraveling is not put to rest.

There is a fundamental flaw in the way the United States has been approaching Sudan over the last 2 years. That fundamental flaw is the belief inside our policy establishment that the National Islamic Front wants to be a responsible government. We expect that a responsible government understand its obligation to care for and protect all of the citizens of the country that that government leads.

It is my assertion that the National Islamic Front does not, in fact, want to be a responsible government, in the way we understand those terms. It does not have the best interests of all of the people in Sudan at heart, and, as a result, given the changes that have taken place over the last couple of years in Sudan, it is my belief that the National Islamic Front no longer wants the CPA to be fulfilled.

Let me be clear: A lot of important aspects of the CPA have been fulfilled, and a lot of very good things have happened in Sudan as a result. Perhaps the best thing is to see what the south of Sudan looks like now, as compared to what it looked like a few years ago. A few years ago, it looked like Darfur looks now, but it does not any longer.

A lot of good things are happening, and the major thing that is happening in the South is there is not major active war. There is not aerial bombardment going on, the way we see it in Darfur. There is a functioning government of Southern Sudan, and you will hear from representatives shortly about that.

The problem is not what has been accomplished by the CPA; the problem is what has not been implemented. Now, what I suggest needs to happen is people need to connect the dots. The way we have tended, in the U.S., to approach the problems with the CPA is to think, well, yes, it is true that certain things are not being done, are not being implemented, but we do not actually connect the dots. What are the dots, and what do they actually mean for the long-term prospects of peace in the south of Sudan?

It is my assertion that the problems that relate to what has not been implemented of the CPA do not have anything to do with a lack of resources. They do not have anything to do with the inability or the lack of capability by the authorities that prohibit them from implementing those provisions. The nonimplementation that we see of the CPA is of certain select, key provisions, and they are not being implemented by the choice of one of the parties. They have chosen not to implement aspects that keep their options open for the future.

This is not inadvertence. It is not incapability. It is not lack of resources. It is a strategy, and if you connect the dots about what is not being implemented, it can be understood as a strategy, and let me comment on just a couple of them, and I will not be long.

First of all, Darfur has already been mentioned this morning. The National Islamic Front is desperate to overwhelm the people of Darfur. They understand that they cannot wind up in a situation where they have a two-front war, one in Darfur and one in the South, if the CPA is not fully implemented. So they cannot totally undermine the CPA while they have got the war going on in Darfur because they would be confronted then with a two-front war.

This is the reason why Bashir so tenaciously did not want to have the U.N. force in Darfur. They would not have the leverage, as you mentioned, Mr. Chairman, for example, for the next year, President Bashir actually overseeing the AU force there and being able to heavily influence what goes on there with the AU force.

As a matter of fact, it is not necessarily well known that the SPLM actually has endorsed the U.N. force being deployed to Darfur, and listen to what the threat, the naked threat, was from the National Islamic Front. This is from the *Sudan Tribune* of October 8th: "If invading forces enter Sudan—" i.e., invading forces being the U.N. "If invading forces enter Sudan, and the SPLM, our partner in government, welcomes them, there will be no government of national unity, and the Naivasha Peace Agreement—" i.e., the CPA "—will cease to exist." The NIF's commitment to the CPA is contingent on their agenda being fulfilled.

I would like to suggest that our inability—by "our," I mean the U.S. and the international community, the U.N. system—our inability to adequately confront the issue of genocide in Darfur actually reinforces the National Islamic Front's willingness to undermine the CPA.

Let me mention Abyei. Most people in our country have not the foggiest notion what Abyei is, but anybody who knows Sudan understands that this was ground zero during the war. It was, and is, a unique place in Sudan on the border between North and South, and it has been manipulated in the past.

Under the CPA, this Abyei region, which is a large oil field, gets a referendum at the same time that the South gets to have its referendum on unity or independence. Abyei gets also to vote in its referendum to either join the South as it leaves or to stay with what is, if the South leaves, the remainder of Sudan.

The National Islamic Front is not about to let there be a referendum in which Abyei leaves. So the provisions of the CPA that have to do with Abyei are not being implemented.

Abyei is a strategic area. People of Abyei affirmatively expect to go back to war. That is documented, at this point, by focus group studies by the National Democratic Institute.

On the 9th of January, just 2 weeks ago, the President of the Government of Southern Sudan, Salva Kiir, asked the international community to please help resolve the issue of Abyei, the nonimplementation of the Abyei provisions of the CPA. We should respond to that.

He also mentioned the North-South boundaries. We talk about the North-South boundaries like everybody knows where the line

is. There is no line in the sand in Sudan that says, "You are now entering the North" or "Now entering the South." It is not like that. There is not a demarcation of most of the border between North and South.

What are the implications of that? It is not just that you can get lost and be in the wrong place; it is bigger than that. Most of Sudan's oil fields are along that border. Most of the revenues of the government in the North, and also the Government of Southern Sudan, ultimately come from the oil revenues that are based on extraction from those oil fields. Where the line is drawn determines how much money from the oil revenues goes to the south of Sudan or goes to the north of Sudan. Okay?

So this boundaries issue is not something just simple. It has very practical implications, and, in fact, the provisions for determining the North-South boundary have not been implemented. It is not only that, though.

The CPA provides for elections in 2 years, 2 years from now. Elections have not been held in Sudan for ages and ages and ages, and so the first step in the election process is to determine where the boundaries North and South Sudan are because if you do not know where the boundary is, you do not know where people can vote. You do not know how to set up the election architecture. Is the precinct that is going to be active in this area actually in the North, or is it in the South? What candidates do they get to vote for?

So the nonimplementation of the North-South boundaries is a real problem, both in terms of oil revenues and in terms of the census and the beginning of the architecture for the upcoming elections.

Let me mention the continuation of attacks against civilians in the South. The Government of Sudan, before the CPA, had about 40 militia organizations that it supported in its war against the civilians of the South and against the SPLA. They were basically paid to destabilize the South, to kill civilians, in other words. The CPA requires militia groups present in the South to align themselves either with the SPLA or with the government's military forces, which we call "SAF," Sudan Armed Forces, and the point of that provision in the CPA is that all of those groups had to come under a chain of command, a command-and-control structure, so that you could end the violence in the South, and it seemed to be happening. The SPLA was very aggressive. I do not mean hostile, in any sense of the word, but trying to deal with this other-armed-groups issue.

But after the death of Dr. John Garang, what we see is a changed strategy from Khartoum. They have actually reactivated their interests in some of these armed groups, reactivated supporting them, and that includes, many of us think, also the Lord's Resistance Army.

The use of militia is very important not just for ultimate war, if that ever comes, but also if you want to destabilize the South. If you want to provide a reason not to have elections because of instability in certain areas, you can, with plausible deniability, utilize a militia to shoot up the place and then say, "Elections should not be held because it is not stable."

All right. So I am assuming that if you start to connect these and other dots about what has not been implemented, you will see that there is a National Islamic Front strategy in what it implements and what it does not implement in terms of the CPA.

So I would like to suggest just five things, very briefly, that have to do primarily with U.S. policy. I think it is very important to keep in mind that it was the U.S. that became the prime mover of the CPA. We have a special obligation to deliver on what we helped birth. We are not, and that is just the truth.

First of all, we have to see Sudan as a whole. It is not Darfur over there and the South over there because the problems of both the South and Darfur have a common origin in a common National Islamic Front Government that goes back to Khartoum. And if we do not look broadly at Sudan, you do not see the pieces forming a whole. It is my assertion that if we are heavy on Darfur now but not paying attention to the CPA, what that actually does is allow the National Islamic Front to pursue its agenda piecemeal because we are not paying attention to one side of the equation, as it were. That needs to change.

Secondly, the CPA, and the United States position on the CPA, was based on the idea that, during the implementation period, the option of the unity of the Sudanese state would be made attractive. That is now a policy fiction. You will not find $\frac{1}{10}$ of 1 percent of the population of the South that believes in unity being possible anymore.

The idea of unity was killed by the National Islamic Front's war in Darfur. It is the same type of war as in the South, and the people of the South see that the National Islamic Front has not changed. It does the same kind of war in Darfur, and so there are not any people hardly that would argue for unity any longer, and our policy needs to reflect what has changed in that regard.

Thirdly, I would suggest, we need to engage the South on its own terms. South Sudan is not just a dangling participle on Sudan. It is large, it is important for a whole lot of reasons, and its issues, under the CPA, are well defined and of interest to United States policy. All of our assets, practically all American assets in Sudan, are concentrated in Khartoum. We have one diplomat in the South, in Juba in a consulate. She happens to be excellent, fortunately, but there is a gross imbalance between the large establishment we are building in Khartoum and our one diplomat deployed in Juba.

We need to correct that imbalance, and I would argue that in Washington the same thing is true. We need to focus not just on what is going on in Khartoum. We need to focus on what is happening with the CPA and the South.

Fourth, and I am almost done, fourth, the SPLA conversion. The SPLA is the only military in all of Sudan, anywhere in Sudan, that has a vested interest in the complete implementation of the Comprehensive Peace Agreement because only by implementing the Comprehensive Peace Agreement fully does the referendum occur. Everybody else in Sudan that is a military may have a problem of some sort with the CPA. It is important that the United States help transform, and be seriously engaged to help transform, the SPLA into a modern military not to prepare them to go to war but

to prepare them to defend, as it were, by their existence, the CPA and its implementation.

The last thing I would mention is that time is very short. You know, we have had, in the last week or 2, we have had about four Presidential candidates announce. Our election is going to be in less than 2 years. Well, the elections in Sudan are going to be in less than 2 years, too, just about 2 years. It is not a matter of announcing who is going to run for what. It is an issue of will they be able to do a census to begin the election process?

Will they be able to set up the architecture for elections in order to actually carry them off? Will the militias that are being supported by the National Islamic Front so disrupt things that the government in Khartoum will say, Let us postpone the elections?

Now, I have worked in elections for a long time, and I can tell you, in some parts of the world, including where we are talking about now, issues regarding elections can cause violence. The closer you get to elections, or if you abort an election, my suggestion to you is, unless we assist significantly in terms of the architecture for elections, for competition in elections, and all of those kinds of things, and if, as a result of any of those factors, destabilization by militias or lack of being able to do the architecture for elections, the National Islamic Front moves to postpone elections, then that is tantamount to an abortion of the CPA.

The South, I am suggesting, is moving toward independence, legally, in an internationally agreed-to, Comprehensive Peace Agreement. We need to help them in every way we can. If they opt to stay in the united Sudan, that is their choice, but if they opt to go, they have the legal right to do it under the CPA. The time is short to help them prepare to survive if they make the choice to leave.

The CPA was one of President Bush's best legacies in Africa. It is at risk. I think it is very important that United States policy on the CPA in the South catch up to what the realities are on the ground. Thank you.

[The prepared statement of Mr. Winter follows:]

PREPARED STATEMENT OF THE HONORABLE ROGER WINTER, FORMER SPECIAL REPRESENTATIVE FOR SUDAN

Two years after the signing of the Comprehensive Peace Agreement(CPA) that ended Sudan's longest and most deadly war, the peace in the South is beginning to unravel. Reversion to open conflict is increasingly likely without serious and energetic attention from the Administration.

The CPA is the peace agreement which ended the twenty-one year war between the Government of Sudan, controlled since 1989 by the National Islamic Front(NIF), and the people of southern Sudan and their allies, represented by the Sudan Peoples Liberation Movement and Army(SPLM/A). The CPA was brokered largely by the United States. The war it ended resulted in more than two and a half million dead civilians and more than four million refugees and internally displaced people.

It is my view that the NIF, known more recently as the National Congress party, a radical Arab-Islamic cabal in control of all the levers of power in Sudan's national government, no longer sees it as "in its interests" to fully implement the CPA. If this assessment is accurate, it would mean that massive violence at the initiative of the Government of Sudan, currently manifest in the genocide in Darfur, could reignite in the South and the three conflict areas of Abyei, Southern Blue Nile and the Nuba Mountains. As I see it, the NIF has taken clear steps to prepare for such an eventuality and that, by so doing, makes it more likely.

A fundamental flaw has, I believe, permeated U.S. and international policy on Sudan over the last two years, that is, the erroneous assumption that Sudan's NIF-controlled government, led by President Omar Bashir, actually wants to be a good

government and can be successfully appealed to “do the right thing” on behalf of Sudan’s marginalized peoples.

It’s just not so.

Entreaties to the NIF do not work. Talk alone does not work. The NIF has an agenda for Sudan and, I believe, for the region. Only credible threats that can cripple their agenda or deprive them personally of their power and ill-gotten riches will work. The NIF has been at war with the majority of the people of Sudan every single day since it came to power by coup on June 30, 1989. It will not change now when all their acts of death and destruction have cost them nothing. In fact, it seems that President Bashir and the NIF, having seen the impotent reactions of the U.S., U.N. and EU, have even stopped pretending and have shown their true aggressively anti-Western colors. The charm offensive is over.

The CPA that was a solid win in Africa for the Sudanese people, for America and for President George W. Bush is, I say, increasingly at risk. This important part of the President’s legacy is increasingly trending negative. It is not too late to change that trajectory.

It is firstly fair to say that a huge amount of good has resulted from those aspects of the CPA that have been implemented. The biggest benefit is that the war, with its widespread mayhem by the NIF against civilians in SPLM territory, has largely ended. Aerial bombardment of civilian and humanitarian targets in the South has ended, at least for now. Some of the deadly NIF-supported militias have been brought under control. Also, the Government of Southern Sudan, with a very active legislative assembly, has been established and is functioning. Some oil revenues are now going to other than the NIF. A peace dividend for some people in the war zone is beginning to be evident. Some refugees and internally displaced people are coming home. South Sudan, which, in my view after 25 years in international humanitarian work, was the most devastated place in the entire world, is starting to move forward.

It is what has not been done that is destabilizing. That is particularly the case when one begins to “connect the dots” of the NIF’s CPA defaults. It is one thing if a lack of capacity or resources, or administrative ineptness prohibits or inhibits implementation of one CPA provision or another. It’s quite another thing to have a series of critical elements not implemented by the choice of one party to the Agreement. That indicates a strategy at work.

This then is the picture:

DARFUR. The NIF remains desperate to overwhelm the people of Darfur as, despite its massive oil revenues and upgrading of its military capacity, the NIF does not want to risk a two-front war (in both Darfur and in the South). This is the reason that President Bashir stared down the United Nations Security Council for so long on the deployment of a large U.N.-managed force in Darfur. He still, to the shame of the U.N., the Security Council and the international community generally, has not agreed. Whenever there is an announcement that the NIF has made a meaningful concession, watch out! The landscape in Darfur is awash in Khartoum’s broken promises, as well as bodies. And keep in mind that, to the extent the African Union is involved, President Bashir is scheduled to become the AU chairman for the next year beginning in a matter of days. Imagine the very leader of the Janjuweit forces also leading the organization (the AU) whose forces are supposed to be protecting those very civilians the Janjuweit are killing.

Bashir did not like at all the SPLM’s public endorsement of the deployment of a large U.N. force to calm Darfur. One of his colleagues, Ibrahim Ahmed Omar, the Deputy leader of the NIF, publicly made this unvarnished threat, “If invading forces enter Sudan (i.e. the UN force) and the SPLM, the partner in government, welcomes them, there will be no National Unity Government and the Naivasha agreement (i.e. the CPA) will cease to exist” (Sudan Tribune, October 8, 2006).

The inability of the U.S. and the world community generally to seriously confront genocide in Darfur has reinforced what I believe are Khartoum’s intentions to scuttle the CPA at a time of their choosing.

ABYEI. This territory on the border between North and South is *the* single most volatile area covered by the CPA. It is a massive oil field. Because of Abyei’s unfortunate history, the CPA provides the people of Abyei a referendum in 2011 simultaneous with the South’s referendum on independence. The Abyei referendum enables Abyei to go with the South or stay in what is left of Sudan should the South chose independence. The CPA provides that an Abyei Boundaries Commission (ABC) will determine Abyei’s legitimate boundaries. The ABC, chaired by an American former ambassador to Sudan, did its job. Its findings are final and binding. President Bashir rejected the Commission’s findings although the CPA does not provide him that authority. He has refused to create the local Abyei transitional government required by the CPA. That means the oil revenues that are supposed to help meet

the needs of Abyei's people cannot be used to provide needed services. And, too, the NIF government has refused to let function the UN force intended under the CPA to monitor the peace in ungoverned Abyei where the SPLA and NIF government forces now directly face each other in a very tense environment.

Abyei was ground zero in the war that was ended by the CPA. In my view it is in Abyei where war will begin if the CPA is not scrupulously implemented. The events cited above collectively have led the population of Abyei to expect war to reignite, deterring most of the area's displaced population from returning home. President Bashir has created a disaster waiting to happen.

Salva Kiir Mayardit, the First Vice President of Sudan and President of Southern Sudan, in his January 9, 2007 speech on the status of the CPA, publicly asked for assistance from the governments that helped give birth to the CPA to help remedy the Abyei deadlock. The U.S. was the sole architect of the CPA provisions on Abyei and it is very conspicuous by its silence. This is the clearest violation of the CPA by the NIF, which the U.S. is effectively rewarding by a policy of appeasement.

NORTH-SOUTH BOUNDARIES. As in the case of Abyei, the boundaries between North and South need to be officially delimited. The CPA provides for a Commission to achieve that objective. This is critical for several reasons. Two of the most important are the determination of how oil revenues are divided up, especially since most oil fields are in the border areas, and to define territory in preparation for the census which is supposed to precede the first national elections in 2008.

Regarding oil revenues, the NIF refused to allow the SPLM to choose the Minister of the petroleum ministry in the setting up of the Government of National Unity(GNU), created by the CPA. As one consequence, petroleum production figures are not shared with the SPLM or GOSS. The GOSS created its 2006 budget based on its reasonable estimates of its share of oil revenues. With no way for the GOSS to verify the reality of Khartoum's non-public calculations, the oil earnings for the GOSS turned out to be significantly lower than anticipated, inflaming distrust between the parties. This situation still pertains. It is also the case that the NIF has deployed a strong military force to "protect" the oil field in the border areas including Abyei, a signal it intends to hold the oil fields no matter who they belong to legally under the CPA.

Regarding the census, it is impossible to count people and ultimately determine who votes where without knowing where the legitimate boundaries are. Combined with the fact that the GNU has not provided its share of the funds necessary to conduct the census, Southerners fear the NIF will use the lack of a timely census and the consequent delays in setting up the election architecture to delay the national elections provided for in the CPA. The census is supposed to be done by July 2007(about six months from now) for elections to be timely, even though, for reasons set forth below, most refugees and IDPs who make up a large portion of the legitimate electorate, are intimidated from returning to their home places by the events being discussed herein.

CONTINUING ATTACKS. The NIF during the war against the SPLA in the South used, in addition to the Sudan Armed Forces(SAF), almost forty militias which it supplied and paid to kill and displace "enemy" civilians, much as it now uses the Janjuweit in Darfur. As a result, these so-called Other Armed Groups(OAGs) were required by the CPA to align with either SAF or the SPLA in order that every armed group in the South would be subject to a chain of command to one of the CPA signatories. After the CPA was signed, strong and successful efforts were made by the SPLM to fold many of the OAGs into its system or demobilize them. After SPLM leader Dr. John Garang died eighteen months ago, however, SAF military intelligence appears to have re-established connections with some of those groups and with splinter groupings of others. SAF military intelligence also seems to have done the same with the so-called Lord's Resistance Army(LRA) of Uganda. Attacks by these groups upon southern Sudanese civilians have resulted in many deaths, as pointed out in some detail by President of Southern Sudan Salva Kiir Mayardit in his January 1 speech. In one recent incident, SAF forces in uniform attacked a civilian concentration a mile outside of Juba, capitol city of South Sudan. Fifteen SAF were captured. In early December, militia forces led by Gordon Kong and other commanders loyal to Khartoum caused a significant battle at Malakal between SAF and SPLA forces. This was the first major "shooting war" between the two CPA signatory parties since the agreement was signed; in it more than 130 people were killed. Other such groups are active violently in Wau, Raga, Renk and Equatoria. In fact, the NIF is creating new militia-type forces, e.g. the Petroleum Police Force in the south Sudan oil fields which Khartoum still controls, much as it moved thousands of Janjuweit in Darfur into the Popular Defense forces. The SPLA leadership estimates that SAF currently supports almost 20,000 men

under arms in OAGs. I believe the NIF intends to use these groups to destabilize the South in order to justify postponement of national elections.

I made a visit to Sudan last month to attempt to gauge the atmosphere and concerns of people and officials in the South about the current state of affairs. As noted earlier, many significant improvements are easily noted. One of the most visible is the significant improvement in roads and the improvement that has in turn generated in some local economies. Still, I left with the very clear understanding that the great bulk of the people of the South are convinced, both by its actions in Darfur and its deliberate choice to not implement a number of key CPA provisions, that the NIF has embarked on a war strategy. Recent professionally conducted focus group studies of the opinions of people of diverse backgrounds from all over the South confirm this.

I suggest the U.S. thoroughly review its approach to Sudan to take fully in to account today's realities in Sudan.

1. The U.S. needs to view each of the issues of Sudan as an aspect of the whole. In my view, it does not now. The genocide in Darfur and the war that the CPA ended in the South both have their origin in a common strategy emanating from a common problem: the Sudan Government in Khartoum, controlled by the NIF since 1989. The NIF has a long term agenda for Sudan (and the region). Unless the key conflict issues are viewed together, the NIF can pursue its agenda piecemeal while the U.S. and the "international community" are preoccupied with other legitimate aspects.

2. The U.S. needs to drop the policy fiction that it is still possible under the CPA to "make unity attractive." The NIF has killed that possibility by pursuing a war and genocide in Darfur that is essentially the same as the approach it pursued in the South, Abyei, Southern Blue Nile and the Nuba Mountains. Every Southerner sees the NIF has not changed and understands the implications of that reality. Eliminating this policy chimera would inject a needed dose of realism into U.S. Sudan policy. South Sudan is a country moving toward birth. The U.S. needs to pursue a policy that helps prepare the South for the possibility of independence. It would be distinctly not in the interests of the American people for the U.S. to try to push the people of South Sudan towards an outcome other than one the people of the South will decide on democratically. It would likewise not be in America's interests for a newly independent state to founder, opening up to more mayhem in the region.

3. Therefore, the U.S. needs to comprehensively engage South Sudan on its own terms, despite the NIF's frequent threats and outbursts. Tragically, the U.S. has largely liquidated the diplomatic and programmatic architecture serving the South that it had in place during the southern war. It had managed most of its political and humanitarian affairs relating to the South from Kenya. In simplistic trust that the CPA would be properly implemented by Khartoum and was going to lead to a more democratic and humane Sudan, the U.S. proceeded to consolidate almost all its diplomatic capacities in Khartoum. The U.S. maintains one very capable diplomat in Juba, the capitol of the South, but only one, contrasted with a large and growing capacity in Khartoum. It is my view that this gross imbalance of U.S. attention, which is paralleled in Washington, needs to change. While it is true that U.S. humanitarian and development personnel are working to upgrade the capacities of the GOSS as a government and the SPLM as a competitive political party country-wide, it is the population of the South that needs to see hope in their future. A serious up-scaling of the U.S. presence in the South and increased efforts to deliver development to all its disparate parts are necessary elements of bolstering the peace. The lack of development is overwhelmingly the single largest complaint of the people regarding CPA implementation.

