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Assessing Challenges and Opportunities for Peace in Sudan  
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Chairman Feingold, Senator Isakson and members of the subcommittee, thank you for giving me the opportunity to appear before you today to discuss the challenges and opportunities for peace in Sudan.

Sudan faces the prospect of renewed violence between north and south over the next twelve to eighteen months. Under the terms of the 2005 Comprehensive Peace Agreement (CPA) that ended Sudan's bloody civil war