4. It is in the U.S. interest to invest significantly in the conversion of the SPLM's military force, the SPLA, into a modern, well-trained and well-managed military. Unlike many situations in the developing world, the SPLM is a positive rebel political force that, despite many limitations and liabilities, was recognized by the U.S. as the key to creating a new, democratic Sudan. Similarly, with the SPLA, all the forces of Khartoum, formal and informal, collectively could not defeat the SPLA. In a very real sense, the very existence of a strong SPLA is the best guarantor of CPA implantation. Policy realism would, I believe, indicate that, of all the military forces in Sudan, only the SPLA has both the vested interest in seeing the CPA scrupulously implemented (i.e. so the Referendum is actually held) and, having fought off the NIF forces already, the capacity to protect the CPA without foreign military intervention. U.S. efforts in this regard are too limited and moving too slowly.

5. Time is of the essence. As is the case with the next U.S. elections, the first CPA mandated elections are only about two years away. Barring violence in Abyei, it is the approach of elections that will, I believe, most likely trigger NIF actions

to break down CPA implementation. While in the case of the U.S., candidates for election two years from now are already announcing, in Sudan's case, there isn't a census or defined voting districts with which to move toward elections, not to mention the prospect of NIF-supported militias to destabilize an electoral environment. If the NIF uses the lack of preparation for elections, instability in key areas or any other reason to announce a postponement in elections, the CPA will have effectively been aborted. The consequences would be catastrophic. The South needs our aid to support its pursuit of democracy and development. Significant enough engagement to assure compliance with the CPA election schedule and the conducting of viable elections is critical.

A note to President Bush: Achieving peace in Sudan was a goal you set for your Administration at the very beginning of your tenure. Your initiative succeeded beyond expectations in the South. The CPA, your legacy to all of Sudan, was a solid win, but is now at risk. It needs your personal attention.

Note: These are my personal views and have no connection to my prior employment.

Mr. PAYNE. Thank you very much, Mr. Winter, for that very, very thorough and well-thought-out testimony. As I indicated, I do not believe there is anyone who is any more knowledgeable about Sudan than you, and you certainly have shown that here.

I have to run out for a second, so I will yield to the ranking member to begin questioning.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Payne, and thank you very much, Mr. Winter. It was a very sobering assessment you have given us, indeed. Let me just ask you a couple of questions.

As you know, Mr. Wolf, Mr. Payne, and I, and several other members of the House and Senate really pushed hard for the special envoy to Sudan, and you know that Andrew Natsios, whom both of us greatly admire, does not just have concerns and a mandate for Darfur but for all of Sudan.

My question is, you have mentioned that there is a fundamental flaw, the belief that the Government of Sudan wants to be a responsible government. Is that naive, or is that wishful thinking, or is that some kind of hope that if we act as if they wanted to work, maybe it will, indeed, work?

I will just note for the record that I know Natsios is on his way to Juba, I think, next week, and he is trying to keep the pressure on the Comprehensive Peace Agreement, and I am just wondering—he has raised a number of issues, too, like food and refugees. He has been talking a lot about capacity, building for Southern Sudan. Many of us thought that that was an important step forward, but are you suggesting that still more has to be done, or is there a disconnect here in Washington with what he is advocating on the ground?

Mr. WINTER. First of all, Andrew is not only my friend; he is a long and dear friend, colleague, and he was my boss, and a lot of other things.

When you are in the system, you are in the system, and our State Department system is basically geared toward resolving issues between recognized governments. We recognize the government in Khartoum. I am not suggesting we do not pay attention to anything else. I am suggesting that that is where the bulk of our energies go, and, under normal circumstances, that is not a bad thing.

What I am suggesting is we are in abnormal circumstances here. Would working out difficulties—forgive me if you think this is an

overstatement—I am just using it for example—if we spent all of our time working out our difficulties with the Third Reich, our diplomatic concerns and sorting them out? No.

Well, what is being asserted here—I believe it—is that the government there is committing genocide. It was also genocide, by the way, in the South. We just did not use the word. I mean, it is not any different in terms of the way the violence is being conducted.

So do you simply conduct business as usual in that context? I would suggest you do not. However, you know the Washington establishment better than I do. The noise is on Darfur, and I am not saying that is a bad thing. That is what is visible right now. That is where the killing is actively going on right now in large dimension. I said to somebody the other day, “This is the U.S. of A. We need to be able to walk and chew gun at the same time.” That is why I am suggesting, we have to look at the whole of Sudan together, not one aspect in a vacuum.

Am I saying that Andrew is of that? No, I am not saying that. What I am saying is, however, having been in it, the system is, when you get letters, that is what you respond to, and when the journalists ask all of their questions about one aspect, that is what you tend to respond to. I think he is probably trying to do the best he can to balance within those parameters.

Mr. SMITH OF NEW JERSEY. But even if it is less visible, it does not mean it is less robust. My sense is that he is bringing balance to the effort, and even when it comes to the issue of, and you may know some insights on this as well, to Bashir and the Government of Sudan assuming the leadership of the AU, I know for a fact that our administration is vigorously opposing that and doing everything they can to see that that does not happen.

Mr. WINTER. I would like to hear that.

Mr. SMITH OF NEW JERSEY. So that, I think, needs to be stated very clearly and unambiguously.

One final question about the Abyei. You properly pointed out what a problem it is. You laid out the problem. Do you have some suggestions on a solution?

Mr. WINTER. On Abyei?

Mr. SMITH OF NEW JERSEY. Yes, Abyei.

Mr. WINTER. Yes. It is not necessarily well known, but the text of the CPA on Abyei was written by the United States of America. It is the only part of the CPA that was written by us. It is that part, specifically, that President Bashir has refused to proceed to implement.

President Salva Kiir of the Government of South Sudan has asked that those of us, those countries, that were involved in the birthing of the CPA help break the deadlock because he understands very clearly that ground zero before can become ground zero again.

What I am suggesting in my written statement is that we, in our policy, actually react positively to his request and get involved because, right now, we are not. We are not talking about Abyei. We are not making it an issue, and, in effect, that almost is appeasement of the government in Khartoum because the Abyei Protocol of the CPA is our child, too, and we should be helping that provision get implemented.

Mr. PAYNE. Thank you very much. I will be brief. We have a vote coming up.

I wonder, has the SPLM been able to keep its forces strong enough to be able to defend itself, if need be? What is your assessment of the SPLM at this time, and what should be done, even as, I think, a part of CPA was that SPLM was supposed to be able to maintain forces and so forth? What is the situation right now?

Mr. WINTER. My comments are preceded by the statement that I am not a military person.

The SPLA is strong. It has gone through a number of processes that I think these gentlemen will be able to speak to perhaps in more detail in terms of demobilizing and DDR'ing some people and sending others for training, and so forth, with the resources that the South itself has from its oil earnings.

The point is, it needs to do more, and it needs to be better equipped. I mean, imagine, for example, in terms of communications, that a very common way of communicating in the South now is through cell phones. Well, all of that stuff in Sudan runs through the machinery of the government in Khartoum. They can listen to it. So, you know, maybe it is not big state secrets, okay, but the SPLA's line of thinking and the collection of intelligence, those kinds of things. The SPLA need to be assisted in a whole variety of ways.

They fought the Sudan armed forces to a draw before. That is why we have the CPA. Now we are in a situation where the SAF forces have also a war in Darfur. Do I think they are, in any way, comfortable with having a two-front war? No. Do I think that the SPLA has the capacity to hold and protect most of the Sudan in the future? Yes, I do, but it still needs to be better. It needs to be a professional, well-managed force, not a guerilla force any longer.

Mr. PAYNE. Thank you very much. I will now yield to Mr. Fortenberry.

Mr. FORTENBERRY. Thank you, Mr. Chairman, and thank you, Mr. Winter, for your engaging testimony.

Let me back up a moment and just try to understand some of the implications of what you are saying. The tenuous nature of the very notion of a whole Sudan is such that it begs the question, given the political differences certainly, given the tenuous arrangement that is currently in place, given the underlying tensions of ethnic and religious differences, what, fundamentally, is holding this together?

Is it the power out of Khartoum? Are you implying that our emphasis on the relationship there, in effect, may be undermining movement toward some better reconciliation, or is it inevitable that this very tenuous set of arrangements that are holding together Sudan, as we know it, may come apart, and what would be the implications of it coming apart?

Mr. WINTER. First of all, the Comprehensive Peace Agreement is brilliant, brilliantly negotiated by both sides. Neither side was a patsy. It was argued out day after day after day. The whole process was, like, a 3-year process. It was not quick-and-dirty thing. It is detailed. It is that big. Almost everything that could be foreseen at the time is spoken to, in one way or another, in the CPA.

It is a sound agreement that the United States was the point country lead on, which was recognized by the U.N. Security Council as, you know, a practical and supportable document, and I think everybody agrees to that.

At the beginning, after it was signed, there was a euphoria about the possibilities for there being a new Sudan, more democratic and so forth. What happened is that, after the interim constitution to implement that CPA was signed, the leader of the SPLM died in a helicopter crash. There were many people in the National Islamic Front who were not happy with the provisions of the CPA, thinking that it gave away too much, and they were in a position, once Garang died, to recalculate where their best interests lay.

My assertion is that they saw their best interests in this opening his death provided to undermine the implementation of the CPA because if they did not, and it was fully implemented, the South, and the bulk of the oil fields, would move toward independence.

So what I am suggesting is the problem is that the National Islamic Front Government has chosen to not implement certain provisions to abort the ultimate implication of the CPA that the South may choose, legally in a referendum, to secede.

We were the prime mover, we, the United States, were the prime movers on producing the CPA, but we are not, I assert, paying adequate attention to it right now because we are focused on Darfur, and we are focused on non-Sudan issues. So the CPA is sort of languishing while political termites, as it were, from Khartoum are undermining it, and if it is undermined, through any of a number of possibilities, some of which I mentioned, like the postponement of elections, for example, it will lead to violence. It will be violence of the nature that we now see in Darfur, and that would be terrible, both for humanitarian reasons and to our shame, because it would be the ending of a very stellar, peace-making deal that we precipitated.

Mr. PAYNE. Ms. Jackson Lee?

Ms. JACKSON LEE. Mr. Chairman, thank you. Bells are ringing. Let me just quickly try to focus on, I think, some very insightful information you gave us.

Is it in the strategic interests of the United States to be engaged or aware of Southern Sudan's possible interest in being independent?

Mr. WINTER. The National Democratic Institute, which is an excellent contractor of USAID, produces, on a regular basis, focus group studies from all over the south of Sudan on different issues. If you took a look at, and I am sure you saw it, the last couple of them, for that matter, but particularly the last one, you would see that it is documented in these professional studies that the optimism that existed in the aftermath of the signing of the CPA is gone and that most people in the South expect war again. They do not want it, but they see the makings of a situation in which war will be a very possible outcome, and they are all terrified of it.

Ms. JACKSON LEE. Mr. Winter, let me just thank you for your long years of expertise.

The four points, Mr. Chairman, that Mr. Winter has in his testimony, I think, are enormously instructive, and may be guideposts for legislation. As you well know, I would like to visit Sudan sooner

rather than later, and I think the South represents an opportunity for the United States to facilitate and help the people of Sudan finally find some refuge in peace and tranquility, and I would hope that we would study this issue more extensively and press the administration for a reality check, that the CPA is not working. What are they doing about it, and can we best be facilitated by a strong, independent Southern Sudan? And I would yield back, Mr. Chairman. Thank you, Mr. Winter, for your leadership.

Mr. PAYNE. Thank you very much. Let me thank you, Mr. Winter, for your very, very excellent testimony.

This portion of our hearing is concluded. We will begin when we return from these two votes with the second part of this, which will be a briefing from our guests from Sudan. At this time, the meeting is in recess.

[Recess.]

Mr. PAYNE. We will reconvene. There is some confusion about whether there will be another vote. I will know in about 5 or 6 minutes, but I thought that I would come back and reconvene this portion, which will be a briefing, and if there is another vote, I will then have to leave again.

We will now hear from our two witnesses from the Government of Southern Sudan, and as I indicated, this will be a briefing: Luka Biong Deng, who is minister for presidential affairs, and Barnaba Benjamin, who is minister for regional cooperation. I would ask that you keep your remarks brief, to 10 minutes perhaps. We will have time for dialogue and questions after your presentation.

You both have submitted very comprehensive testimonies, which we will enter into the record without objection. It will be very useful to review, and we thank you again for those testimonies.

If the two witnesses will come up to the table, Minister Deng. We certainly appreciate you coming here to brief us here in the Africa and Global Health Subcommittee. We commend you for the opening of the mission of South Sudan recently, and we look forward to working closely with the mission. At this time, we will hear from the minister for presidential affairs. There is a mike button. If you would press that. Thank you.

**STATEMENT OF LUKA BIONG DENG, PH.D., MINISTER FOR
PRESIDENTIAL AFFAIRS, GOVERNMENT OF SOUTH SUDAN**

Mr. DENG. Thanks a lot for giving us this opportunity. Just to be on the record, we have a lengthy presentation that we meant for circulation, and we hope that you will consider it for the record.

Mr. PAYNE. Without objection.

Mr. DENG. Equally, we have the speech of our President, Salva Kiir Mayardit on the 9th of January, and we believe that it is a very important document that will complement also our testimony.

Mr. PAYNE. We will enter it without objection.

Mr. DENG. First, we are delighted at having this opportunity, and probably it is an extension of the solidarity of the people of this country and the people of Southern Sudan, but, in particular, we really want to extend our appreciation to your chair for giving us this opportunity.

On behalf of the people of Southern Sudan and their President, we would like to extend our appreciation for the longstanding posi-

tion of the U.S. Government and the people of the United States for standing during difficult times of war and during the negotiation, which resulted in the good peace that we are talking about today, and also engaging today in facilitating the reconstruction of Southern Sudan.

In particular, we want to also extend our appreciation and bring thanks to President George Bush for his personal involvement in Sudan, and that will help a lot in keeping Sudan in the heart of the American people and maintaining daily interest in peace in Sudan.

What I will do, I will try to highlight some of the few points. I have a PowerPoint presentation. You may not see it properly, but I will just go into it.

First, I would like to start with the Comprehensive Peace Agreement that we have been talking about.

Mr. PAYNE. Would there be any way to dim the lights, if anyone knows whether that can happen?

Mr. DENG. We believe the Comprehensive Peace Agreement is one of the biggest achievements in the Sudan and, indeed, in Africa, but, importantly, I think it is one of the outstanding successes of the American foreign policy in ending a brutal and protracted war that claimed 2 million lives and displaced more than 4 million persons.

In fact, the CPA is not only a solid win to the people of Sudan, but it equally contributes as well to regional stability and containment of terrorist activities in the region.

Our coming here, Mr. Chairman, is because we believe the CPA is now at risk, and we are loudly ringing the alarm bell in a wake-up call to the American people and their government to refocus their attention to CPA to protect it and save it.

I would like just to highlight some of the main features of the CPA, the fact that being in war, negotiating the peace, we drafted most of the conditions, while also becoming now a key player in implementing the CPA. I would like to highlight some of the few points for this hearing.

I think the most important achievement of the CPA is the very fact that it attempts to address the rural marginalization in Sudan, and also it is an effort to transform Sudan through the vision of the New Sudan. I think the vision of the New Sudan is around the main values upon which this country has equally also based their governance.

One of the good things is the redefinition of Sudan. Sudan, with the CPA, has been redefined away from the horrible Islam paradigm and now is based on cultural, religious, and ethnic diversity as a foundation for national cohesion. I think that that is very important in the sense that whenever you talk about Sudan, people tend to look at Sudan, Islam, Sudan as an Arab country, but, with the CPA, we have redefined the country.

What we witnessed also in Sudan after the signing of the CPA is a constitutional reformation based on the adoption of a Bill of Rights and the recognition of sovereign authority of people. In Sudan, we have never tested the nation building in Sudan, but, with CPA, we have managed to engage in defining and laying the

very important foundation for the governance and the nation building.

The right of self-determination for the people of Southern Sudan is one of the major achievements whereby the people have been asked for the first time to shape the unity of Sudan based on their free will. I will highlight some of these things based on our work also with the National Democratic Institute and what was echoed earlier by Roger Winter.

Also, we should not forget that one of the achievements of the CPA is the issue of the three areas: Nuba Mountains, Southern Blue Nile, and the Abyei area. These people, they have admired, and they engaged with the people of Southern Sudan in the fight for their dignity and freedom, and the CPA gave them what they intended to have; that is, the self-rule and popular consultation. In particular, the people in the Nuba Mountains were aspiring to have the right of self-determination like the people of Southern Sudan.

Also, in CPA, there are very considerable economic efforts to transform the economic setup of Sudan to combat poverty and attain millennium development goals, and this is to be reflected in increased revenue transfers to the subnational levels.

The last point about the CPA achievement is the foreign policy transformation away from antagonism to promote peace and cooperation and to combat all forms of terrorism.

So these are basically the main aspects of the CPA. I just would like to highlight some of the challenges. Being in Sudan and seeing through the implementation of the CPA, one should recognize the considerable achievement in Sudan with the CPA. In particular, they verify that there is a relative peace now in Sudan, especially in Southern Sudan. Despite the fact that we have some skirmishes here and there, on average, I think we have achieved a lot in terms of the stability and security in Southern Sudan.

As also mentioned by Wolf earlier, if you see the people have taken this peace seriously, and they have started normalizing their livelihoods, and they have started reconstruction of their farms or their houses, which are all indications that people are believing in peace, and they want to make it a reality in their own way. Yet there are some challenges, and I would like to highlight some of the points raised earlier by Roger about the selective intention of not implementing certain provisions of the CPA.

The most important challenge is the anti-CPA members of the National Congress Party, especially the Islamists. I think, for some of us, when we went into war, and we concluded the peace, we thought the CPA should give a chance for the National Congress Party, especially the Islamists, for them to reform and to smoothly get into the normal democratic transformation of Sudan. But seeing them through, I came to believe the anti-CPA members of the National Congress Party are not in the control of affairs, and I could contribute most of the delay to the deliberate strategy of derailing the implementation of the CPA.

The second challenge is about the militia and LRA. In the agreement, as mentioned earlier, is one of the very meticulously drafted agreements, with detailed information, and in the CPA we clearly spell out that the militias should not exist, and they should be inte-

grated either to Sudan Armed Forces or to the SPLA or integrated into the communities, similar to the DDR program.

As we talk today, we have about 20,000 militias at large, with the support of the Sudan Armed Forces, as mentioned by our President in his speech, and this is a real flashpoint which could take the focus of the Government of Southern Sudan away from delivering the services to the people.

With the LRA, as you know, we took it upon ourselves, as the Government of Southern Sudan, to provide and make peace in the region, especially with Uganda, but that one was a rather high cost. LRA, for us, we stand firmly with the international community about the atrocities that they have committed, and from the initial stage of the formation of the Government of Southern Sudan, we gave them options, either to talk peace with the Ugandan Government or to leave Southern Sudan. Based on those understandings, we managed to mediate and facilitate these peace talks.

But we learned, with dismay, that the LRA is trying to use this platform of the peace talks to access the media and press coverage, and that is why our President, in the speech on the ninth of January, sent a very clear message to the LRA: Either they talk peace, or they leave Southern Sudan. But we are aware of the atrocities committed by LRA.

Another challenge is the Abyei Protocol. Mr. Chairman, I would like to spend a few minutes here on the Abyei Protocol because it is one of the real challenges which can take us back to the war. I would go to the fact that the Abyei is one of the areas where the second civil war started. The provisions of the Abyei Protocol are clearly defined and are very simple and straightforward.

We agreed, in the CPA, that the Abyei people will have special status under the presidency. We have agreed also that these communities, because they are on the border between the North and the South, they will have a dual citizenship so that they can enjoy the rights of being southerners as well as northern Southern Sudanese.

But they were given the right of a referendum to decide their administrative setup, what it should be. In the agreement, we agreed also that we would be establishing an Abyei Boundaries Commission with experts. The U.S. Government was represented on the Abyei Boundaries Commission, and this commission was mandated by the CPA to come up with recommendations, and these recommendations should be final and binding, and they were tasked and mandated to go and define and demarcate the areas of Ngok Dinka, who were transferred in 1905 to Northern Sudan, against their will and for the convenience by the authorities.

The Commission finished their work, and they came back with a report to the presidency. What is happening is that the anti-CPA extremists of the National Congress Party were misinformed or deliberately intended to not implement the CPA. They are saying the following: The experts have exceeded their mandate, and what mandate? They came, clearly, to demarcate and define the area of the aligned chiefdoms of Ngok Dinka. They said they did not also find the maps of 1905, which is actually not consistent with the provision of the CPA because people are not asking to look for a

map. People are looking for the place where these people were living.

But the intention, as echoed by Roger, is the deliberate intention for containment and then controlling the oil resources. The Abyei area is actually producing about 25 percent to 30 percent of the oil production in Sudan, and that is of interest to them, and they know very well, the very fact that they are not handling the people of Abyei in a good way, they believe that later on, in a referendum, they may opt to go join the South; also, beside the fact that it is one of the texts actually drafted by the U.S. Government which resulted into the completion of the peace agreement.

The other challenge is the CPA monitoring mechanisms. We have provided in the CPA the establishment of an Assessment and Evaluation Commission on which the U.S. Government is well represented, but what we have seen of late, this Assessment and Evaluation Commission is not effective enough, first, because of the representation, and, secondly, because they do not have punitive measures that they can affect when there are any violations of the CPA. Maybe I will talk later on about the key messages.

Also, we have what is called a Ceasefire Political Commission, on which the U.N. is represented, but also the National Congress Party, especially the anti-CPA members, decided not to allow these two mechanisms to work effectively.

The other point is the North-South Border Committee. I had a meeting before my coming here with the members of this committee, beside the fact that also I had the chance of meeting the Assessment and Evaluation Commission. They are deliberately under-resourced. They are not given the necessary budget so that they can perform their work. And the intention is very clear.

The North-South Border Committee will determine and demarcate the North-South border line, which is going to be the basis upon which we are going to redeploy the forces, the excess forces of the Sudan Armed Forces, those forces exceeding going into units.

Second, the determination of oil fields. Based on the National Congress Party definition of the North-South border, they have redefined the border in such a way that most of the oil fields are defined in the Northern Sudan, and this has a profound impact on the flow of oil revenue to the South. Despite the fact that President Bashir mentioned that they are going to recalculate, after the definition of the North-South border, to see whether these oil fields are wrongly redefined or put into the Northern Sudan. But yet the South needed these resources now.

The other one is the population census. As you know, in the population census, we have agreed to have it by the end of this year or the end of next year, and you cannot have a population system without the career boundaries.

Probably by delaying the North-South border, you will affect also the democratic transformation of government elections, and that is why it is very critical how best you can push the work of the committee.

The other challenge is the oil sector itself, which is still—the NCP component of the government; they have started providing the information about the production and the marketing because we set up a joint committee.

Mr. PAYNE. Excuse me. We have 4 minutes to go to vote. We should be able to be back in 6 or 7 minutes because we will get there and come right back. So we will conclude with you and then hear our second witness.

[Whereupon, at 12:58 p.m., a short recess was taken.]

Mr. PAYNE. We will resume the hearing. This is a very unusual day. As you can see, the vote is still going on, but we should be able to have about 45 minutes or so. So we are going to have to conclude within that period of time before our votes begin again.

Mr. Deng, if you want to sum up, so then we can hear from Mr. Benjamin, and then we will proceed with some questions.

Mr. DENG. Thanks a lot, Mr. Chairman. Some of the few challenges that I want to highlight are the issues of Nuba Mountains, Southern Blue Nile, and there is a need for discussion on it.

In Darfur, we have a long line in Darfur, and this is going back to 1990 with the people of Darfur, the Council and the Assembly of the Southern Sudan stood firmly with the 1706.

But the most important part is the issue of the Government of Southern Sudan. We know there has been a lot of talk about our Government is weak, is not delivering, but I would like just to highlight some of the challenges facing these governments. I want to highlight the very fact that these people who have been at war for 21 years, the records on the MDGs is the worst in the world in terms of access to health and education. The death of Dr. John was a big shock to the system. And we are supposed to establish about 11 government assemblies, judiciary, and also organizing the SPLA, and we are expected also to persuade the government on national unity and many commissions and 15 northern states' government.

We are faced with people with high expectations with no communications system, no policies, laws, or organizations or qualified human resources, or even the space, accommodation to us. And then we inherit the very corrupt civil service, and insecurity.

So these are the things which we are facing the most in Southern Sudan, which was established in October 2005. So we just want to put in into context.

Despite all of these things, the Government of Southern Sudan may need to achieve the following: A functioning government is emerging, 11 constitutions have been adopted and are now operational, 11 assemblies are functioning and discussing the budgets, and we have the judiciary established all over, and 11 governments are very well functioning and are developing sector policies and programs, and we have about more than 14 commissions, including a Human Rights Commission, Anticorruption Commission, and is struggling to function. This bill is being organized, and I think my colleague will talk about it.

Now, what are the key messages? Now, first, we have to make sure to exert more meaningful pledges for anti-CPM members of the NCP so that they talk peace, and they should be made to believe in peace and to implement peace.

Second, SPLA has to be supported. SPLA is a key strategic ally in the political transformation of Sudan.

The other one, my colleague will talk about, the SPLA itself, a real deterrent to any violations.

Then the other one is the scaling up of U.S. Government support to peoples of Nuba Mountain, Southern Blue Nile, and Abyei because I think they are losing hope. The focus group discussions are indicating these are the people becoming so disappointed, and their faith in peace is fading out.

Immediate implementation of the Abyei Protocol because this is a protocol drafted by the U.S. Government, and there is not any way that we can negotiate this one again because it is basically a draft, the Abyei Protocol. So we believe it should be implemented immediately and with your pleasure.

We believe also that the Government of Southern Sudan is a key strategic ally to be supported so that they can address some of the limitations that they are facing at the moment, especially involving the issue of the diaspora and the national resources management.

I think, again, we want also to revisit your policy toward the options available to the people of Southern Sudan for them to become an independent country or with the idea that we have to make unity the desired outcome, but a policy that will capture these two options so that you can prepare yourself for the future.

I think the high presence of the U.S. Government in the monitoring of the CPA, especially on the Assessment and Evaluation Commission, someone who should be fully there.

Mr. Chairman, thank you very much and I appreciate being given this opportunity. Thanks.

[The prepared statement of Mr. Deng follows:]

PREPARED STATEMENT OF LUKA BIONG DENG, PH.D., MINISTER FOR PRESIDENTIAL AFFAIRS, GOVERNMENT OF SOUTH SUDAN

THE SUDAN COMPREHENSIVE PEACE AGREEMENT: A FRAMEWORK FOR SUSTAINABLE PEACE AND DEMOCRATIC TRANSFORMATION OF SUDAN

SUMMARY:

The Sudan Comprehensive Peace Agreement (CPA) is one of the rare achievements not only in the Sudan but indeed in Africa as it offers a unique resolution of one of the most complicated and protracted civil wars in Africa. It also offers a unique mechanism to resolving issue of religious and cultural diversity, rural marginalization, a new framework for democratic transformation and good governance and a basis for national unity based on the free will of the people. The organic and external mechanisms provided for its implementation clearly show that it would be extremely difficult for any party to the CPA to dishonour or abrogate it and if it happens it will tantamount to constitutional disorder with far repercussions on the unity and peace in the Sudan and regional stability. The extremist and anti-CPA members of the National Congress Party are deliberately working against the full implementation of the CPA. Exposing the atrocities and gross human rights committed by these elements against the people of Sudan as well as bringing them to justice and rule of law will ensure stability and expedite the full implementation of the CPA. Implementation of Abyei Protocol is litmus test to the NCP political commitment to peace in Sudan and necessary measures are needed to be exerted on NCP to accept the immediate and full implementation of Abyei Protocol. Support to political, democratic and security transformation in the Sudan as per the CPA with Southern Sudan as its life support will provide basis for realizing the vision of the New Sudan and making the unity of Sudan a possible outcome. Support of the people of Southern Sudan, Southern Kordofan and Blue Nile and their governments including the Sudan People's Liberation Army will not only deter any attempt to abrogate the CPA but will also provide a basis to transform Sudan through the vision of the New Sudan.

1. INTRODUCTION:

For the duration of its post-independent history, Sudan has been plagued by persistent, endemic internal conflict; since the declaration of independence from Anglo-

Egyptian Condominium rule in 1956, violence—not peace—has been the country's norm. Increasingly known as a country that does not honour any peace agreements but always opts instead to fight a violent internal war.

The Comprehensive Peace Agreement (CPA) signed on 9th January 2005 by the Sudan People's Liberation Movement (SPLM) and the Government of Sudan offered a unique and unprecedented rare opportunity to break this cycle of violence and make peace not only a reality, but the new and lasting norm for future generations of Sudanese children. This peace, however, remains deeply fragile. The CPA represents a critical moment in Sudan's history, and its success—or failure—has far-reaching implications not only for the Sudanese, but throughout a volatile region. For this reason, sustaining and ensuring the eventual success of the CPA is our shared objective.

My principal reason for being here today, and the core purpose of my statement, is to renew and reinvigorate U.S. policy interest in the CPA by assessing its implementation on the occasion of its second birthday. First, however, I will attempt to summarize the complex root causes of Sudan's recurrent internal conflict. Second, I will pose to you whether the CPA addresses these root causes and meet the aspirations of the rural Sudanese. I will discuss the internal and organic mechanisms for ensuring effective implementation of the CPA, while suggesting external measures in support of the same. I will also attempt to lay out for you some of the many challenges and impediments yet facing the CPA and its implementation. Finally, I will share my conclusions and lay forth several urgent steps and actions that can—in my view—be taken on the part of the United States to help guarantee the success of Sudan's hopeful peace.

2. CAUSES OF THE RECURRENT CIVIL WARS: THE RURAL MARGINALIZATION

Civil war in the Sudan has long been a rampant, intractable and a recurrent phenomenon, affecting virtually every region of rural Sudan and having now reached across international borders (Johnson, 2003). Since independence in 1956, Sudan has been in a near-constant state of war with itself, wasting more than 40 years in two major civil wars (1955–1972, 1982–2005) that resulted in a death toll of more than 2 million and untold internal displacement.

Having a solid understanding of the causes and origins of Sudan's persistent internal conflicts is naturally crucial; ultimately achieving a sustainable solution to them will depend avoiding repeating the mistakes of the past. Despite the fact that Sudan has been at war with itself since its independence in 1956, the debate on the genesis and causes of the recurrent civil wars is rather divisive and far from settled. The absence of a clear understanding about those root causes largely explains why several would-be peace agreements ended up dishonoured or discarded. Generally most northern Sudanese, particularly the ruling elite, perceive civil war as a 'southern problem,' caused by sinister international interference (Ahmed, 1988, Ali and Elbadawi, 2002). The majority of southern Sudanese, including their elite, perceive the causes of the civil war to be rooted in ethnicity and religion (Deng, 1995).

Since independence in 1956, governance and development in Sudan have been largely characterized by an urban bias and highly centralized regimes that have generally favoured the populations living around the capital city and in the river rain areas. As such, the fundamental root cause of the conflicts between the Sudan's centre and its hinterland lie in the decades of structural marginalization, and the exclusion and neglect of rural Sudanese in the country's public affairs and decision-making. Additional proximate causes included increased centralization of power with few elites, failure to implement and honour previous peace agreements (Alier, 1995), and the use of religion and ethnicity to monopolize power and divide the communities.

The rural marginalization in the Sudan is well rooted directly or indirectly in the colonial legacies and the early formation of Sudan as a sovereign state. Winston Churchill (1940:2) described the first historical contacts of the indigenous communities of the Sudan with the outside world—Arabia, Turkey, Egypt and Britain—as brutal invasion by outsiders 'destitute of wealth' in search of resources such as gold, ivory, water and slaves. In particular the proportion of per capita gross domestic product of other parts of northern Sudan and Southern Sudan in relation to that of Khartoum was respectively 19 percent and 10 percent at the end of the colonial administration, while that of Gezira was about 60 percent. It is no surprise that the marginalization of Southern Sudan was well rooted in the colonial development policy towards Southern Sudan. While the British colonial rule exerted considerable efforts to modernise the economy and infrastructures in the north, it entrusted Chris-

tian missionaries to provide moral guidance that was perceived to be more needed in the south than economic development (Lesch, 1998).

Not to the surprise of most rural communities, successive post-independence central governments pursued policies that deliberately aimed at marginalizing them socially, politically and economically. The socio-economic disparity that was scandalously created by lack of development in the rural Sudan during colonial rule had naturally widened sharply between the rural and urban during the years of independence. These profound socio-economic disparity and horizontal inequalities generated the sense of frustration and feeling of helplessness, injustice and marginalization that eventually led people in the South to resort again to armed struggle (Yongo-Bure, 1993). Garang (1987:21) argues, using his words, that 'under these circumstances the *marginal cost* of rebellion in the Sudan became very small, zero or negative; that is, it pays to rebel'.

Even with increased oil production in the late 1990s and coupled with high overall growth in the Sudan, the pattern of growth has been unbalanced and evidently failed to mitigate regional disparity and neglect. This pattern of growth has been geographically concentrated in central states around Khartoum, boosting their tax base thus allowing them to have much higher expenditure on services than the rest of the country, and further boosting regional disparities (World Bank and UNDP, 2004).

Subsequently, the recurrent civil wars in Sudan since its independence in 1956 represent a nationwide and rural quest for a New Sudan of equality and freedom of choice, where there will be no discrimination on the basis of race, ethnicity, religion, culture or gender. The chain of rural rebellion can be summarized as follows:

- began in the Southern Sudan in 1955
- erupted again in 1982 in Southern Sudan including Abyei.
- extended to the Nuba Mountains and Southern Blue Nile in the mid 1980s,
- and further into the Eastern Sudan in the early 1990s,
- and most recently exploded in the devastating crisis in Darfur in 2003, now widely acknowledged as the worst humanitarian tragedy in the world today.

Behind all of these rebellions is one legitimate struggle: it is the struggle for human rights, freedom, equality and dignity. This is the same motivation that led the people of America to launch their revolutionary war and seed the democracy which they now enjoy. By recognizing the popular call for a New Sudan and accepting principles of democracy and human rights, there is a chance that the people of the Sudan may one day choose consensual unity.

3. THE CPA: A FRAMEWORK FOR TRANSFORMATION OF SUDAN:

Generally peace agreement in most cases comes as a result of failure of each side of the conflict to defeat the other side and became sub-optimal solution to each side but provides a second best solution with a win-win outcome. Indeed the CPA provides a win-win outcome to both parties of the conflict in the Sudan. However the real test for sustaining the CPA depends primarily on how to address the aspirations of the rural Sudan. The SPLM in particular heralded the liberation struggle of the rural Sudan against the central and urban-biased governance in the Sudan. The real question is whether the SPLM has negotiated well in the CPA to meet the aspirations of the people of rural Sudan? This question can only be answered by assessing the perspectives of the people about the CPA, issues of governance and basic rights and how far the political aspirations of people of Southern Sudan and transitional areas have been addressed by the CPA.

Perspectives from the People:

In order to assess the perspectives of the people of New Sudan (Southern Sudan, Abyei, Nuba Mountains and Southern Blue Nile) about the CPA, a series of focus group interviews¹ were conducted towards the end of 2004 by National Democratic Institute and the New Sudan Centre for Statistics and Evaluation. A set of 32 focus groups across a wide range of communities in Southern Sudan, Abyei, Nuba Mountains and Blue Nile clearly shows that the CPA garners broad and overwhelming support (Cook and Deng, 2004). While there are several key hesitations about some aspects of the CPA, there is a broad confidence that John Garang and the SPLM have negotiated a largely fair deal for the people of New Sudan (Cook and Deng,

¹It is an opinion research as one method among many to give voice of citizens who may not otherwise be present in the deliberations of decision-makers, who in turn are able to test their decisions. The focus group discussions were stratified according to gender, age, ethnicity, religion, educational attainment and economic status.

2004). With peace and the imminent conclusion to decades of war, people see the future as bright, and expectations are high for what it will bring: freedom, education, an end to hunger, better health care facilities, clean water and road access to local markets.

Despite the overwhelming optimism about the CPA, people are equally concerned about the future of the peace as SPLM has not decisively won the war and are equally aware that the peace agreements signed in the past were not honored. Some have an understanding that the war will not really be over until the CPA is implemented. This genuine concern and precariousness of peace in the Sudan is well summarized by a war widow during a focus group discussion by saying that:

“This peace of ours is like a sick man in the hospital. You don’t want to say for sure that he is going to be coming home because as long as he is in the hospital and sick, he still might die.”

Basic Rights and Devolution of Powers

The main achievement of the CPA is its attempt to realize peace, security and development in the Sudan and which are the same objectives embodied in the Millennium Declaration adopted by Members States of the United Nations and ascribed to by the entire international community in 2000. One of the salient features of the CPA is that it has laid down a new basis for the relationship between all levels of government in the Sudan and their people through new constitutions at the national, Southern Sudan and states levels. The sovereign authority in the Sudan has been recognized to be vested in the people with all levels of government deriving their authority from the people. Among the basic principles adopted in the CPA is the devolution of governmental functions and powers to the people at appropriate levels where they can best manage and direct their own affairs.

Besides the recognition of sovereign authority of the people and devolution of powers, the Bill of Rights has also been recognized in the CPA and enshrined in the new Interim National Constitution and subsequently making it obligatory on all levels of government to respect, uphold and promote human rights and fundamental freedoms. The Bill of Rights is a covenant between the people and their government at every level and the cornerstone of social justice, equality and democracy. By adopting principle of devolution of powers and the Bill of Rights, the CPA has laid a basis for good governance, respect of rule of law and basic rights and freedoms which are the concerns of the rural Sudan. Two years after the signing the CPA, Sudan has witnessed a constitutional transformation with all states and Southern Sudan having their own constitutions, functioning legislative assemblies, governments and judiciary. As rightly stated by Dr. John, the icon of peace, that “Sudan will not be the same again with the signing of the CPA” Sudan is indeed changing everyday with the implementation of the CPA.

Southern Sudan: Own Government and the Right of Self-Determination:

It is a common fact that the process of state creation and nation building in the Sudan came as a result of geographical units arbitrarily created by colonists without any regard to views of the concerned communities, particularly the people of Southern Sudan. The way the northern ruling elite hurriedly achieved the independence of the Sudan through unilateral declaration of independence without national consensus may explain the fragility of nation building in the Sudan. Since its independence, Sudan has been searching for its common identity and nationhood that would recognize diversity as a virtue rather than a curse.

During the first civil war (1955–1972), the leaders of the Southern rebels fought for secession and only achieved self-government through Addis Ababa Peace Agreement in 1972 that was later abrogated and dishonoured by the central government in Khartoum. The CPA has achieved not only the establishment of an autonomous Government of Southern Sudan but also the right of self-determination to the people of Southern Sudan to determine their future status. The performance, in terms of achievements, challenges and future plans, of the Government of Southern Sudan since its establishment in October 2005 is summarized in separate document that is attached with this statement. So far, the GOSS has established an active legislature that is now enacting laws that will frame the New Sudan; a Council of Ministers that is setting development policies for a New Sudan; a judiciary that is committed to the rule of law, transparent and accountable government; and paid army (SPLA) that is rapidly professionalizing. But the GoSS faces enormous challenges related to institutional capacity, insecurity driven by external elements interested in undermining the CPA and slow implementation of the CPA.

In fact the right of self-determination is the only thing that people of Southern Sudan value most as it would allow them to express their views for the first time about the future of the Sudan. Most Southerners even did not entertain what they

viewed as an unnecessary lengthy six-year period it would take to cast their votes, for they feared many a slip along the road. The inclusion of the right of self-determination in the CPA is not only just and fair but it provides a solid framework for making the unity of the Sudan to be based on the free will of its people. The series of Focus Group Discussion conducted by NDI and Southern Sudan Centre for Census, Statistics and Evaluation to gauge the views of Southerners if they were to be given now a chance to vote in the referendum on the right of self-determination and overwhelming majority of Southerners consistently see separation as the only solution. Depending on how various levels of government in Sudan will make the unity of the Sudan an attractive option for people of Southern Sudan, the current conditions clearly indicate that separation is increasingly made attractive by the extremist and anti-CPA elements in the National Congress Party.

Transitional Areas: Self-Rule and Popular Consultation

The sustainable peace in the Sudan will primarily hinge on the stability in the transitional areas of Abyei, Nuba Mountains, Blue Nile, Eastern Sudan and Darfur as these areas represent the majority of the marginalized rural Sudan. While the people of Nuba Mountains, Eastern Sudan, Abyei and Blue Nile initially joined the agenda of the SPLM to fight for freedom and rights symbolized in the New Sudan vision, the people of Darfur were later on dragged into civil war with similar underlying causes of marginalization, suppression and neglect from the central government.

As the conflict in Nuba Mountains and Blue Nile is a microcosm of other conflicts in the rural areas of northern Sudan, the CPA has provided a resolution for such conflict and a model framework for addressing the issues of governance, neglect and marginalization not only in the two states but also for the entire rural Sudan. The resolution of conflict in Nuba Mountains and Blue Nile in the CPA has accorded an autonomous and decentralized self-rule with independent executive, legislative and judicial organs subject to popular consultation by the people of the two states through their respective democratically elected legislatures. The implementation of the protocols for Nuba Mountains and Blue Nile will be a litmus test for the CPA as a framework for resolving other conflicts in other areas of the Sudan such as Darfur and Eastern Sudan.

In fact the decentralized self-rule did not adequately meet the aspirations of the people of Nuba Mountains and Blue Nile as they were aspiring for the right of self-determination. In case the implementation of the CPA fails to provide a meaningful self-rule in Nuba Mountains and Blue Nile, then the chance that war will erupt again is most likely in these transitional areas. Despite their dissatisfaction, most people in these areas appreciated what has been achieved in the CPA as first step in their long search for ultimate self-determination (Cook and Deng, 2005).

The problem of Abyei Area is one of the main causes that sparked the conflict again between the north and south after the conclusion of the Addis Ababa Peace Agreement in 1972. Since the British colonial authority arbitrarily decided to annex Abyei area to Northern Sudan in 1905 without the consent of the Ngok people, the area has been gravely devastated by policies of ethnic cleansing and counterinsurgency. Despite the conflict in Abyei area was resolved in the Addis Ababa Peace Agreement; the provisions concerning Abyei Area were deliberately ignored until the entire Addis Ababa Agreement was later abrogated. The CPA has recognized this thorny conflict by according the people of Abyei dual citizenship in the South and North, special administrative status under the Presidency and a referendum to determine their future administrative status. The people of Abyei area overwhelmingly supported the CPA as their aspirations have been adequately met (Cook and Deng, 2005). Lack of implementation of Abyei Protocol makes it now the most contentious flashpoint and litmus test to stability and peace in the Sudan. This poses a direct challenge to the USG's unique and special contribution to the CPA as the current Abyei Protocol is based on the suggested draft text prepared by USG and it subsequently makes USG to have major stake in the implementation of this Protocol.

Cultural, Ethnic and Religious Diversity as Virtue:

The cultural, ethnic and religious diversity is central to understanding the aetiology of civil war and violent conflict in Sudan, sustaining peace and laying down pillars for good governance. The ruling northern elite in Sudan opted to see such diversity as a curse and a threat to unity and strove to eliminate it by adopting Arab-Islamic paradigm as a framework for ensuring national unity and stability in the Sudan. This paradigm instead of unifying the country it has haunted Sudan and created division and deep sense of marginalization and exclusion that forced the rural Sudan to wage violent conflict against the centre.

The Sudan Comprehensive Peace Agreement has provided a golden opportunity for ending the violent conflict and a new basis for defining national identity and recognition of cultural and religious diversity as a virtue and a basis for peace building, citizenship and legal pluralism. Specifically the CPA has redefined the nature of state in Sudan away from Arab-Islam paradigm and recognized the cultural, religious and ethnic diversity as a virtue and the foundation for national cohesion in the new post-conflict Sudan. Specifically, the new Sudan has been defined as multi-cultural, multi-lingual, multi-racial, multi-ethnic, and multi-religious country where such diversities co-exist and are sources of strength, harmony and inspiration for the Sudanese people and shall not be used for causing division.

Also the CPA has provided for legal pluralism with the nationally enacted legislation having as its sources of legislation Islamic Sharia and the consensus of the people in Northern Sudan, while its sources in Southern Sudan include popular consensus, the values and customs including traditions and religious beliefs of the people. The CPA equally allows each state in northern Sudan to introduce new legislations that are consistent with religion and customs of the majority of its people and repeal those national legislations that are inconsistent with the will and customs of its people. Although the Islamic *Sharia* is recognized as one of sources of legislation in northern Sudan, the religious rights are generally guaranteed and protected by the CPA with religion or religious beliefs not to be used for patronization, hatred and division among the communities. In particular there shall be freedom of belief, worship and conscience for followers of all religions or beliefs or customs and no one shall be discriminated against on such grounds. The Interim Constitution of Southern Sudan has clearly separated religion from state affairs and guaranteed equal treatment of all religions with no any religion to be declared the official religion of Southern Sudan.

The CPA has supplanted the long-asserted Arab-Islamic paradigm of promoting Arabic as the only official national language by recognized all indigenous languages of the Sudan as national languages to be respected, developed and promoted with the legislature of any state of Sudan having a right to adopt any other national language besides English and Arabic as an additional official working language or medium of instruction in schools at its level. The Interim Constitution of Southern Sudan has even gone further and provided for the promotion and development of a sign language for the benefit of people with special needs.

4. THE CPA: A FRAMEWORK FOR SUSTAINING PEACE AND STABILITY

It took almost ten years and about half of the war period to conclude the CPA and that makes it one of the longest and meticulously negotiated peace agreements. Unlike other previous peace agreement in the Sudan, the CPA was signed by the National Congress Party and the Sudan People's Liberation Movement after they were clearly convinced that neither party was able to defeat the other party militarily. As such the parties to the conflict concluded the CPA on parity basis with each side recognizing the political and military strength of the other side. Despite the unpopularity of the National Congress Party in the Sudan, it was; unlike other northern political parties, bold enough to vehemently take courageous political decision such as acceptance of the right of self-determination to the people of Southern Sudan. The SPLM on the other hand with its overwhelming popularity and charismatic leadership conceded to Islamic agenda for the Muslim majority in the North with secular system in Southern Sudan and thus provides a framework of "one country two systems." The parity nature of the CPA is one of the inherent mechanisms that will undoubtedly contribute to the full implementation of the CPA.

The level of successful implementation of any peace agreement depends not only on its content but more importantly on the detailed mechanisms of its implementation. Unlike other previous peace agreements, the CPA has a detailed implementation modalities mechanism that charts out for each of its implementable clauses the timing, executing body, funding and process of implementation. The implementation modalities known in the CPA as "Global Matrix" are integral part of the CPA and their provisions are authoritative and supersede the original provisions in the main protocols in case of interpretations. In fact the Global Matrix has deadened any future conflicts that might arise during implementation and it has provided a solid basis for effective monitoring of the implementation of the CPA.

There are genuine concerns that the CPA may reach similar fate of other previous peace agreements (Addis Ababa, 1972 and Khartoum, 1992) that had been unilaterally abrogated and thrown into dustbin by the central government in Khartoum. The real question is what makes the CPA different from other previous agreements? Such genuine question can only be answered by assessing the organic and external mechanisms provided for ensuring the full implementation of the CPA.

4.1 Organic Mechanisms

The organic mechanisms that have been provided in the CPA to ensure its implementation include constitutional and democratic transformation, security transformation and economic transformation and detailed implementation modalities.

Constitutional and Democratic Transformation:

The CPA has adequately provided for the constitutional institutions that will ensure its full implementation. At the national level, the new Interim National Constitution has been agreed upon and it derives most of its authority from the CPA. The provisions of the CPA are all deemed to have been duly incorporated into the Interim National Constitution. In fact the Interim National Constitution is nothing but the main provisions of the CPA redrafted in a constitutional and legal language. The National Legislature consisting of the National Assembly and Council of States have been specifically mandated to oversee and ensure the full implementation of the CPA.

At the level of Southern Sudan, new and the first Interim Constitution of Southern Sudan has been adopted and provides for the establishment of an autonomous Government of Southern Sudan, independent Judiciary of Southern Sudan and Southern Sudan Legislative Assembly with primary responsibility of ensuring as well the full implementation of the CPA. Also all states of the Sudan have adopted for the first time in Sudan history their own interim constitutions that allow them to establish their own state governments, legislature and judiciary to guarantee the implementation of the CPA and provide them as well the check and balance mechanisms for good governance. This constitutional transformation has reshaped Sudan into a new country that upholds and respects the rule of law, bill of rights and fundamental freedoms and sovereign authority of people.

Besides this constitutional transformation, the CPA has vested sovereignty of the Sudan in the free will and choice of people of Sudan, particularly through fair general elections to be held by the end of 2009. The current power sharing arrangements are interim mechanisms till general elections that will mark a real democratic transformation. The necessary legislations (elections law and political parties act) are now underway and will certainly require wide consultation with all stakeholders so as to ensure transparent general elections. These general elections will give the people of Sudan an opportunity to freely choose the government and representatives of their choice and this will truly ensure the CPA to be people's peace as rightly stated by our late leader Dr. John Garang that "this peace (CPA) is your peace and it is not that of Bashir nor Ali Osman nor Dr. John . . . it is your peace." With general elections, the elected institutions of governance (assembly and executive) at all levels will not only provide check and balance for good and accountable governance but will also ensure the effective implementation of the CPA.

Security Transformation:

One of the important aspects of the CPA is the detailed security arrangements and the agreement on having a new National Armed Forces consisting of Sudan Armed Forces (SAF) and Sudan People's Liberation Army (SPLA) as separate, regular and non-partisan armed forces with a mission to defend the country and constitutional order, respect the rule of law, the civilian government and the will of the people. Besides SAF and SPLA forces, the CPA provides the formation of Joint/ Integrated Forces consisting of equal numbers from SAF and the SPLA as symbol of national unity and sovereignty during the interim period and to constitute a nucleus of a post referendum army of Sudan, should the result of the referendum confirm unity, otherwise they would be dissolved and the component parts integrated into their respective forces. These forces will be guided, as provided for in the CPA, by a new military doctrine that will promote a culture of peace, respect the rule of law, respect the basic rights and fundamental freedoms of all people, and the will and sovereign authority of people and to reflect as well the new political transformation as per the CPA.

Unlike other previous peace agreements, the fighting armed forces of the SPLM have not been absorbed but become an integral component of the Sudan National Armed Forces. The SPLA, consisting of all armed forces (Southern Sudan, Abyei, Nuba Mountains and Southern Sudan) that participated in liberation struggle, have a separate command and funding from the Government of Southern Sudan and external support as agreed upon in the CPA. Given its composition and nature of its funding, the SPLA will definitely act as a deterrent force against any disruption of constitutional order, rule of law or implementation of the CPA not only in Southern Sudan but also in Abyei, Nuba Mountains and Blue Nile.

The Government of Southern Sudan has allocated about 40 percent of its total revenue in 2006 and slightly below 40 percent for its 2007 to the SPLA. With the

SPLA gradually organizing itself into professional army, the security situation has improved considerably in Southern Sudan except when incidents, such as the violence in Juba and Malakal, are externally instigated. Despite the allocation of resources, the SPLA faces challenges in terms of increasing numbers of its forces as a result of absorption of former militias supported by the NCP for counterinsurgency warfare against SPLA, the arduous task of transforming the SPLA into a professional army, the limited capacity in management and procurement and limited access to and knowledge of military equipment markets.

Besides transforming the national armed forces, the CPA has made provisions to transform the Sudan National Security Service to a professional and representative national service mandated to define the new national security strategy based on analysis of new security threats and with its primary role to be advisory and to focus on information gathering and analysis. This transformation in the national security service is to be reflected in a new National Security Act and doctrine that will reflect this new mandate and the relevant provisions of the CPA. Although a new National Intelligence and Security Service has been reconstituted and restructured, the new act and doctrine are to be finalized as there are outstanding and contentious issues that need to be resolved and agreed upon by the Parties to the CPA.

Economic Transformation:

The economic guarantees are rarely considered in most peace agreements and failure in the implementation of such peace agreements is attributed in most cases to economic factors or absence of economic guarantees. One of the reasons that led to eruption of the second civil war in the Sudan after the Addis Ababa Peace Agreement was the limited revenue transfers from the central government to Southern Sudan reaching less than 4 percent of the total government annual revenue. For example the realized budget of Southern Sudan was hardly covering 20 per cent of the planned budget except in the first year of the peace agreement in 1972 when the realised budget reached about 40 per cent of the planned budget (Deng, 2003a). Even with increased oil production and rapid economic growth in the Sudan, the fiscal revenue transfer from the central government to the sub-national levels of government is less than 12 percent of the total government revenues (World Bank and UNDP, 2004).

The CPA has provided detailed and well defined fiscal revenue decentralization mechanism that will ensure availability of resources to all levels of government to discharge their functions, particularly the provision and delivery of basic social services to the communities. Fiscal and Financial Allocation and Monitoring Commission has been provided for in the CPA to monitor and ensure prompt transfer of equalization grants from the central government to sub-national levels as well as guaranteeing appropriate utilization and sharing of financial resources. The framework for the management of the oil and gas sector has been elaborately and adequately addressed in the CPA by providing for the establishment of an all inclusive National Petroleum Commission. Any oil producing state has been allocated, for the first time, at least 2 percent of the net oil revenue generated from within the state while the Government of Southern Sudan has been allocated 50 percent of net oil revenues generated from oil-field in Southern Sudan and 42 percent of the net oil revenues generated from oil-field in Abyei area. These fiscal and financial mechanisms will definitely provide the necessary economic guarantees for effective implementation of the CPA.

With implementation of the Wealth Sharing Agreement, the revenue transfers to Southern Sudan, northern Sudan states and three areas (except Abyei) have increased considerably as recently reported by the World Bank Report on Public Expenditure Review. Prior to the signing of the CPA, the revenue transfers to the three areas increased from zero in 2004 to 16 billion Sudanese Dinnars in 2006, while that of northern states increased from 12 percent of total revenues to about 28 percent in 2006. The transfers to Southern Sudan increased from 21 billion Sudanese Dinnars (2% of the total revenue) in 2004 to about 319.4 billion Sudanese Dinnars (18 % of total revenue) in 2006.

Despite such impressive transfers after the signing of the CPA, transfers to three areas are sluggishly behind the average transfer to northern states and their realized transfers are far less than the targets. Abyei area did not receive any revenue transfers since the signing of the CPA. For Southern Sudan, the relative revenue transfers after the signing of the CPA have been consistently far less than its share of the total population (about 33 percent) in the Sudan. Although FFAMC has been established, it did not pick up as it was under-funded and it took sometimes for its internal regulations to be agreed upon. The functioning of the FFAMC will greatly assist in transferring the fiscal transfers so as to achieve the objectives and commitment provided for in the CPA and INC.

Besides the considerable revenue transfers after the signing of the CPA, the commitment in the CPA and Interim National Constitution to combat poverty and attain the Millennium Development Goals (MDGs) is far from being reflected in the effective public spending towards poverty reducing programme. According to the World Bank Report on Public Expenditure Review (2006), the pro-poor spending in a year before the signing of the CPA was only 14.5 percent of the total public expenditure and it slightly increased to 17.5 percent and 19.3 percent in 2005 and 2006 respectively.

The National Petroleum Commission (NPC) has been established but it has not been effectively functioning till its internal regulations have been recently approved. With new internal regulations as agreed upon by the Government of National Unity and Government of Southern Sudan, the process of transforming petroleum sector will commence as the NPC will start working soon. Efforts are now on the way to resolve the outstanding issues related to the oil contracts entered into by the SPLM prior to the establishment of the NPC. Even with agreement on internal regulations of the NPC, the National Ministry of Energy and Power continues to unilaterally sign new oil contracts without approval by the NPC in accordance with the new regulations.

The major economic transformation after the signing of the CPA is the successful restructuring of the Central Bank of Sudan including the opening of the Bank of Southern Sudan and issuance of the new Sudanese Pound that reflects the cultural diversity of the Sudan. The new currency will certainly facilitate the smooth integration and harmonization of the Sudanese economy as well as facilitating the effective implementation of macroeconomic and monetary policies in the entire country. Despite such success, the conventional banking system in Southern Sudan is not yet effective as and Islamic banks are still operational in Southern Sudan contrary to the provisions of the CPA.

Foreign Policy Transformation:

The major transformation agreed upon in the CPA is the new Sudan's Foreign Policy to promote culture of peace, regional and international cooperation and good neighbourliness and mutual cooperation among our neighbours as well as commitment to non-interference in the affairs of other states and combat all forms of terrorism. Despite these noble principles as basis for transforming our foreign policy so as to ensure internal and regional stability, the foreign policy after the signing of the CPA did not live up to these principles and values. Instead our foreign policy continues with old mentality of aggression, antagonism and confrontation not only with some of our neighbours but even the entire international community, particularly on Darfur crisis. Such aggressive foreign policy adopted by anti-CPA members of the NCP has contributed not only to internal and regional instability and tension but it has slowed down the effective implementation of the CPA.

4.2 External Mechanisms:

Besides organic mechanisms that are critical for the implementation of the CPA, there are external mechanisms that would complement the organic mechanisms. It needs to be highlighted that experiences have consistently shown that external mechanisms are not by themselves enough to ensure the effective implementation of any peace agreement. The CPA is one of the few peace agreements that attracted immense international attention because of prolonged human suffering resulting from the recurrent and protracted civil war and conflict in the Sudan. The most important external factors that will help in the implementation of the CPA include the witnesses of the CPA, international monitoring mechanisms and international assistance.

In order to solidify their commitment to the CPA, the Parties to the CPA requested about 14 international and regional Organizations and States to witness the signing of the CPA as affirmation to their unwavering support to the implementation of the peace agreement. Among the international and organizations that are witnesses to the CPA are Inter-Governmental Authority on Development, African Union, European Union, the League of Arab States and the United Nations. The States that witnessed the CPA include Kenya, Uganda, Italy, the Netherlands, United Kingdom and Northern Ireland and United States of America. Such pronounced and outstanding witnesses will make the CPA as international commitment to making peace a reality in the Sudan.

International Monitoring Mechanism:

In addition to witnessing, the CPA has provided for establishment of an independent Assessment and Evaluation Commission, as an international monitoring mechanism of the CPA, consisting mainly of the representatives of the Parties to the CPA, international and regional organizations and states that are witnesses to

the CPA. The main function of the Commission is to monitor and conduct a mid-term evaluation of the implementation of the CPA. Although this Commission has been established and is functioning, it has not been effective enough in resolving the outstanding issues in the implementation of the CPA, particularly because of poor representation of other states and its limited mandate beyond monitoring and evaluation. Besides this Commission, the CPA has also provided for the establishment of a Ceasefire Political Commission and Ceasefire Joint Military Committee to supervise, monitor and oversee the implementation of the Permanent Ceasefire and Security Arrangements. While the Ceasefire Political Commission is co-chaired by the Parties to the CPA, its members are predominantly from international and regional organizations and States that are witnesses to the CPA. This Commission besides its monitoring role it is the only Commission that is mandated to recommend changes or amendments in the CPA, particularly the provisions related to ceasefire and security arrangements. The Ceasefire Joint Military Committee is chaired by the UN with membership from the SPLA and SAF and other countries acceptable to the Parties to the CPA. Although this commission and various ceasefire committees have been established a lot is desired to making them operational and effective. Again this internationally monitoring mechanism of the CPA will again add a considerable weight to ensuring the full implementation of the CPA.

International Assistance:

The international community through Operation Life-line Sudan (OLS), NGOs and community-based organizations has been generously active in addressing humanitarian needs since 1989. It is worth mentioning that the humanitarian assistance during civil war has, paradoxically, increased access to social services in Southern Sudan and even better than the level of access before the eruption of the civil war (Deng, 2003). With peace now in the Sudan, it is expected that the evolution of external assistance to increasingly shift away from the humanitarian and recovery toward development and long term capacity building as assessed by the Sudan Joint Assessment Mission. The CPA has provided for establishment of National Multi-Donors Trust Funds and Southern Sudan Multi-Donors Trust Fund (MDTF) to support urgent and investment budget costs and development priorities. It is estimated by the Sudan Joint Assessment Mission that the financing gap for the humanitarian (USD1 billion), reconstruction and development (USD 2.6 billion) to be about USD 4.6 billion for the first three years (2005–2007). For year between 2008–2011, it is estimated that the overall external financing needs will be at about \$1.5 billion per year between 2008 and 2011, falling sharply afterwards. It is expected that by 2011, Sudan's external assistance needs would have fallen to African averages, and that by 2015, Sudan would no longer require major amounts of external assistance.

During the donor's conference held in Oslo, Norway in April 2005 for mobilizing international assistance for the recovery, reconstruction and development of the post-conflict Sudan, the international community generously reaffirmed their support and solidarity with the people of the Sudan to making peace a reality by pledging a total amount of USD 4.53. This amount exceeds the humanitarian, recovery and development needs assessed by the Sudan Joint Assessment Mission but is slightly less if other needs such as Demobilisation, Disarmament and Reintegration (DDR) programme and UN peace-keeping operations (USD 6 billion) are taken into account.

With the signing of the CPA, the total pledges for humanitarian assistance remains considerably high and it amounted to about USD 2.8 billion while development assistance amounted to about USD 1.7 billion over three year from which about USD 600 to be channelled through Multi-Donor Trust Funds (National and Southern Sudan). About USD344.1 million is firmly committed to Southern Sudan MDTF and USD 166.4 million has been paid in. The actual disbursements to date are USD 54.8 mm with USD 38.2 mm (about 69.7%) as contribution from the GoSS. There six major grant agreements (rapid impact emergency programme, core fiduciary procurement, infrastructure, health, education and population census) have been signed and effective with a total amount of 270.6 million with GoSS contribution of USD 165.9 million (61.3%). Also public works programme (USD 12 million with GoSS contributing USD 3.6 mm) for 9 state capitals of Southern Sudan has been approved for funding from the Southern Sudan MDTF. Although substantial development assistance is been channelled outside the MDTF and poses a real co-ordination and prioritization challenge to the GoSS, sector budget working groups have been initiated to harmonize and coordinate all development assistance within the overall budget planning and prioritization process in Southern Sudan. It is not surprise that the international and regional organizations and states that are wit-

nesses to the CPA are up to their commitments and pledges. Such pledges if they are fully realized will undoubtedly contribute to sustaining peace, development, eradication of extreme poverty and hunger as well as attainment of other Millennium Development Goals.

5. THE CPA IMPLEMENTATION CHALLENGES:

Despite the elaborate and detailed organic and external mechanisms for ensuring the implementation of the CPA, the implementation of the CPA faces the following challenges:

a. NCP Extremists, Sudan Armed Forces and their Sponsored Militias:

The most likely spoilers of the CPA are the Muslim and Arab extremists in the Sudan, the same people who are committing the atrocities in Darfur. They are dissatisfied by the CPA, which limits their Islamic and Arab expansion agenda into Southern Sudan and beyond. After the signing of the CPA, a group of fanatic Muslims clerics, who called themselves the Legal Association of Muslims Scholars, issued a *fatwa* (Islamic religious verdict) labelling the SPLM and those cooperating with infidels against whom a declaration of Holy War is justified to halt their “devilish” doctrine and secularist ideology

The extremist and anti-CPA members of NCP are gradually asserting their rein in Sudan Armed Forces, Government of National Unity and NCP leadership and pursue a deliberate strategy of undermining the implementation of the CPA and destabilizing the SPLM-led government in Southern Sudan. This is well reflected in their defiance of the provisions of the CPA and public commitment by the President of Republic to abolish all former counterinsurgency militias but instead continue providing them with military support to commit atrocities and violations in most states of Southern Sudan (Upper Nile, Unity, Eastern Equatoria State, Jonglei, Central Equatoria and Western Bahr el Ghazal). Although President Bashir in his speech in Juba on 9th January 2007 admitted of initially supporting 40,000 militias with only 10,000 militias remaining now to be incorporated in SAF or paid off, our estimates suggest that there are still nearly 20,000 militias being supported and maintained by the SAF in Southern Sudan

b. Lords Resistance Army:

Given its brutal atrocities against the people of Southern Sudan and Uganda, the people and Government of Southern Sudan stand firmly with international community to wage counter-terrorism warfare against the LRA. As LRA had been sponsored and supported by the SAF as part of their counterinsurgency warfare against SPLA and to destabilize the Government of Uganda, the LRA continued committing such atrocities even after the signing of the CPA and formation of the GoSS. Coming out of war and having multiple challenges and pressing priorities, the GoSS offered to LRA three options: talk peace with the Ugandan Government or reallocate their forces outside Southern Sudan or face military confrontation with the SPLA. With acceptance of the Ugandan Government to talk peace with LRA, the GoSS found it necessary and logical to facilitate peace talks between the Ugandan Government and LRA with the aim of bringing peace and stability to Southern Sudan and Uganda. Even during peace negotiations which are at the final stage, the LRA is not only using the peace talks as platform to access media and press but it is seen not serious in concluding the peace talks as well as continuing to commit atrocities in Southern Sudan. Despite the denial of President Bashir on 9th January 2007 for not supporting LRA activities, the LRA continues committing atrocities in Southern Sudan and that made President Salva Kiir to ask SAF forces in Southern Sudan to stop supporting LRA and to convince them to conclude peace with the Ugandan Government. GoSS has equally sent a clear message to LRA to conclude peace talks with the Ugandan Government within a specified time otherwise its forces shall be expelled out of Southern Sudan.

c. Abyei Protocol: A Litmus Test to a Commitment to Peace in Sudan

The Abyei conflict was one of last issues resolved in the CPA with a firmed stand of the SPLM and considerable pressure from the international community, particularly the US Government. The Abyei Protocol is simple, clear and straight forward with special administrative status under the Presidency and a referendum to determine whether the area will be part of the South or North. The area of Abyei is to be defined and demarcated by Abyei Boundaries Commission as mandated by the CPA:

Mandate of the Commission:

“ . . . Abyei Boundaries Commission (ABC) to define and demarcate the Area of the nine Ngok Dinka Chiefdoms transferred to Kordofan in 1905, referred to herein as Abyei Area” (CPA: Abyei Appendix: Understanding of ABC paragraph 1:page 235).

Rules of Procedures of the Commission:

Besides this clear mandate, the CPA also provides for experts (US, UK and IGAD) in the Commission to determine the rules and procedures of the Commission:

“The experts shall determine the rules of procedure of the Commission” (The CPA: Abyei Appendix: Understanding of ABC paragraph 4: page 235)

Report and Decision of the Commission:

With clear mandate and rules of procedure of the Commission, the CPA also provides for the presentation of the final report and the decision making power in the Commission.

“The report of the experts, arrived at as prescribed in the ABC rules of procedure, shall be final and binding on the Parties to the CPA” (The CPA: Abyei Appendix: Understanding of ABC paragraph 5: page 235)

NCP Position on the Report of the Commission:

With the submission of the report by the Commission to the Presidency immediately after its formation in June 2005, the NCP has consistently rejected the report on the basis that the Commission has exceeded its mandate. This position became clear on the 9th January 2007, when President Bashir in his official speech during the celebrations in Juba of the Second Anniversary of the Signing of the CPA by stating the following:

“The experts of the Commission have exceeded their mandate and have failed to find a map describing the area of the Ngok Dinka transferred to Kordofan in 1905 . . . and instead the experts produced a map that describes the Ngok Dinka areas of settlement in 1965 . . . as the experts have failed to find 1905 map, they did not have the right to decide as such right rests with the Parties to the CPA”

SPLM/GoSS Position on the Report of the Commission:

The SPLM has consistently made its position clear that it shall abide by the outcome of the report of the Commission as per the provisions of the CPA. The SPLM initial stand on the settlement of Abyei conflict during peace talks was an outright annexation of Abyei area to Southern Sudan as the area was wrongly annexed by the British colonial authorities to Northern Sudan for their administrative convenience and against the will of the people of Abyei area. The Council of Ministers of the Government of Southern Sudan and Southern Sudan Legislative Assembly unanimously (including members of the National Congress Party) resolved in 2006 to accept the report of the Abyei Boundaries Commission and urged the Presidency to fully implement Abyei Protocol as part and parcel of the CPA. In his official speech on 9th January 2007 during the celebrations of the Second Anniversary of the Signing of the CPA, President Salva clearly echoed the stand of the SPLM and GoSS on the Abyei Protocol and the stated the following:

“On the Abyei Protocol, the SPLM and the GOSS stand firm in full support of the Abyei Border Commission (ABC) Experts’ decision. The decision of the experts is final and binding as per the CPA, on Abyei Protocol and neither party has no right to change it. The Experts never exceeded their mandate, but did what they were mandated to do. The people of Abyei must have a functioning Administration, so that they also enjoy the fruits of peace, they had struggled for. In the light of the deadlock reached by the parties in the CPA, I hereby take this opportunity to call upon IGAD, the friends of IGAD who helped in the peace process and the international community to help our partners to implement the Abyei Protocol without any further delays”

Assessment and Evaluation Commission on Abyei Protocol:

As it is mandated to monitor and assess the implementation of the CPA, the Assessment and Evaluation Commission sought for an independent legal opinion on the implementation of Abyei Protocol. AEC independent legal opinion clearly confirms that the experts in the Commission did not exceed their mandate but acted within the mandate agreed upon by the Parties to the CPA and finds that the Presidency has no any constitutional right to delay the implementation of Abyei Protocol,

particularly the establishment of Abyei administration with its special status under the Presidency.

It is clear from various arguments and evidence that the anti-CPA members of the NCP are using the Abyei issue to delay the implementation of the CPA and to ignite tribal tension between the Ngok Dinka of Abyei area and their Arab Missiryia neighbours who have not only been marginalized but they were excessively used by the NCP to cheaply fight the SPLM through counterinsurgency warfare and to destroy assets base and livelihoods of Dinka communities in Northern Bahr el Ghazal. Instead of implementing Abyei Protocol, setting up Abyei administration and to start the process of reconciliation and healing for enormous atrocities and gross human rights abuses committed by NCP during war against the Ngok Dinka of Abyei, the anti-CPA members of NCP are simply delaying the implementation Abyei Protocol to expedite the excessive extraction of oil in Abyei area (it is estimated that Abyei area produces not less than 65 percent of oil produced in Northern Sudan) with far reaching negative impact on rural livelihoods and environment in the area.

d. North-South Border Committee:

The North-South Border Committee is mandated per the CPA to demarcate the North-South borderline as of 1st January 1956. This demarcation is essential for effective implementation of Wealth Sharing Protocol, redeployment and withdrawals of forces as per Security Arrangements and conduct of the next population census. Based on the regular reports that we having been receiving from GoSS members on the Border Committee, the work of the Committee is dysfunctional because of deliberate intention by the anti-CPA members of NCP not to avail resources and budget for its effective functioning. The recent report by Assessment and Evaluation Commission also confirmed that lack of budget and resources is the main challenge for the functioning of the Committees and most activities have been delayed simply because of lack of resources.

As consequence of delay in the work of the Committee, most oil producing areas within the territory of Southern Sudan have now being wrongly considered as part of Northern Sudan and affected the share of GoSS in the oil revenue. Also the conduct of population census that is planned to be conducted by the end of this year or early next year may be affected and that will affect the timing of the general elections to be held by the end of 2009. Such delay will have a profound impact on the democratic transformation as provided for in the CPA. Other consequence of delay of the work of the Committee is the deployment of excess forces of SAF to Northern Sudan. SAF by now should have withdrawn 83% of its forces and the remaining 17% to be withdrawn by 9th July 2007. So far the SAF have withdrawn only 68% in greater Bahr el Ghazal and Equatoria regions and only 48% of its excess forces in greater Upper Nile region. Alarmingly most of the excess forces withdrawn from other parts of Southern Sudan are either redeployed in Upper Nile region (as border between North-South is not known) or in the areas adjacent to Southern Border, particularly in Southern Kordofan, Abyei Area and Blue Nile. This is a clear violation of the provisions of the CPA and sends a clear signal of the military intentions of the anti-CPA members of the NCP.

f. The Death of Dr. John Garang:

The death of the SPLM Leader, Dr. John Garang, was a big shock to the peace in the Sudan and threatenend not only the implementation of the CPA but indeed the future of the Sudan as a united country. Garang was one of the few leaders in Africa who strongly believed in and championed African renaissance and civilization, diversity and commonality as virtue and empowerment of the marginalized people. Sudan was the right place to start his revolution and to make such values, ideas and ideals a reality that would change the current daunting image of the Sudan. For many rural marginalized Sudan, Garang was seen not only as their saviour and liberator but a redeemer and beacon of their struggle and aspirations and vision of the New Sudan. During focus group interviews conducted towards the end of 2004, the people describe Late Garang as follows (Cook and Deng, 2004):

“He is like Jesus Chris.”

“We consider Garang to be like Moses, who took his people away from Egypt.”

The smooth transition of leadership to Salva Kiir Mayardit as the only credible, competent and legible successor of Dr. John Garang affirms to the world and people of Sudan the organizational maturity within the SPLM. President Salva Kiir in the eyes of most Southerners is seen as Joshua and the only person who could unite all Southerners and members of the SPLM and without him we would have seen disintegration and fragmentation within the South and the SPLM and fading away of the New Sudan Vision. Although the final report of investigation team, that was

set up to look into the causes of the crashed helicopter that claimed the life of late Dr. John Garang, did not provide conclusive and convincing finding, the people of Southern Sudan and Sudan are not prepared to lose their leader again in such a deadly accident. This poses a real challenge to the provision of security and protection to President Salva Kiir and leadership of Southern Sudan and SPLM. This will require specialized support in areas of protection and security, particularly in areas related to transport, personal security and communication.

g. Darfur Conflict:

The increased atrocities and suffering of the people of Darfur are not only unacceptable but they equally challenge the credibility of political commitment of our political partner (NCP) to peace and stability in the Sudan as per CPA. The situation in Darfur underscores the political marginalization of rural Sudan and validates the SPLM agenda of the New Sudan and transformation of Sudan as the basis for peace and stability in the Sudan. The link between people of Darfur and SPLM goes back to 1991 when SPLM sent its forces to mobilize the people of Darfur to join rural Sudan in their liberation struggle and fight against the centre for their rights, dignity and freedom. Even after the signing of the CPA, the late Dr. John Garang expressed his concerns of the huge UN forces to be deployed in Southern Sudan and three areas instead of Darfur where such forces were most needed to stop atrocities committed against the people of Darfur. Late Dr. John Garang and later on President Salva Kiir initiated the deployment of JIUs (SPLA and SAF) to provide security and protection to the civilian population in Darfur. Because of such long stand with the people of Darfur, the SPLM and GoSS do not only denounce the atrocities committed in Darfur but resolved to support the UN Security Council Resolution No. 1706 as the basis to protect lives and livelihoods in Darfur and ensure humanitarian access to the people of Darfur. The people of Southern Sudan sympathize with the beleaguered people of Darfur and President Salva has not spared any effort to help bring peace to Darfur on the basis of the framework laid in the CPA. The SPLM made a recognizable contribution to the talks that produced the Darfur Peace Agreement (DPA) signed in Abuja, Nigeria. President Salva has also been personally involved in exhorting and encouraging the other Darfuri armed movements that are still holding back to sign the DPA so that their concerns are considered to enrich DPA and to make it more acceptable to all Darfurians. President Salva is even exploring the possibility of involving the Sudan People's Liberation Army (SPLA) as part of the national armed forces to assist the UN peace keeping forces in Darfur.

6. CONCLUSION: URGENT STEPS AND ACTIONS

(a) *Anti-CPA members of the NCP:* As it is becoming clear that some elements of NCP are derailing the implementation of the CPA, the anti-CPA members of the NCP are to be exposed and their atrocities including misappropriation of oil revenue, public resources and abuses of public positions and gross human rights abuses committed against the people of Sudan are to be made public and to be brought to justice. Despite their defiance to UN Security Council resolution and USG sanctions as well as continuing committing atrocities in Darfur, the anti-CPA members of NCP are paradoxically getting stronger militarily, politically and economically. Simply there is a need for more, effective and meaningful pressures on the NCP to implement CPA.

(b) *Political Transformation:* Need to identify and support strategic democratic partners in the Sudan to champion the democratic transformation in the Sudan. In particular the agenda of the SPLM of the New Sudan is appealing to all Sudanese, particularly among rural population and modern democratic forces in Northern Sudan. Providing substantial assistance to the SPLM as political party will not only enhance democratic transformation but will provide a political platform for rural Sudan to bring effective political change and make unity of Sudan a possible outcome. Efforts must be made to ensure that general elections are held on time as agreed upon in the CPA and in transparent and accountable manner. We are aware that the anti-CPA members of NCP are not only slowing the implementation of the CPA but they are equally working hard to distort the necessary legislations and to manipulate the results of such elections if they are to be held. NCP must be made to commit itself to the coming general elections.

(c) *Security Transformation:* The deteriorating security situation in Southern Sudan caused by militias supported by the anti-CPA members of the NCP makes it essentially critical to support SPLA within security sector transformation and counter-terrorism agenda and to become regular conventional army equipped with necessary skills, facilities and equipment as deterrent forces for any violations of the CPA and terrorist activities in Sudan. It is critical that strategic regional countries

are to be mobilized as well so as to be on alert to ensure full implementation of the CPA and regional stability and peace.

(d) *GoSS as Strategic Change Agent in Sudan*: The Government of Southern Sudan is a key strategic springboard to bringing political change and peace dividends in Sudan around the values of democracy, good governance, secularism, non-discrimination, freedom and fair competition as enshrined in its interim constitution. These are the very values for which the people of US have fought and upon which they based their systems of governance. GoSS provides basis for realizing the vision of New Sudan and makes it a strategic ally to USG in the promotion of democracy and freedom in Sudan and the region. As anti-CPA members of NCP are keen to incapacitate GoSS so as not to deliver and make people of Southern Sudan dissatisfied with its performance, more tailored assistance in areas of development assistance, infrastructure development, agriculture and natural resources management, access to soft loans, governance, and rule of law, technical assistance and capacity building, transparency and accountability, petroleum sector, private sector development and US foreign direct investment, return of Diaspora and financial and procurement system will be urgently needed. USAID programmes and development assistance need to be scaled up and strengthened.

(e) *Nuba Mountains and Blue Nile*: As the people of Nuba Mountains and Blue Nile are becoming increasingly dissatisfied with the implementation of the CPA and coupled with drifting away of the focus of the international community away from their cause, more assistance to their governments or through NGOs and UN agencies will be extremely important. The recent Focus Group Discussion Report prepared by the National Democratic Institute (NDI) on the Three Areas depicted a rather pessimistic picture of dismay and disappointment of the people of these areas as they are gradually losing faith in CPA and with strong feeling of being abandoned and forgotten. These areas are strategic for the future of the Sudan in cementing relations between North and South, particularly if South opts to succeed.

(f) *Abyei Protocol*: The US Government, as part of its current pressure on the NCP, to make NCP accept the outcome of the Abyei Boundaries Commission report as final and binding as per CPA and to effect the special administrative status of Abyei area with Chief Administrator and Deputy Chief Administrator to be appointed by the President with consent of the First Vice President immediately from among and in consultation with the citizens of Abyei area. Based on the recent report prepared by NDI on the three areas and my recent visits to Abyei area, people of Abyei area are becoming increasingly impatient and have initiated their own administration to look after their affairs with assistance from UN agencies and NGOs operational in the area. Given the huge return of IDPs back to their home areas in Abyei area, more humanitarian and development assistance is urgently needed to assist in resettlement programmes initiated by local communities and supported by UN agencies and NGOs.

(g) *Assessment and Evaluation Commission (AEC)*: With slow implementation of the CPA, lack of punitive measures and actions to address and contain the bottlenecks and flashpoints in the implementation of the CPA, there is a compelling reason to strengthen the monitoring mechanisms provided in the CPA such as Assessment and Evaluation Commission and Ceasefire Political Commission. As we are now approaching the mid-term review of the implementation of the CPA, it becomes necessary to have a full time membership on the AEC, particularly from individuals who participated in the peace talks and with adequate knowledge of the Sudan context. In particular the USG full representation on the AEC will exceptionally be critical during the mid-term period of the CPA.

(h) *Darfur Conflict*: As conflict in Darfur is having a profound and far reaching impact on the implementation of the CPA, there is urgent need for the US Government to harmonize its approach to Darfur conflict, CPA implementation and counter-terrorism into one holistic strategy. As SPLM is more appealing and credible to all Darfurians movement, more efforts are needed to support the SPLM role in bringing on board all non-signatories to DPA. Given the credibility crisis experienced by SAF in the eyes of people of Darfur and as CPA recognizes Joint/Integrated Units (SPLA and SAF) as symbol of national unity and sovereignty during Interim Period, the US Government may need to push for the deployment of JIUs in Darfur as part of UN Peace Forces so as to gain confidence and trust among people of Darfur.

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TEXT SPEECH OF H.E. GENERAL SALVA KIIR MAYARDIT 1ST, VICE PRESIDENT OF THE REPUBLIC AND PRESIDENT GOVERNMENT OF SOUTHERN SUDAN ON THE OCCASION OF THE 2ND ANNIVERSARY OF THE SIGNING OF THE COMPREHENSIVE PEACE AGREEMENT (CPA)—JUBA, SOUTH SUDAN, 9TH, JANUARY 2007

A. GREETINGS AND OPENING WORDS:

- H.E. Field Marshall Omar Hassan Ahmed El Bashir, President of the Republic of Sudan
- Excellencies, Ministers and Representatives from IGAD countries
- H.E. Dr. Riek Machar Teny Vice President Government of Southern Sudan
- Hon. James Wani Igga, Speaker Southern Sudan Legislative Assembly
- Excellencies, Ministers, GONU/GOSS
- H.E. Major General Clement Wani Konga, Governor, Central Equatoria State
- Excellencies, Ambassadors and Representatives of Government and Non-Governmental International organizations;
- Members of the Diplomatic Corps; United Nations; UNMIS; and the World Bank
- Leaders of various Political Parties in Sudan
- Religious Leaders
- Distinguished invited Guests
- Compatriots, fellow Countrymen, Women, Youth and Children
- Ladies and Gentlemen:

Please allow me to seize this opportunity to salute and welcome you to Juba on this joyous day, marking the second Anniversary of the signing of the Comprehensive Peace Agreement (CPA) that ended decades of blood shed in our country. Allow me also at the outset to convey to you my best wishes for the New Year, 2007. A year we have dedicated for peace and development in our country. But much as we rejoice today on the celebration of the 2nd anniversary of the CPA, our nation is grieved to have such a wonderful day in the absence of our leader, Dr. John Garang de Mabior, the icon and the architect of the Naivasha peace negotiations that culminated into the signing of the Comprehensive Peace Agreement, we are celebrating. Dr. John Garang de Mabior, whose tomb lies here in Juba, stands as an

everlasting monument of courage, vision and purposeful determination. Late Dr. John shall neither be forgotten by our nation, nor by the generations to come. May the Almighty God rest his soul in eternal peace!

I also pay tribute to my brothers and sisters, sons and daughters who made the ultimate sacrifice so that we enjoy the fruits of peace. War, indeed, had its heroes and martyrs on both sides of the trenches, and the memory of their sacrifices shall never be extinguished from our minds.

On behalf of you all, let me extend our welcome and thanks once again to all those who have converged in Juba to share with us the joys of this day, to offer us words of encouragement and support to sustain the CPA.

I salute Field Marshall Omer Hassan Ahmed El Bashir, the President of the Republic and all members of his party, the National Congress, and at the top of the list, the Vice President of the Republic, Ustaz, Ali Osman Mohd Taha, for the courageous and historical step they took as party leaders to sign such a brave peace agreement with the SPLM, which ended decades of war in our country.

I salute the SPLA officers, NCOs, men and women, for without them this day would not have come to pass.

Excellencies, Ladies and Gentlemen:

Allow me also to salute the IGAD countries and IGAD Partners Forum (IPF) for their tireless efforts during the tough peace negotiations between the SPLM and the then Government of Sudan and especially, my brother, Rt. General Lazaro Sumbeiywo, who is always referred to as the midwife of the CPA. I hope he is here with us, please accept our word of appreciation.

Twelve months ago, Dear Compatriots, I stood before you on this platform to celebrate what I then called the finest moment in Sudan's modern history: the conclusion of the Comprehensive Peace Agreement. Today, I also stand before you to make an honest stock-taking of what we have achieved and what we have failed to achieve in translating that agreement into tangible realities that people like you, Dear Compatriots, see and live.

As a man who affixed his signature on the Machakos Protocol, the Framework Agreement on which the CPA was based, I shall not dishonor my history by turning my back on those agreements. And, as a leader I shall not dishonor it by keeping silent on any violation of the Agreements. Indeed I acknowledge that there are failures on our part that led to delays in the CPA implementation. We boldly admit those failures, but I shall not make the failures of others to be my own.

Need I to tell you, Dear Countrymen, that the man who stands before you now wears three hats: the hat of the First Vice President of the Republic, that of the President of the Government of Southern Sudan as well as the hat of the SPLM Chairman, the party signatory to the CPA. My responsibilities therefore, diverge and intertwine and in taking stock of what were achieved, or not achieved, I shall wear those hats interchangeably.

Fellow countrymen / women:

I have called, in my address to you last year, the CPA as a milestone in our modern history, and indeed it is. The CPA was carefully negotiated over a long period of time. The document is detailed and comprehensive; it ushered in radical change in Sudan's body politics in order to put an end once and for all to armed conflicts in our country and stifle potential sources of conflicts.

It was designed to ensure an equitable and transparent distribution of wealth and resources. It was intended to create a level of ground for all Sudanese political forces so that they compete freely, in their multiple diversities, and so that the Sudanese people themselves democratically choose their leaders in free and fair elections. Above all, it has ensured for you the people of Southern Sudan, the right to self-determination while urging us to create an environment for making the unity of our country an attractive option.

As leaders, the question would now be, are we working towards making the unity of our country attractive or have we achieved any of those goals?

The answer is regrettably NO! Problems, serious problems still remain to be resolved. The first dividend of peace is security of persons and property. Peace evidently is being frustrated by a number of factors. For those peace breaches which were locally-bred, our infant security institutions promptly and adequately were able to resolve them.

Equally, country citizens, your government, the GOSS inherited a security situation involving outside forces, namely that of the LRA. That situation was a cause of concern to our government as well as to that of neighboring Uganda. In dealing with it, our government opted to seek a peaceful settlement to the conflict through mediation between the government of Uganda and the LRA. Cease-fire was declared

and it still holds, while the on and off negotiations are on course. All the same, there are still elements who wish to wreak havoc in other parts of Southern Sudan with the support of those who do not want the South to be peaceful. This will not be allowed to continue un-ended. LRA will have to choose between war and peaceful settlement of the conflict, otherwise the GOSS will not mediate while its citizens are being butchered. Compatriots, please allow me to walk you through the long list of the Comprehensive Peace Agreement violations by the combined elements of the Sudanese Armed Forces and their allies.

B. THE SECURITY SITUATION IN SOUTHERN SUDAN TWO YEARS AFTER THE CPA:

- The continuous military support from the Sudanese Armed Forces (SAF) to the various armed groups in Southern Sudan, including the Uganda rebels, the Lords Resistance Army (LRA) is still alarming.
- The Sudanese Armed Forces (SAF) support to the militia in Southern Sudan, resulted in the recent military confrontation in Malakal, where more than 130 people were killed. This was un-called for and should have been stopped by our partners before it could reach that stage.
- The killing of more than 38 innocent civilians along Juba-Torit, Nimule and Bor roads in October this recent past year, resulted in capturing 15 members of SAF within the JIU around Juba. As we speak 10 of these culprits are in our custody. Five captives were released by a Senior SAF Officer to unknown areas. We demand that these criminals are brought back to prison for trial or else, we charge the officers responsible for their release.
- The security situation in Western Bahr El Ghazal (Wau) remains volatile and can erupt at anytime due to SAF's logistical support to the pro-Government militia commander, Major General Tom El Nour, who is up to this date, in Sudan Armed Forces' pay list. Gen. Tom El Nour and his colleagues, Gabriel Tanginya and Thomas Mabior Dhol are accorded direct access to the National Media where they are given wide coverage especially by Radio Omdurman, which is under full control of the NCP. The PDF, Fursan and other militia groups including the Ambororo are settling in Raga area, displacing the citizens from their land.
- The oil fields in Western and Eastern Upper Nile State are increasingly becoming breeding grounds for inevitable military show-down between the SAF, its proxy militia against the SPLA forces, given the present Ministry of Energy's policy of creating the so called "Petroleum Police Force," the role that should have been delegated to the JIUs a long time ago.
- The recent call by the Government and the people of Southern Sudan for handing over the two militia generals, Gabriel Tanginya and his co-suspect, Thomas Mabior Dhol, who orchestrated the recent Malakal shoot-out has not received any response, so our partners in Khartoum, are harboring the two wanted militia generals. I am still urging H.E. the President of the Republic to let these criminals be handed over to the Government of Southern Sudan for trial.
- The deadline for the disbandment of Other Armed Groups in Southern Sudan as stipulated by the CPA has expired since 9th, January 2006. But they are still being maintained by the SAF.
- The Minister of the National Defense in the presence of H.E. the President of the Republic, promised that on 18. 12. 2006 all their militia, operating in Southern Sudan would be completely disarmed or disband. This has not happened up to this date. The people of Southern Sudan and the GOSS hold the minister concerned responsible for all these violations that have claimed innocent lives in our country at the very moment when peace already prevails.
- Dear Compatriots, as we speak now, these violations are going on live. A truck coming from Nimule on Sunday (two days) ago was ambushed by some elements believed to be SAF supported militia. Four people were killed in cold blood. The question one would like to ask our partners, the NCP is: for how long would they continue supporting these elements? And what is the ending result that they want to achieve? The people and the GOSS, hereby appeal to H.E. President El Bashir and the entire leadership of the NCP to restrain SAF from these activities and give peace a chance.

C. ABYEI PROTOCOL:

- On the Abyei Protocol, the SPLM and the GOSS stand firm in full support of the Abyei Border Commission (ABC) Experts' decision. The decision of the experts is final and binding as per the CPA, on Abyei Protocol and neither party has no right to change it. The Experts never exceeded their mandate, but did what they

were mandated to do. The people of Abyei must have a functioning Administration, so that they also enjoy the fruits of peace, they had struggled for. In the light of the deadlock reached by the parties in the CPA, I hereby take this opportunity to call upon IGAD, the friends of IGAD who helped in the peace process and the international community to help our partners to implement the Abyei Protocol without any further delays.

D. NORTH/SOUTH BOUNDARIES COMMITTEE:

- Up to now, the North-South Boundary Committee is dysfunctional. Thus most of the oil producing areas belonging to the south, now wrongly annexed to the northern Sudan, have potential oil deposits which, the South does not get any share. According to the Wealth Sharing Protocol, only oil revenue generated in the South is subject for 50% share. But oil produced in the north, the south gets zero percent.
- The demarcation of the North-South boundary is essential in ensuring withdrawal and redeployment of the forces as per the Security Arrangement Protocol. Another important aspect in this exercise is to ensure referendum process as per the Machakos Protocol. Up to the 9th of January, 2007, the SAF is supposed to have withdrawn 83% of its forces, the remaining 17% to be withdrawn by 9th, of July 2007. So far the whole of Upper Nile State, Unity State, and parts of Jonglei State still remain under the SAF occupation.

E. DEMOCRATIC TRANSFORMATION:

My comments on the CPA implementation, Dear Compatriots, shall not be complete without addressing the issue of democratic transformation. As a party that pledged ourselves, in the Machakos Protocol, to the creation of a system of rule of law based on justice, democracy, good governance, and the upholding of human rights and the values of tolerance in diversity, I shall be remiss if I do not draw attention to inexplicable delays in the implementation of the political reforms dictated by the CPA and stipulated in the National Interim Constitution. Laws that contradict the constitution are still in the books. They are to be urgently removed. Practices that are incompatible with the Bill of Rights, indeed obstructive to the exercise of those rights, still continue with impunity. As a party to the CPA, the SPLM has publicly distanced itself from actions such as censorship of the press and the banning of lawful assemblies. No one has the right to set bounds on the exercise of those rights as they are expounded in our constitutions: the Interim National Constitution and the Interim Constitution of the Southern Sudan.

The rights of non-Muslims, especially in the National Capital, are a cause of concern. We have sought at Naivasha to protect those rights and succeeded in agreeing on a legal framework for such protection. The most flagrant abuse to those rights took place on New Year's Eve at All Saints Cathedral in Khartoum. Khartoum's law-enforcement agencies gave themselves the right to enter that Cathedral, purportedly in pursuit of certain trouble makers and threw tear gas canisters at worshippers who were going through their rites on a day celebrated by Christians all over the world. Hon. Abel Alier, former Vice President of the Republic and President of the then High Executive Council of Southern Region was crashed by the panicking crowd. Thanks God he survived it.

In this situation one may ask who, are the real trouble makers? I wonder whether those who trampled on that place of worship on such a holy day were ever aware of what the CPA has ordained on respect of places of worship of all religions. This disdain for the beliefs of others must be stopped and those who were responsible for the incident in All Saints Cathedral must be held accountable.

I know where you, President Bashir and our other colleague in the Institution of the Presidency, Üstaz Ali Osman Mohd. Taha, stand on this and other issues relating to democratic transformation. But if there are elements who are unable to live with democratic transformation, they should either reform, or they too, be taken away from the road to peace. The CPA and our Interim Constitutions are solemn documents. They are to be obeyed and implemented, but not frustrated by any body, especially those who gave an oath of allegiance to them.

For the democratic transformation to be achieved timely, the concerned parties must comply with the time table of the national elections that is to take place four years after the signing and hopefully full implementation of the CPA. We in the SPLM guarantee the 25% for our women and will ensure that our Diaspora also equally and fully participate during the elections. Other political Parties need to be funded to ensure electoral process where there is equal opportunity for all parties in the country to compete on the equal footing.

Darfur

While we are now celebrating peace, dear compatriots, Darfur still bleeds. Together with our partners, we have been working hard with the help of sisterly countries to bring peace to that dear part of our country. That mission is not complete. It is frustrated by the increasing attacks by the Janjaweed, by the so-called 'Borders Security Forces' and regrettably by the meaningless split of the Darfur political forces. We shall continue our efforts as a party and a government to find a permanent solution to those problems.

Dear Compatriots

Let me also add another word of caution. We in the SPLM, the other signatory to the CPA, are one party united in vision and objectives. Our commitment to the CPA is unwavering. This is what I call on all our partisans and members, at all levels, to uphold. This is also what I know our partners are fully aware of. However, there are certain elements who wish to divide us into what they call *Aulad Garang and Aulad who?*, I do not know. May I, therefore, unequivocally say that our Late Leader, may his soul rest in eternal peace, has bequeathed on us, alongside the CPA, a vision and a message. This vision and that message have indelibly impressed themselves on our minds, and to them we remain committed. Those words, I call upon those who wish to see us divided to abandon their illusions or delusions on what the SPLM stands for. The SPLM, and I as its leader and as President of the Government of Southern Sudan promise all, and above all our partners that we shall stand firm by our commitment to the genuine implementation of the CPA and the resolute partnership with the National Congress Party to achieve that goal.

Dear Citizens,

In the past twelve months I had occasion to visit almost all the IGAD countries and the Troika states. In those visits I discussed, among other things and at the highest levels, progress made in the implementation of the CPA as well as delays in such implementation and the causes of these delays. But the implementation of the agreement depends in the first place, on us, the Sudanese. We are both the signatories and beneficiaries of this agreement. We are therefore, duty-bound neither to fail our people inside, nor our friends and well-wishers outside.

Dear Citizens,

I recall, once again my address to you last year on the First CPA Anniversary. I told you then that I commit myself before God and our people to serve you with prudence, diligence and in all transparency. I have nothing to hide and wish every one of you, especially those in government to be the same. I also promised you to fight corruption in public life with all the might of the law. To achieve that end, we have constituted, with the approval of Southern Sudan Legislative Assembly, the Anti-Corruption Commission, with powers to protect public property, investigate cases of corruption involving public officers as well as the private sector and combat malpractices in public institutions. That Commission has my full support and, therefore, should never shy away from addressing corrupt practices from wherever they derive including the Presidency and the Cabinet offices. **NO BODY IS ABOVE THE LAW. I repeat, NO BODY IS ABOVE THE LAW.**

However, allow me also to put the issue of corruption in context. Infant regimes emerging out of conflict situations with weak government institutions become prone to attacks by corrupt elements from within and from outside. Accordingly, the strengthening of our administrative institutions, the reinforcement of our laws especially those relating to contracts, financial management, procurement and the toughening of our public audit are pre-requisites to the fight against corruption. I therefore call upon all those concerned in the Ministry of Legal Affairs and Constitutional Development, the Auditor General Chambers and the Southern Sudan Legislative Assembly to double their efforts so that appropriate laws, institutions and measures are put in place.

Of late *Dear Citizens*, a series of accusations against some of our ministers and officers were made public especially in the Khartoum press and other media, such as Internet. Let me say loud and clear that every person and any person to who an accusatory finger has been pointed at must fend for himself/herself. And has the legal right to clear his/her name and honor. But on my part, I censure any attempt to use corruption as a tool of political blackmail, intimidation or defamation. Corruption is a disease whose affliction is not limited to Juba or the Government of Southern Sudan. It is prevalent, regrettably, all over Sudan. That is why I call upon all forces in our country: North, South, East and West including government legislative organs, the media and civil society organizations, to mount a national campaign

against corruption at all levels of governance. Attacking corruption out of context allows it and its perpetrators to escape unhurt.

Dear citizens

On this day of joy and happy celebration, I chose to speak frankly and openly. If I have chosen otherwise, the celebration would have been a sham and the rejoicing hollow. Nevertheless, I did so while looking forward with hopeful expectations to brighter days and a better future to all of us. So let us gather our energies, tax our brains and exercise our minds to achieve those hopes through the full implementation of the CPA

Compatriots, fellow countrymen/women:

Before I conclude, I must now wear one of my hats, that one as the President of the Government of Southern Sudan. Our stock-taking exercise of what has been achieved and what has not been achieved in the last twelve months is now directed to your Government of Southern Sudan, (GOSS). Finding out what has your Government (GOSS) achieved in the last twelve months.

During the second opening session of our Parliament (Southern Sudan Legislative Assembly, September 2006, your government presented a blueprint document known as a *200 day plan of action*, as a means to move forward as quickly as possible; the framework for this was provided by the time-bound Action Plan. That Plan clearly specified a limited number of priority policy actions, activities, projects, and programs, which we in the government were committed to complete in a specified time frame. This was what the 200 Day Action Plan intended to achieve.

In that regard, my office has received numerous reports from various ministries detailing what they have done as individual ministries within the specified period of time. However, within each of those selected goals, the Government of Southern Sudan and its development partners had intended to take many critical actions; stressing that, during the 200 days, the myriad of formidable challenges facing the Government and its people in Southern Sudan would not be overcome. However, through this short-term of 200 day Action Plan the Government intended to engender an implementation culture in the public service and to lay firm foundations for a concerted and sustained development Programme for the citizens of Southern Sudan.

As for the reports from the GOSS ministries, time would not allow me to read out the achievements and failures of each ministry, but I call upon the members of the media and press to interview all GOSS ministries so that our general public is well informed about the activities each has carried out in that specific period, outlining achievements and failures of each of them. That way, our people will be well served with the information they deserve to know about their government operations.

Our distinguished guests, Ladies and Gentlemen, I wish all of you a joyous time with us here in Juba and safe return to your various destinations.

Thank you, God bless.

Mr. PAYNE. Thank you very much. Mr. Benjamin?

STATEMENT OF MR. BARNABA BENJAMIN, MINISTER FOR REGIONAL COOPERATION, GOVERNMENT OF SOUTH SUDAN

Mr. BENJAMIN. Your Excellency, Mr. Chairman, Congressman, Chairman Payne, your colleague, Congressman Smith, we are extremely thankful to be with you this afternoon so that we can share together the problems of my country, the Sudan.

Perhaps it is important that I really accord the importance of the Comprehensive Peace Agreement in the light of our late chairman, the importance I attach to that agreement. He says, after concluding and signing that great agreement, he said, "We have had a tortuous and difficult climb, and now we have reached the apex of the mountain of peace. What remains down the hill is flat ground and a few homes." That is the Comprehensive Peace Agreement. He did realize, and he alerted us, yes, there would be problems, and these problems would be manageable.

Secondly, I would also like to thank the previous witnesses, especially Mr. Roger Winter, the former special representative of

Sudan, to the deputy secretary of state, and also to Congressman Wolf. I am sure they did cover some of the issues which are very relevant and important, insofar as the CPA is concerned.

Thirdly, Your Excellencies, I am equally delighted because this hearing is happening at a time when the Government of South Sudan has just opened its liaison office here in Washington. This office is very important because, in fact, the functions and the duties it is mandated to do are relevant to the strengthening of the relationship between the people of South Sudan and the people of the United States because it relates to strengthening the Comprehensive Peace Agreement that we have signed because it would be related to issues that it is supposed to establish, develop, and maintain good relations and cooperation with foreign governments, foreign governmental organizations, and associations for the mutual advantage in areas in which we would like the CPA to be strengthened, and that is in areas of trade, in areas of investment, culture, in areas of sports, education, credit loans, grants, and technical assistance.

So what I would really do is why we have come here to represent our people, to represent the people of South Sudan and other marginalized areas, as well as the position of the Sudan Peoples Liberation Movement.

The Comprehensive Peace Agreement, as we realized, Mr. Chairman, was not only negotiated by the SPLM and the people of South Sudan. It involved our other partners, which is the National Congress Party, as well as the international community, which was a strong coalition which was led by the Government of the United States.

So we have come here as allies, as allies that have committed themselves to bring peace to the Sudan, and we have come here to share with you what we have done as a responsible political party, the Sudan Peoples Liberation Movement, which is the leading partner in the context of the Government of South Sudan, and, at the same time, a partner in the Government of National Unity.

We have come here to share with you that we have done a good job, Mr. Chairman, in light of our background, a liberation movement that fought war for over 21 years, 21 years of the suffering our people have gone through, 21 years in which we have been trying to reverse the history, the sad history, our people have gone through: The history of killing, the history of being refugees, the history of being displaced from your homes, the history of being hungry in your own country, the history of being enslaved, the history of being humiliated, the history of having intolerance to the religious multi-character of our country.

I think the things that the Government of South Sudan, under the leadership of the present chairman, President Salva Kiir, who has inherited our lately deposition, I think, is very laudable that we must share. We have managed. We have a responsibility to give the dividend of peace to our people, and that had entailed, with a small budget of 1.3 billion U.S. dollars, this money was intended in order to give the requirements and the needs that ordinary people need, the basic needs of human rights, and that is simply clean water, simply good roads, simply education, simply health centers,

simply security structures, democratic structures, and this we had to handle within this.

We are sure the demand is great and tremendous, and that is why we seek your friendship, because the United States Government, and particularly the role, the leadership that this country has played, beginning even with the former Clinton administration coming to that, even the Reagan administration, and when Bush senior was the Vice President, did take part in trying to see to bring peace into Sudan. President Carter has tried to do that, and now we have President Bush, who has done a tremendous job that has ended one of the most serious conflicts in our country.

We believe that we have a common interest, Mr. Chairman. The Government of South Sudan, with the SPLA as a national army under the Government of South Sudan, can be a counterterrorism measure in our region, within the context of our country itself, as well as within the context of the region, knowing the neighbors we have. We are aware of what is going on in the Central African Republic, what is happening in Uganda. We are involved in with the Lord's Resistance Army. You know what is happening in Somalia and all of these territories.

So with the Sudan Peoples Liberation Movement and the Sudan Peoples Liberation Army there is a great need to strengthen the Sudan Peoples Liberation Army because it is the only guarantee that the people of South Sudan have. We do not have any other guarantee. It is a deterrent. It is not to go to war, but it is to make the reality of peace to come to our people.

So we ask your assistance because, as partners in bringing about the Comprehensive Peace Agreement, we believe it is our combined responsibility to see that those who are the spoilers and those who are bent, especially the National Congress Party, where some extremist elements are out to destroy that great agreement. We are aware of the history of so many agreements that have been signed between the North and the Southern Sudan, Your Excellencies, and most of these agreements have been broken.

What is the guarantee? We are aware of what the CPA tells us. The CPA guarantees that the people of South Sudan shall have, and will have, the right to decide, on a voluntary basis, what the future will be, and we have a choice of two, Mr. Chairman: Either to maintain the unity of our country, unit and diversity, where there is a rule of law, where democratic principles are enshrined, where the multiparty system exists, where religious tolerance is enshrined, and, at the same time, if that will not work, there is the other alternative.

The other alternative is that the people of South Sudan have the choice to opt out of this union, and I think it is the duty of the Government of South Sudan, with the help and assistance of the international community, including your government, that we prepare the two options so that, at the end of the day when the decision is made, our people will be in a position to realize that they could be competent enough to meet the challenge of the choice of our people.

I must say, Your Excellency, Mr. Chairman, that the role of the United States and the help they have given us is tremendous, but we can go on and have a catalog of what the National Congress

Party, who is our partner in the Government of National Unity, has not done to implement the Comprehensive Peace Agreement. Our leadership, at the level of the party, at the level of the government, has negotiated to try and resolve these issues, but we have not had any end to them.

That is why I think the time has come that our President, Salva Kiir Mayardit, was right to say, Look, we need an international assistance in order to have the rulers and the National Congress Party elements in Khartoum realize the importance of implementing the peace agreement.

We know the nature of the Government of National Unity. According to CPA, the presidency and the structures; we know the President of the country is controlled by the National Congress Party. We are aware they are the majority in the government, in the Parliament. They control people in the government. In the light of that, we had a provision in the Comprehensive Peace Agreement which indicated that decisions, major decisions, of the country shall be decided upon true consensus.

What have we got? I will give you one example. We had the issue of the U.N. troops in Darfur where clear-cut differences in position are. Our position, the position of the SPLM, and the position of the Government of South Sudan is clear, that we are for U.N. forces in Darfur for reasons which are known to us. We come from a background of suffering. We come from a background where we have lost most of our relatives, where destruction has completely left our territory completely a land of destruction.

We realize that as a part of the Government of National Unity that the capability to contain and bring peace in Darfur was not feasible. So you have the CPA, which is the nucleus, Mr. Chairman, for resolving all of the conflicts in our country, and that is why the Sudan Peoples Liberation Movement and the Government of South Sudan participated in seeing that the peace in Darfur, especially during the Bush talks, the SPLM played a major role.

In fact, my time is out, Your Excellency, but there is much to say. As we say in the liberation struggle, Mr. Chairman, we have been fighting for 21 years and have little time to talk, but I have 10 minutes here, which is too little to compensate. But I must say, we have come here, and I repeat, we have come here, and maybe to remind ourselves, Congressman Payne, that in our principles, in our Christian beliefs, we are reminded when we say the Holy Sacrament, we say, although we are many, we are one body because we share in one bread. And our Lord, Jesus, reminds us, and he says that knock, and it will be opened; ask, and you will be given.

We have come here to knock and to ask for assistance, and that is why we are here, because the stake that the destruction of the Comprehensive Peace Agreement can bring would be a disaster to our people; and, therefore, this is, as my colleague has said, it is really, as we say in Africa, it is the first caught crow that we are trying to alert you that there is more to be done in order to assist the Government of South Sudan to deliver the dividend of peace and to realize the hopes and the aspirations of our people, and I thank you.

[The prepared statement of Mr. Benjamin follows:]

PREPARED STATEMENT OF MR. BARNABA BENJAMIN, MINISTER FOR REGIONAL
COOPERATION, GOVERNMENT OF SOUTH SUDAN

Your Excellencies
Honorable members of the US Congress
Distinguished Guests
Dear Friends of the Southern Sudan
My-fellow Citizens of the Sudan
Ladies and Gentlemen

Good Afternoon!

It is indeed appropriate and especially fitting that my appearance before this Congressional Hearing this afternoon, makes it possible to remind ourselves with a quotation from our Late leader, Dr. John Garang de Mabior. This great visionary Leader said on the signing of the Comprehensive Peace Agreement; and I quote; *"We have had a tortuous and difficult climb and now we have reached the apex of the mountain of Peace. What remains down the hill is flat ground and a few humps."*

Ladies and Gentlemen, the few humps down this mountain of Peace in the Sudan that Dr. John Garang alerted us to by then; are to us today, the difficulties and challenges we are encountering in the implementation of the Comprehensive Peace Agreement (CPA) since January 9th 2005 up to now January 2007!

Indeed, my colleague the Minister of Presidential Affairs in the GOSS, Dr. Luka Biong will definitely give a statement and testify on the matter of challenges facing the GOSS with regards to the CPA implementation.

Perhaps, before I proceed with my statement/testimony that I am allowed to convey to Your Excellencies as well to the Government and the people of the United States of America, *'The New Year's Greetings and Best Wishes'* from our President, General Salva Kiir Mayardit. In fact, he sends you the best of seasonal greetings in his capacity as a gentleman that wears three hats! He is the First Vice president of the Republic of the Sudan, equally the president of the Government of Southern Sudan (GOSS) and also the Chairman of the Sudan Peoples Liberation Movement (SPLM) and Commander in Chief of the SPLA. The Sudan Peoples Liberation Movement SPLM is the Partner with NCP (National Congress Party) in the implementation of the CPA.

Your Excellencies, my appearance before you coincides with the Launching of our Liaison office here in Washington DC. This office will specifically handle matters that are the concern of the Government of South Sudan (GoSS). It is tasked with the responsibilities to promote bilateral and multilateral Development Cooperation Agreements. Secondly, this launching is taking pace on the second anniversary of the signing of the CPA. This is a great milestone in enhancing cooperation between the GoSS and the US government. It equally emphasizes our commitment in the implementation of the CPA.

It is therefore necessary to inform ourselves of the mandate that empowers the GoSS to create the Ministry of Regional Cooperation (MRC) and thus establish Liaison offices across the globe. In this regard, I've a quotation from the Interim Constitution of Southern Sudan 2005; Chapter one article 46;

"The government of Southern Sudan (GOSS) shall establish, develop and maintain good relations and cooperation with foreign governments, foreign Non-governmental Organizations and associations for mutual advantage in trade, investment, culture, sports, education, credit, loans, grants, technical assistance and other field of development cooperation."

Therefore, this constitutional mandate reflects the contents of the Comprehensive Peace Agreement (CPA), and requires the Government of Southern Sudan (GOSS) to implement the responsibilities as indicated in article 46 of the Interim Constitution of Southern Sudan.

Distinguished Guests, we must realize that the CPA has brought to a dignified end decades of bloodshed in our Country. This war has killed two and half million innocent people and another four million displaced as IDPs in addition to half a million as refugees in exile. This in comparison to the disaster of Darfur of nearly five hundred thousand people killed and nearly two million as internally displaced and over one hundred thousand people in exile as refugees in the neighboring Chad. At present, Darfur has attracted both the international political attention as well as most humanitarian assistance intended for the support of the CPA in Southern Sudan. That we understand, but the CPA must equally be kept in focus, Mr. Chairman.

Indeed, it is clear to all of us that the CPA was brought about with the involvement of the IGAD Countries, the IGAD Partners Forum (IPF) and the International Community at large. There is no doubt, Mr. Chairman that the United States Gov-

ernment together with some members of the Senate and US Congress including the people of the United States have played a significant and strategic role in bringing about the successful signing of the Comprehensive Peace Agreement (CPA) on the 9th of January 2005. It is no exaggeration to say that the CPA is a success story and one of the finest US Conflict resolutions that the United States government is applauded for in the whole continent of Africa and the rest of the world. I'm sure, the former secretary of States, Mr. Collins Powell did participated and signed on behalf of the US government.

We in the government of Southern Sudan and particularly the SPLM are mandated by the nature of the of the Comprehensive Peace Agreement to continue to engage with the International Community and that requires the GOSS to remain active through international relations and cooperation, so as to focus the international community to its responsibilities in seeing that the CPA is implemented in spirit and letter.

We are all aware of the good will of the United States government in seeing that the CPA is successfully implemented. We have seen the previous contributions by the former President Clinton administration, the good efforts of former President Carter, and the former President Bush Senior at the time of his Vice-Presidency during President Reagan Administration. This is not to forget the role of the US Senate and congress plus the tremendous contributions from the civil societies including the churches in the United States. The positive contribution of all those I have mentioned above, tells you that the United States government had done enormous contribution to bring about the CPA and the ended the hostilities signified by a long and bloody North-South disastrous conflict.

The CPA created an opportunity for the SPLM to enhance the transformation of the Sudan with the help of the International Community. This gave the great hope of a New Sudan that must be built on a free, just, democratic and secular system of good governance with multi-partism and popular participation of all our people. This was in acknowledgement of the reality of Sudan's ethnic, religious, linguistic, cultural variety. It raises the possibility of a secular, non-racial, modern, democratic and free country that must work to eliminate all forms of discrimination, slavery, human rights, abuses, international terrorism, religious intolerance and Islamic extremism.

The CPA gives hope to the people of Southern Sudan that it will bring about development and improve the lives and living standards of all the people. *The people of Southern Sudan within the context of the CPA are guaranteed the exercise of the right to self-determination, and that means choosing between a united Sudan or to opt for an independent statehood in the year 2011, through an internationally supervised referendum.* Thus making the choice of either options a voluntary exercise guided by the free will of our people.

Mr. Chairman, can we really say now, with confidence that the post CXPA Sudan has been adequately prepared for either of the options in 2011? In case the South votes for unity, will they have been prepared for it by then? The second political scenario, if at all the South votes for an independent statehood; are we sure that enough assistance and preparation has been done to that effect? We need to have answers for these questions because they are the basis of permanent peace in the Sudan. The answers will be influenced in how much the NCP is committed to make unity attractive during the transition period up to 2011.

These are issues the GOSS and the people of Southern Sudan must discuss transparently in broad daylight both with US government and the International Community at large. The NCP must be truly committed to the CPA implementation. We're aware that Northern politicians have broken so many promises in respect to the right of Southern Sudanese so many times before.

Yes, the CPA is a difficult road map that is a hard journey to travel. It is the tough that get going! Can the GOSS on its own be tough enough without the help and engagement of the US government and International Community? We must all bring back the CPA to be alive once again. Yes both the leadership of the SPLM and the NCP must share responsibilities for governance in order to confront difficult decisions based on compromises, reconciliation and forgiveness.

The CPA has offered "*One country, two systems*" Within the context of North-South paradigm in transition until 2011 when the referendum will decide. *It looks like a political hermaphrodite that will go for surgery in 2011, and Heaven knows, one must be wondering what sex it will be after surgery; Male or Female! May be it is a gender issue, I presume.*

The CPA in transition is clear and it is a detailed fine text of a good peace agreement that took a long time to negotiate. The history of peace talks goes back since the formation of SPLM/SPLA by adopting a principle position to seek a peaceful res-

olution to the conflict through dialogue and negotiations with any government of the day that claimed legitimacy in Khartoum.

We have had many peace initiatives since 1985 and ending with CPA in January 2005 in Naivasha, Kenya. It was indeed a difficult road to walk.

The CPA is equally the beacon of hope for all the marginalized people of the Sudan. The peripheries are all struggling against the domination and marginalization from the center in Khartoum. It is an incredible and valuable hope for peace in Nuba Mountains, Southern Blue Nile and Abyei.

Mr. Chairman, the CPA is definitely the trump card for bringing peace in DarFur and particularly it is seen to being fully implemented in Southern Sudan. This means the United States and the International Community must remain focus, robust, determined and vigorous in remaining engaged in the CPA. *There is no doubt that His Excellency the President W. George Bush did a lot to bring peace to the people of the Sudan.* The people of the Sudan are very thankful for his help in ending the killings and the suffering of many people in the Sudan.

Today, we are seeing the disastrous conflict in Darfur; we are reminded everyday in the media about humanitarian disaster, ethnic cleansing, genocide, human rights abuses, and violence against women including the violent behavior of the "Jan-Ja-Weed" against the innocent people of DarFur.

We have seen the difficulties of converting the AU forces in DarFur into hybrid force into a UN force of *Blue Helmets* that must also have the mandate of saving lives in DarFur by having a peace keeping as well as peace enforcement capability. All this can be successful with the participation of the GNU as a true and willing partner! It is clear that the NCP is not willing to comply with the UN requirements.

Mr. Chairman, peace can come to DarFur, Eastern Sudan and the rest of Sudan if only the CPA is fully implemented with focused engagement of the US government and the International Community. This needs to be done in order to bring a change in the Sudan.

Yes, the US government is helping, but must do more at present since they contributed greatly to bring about the CPA and thus bringing to a dignified end the decades of blood shed and hostilities in the Sudan. *We must act to end the NCP deliberate slow and selective implementation of the CPA.*

The US government can help to see that Abyei Protocol is implemented and the Abyei Border Commission (ABC) expert report respected as indicated in the CPA. CPA directs that the *report would be final and binding.* The recommendations of the Assessment and Evaluation Commission (AEC) must be endorsed by the Presidency on consensus basis as stipulated by the CPA. Most of the recommendations by the (AEC) on contentious issues have been largely ignored by the NCP extremist elements.

The National Petroleum Commission (NCP) must be encouraged to be transparent with oil contracts and the sharing of oil revenues. The North-South border of 1956 to be speedily determined and thus facilitating the deployment of Sudan Armed Forces (SAF) of the North of the border and SPLA force to the South of the border. This will identify the proper location of oil wells in the South, thus guaranteeing the true 50% share for the GOSS.

Both the presidency and the GNU must reflect the true spirit of partnership between the NCP and the SPLM. The lack of consensus decision making on some of the issues has ended up with differences on matters of important national and foreign policy concerns within the GNU and the Presidency. As a result of this, the SPLM and the GOSS support UN troops deployment in DarFur, while the NCP opposes the UN deployment and GNU remains divided on the issue according to the party-line.

There is a need to speed up support for the SPLM to help its transformation from a Liberation Movement into a political party. In fact, this will make SPLM competitive and thus help transform Sudan into a secular, multi-party, democratic country. In addition, building on freedom, justice, and good governance, popular participation, thus creating a nation of tolerance, human rights, reconciliation, forgiveness, and development. This will help make unity attractive. It is the endorsement of the principle of "Unity in diversity," recognition of a plural Sudan intolerance.

The CPA implementation will help to establish the rule of law resulting in the development of true democratic institutions that are accountable to the people of the Sudan. At present, despite the partnership, the NCP is the majority partner that has the Presidency of the country and majority in parliament and the Council of Ministers in Khartoum thus dominating key government posts.

There is no doubt that the NCP control *Power* and the *National Wealth*. The NCP is entrenched in *prosperity* and *enrichment*. The SPLM must be supported and strengthened in order to *contain the political dominance of the NCP* during the elec-

tions of 2009. The SPLM requires a level field to become *competitive* In order to bring a democratic transformation in the Sudan.

There should be a serious and genuine commitment to assist the SPLA in its transformation from a rebel force to a modern national army. After all, the CPA recognizes the SPLA as a national army that will help to guarantee the CPA as well as protecting the sovereignty of the Sudan.

The assumption that helping to make PLA a true military is to encourage it to go to war, war with who? In fact, the SPLA can help in *fighting international terrorism*. The SPLA can be a *true ally* of those engaged in the *counter-terrorism campaigns*. Incidentally, it can be *deterrent* to war mongers in our country. In addition, a strong SPLA will eliminate the militia groups that are rendering havoc in Southern Sudan today. A capable SPLA military can contain the threats posed by the Lord Resistance Army (LRA) in the East African region and thus help bring peace in Uganda and the region.

The GNU must be urged to have a *single military doctrine for Joint Integrated Unites (JIU)* as well as provide these troops with the *same armaments and trainings*. This is supposed to be the future army of the New Sudan in case unity becomes an option. The NCP is reluctant in this area.

The deployment of SAF out of the Greater Upper Nile Region has not been substantial. This explains the recent incident of military confrontations in Malakal resulting in lost of more than 130 innocent civilians. The Sudan Armed Forces (SAF) must be urged to disarm about 1930 forces of other armed groups allies to SAF. These militia-groups are wrecking havoc in many parts of Southern Sudan and are the main cause of instability. The incidences around Juba are a case in point.

Incidentally, there have been many violations on the SAF side as shown in the Hamesh Koreib incident in Eastern Sudan on January 11th 2006. Father more, the Abyei incident on March 2006 in which 11 lives were lost were too orchestrated by SAF. All these, in addition to transportation of ammunitions to militia-groups aligned to the SAF are a frequent occurrence.

There is a need for non-lethal Support for the SPAL. However, more is needed to be done in this area. This will guarantee the sustainability of the CPA this enhancing its implementation. More is needed to be done in infrastructure support, training of officers, NCO's and men and women at various levels of the SPLA. An effective SPLA as a true military force in the Sudan will help keep peace. Much support is also needed in communication equipments especially military mobile communications and transport facilities. The transformation of the SPLA into a modern military is a strong guarantee for CPA implementation.

Indeed, the SPLM needs to be assisted and empowered to participate effectively in good governance at all levels of its responsibilities. The SPLM must be completeive at the national level as a robust political party that can confidently and effectively govern the South. In addition, the OSS needs to be assisted in the financing of its commission; for instance, the Human Rights Commission, Anti-corruptions Commission, Auditor General Commission, and so many other established commissions including the support for the Southern Sudan Legislative Assembly (SSLA) as well as the justice system. These are important democratic institutions that are the pillars of a free society and that can help to contain corruption and enhance stability.

Mr. Chairman, these are the true institutions to uphold democracy and this will help to enhance the democratic transformation in the Sudan. It's important Mr. Chairman to help the *Sudanese Diaspora* here in United States to come home and assist us in promoting development. Most of these well trained Southern Sudanese are bogged down due to commitments towards paying student loans and house mortgages. If the US government can help sending these intellectuals to Southern Sudan, their contributions will enhance the capacity of our civil service. It is possible to make a programme towards this direction.

In deed, it would not be an exaggeration to mention that there are some areas of progress in the CPA implementation. Initially, in 2005, both the national Liberation Council (NLC) of the SPLM and the National Assembly in Khartoum did approve the acceptance of the CPA. The Interim National Constitution (INC) and the Interim Constitution of Southern Sudan have been establishing.

The governments of National Unity (GNU) and the GOSS have been formed including the government for the other 26 states. Most of the constitutions for the state governments have been approved by the Federal Judiciary except the constitutions of ten Southern Sudan states. The National Assemblies in Khartoum, Juba and in all the states are all carrying out their duties of legislation. The Council of States has equally been established. All states governments have been formed except the administration for the Abyei area. The National Constitutional Review Commission, although established and meant to ensure the creation of various com-

missions that are necessary to complement the CPA, had been dormant and ineffective.

The special commission for the protection of the rights of non-Muslims in the national capital Khartoum has not delivered as expected. This was to train the police and make them culturally sensitive to Christian and non-Muslims. The President rejected outright of *Abyei Boundary Commission*, a report which was supposed to be “*final and binding*” on both parties the NCP and the SPLM. Although the Joint National Transitional Team (JNIT) has been established to follow the *Donors Assistance* form the pledges made in Oslo’s conference to meet the needs estimate in the (MDTF) of about 500 million dollars and which is already committed to project nearly half of the 4.9 billion dollars ledged at Oslo has been diverted to DarFur by the Joint Assessment Mission (JAM) has been inadequate except some funds deposited DarFur for humanitarian needs. There is need to urge those who pledged to fulfill their commitments to pay up and help development in Southern Sudan.

The National Petroleum Commission has not reflected the transparency of the oil revenue sharing and has failed to provide the details and documents related to oil contracts for review.

The special provisions for the non-Muslims in the National Capital in Khartoum have not been implemented as reflected in the CPA.

The Assessment and Evaluation Commission (AEC) on which United States is represented has produced no tangible results on issues like the borders between the North and South. This has made it difficult to adequately carry out the deployment of both SAF and the SPLA. Also it becomes difficult to identify the real location of oil fields for Southern Sudan and thus cannot define the actual share of oil revues of 50% for the GOSS.

The Ceasefire Political Commission (CPC) together with ceasefire Joint Military Commission (CJMC) despite the presence of observers of IGAD and IPF, have seen many violations and the culprits have not been punished nor shamed publicly. The Fiscal and Financial Allocation and Monitoring Commission have not yet started its functions and that is two years since the CPA was signed.

The Judicial Service Commission has been formed as well as the constitutional court. Still *some of the laws remain unchanged*. The Board of the Central Bank directors have been appointed. And the Governor of the Bank of South Sudan (BOSS) also appointed. The *new currency* to replace the Sudanese Dinar now stated being issued in Southern Sudan. Also, the Political and Information Coordination Committee has been formed between the NCP and the SPLM in order to review political problems in responding implementation of the CPA. Many meetings have been held and no results achieved in this area.

Both the Joint Integration Unite (JIU) and Joint Defense Board (JDB) have been established. However, the lack of one military Doctrine with no unified armament and training of both SPLA/SAF units of JIU has posed lot of difficulties. They have not completed being integrated as one unit as stipulated in the CPA.

Both the National Council for De-mining and the National Council for Demobilizations Disarmament and Rehabilitation are performing with lot of difficulties lack of proper funding. This has delayed road constructions and agricultural programmes.

The National Population Census Council has been formed for both GOSS and GNU. The National Constitutional Review Commission (NCRC) has been formed and has been passed. The political parties ACT, Civil Service Commission Act and the Human Rights Commission ACT have been passed. *Unfortunately, until today, the National Security service has not been reviewed to be relevant and in accordance with the interim National Constitution.* This requires *parliamentary and judicial oversights* and accountability with rule of law and respect for the citizens’ human rights as a priority to be guaranteed.

There are still delays on the National Land Commission as well as the Human right Commission. Incidentally, no major effort towards the enhancement of the repatriation of refugees and the internal displaced persons. IDP

Little has been done in information campaign for the CPA and not much in the progress of social healing. However, despite the discussions on the political partnership between the NCP and the SPLM, there is yet little progress made to resolve all the contentious issues.

The present structures formed are:

- Joint annual meetings for the leadership bureau of both NCP and SPLM
- Joint Leadership Coordinating Committee (JLCC) that meets quarterly.
- Follow-up of political committee that meets monthly.

Mr. Chairman, I have so far enumerated all the intricate problems with regard to the difficulties of the implementation of the CPA. I have equally identified the

important role that the International Community and particularly the United States government can play. *The CPA has come about due to the great efforts exerted by his Excellency, President George W. Bush and to see that peace comes to southern Sudan.* We are extremely thankful to the president's effort and the positive contributions of the congress, US government and the nation as the whole. The CPA is a baby brought to life by the combined efforts of the Sudanese negotiators together with the International Community and with a substantial contribution from the United States government. Your Excellency, the difficulties above prove beyond reasonable doubt that *there are deliberate and significant delays and shortcomings in the implementation of the CPA.* There is no doubt that the NCP must be held accountable in this slow implementation of the CPA.

It is therefore important that the GOSS must engage both the US government and the International Community to focus and monitor the implementation of this great peace agreement. The CPA implementation is critical in bringing peace to DarFur and the Sudan at large.

It's for these reasons that the GOSS must be active in its conduct of international relations to keep reminding the friends as well as the enemies of the CPA. In this regard, the GOSS through the ministry of Regional Cooperation and its Liaison offices will assist in this noble exercises and responsibility. IT is the responsibility of both the GOSS and United States government to keep the CPA alive by having the USA government continuously engages in monitoring the implementation action of the agreement.

The SPLA needs to be assisted to make it a strong military that can always be a deterrent against the enemies and spoilers of the CPA. A strong SPLA can be of great use in the counter terrorism campaigns in the region of North East Africa. We're aware of events in Somalia and Sudan due the impact of the Islamic extremism. In addition, *Carlos the Jakal* and *Osma binLadin* were at one time, hosted as VIP guests in Khartoum by the NIF in the midst 1990s.

A strong SPLA will be capable to contain the destructive activities of organizations like the Lord Resistance Army (LRA). The SPLA can equally contain the destabilization by extremist elements in our neighborhood and the region at large.

This means, making the SPLA a strong military is the surest way of maintaining peace and avoiding war. The SPLM on the other hand, equally needs to be strengthened and capable to be competitive with the NCP. This will indeed help to transform Sudan into a secular democratic, multi-party non-racial county that is built in freedom, religious tolerance, human rights, and elimination of all forms of discriminations, slavery, violence against women or abuse of children.

In deed, making Sudan a true sovereign and legitimate country which is a state vested in the free will of its people. *At least helping Sudan gain international acceptability, thus becoming a member in the family of civilized nations is much needed.*

Mr. Chairman, we are asking your Excellencies to assist the GOSS including the SPLM and the SPLA in order to enhance these great principles that your country, the United States of America is built upon. This makes us true allies in freedom, dignity and justice. The CPA is the only vehicle for the protection of human rights and free world cannot allow it to be vulnerable, eroded and manipulated to its destruction and thus imminent return to war. The SPLM needs to be assisted to be competitive, the PLA transformed into a strong military and a strong economy. This is what the GOSS needs in order to bring about a democratic transformation of the country.

It is definitely clear that some few NCP extremist are undermining the implementation of the CPA and thus raising questions regarding the sincerity and the commitment of the National Congress Party in the Government of National Unity (GNU). The GOSS and the SPLM are committed to the true implementation of the CPA of *"one country, two systems."* *This is building New Sudan on the "principle of Unity in Diversity."* The CPA implementation will help make unity an attractive option and through the free will of the people of Southern Sudan and through the right of self-determination will cat their vote voluntarily during the internationally supervised referendum in 2011.

A democratic free choice for unity or independence statehood should be on voluntary basis. A forced unity is counter productive and that what has caused us in the Sudan 50 years of blood shed and devastating destructive and brutal war that cost two and halve million lives and another four million displace internally and over half a million as refugees. It is equally imperative that the people of Nuba Mountains and Southern Blue Nile will equally make their choice by popular consultation of what their future will be. Equally, the people of Abyei will decide through a referendum whether to be a part of the South or Prefer to Join the North. Mr. Chairman, these are agreed positions in the CPA and must be honored by all

the parties to the agreement. We are asking your assistance to see that CPA is implemented.

Finally, Hon. Members of Congress of the House of International Relations Subcommittee on Africa, Your Excellency Chairman of the Committee, Congressman Donald Payne, it is a great honor for me and my colleague Dr. Luka Biong to bring to you and your committee the sincere greetings and congratulations from the President of GOSS General Salva Kiir Mayardit, the people of Sudan and Southern Sudan in particular. We are extremely thankful to you for inviting the Government of Southern Sudan for this hearing, thus making the issue of South Sudan as a strategic matter of your agenda. We sincerely thank you Sir for your great love and concern for our people. In confidence, we are asking for your assistance for the people of Southern Sudan and the marginalized of our country. May God Bless you.

Thank you.

Mr. PAYNE. Let me thank both of you for that very thorough testimony. We are here to listen and to attempt to come up with ways and means that we can continue to be of assistance. We agree that the CPA was a document, as Mr. Winter indicated, CPA was a document that much time went into and much detail, and it was thoroughly done. We are here to say that we would like to see that document, on which so much time and effort was spent creating and so much blood was shed moving up to it, that we should see that the CPA is implemented.

I just have a general question. In your opinion, what do you think, and either one of you or both of you could give a quick answer—do you believe that the Government of Sudan wants to keep Sudan united, or that it would accept partition, but do you think that the Government of Sudan might want to keep Sudan united but to have it on its terms the way it used to be?

Secondly, if you have a general feeling of what the people in the South would want to see as their first option, a united Sudan with peace and justice, or that if it is a Sudan that is the way it was in the past, that they would have misgivings about having a united Sudan.

So if either one of you would like to tackle that.

Mr. DENG. I will give a chance to my colleague to answer the first question, but I will try to.

Concerning the people of Southern Sudan, what is on their minds? We conducted, with the National Democratic Institute, I think, two focus group discussions, one immediately before the signing of the CPA and one after the death of Dr. John. Also, we have a center in the South conducting a similar survey. Consistently, we are seeing a pattern whereby if the people of Southern Sudan are to be asked today to vote, unanimously they would vote for separation for their own country.

But I think this one should be understood in a wider context because we have a certain bloc that we need to start investing in them now. Increasingly, I think our colleagues in the National Congress Party are making this operation attractive to the people of Southern Sudan. By signing the CPA, they have given away the South, so, in a way, they are not investing so much in making unity attractive. But still there are chances because the SPLM itself, because the South is the springboard for the new Sudan, a united Sudan based on equality, justice, and the will of the people.

The agenda of the SPLM, to what level will influence the unity in the South is an issue that needs to be seen. There are two things, especially the general elections, that are going to come. To

what level the SPLM will pursue the agenda of marginalizing rural Sudan so that it can be in power, in solidarity with other political forces?

So you give hope to the people of Sudan, and by having these elections and having SPLM asserting itself in driving the agenda of the new Sudan in the center, this is the time where you can see what is happening in the South.

Secondly, by having the general elections will make sure that the marginalized in rural Sudan, especially the Nuba Mountain, Southern Blue Nile, Darfur, Eastern Sudan, or even far North—having them in power is very important because if the South opts out for a secession, then you could establish very good relations. And I think that is why investing in the transitional area is quite critical because these are the people who are going to maintain the link between the North and the South but ensuring as well that they collectively stand for the general elections, which will ensure that they are in power.

By doing so, you are actually hedging yourself about the consequences of the outcome of the referendum. Definitely, the National Congress Party is not keen to make the unity attractive. Probably some of them maybe, by having the agenda of the new Sudan, you are actually getting into the territory, and you are limiting their chances if you go for a democratic transformation and elections. They would like better to see the South is outside the general context of Sudan.

Mr. BENJAMIN. Mr. Chairman, you know the position of the Sudan Peoples Liberation Movement, as articulated very clearly by our late leader, Dr. John Garang de Mabior. He had indicated what the SPLM program has preceded, and the Comprehensive Peace Agreement, to us, created an opportunity for the SPLM to enhance the transformation of the Sudan with the help of the international community. This gave the great hope of a new Sudan that must be built on a free, just, democratic, and secular system of good governments with multiparties and popular participation of all of our people.

This was an acknowledgement of the reality of the Sudan's ethnic, religious, linguistic culture and variety. It raises the possibility of secular, nonracial, modern democratic and free country that must work to eliminate all forms of discrimination, slavery, human rights abuses, international terrorism, religious intolerance, and Islamic extremism.

That is why the Sudan Peoples Liberation Movement, at the same time, knows the sentiments of the people of South Sudan. That was our vision, and it is still our vision that it has a chance, and that is why, at the beginning, knowing the sentiments of our people, their experiences as to what the first unity had meant to them, throughout the 50 years of so-called "independence," Mr. Chairman.

You know the first Anya Nya war, 17 years of bitter war, in which we lost nearly 1 million of our people killed. We had a disarmament agreement. Ten years later, it was dishonored, and we are on the second of 21 years of war. Our people had experiences, had associated the issue of forced unity. To them, it meant becoming

refugees. It meant to them the killing, the bombing, and all of the bad things that have been done.

That is why the Sudan Peoples Liberation Movement had proposed a transitional period of 6½ years, 6½ years of healing, of social healing, and this is what we define as making unity attractive because unity, in fact, had been made terribly unattractive for the last 50 years of independence, and for our people in the South of the country and other marginalized areas, like the Nuba Mountains, the Southern Blue Nile, and Abyei, indeed, have not know the sweetness of the unity of the country.

That is why we believe that, the 6½ years, our partners in government, the National Congress Party, must change so that our people will have the things they have not had for the last 50 years, that they have their children going to school, that they have peace for the first time in their lives, that they are allowed freedom of religion, that they are allowed to have good roads, to have the schools, to have all of the nice things that any human being needs to have, and that, to us, means unity attractive.

And we believe, these 6 years, if these things are done, then our people may, at the end of the day, turn around and say, "Yes. Why not vote for a united Sudan where there is equality, where we share resources fairly, where we have the freedom of what we want to do in our own country, where anybody in this country, whether Muslim or Christian, can become the President of this country—all of these issues."

That is the meaning of making unity attractive. But the question is, Mr. Chairman, Are our partners helping us to make this unity attractive? That is the question. What we see, and that is why we are here, there is little time on the side of the National Congress Party in order to realize that that country can break up unless the Comprehensive Peace Agreement is implemented in spirit and in letter, and that is very important.

That is why we are saying, fine. We are a liberation movement that is becoming a political party, Mr. Chairman, and, in becoming a political party, we must carry our constituency with us. The main constituency of the SPLM is largely the majority come from Southern Sudan and other marginalized areas.

That is how we relate to Darfur. That is how we relate to Nuba Mountains. That is how we relate to Southern Brunei. That is how we relate to Eastern Sudan because we foresee the possibility of a new Sudan where democratic process can prevail, but with the attitude of the present government, particularly extremist elements within the National Congress Party, are making unity unattractive, which is a strategic way which will affect the vote of those who will determine.

I will tell you, Mr. Chairman, what that right is going to be. They say the people of Southern Sudan, within the context of the Comprehensive Peace Agreement, are guaranteed the exercise of the right of self-determination, and that means choosing between a united Sudan or to opt for an independent statehood in the year 2011.

That is what the Comprehensive Peace Agreement says, and because the SPLM has the agenda of the new Sudan, that is why we say, let us give unity a chance. But I really doubt, with the Na-

tional Congress elements within—yes, there are elements within the National Congress Party—that see that a country that, in fact, do understand, but a large number of extremist groups are coming out now in order to distort and in order to make the issues difficult.

So, at the end of the day, democracy, unity is a voluntary choice, Mr. Chairman, and our people will have to go and vote, secret ballot, and each individual will decide. But the policy of the SPLM is clear: We want to save the unity of our country based on democracy, but if our partners are going to proceed with policies where our own constituency will not see the sense, and, as you know, you have Democrats here, and you have Republicans. You have to do policies to win votes from your constituencies so that you represent what their views and what their aspirations are.

We are equally facing the same, but, unfortunately, the members within the National Congress Party are not assisting what we are supposed to do. Thank you.

Mr. PAYNE. Thank you very much. What I will do, at this point, is to yield to the ranking member, and I may ask another question, if time permits, but I yield.

Mr. SMITH OF NEW JERSEY. Thank you, Mr. Chairman. First of all, let me say to our very two distinguished ministers that your testimony is, indeed, a powerful reminder to the international community, to the United States, and to all of us how important it is that we not take our eyes off the CPA and its full and complete implementation. You are not only allies, but you are peace-makers, and we need to support your efforts as robustly and as vigorously as we possibly can.

I want you to know how much respect and admiration I have for your leadership. You have suffered so much, and yet you persist, you strive, and your end goal is a country where people will enjoy fundamental human rights, the rule of just law, and, for that, I want you to know that you have my and, I know, this committee's complete admiration and respect.

Let me just ask you a couple of questions about the role of the church in rebuilding. In Africa and everywhere—Latin America, the United States, anywhere—the churches usually provide not only a venue for faith, and I share, Minister Benjamin, your faith when you were saying, “Ask, and you shall receive; knock, and the door shall be opened; seek and you shall find.” That is one of my favorite scriptures.

So I do share your faith, and I know the importance of faith in rebuilding, especially in reconciliation and in healing where there has been so much loss of life, so much hatred and animosity, the 2 million dead, 4 million displaced. We cannot even begin to fathom what that must be like, to live through that, and to think that the same people who fomented that misery are now frustrating the CPA is almost unbearable, I would think.

So the role of the church, in terms of the rebuilding; are they getting the kind of resources, both nongovernmental, as well as from the U.S. and elsewhere, as well as your government, to bring the blessings of recovery to as many people as possible?

Secondly, you mentioned in your testimony, Minister Deng, about the North-South Border Committee, which we all know is very im-

portant, as you pointed out, the demarcation is essential for effective implementation of wealth-sharing protocol, redeployment of its role of forces for security arrangements, and conduct of the next population census, and then you will go out and point out that there is a lack of funding. It is inadequately funded; therefore, it does not work. To me, it sounds that it is by design. This is not a mistake. This is not an oversight, obviously, and I think you would agree.

Are we—the United States, Ambassador Natsios, our special envoy; the President; the international community—doing enough to bring attention here, and what leverage do you think we might have with the Government of Sudan to push them in this regard?

Let me also ask, if I could, one final question with regard to the Southern Sudan Legislative Assembly. I understand that four laws were passed in December, when the assembly ended its current sitting, and that several other laws, including a criminal code reform, are under consideration.

My question is, it is my understanding that there is a lack of capacity. You need lawyers. You need people with legislative writing skills to draft the right kinds of laws to make it right. Are the United States Agency for International Development (USAID) and our Government, the U.S. Government, doing enough on the technical side to make sure that draft laws, model laws that really have endured the test of time, and then with tweaks of applicability to your country, are we sharing that kind of information. Are we giving you enough capacity assistance so that the 10 or so laws that were pending before the session ended but were not gotten to, my understanding was, due to a lack of capacity, lack of legal assistance?

Mr. BENJAMIN. Thank you, Your Excellencies. The Sudan Peoples Liberation Movement, Your Excellency, is very clear and is very respectful of people's faith, people's religion, and have recognized the multi-religious character of our country, and that is why we have put in our constitution the issue of separation of religion and state but guaranteeing, within our constitution, that every citizen in this country has got his right or her right to pray in whatever way you would like to pray. If you are a Christian, you are guaranteed the freedom of your church. If you are a Muslim, you are guaranteed the freedom of going to your mosque. If you are a believer in African religions, you have got guaranteed.

This has been one of the issues that we discussed in Naivasha, and because we could not agree on the issue of separation of religion and state at the national level, we had to come down and agree that the southern part of the country shall have no Sharia law and that the northern part of our country will continue with Sharia law. That was a compromise because it was a deadlock because our concept of religion is private. It is accountability between you and your God.

The citizenship and the rights of an individual as a member of a particular country is determined is the same, irrespective of our various religious divisions that we have.

But what do we see in the national capital? In the Comprehensive Peace Agreement, we had indicated, and we have indicated, the issue of non-Muslim in our national capital. This is one of the

areas where we would like to make unity attractive because, in Khartoum today, we have a large number of those who are not Muslim, a large number of Christian populations, a large number of people who believe in their African religions.

This capital belongs to all of us. Like you have Washington belongs to all of the Americans who are here, irrespective of your various religions that you have in this country. But the laws of our national capital have not changed, which is a requirement and entrenched in our Comprehensive Peace Agreement. Yes, indeed, we still do have problems within the context of other parts of the country, although in the South of our country now, the freedom of religion exists.

Our Muslims are going to their mosques as freely as they can. They are allowed to build their mosques wherever they want to build them, despite the Christian majority that we have. But, in the northern part of our territory, it is not yet free for our Christian churches to build churches wherever they want it. You have to go through a daunting bureaucracy that does not explain why, in his own or in her own country, they will not be able to build a house of his worship.

So, yes, the laws have not changed insofar as the national capital is concerned. The process needs more—

Mr. SMITH OF NEW JERSEY. Is there a partnership on rebuilding and providing humanitarian aid with the government and churches and mosques?

Mr. BENJAMIN. Well, we have, for example, the church organizations which are allowed, in order to carry out activities with the support and with the help of any other church organization internationally and which can actually do whatever they can do within, say, the southern part of the country.

In the North, as I said, there are problems because the laws have not changed, and that is what we need to change, and we have been putting pressure on our partners in the National Congress Party. The issue of making proper laws that do not restrict other religions in our national capital, and that is where we think that the Comprehensive Peace Agreement is not being implemented.

Mr. DENG. First, I think the first question; there is no doubt we have separation between religion and the state, but it is very important that we underscore the fact that they played a very important role in bringing us together during the war because there was a lot of division, but they contributed in building the unity among us, and it is a bigger commission for that.

We conducted a survey. We found a massive increase in the population of Christians now in the South, to the level now of the indigenous religions actually in certain places are at risk. So there is a massive change of the face in Southern Sudan. But even with that one, they play a very important role, especially in education. We have established what is called a Peace Commission, and in this Peace Commission, the idea is to work with the communities to support the healing process where we have a lot of hidden tensions.

The issue of reconciliation is a very important issue for us, and the church could do a very important role to that one. Even with that one, we have a ministry, Ministry of Gender Social Welfare

and Religious Affairs, and the idea is actually to make sure that we make use of these resources, especially the churches.

So there is a very big role they can play, but we are in the very early stage of coordinating and working together. They organized themselves. They have what is called the Council of Churches. So they have a good platform whereby we can work together. But it definitely is a key ally in terms of delivering services to the people, and they did so during the war.

Now, the North-South border; I think I just want to echo, it is not the lack of resources, as you or I would put it; it is actually, as mentioned by Roger, a deliberate intention not to do it. The resources are there, but they do not want to have it to be done because it is going to be an issue. If people of the Southern Sudan and the North, after the referendum, say, "Where is your border?" so to nullify whatever the outcome.

I think what we have decided to do, as a government, we have commissioned one of the historians to look into the North-South border to have our own positions. It probably is an area that we may need support from the U.S. Government, and I think we talked even with your staff on the ground to assist us in providing an informed way or position about the North-South border.

Now, coming to the issue of legislation, I think, is a very important point. This is where we really need a lot of support. We have different levels. Initiating the legislation within the Ministry of Legal Affairs and Constitution Development has a very limited capacity. MDI, and then Republican Institute; they have been trying to support them. So if you review all of the laws, there are a massive number of laws that you need to review.

After finishing from there, you take it to the Council of Ministers. Myself, with my friend here, Barnaba, we had to review and look into the draft legislation before taking it to the assembly. So even here, at the level of the Council of Ministers, you have a lot of work to be done to support the legislation process, and then you take it to the assembly, where also you need a lot of work to be done.

But that is not the whole thing. You have also to link to the legislation at the national level. We have what is called the National Constitutional Review Commission. This is the commission mandated to review all of the laws to conform to the CPA, and they have about 17 of them.

In most cases, the National Congress Party, because of our not being present, most of these laws are passed without the interests of the South being accounted for. Sometimes these laws are even not in conformity with the CPA, and it is an area also where we need support. Of late, the President reconstituted our membership in the NCRC, National Constitutional Review Commission, and really we need a lot of help in that area. I think the other institutions, like MDI, are doing a lot, but I think we need more support in these areas.

Mr. BENJAMIN. On the issue of the funding, whether the Government of South Sudan has some funds which can be used by the churches for development, in fact, it is the cooperation of the Government of the South, but actual funds are not available. The funds are not there, in light of the limited amount of money that is avail-

able to the Government of South Sudan in order to fulfill its commitments to the development in the priorities that we have.

But what the Government of South Sudan has is the cooperation and the freedom it gives to our churches to interact with the other churches across the globe so that they could be able to assist us in areas like in education, in health clinics, and I am sure there are very good laws, local laws, within the Government of South Sudan that give the church the freedom in order to associate with the other churches throughout the world. Thank you.

Mr. PAYNE. Thank you very much. I just have one question about the commission, the Abyei Boundary Commission. Now, the boundary commission has submitted its report to President Bashir, I understand, but the President has not yet implemented the decision of the commission. In fact, during the second anniversary of the CPA, President Bashir stated that the commission exceeded its mandate, but the Assessment and Evaluation Commission concluded, after consultation with legal experts, that the commission did not exceed its mandate. Meanwhile, tension between the Ngok Dinka and the Arab Misiryah is running high.

Now, in your opinion, what can be done to address this problem, and do you consider this a clear violation of the CPA? I think you did mention some other areas that you felt were—I guess it was Mr. Winter mentioned—that were almost on purpose not being implemented by the government to weaken the implementation of the CPA, if you could give me your assessment of that.

Mr. DENG. On Abyei, on the 23rd of December, I was there, and then I had a chance of spending the Christmas in the area, and I moved also among the communities who were returning Muslims from the North, as IDPs are returning back.

I think Abyei is a clear case of violation, and consistently the Assessment and Evaluation Commission, as well as the experts themselves, confirm what the government is doing, what the National Congress Party is doing, is not in conformity.

There are two things that we need to look at. First, when we talk about the Abyei area, this is an area for the Ngok Dinka who are actual Dinkas, southerners, and the agreement has provided for free access of the Misiryah, the nomads. The Misiryah are nomads. They come during the dry season to access pasture and water, and they are not entitled as residents or the citizens. In the agreement, these rights have been protected and provided for, for them to have free access.

What is happening is that the National Congress Party, especially the extremist one, they want to mix up this Misiryah to have the right of citizenship in the area and, by doing so, to dilute the right of the people of Abyei to determine whether they want to be in the South or the North.

That is an issue that needed to be separated up front because the definition of a resident and citizen is for the Ngok Dinka and other residents, including some of the Misiryah or the other Dinka or southerners who settle in the area for a certain period of time. The criteria would be settled by what you call the Abyei Referendum Commission, but not to be mixed up with the Arab nomads who are actually passing through.

Now, the tension was ignited by the National Congress Party to raise expectations of the Misiryah as if they have the right on the land. In actual fact, the National Congress Party marginalized the very people, the Misiryah, and they used them for the counterinsurgency warfare during the war, creating tension between the Misiryah and the Dinka. So I think it is very important for us to clarify that.

The most important part is the reconciliation and the coexistence between the Misiryah as neighbors of the Ngok Dinka, and I think this is an area that we can invest into it. USAID is doing some work on how best these two communities could be brought together and then to go into a healing process and then the coexistence, and to ensure for Misiryah their access to the pasture and water.

Mr. BENJAMIN. In addition, Mr. Chairman, the proposal that the SPLM had proposed in our meetings at the level of the political parties, when the leadership of the National Congress Party protested about the expert decision on the ABC border, we had suggested that it would be good to invite the experts into a panel where the two parties and their leadership would sit, and they would actually listen to the report, eyeball to eyeball, from the experts to explain to the members of the two parties how they reached that decision. This decision has been rejected outright by the National Congress Party.

Secondly, when you empower a group of experts in order to define or identify a problem, and especially when you have decided at the level of the Comprehensive Peace Agreement the reflection within the agreement that such a decision that comes out of the experts' investigations and what they find out will be final and binding, and that is what we have signed.

So, in fact, we see that this was a decision taken by the extremists within the National Congress Party in order to frustrate the implementation of the Abyei Protocol as a whole. But, otherwise, the Ngok Dinka in the area had given a lot of compromises. They have agreed that the Misiryah nomads will be allowed to come with their cattle seasonally because of the grazing areas that are within the Ngok Dinka territory. Those grazing areas were made available to them. There was no issue of that. Their free movement in the territory was allowed.

The fact that the oil resource in the area; it was decided and agreed in the wealth-sharing part of the CPA that 2 percent of the oil that comes out of will go to the Arab nomads who come into that territory, so their needs were accounted for. But what we see is that Abyei is being used by certain extremists within the National Congress Party in order to destroy the Comprehensive Peace Agreement as a whole because the Abyei decision and the Abyei Protocol was a red line, insofar as our negotiations and the Naivasha were concerned.

It was when we had agreed on Abyei, and it was when the United States Government intervened as a neutral body to try and work out the protocol that we were able to finally include the Abyei Protocol within the Comprehensive Peace Agreement.

So it is a red line, Mr. Chairman. That has brought peace because of what it had indicated in its protocol. If that is not again

implemented, that is a danger to the Comprehensive Peace Agreement itself.

Mr. PAYNE. Thank you very much. Mr. Smith?

Mr. SMITH OF NEW JERSEY. Let me just ask one final question. We have many, and I am sure our chairman does as well, but the time is getting late.

If I could ask, what steps are you taking to peacefully resolve the issue with the militias that have declared for the Sudanese Armed Forces but remain in the South and are not being integrated into the Northern Army, and do you plan to continue your involuntary disarmament program when the dry season resumes?

Mr. BENJAMIN. Congressman Smith, the SPLM and the Government of South Sudan have gone a long way to resolve the issue of some of the militias, according to what the Comprehensive Peace Agreement tells us. In that exercise, we were able to allow into the SPLA the militia groups that opted to join the SPLA, and, in that area, in fact, after 40,000 troops, where were a part of the government militia which was used against the SPLA, we were able to forgive and absorb these elements within the SPLA. Some of them now are in the SPLA's National Army based in the South. Some have gone into the police. Others have gone through the DDR program.

The government on each side maintained 40,000, of which 20,000 they had deployed them elsewhere, but up to now, we still have 20,000 militia that the government has allowed and are wreaking havoc, causing instability in the South of the country. According to the agreement, these militias are supposed not to exist as from the 9th of July 2005. We are now into 2 years that the Sudan Armed Forces is still maintaining these troops, these militia groups, arming them, giving them salaries, giving them food, giving them sanctuary after they cause havoc. They retreat into the Sudan Armed Forces-controlled areas.

That is why we say the Comprehensive Peace Agreement, insofar as the security arrangement is concerned, our partner, the National Congress Party, has not gone to what the agreement says, and that is why we are electing the international community that helped us reach this agreement, that they must be made accountable for what they are doing.

Mr. DENG. The DDR program, I think, is very important for us. What is happening now, even the other militias that have joined the SPLA, the number is exceptionally high. For example, one group, we are now screening them about 45,000, which is actually disproportionately giving us a very high size of the army, and that is why the DDR program is quite important for us, so that you can scale down and have a very sizable size of the SPLA.

But if the National Congress Party could sit with us, and then we see together how best we can overcome the issue of militias, together, it would have been better. But now they talk about this one, and, I think, as mentioned earlier, a deliberate intention of undermining the performance of the Government of Southern Sudan.

Mr. PAYNE. Well, let me say that we really appreciate—we could go on and on because there are so many issues that we would like to talk about, the recommendation that Dr. Garang left about hav-

ing for Darfur the 10,000 SPLA, 10,000 Government of Sudan, and 10,000 from outside, a number of issues that still we could discuss. However, we will be having another vote soon.

I certainly would like to thank both of you for this very comprehensive testimony. As I indicated, the various documents will be included in the record. I just saw that Ms. Sheila Jackson Lee has come back. We will yield 5 minutes.

Ms. JACKSON LEE. Mr. Chairman, I will not take 5 minutes. Thank you very much. I was in a Texas delegation meeting, and I apologize for being delayed. But as I started this hearing, I could not think of a more important briefing and hearing to start this Congress off with other than to confront the issue head on regarding Sudan.

I am a new member to the committee, so I look forward to engaging you, but certainly, just briefly, so that you know even in not being on the committee, that I have already experienced some of the challenges of getting into Sudan, having to walk across the border from Chad, which I did in order to come in and see at least some of the issues that we are confronting.

I simply want to pose one question because I know that a lot of what I would have asked has been asked. I have been somewhat convicted, if you will, convinced of the potential separation or the establishment of Southern Sudan as an independent, free-standing nation. My question to both ministers would be, very briefly, what, in your opinion, is the best role for the United States as relates to the securing of Southern Sudan?

Mr. BENJAMIN. Thank you very much, Congresswoman Jackson. We are very delighted and very thankful for your concern for the plight of our people, and we sincerely thank you for that.

We believe the United States Government can assist to see that the Comprehensive Peace Agreement is implemented in the spirit and letter and to use its influence to see that the international coalition, of which that contributed a lot for us to reach an agreement to bring peace to our country, actually pushes to a positive end that the Comprehensive Peace Agreement is the only way out to resolve the issue of the Sudan.

Two, we have in that agreement a provision, insofar as the issue of the right to self-determination to the people of South Sudan is concerned. That right is guaranteed in the Comprehensive Peace Agreement. It is guaranteed in our constitution, and it says that let us give the unity of the Sudan a chance, and how do we do that? We have 6½ years in which the unity should be made attractive. In fact, we joke in our country that if a gentleman or a beautiful woman needs to be married quickly, there are a few things you have got to do to look attractive: A bit of lipstick and that sort of thing. That is what we say.

So we are saying that let us make the unity of our country attractive because what unity had meant to the people of South Sudan has been bombing, has been becoming refugees. You have a large number of lost boys in this country. They were forced into exile because people were fighting to maintain the unity. So unity, to our ordinary people, has meant killing, has meant death.

So the 6 years should give us a chance to repress this, and what we are seeing is that our other partners are not helping to make

that unity attractive. So there are two choices: Either to keep our country united in unity and diversity that recognizes our plurality in our various religions, in our various cultures and languages, in our various preferences of life. We will still say that maybe we can live together when we have a democratic process in our country and where the SPLM is given a chance to that.

At the same time, the people of the South are given the option that this unity, if it is not made attractive enough to change the concept of what it had meant to them throughout their suffering, then they have the option of opting out of that union.

That is why we are telling the United States, you should help and prepare for the two options so that if, at the end of the day, people vote for a united Sudan, then they will have been prepared in order to face the new challenge.

At the same time should the opposite, the other scenario, happen, then you would still have a peaceful territory in that part of the world.

So the two options will have to be assisted until the people of the South are given the right, through an internationally supervised referendum, to cast their vote and determine their future. Thank you.

Ms. JACKSON LEE. Mr. Deng?

Mr. DENG. I think that is a very important question you have posed. Let us look at it this way. The most important thing is to have a sustainable institution of governance in the Sudan, and that one will ensure the sustainability of the decisions of the people of Southern Sudan.

One way of looking at it is engaging the U.S. Government to engage effectively in the democratic transformation in the center because, by doing so, you will be empowering the rural Sudan to be in power through elections. For example, Nuba Mountain, Darfur, Southern Cote de France, Southern Brunei, Eastern Sudan, and the South together would be engaged in this democratic transformation, and, by doing so, we are actually addressing the center. Let them be in the seat of the government. Now, the South will have a decision later on to decide whether to be in the united Sudan or to be on its own.

Now, what is required from the U.S. Government is the thinking around, looking at this Southern Sudan, as a country emerging that will require a certain intervention and a certain infrastructure. For example, your presence in Nuba; you need to scale it up in such a way to look to the needs of these nations coming up as a country.

Looking at the relationship between the North and the South, especially on issues of trade and issues of linkages between the North and the South and, particularly, the transitional zones—the Nuba Mountain, Southern Brunei, and even Darfur—because you need to have these relationships, even if the South opts to secede, so that you can have a smooth secession rather than an antagonistic—possibly it could go to violence if it is not handled properly.

That is why the mind-set, if it is set in such a way, the South is going to secede, then you could have a lot of things that you need to look at. So this is the way I would like to look at it, enhancing

the relationship, as for now, between the North and the South, look at the South as a country that is going to emerge sooner or later.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. I, again, reinforce my earlier comments. We could not have gotten a more straightforward—"roadmap" has been overused—pathway or indicators, if you will, for the questionable status of the CPA and the issues of Southern Sudan as it relates to the Khartoum Government.

I hope that there will be an opportunity in this committee. I know that in my other committees that I have had the privilege of serving, it has been a difficult journey to get anyone from the Khartoum Government to respond by way of being a witness, but maybe we could be miraculous, and that is beyond the ambassador or the person who represents Sudan here in the United States, so that there could be some rational understanding of why we are in the position that we are in today when we had this well-worked CPA.

So I know that we are trying to be problem solvers here, and I want to thank the chairman and the ranking member for having the kind of commitment, in-depth commitment, to this issue.

Mr. Chairman, you know that there is a new speaker of the House. It happens to be a woman, and she has a tendency to hold her hand up in a powerful look—I will not do it in this committee, but I am ready to put the boxing gloves on and get this job done, and I am delighted to be part of the subcommittee led by Mr. Payne and Ranking Member Smith. Thank you.

Mr. PAYNE. Thank you very much. Thank you for your contributions. Thank you, Mr. Smith.

Let me thank Minister Deng and Minister Benjamin for your very thorough testimony and the written material, and we have already entered in order to with unanimous consent some of the documents that have been requested. We also have a request for unanimous consent to enter into the record the Sudan recommendations of the United States Commission on International Religious Freedom, and that will also be included in the record to make it thorough.

I might just say, in parting, that we feel that until the Government of Sudan stops its killing and murdering and raping and maiming, until the Government of Sudan stops its lying and its continued diverting the implementation of either the Darfur Peace Accord or the Comprehensive Peace Agreement, in my opinion, that government is an illegitimate government and does not deserve the right to come before this committee. We cannot dignify people who have blood dripping on their hands. Someone has to talk to them. That is what diplomats are for.

We are not diplomats; we are legislators, and as long as I am chairman of this committee, the Government of Sudan is not welcome until they show that they are a government of their people and for their people. The meeting stands adjourned.

[Whereupon, at 2:27 p.m., the subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF TEXAS

Mr. Chairman, I thank you and the Ranking Member for holding this hearing and briefing today. As a new member of the Committee on Foreign Affairs, I am honored to be a part of this important Subcommittee, especially at this moment in history in which addressing the current crisis in Sudan is of paramount importance.

Our nation's response to the genocide in Sudan will be one of the defining barometers which will define our legacy. Accordingly, I am heartened that this Subcommittee's first hearing is regarding the turbulent nation of Sudan. I thank the witnesses, Honorable Roger Winter, Mr. Luka Biang Deng, and Mr. Barnaba Benjamin for being here today to provide us with their knowledge and insight.

Today we center our focus on South Sudan and the fragile Comprehensive Peace Agreement of 2005 that marked the end to Sudan's 21-year civil war. According to Vice President Salva Kiir, United Nations officials, and others, implementation of the Comprehensive Peace Agreement (CPA) by the Government of National Unity has been selective and at times deliberately slow. The parties have made no progress on implementing the Abyei Protocol, leaving the people of this region largely without formal policing, public sanitation and health services. The government force redeployment from Southern Sudan has been particularly slow, especially in the oil field regions.

However, earlier this month, the government redeployed 68.1% of its forces, while the agreement states that all of the forces must be out of South Sudan by July 9. The Sudanese People's Liberation Army (SPLA) has completed redeployment of its forces from East Sudan, and the Sudan Alliance Forces (SAF) are still in control of several states in Southern Sudan, including Upper Nile and Unity States.

The most immediate threat to the peace agreement stems from several armed militia groups that are not party to the Comprehensive Peace Agreement. During the past decade, these militia groups were used by the Government to terrorize and forcefully remove civilians from the oil fields. According to the CPA, these groups should have been disarmed, demobilized, or integrated in the Sudan Armed Forces (SAF) or the SPLA by January 2006. Unfortunately, according to senior Government of South Sudan (GOSS) officials, an estimated 19,000 armed militia remain at large.

The Assessment and Evaluation Commission was mandated under the Comprehensive Peace Agreement to monitor its implementation, but the parties to the agreement have not been actively engaged in the process. They have made little progress in the implementation of the wealth and power sharing provisions of the CPA, while work on the North-South border is behind schedule. Failure to resolve the border issue is likely to complicate the redeployment of forces and sharing of oil revenues, since a number of the oil fields are located along the 1956 North-South border.

There are many challenges facing the Government of Sudan and the SPLM, as they continue implementation of the Comprehensive Peace Agreement. While they appear committed to the CPA, serious questions have been raised about the commitment of the National Congress Party government and ability of both parties to overcome severe internal problems. Tens of thousands of Internally Displaced Persons (IDPs) have returned to southern Sudan from the North, but many more remain in camps.

I commend the past and current U.S. administration for their efforts to address the North-South peace talks so far, but much more must be done. Sustained U.S. pressure on the Government of Sudan helped secure the Comprehensive Peace Agreement in the first place, and we must maintain this pressure to ensure that

this agreement is implemented and that the peace is lasting. The Bush Administration, while maintaining U.S. bilateral sanctions, also engaged the Government in critical dialogue and offered the normalization of bilateral relations as an incentive for the resolution of the Darfur crisis and settlement of the North-South conflict.

The situation in South Sudan is a very difficult one to address since the same government that signed the CPA is also the one implicated in the genocide in Darfur. In our efforts to maintain peace in the South, we must not fail to address the dire human rights crisis in the West.

I look forward to hearing our witnesses' testimony on the situation in South Sudan and their recommendations on how the United States may help maintain peace in the region. I share their hopes and aspirations that a lasting peace may be achieved in Sudan.

Thank you, Mr. Chairman, and I yield back the remainder of my time.

[NOTE: The United States Commission on International Religious Freedom (www.uscirf.gov) Winter 2006 issue of "Policy Focus Sudan" and recommendations for U.S. policy is not reprinted here but is available in committee records for this briefing and hearing.]

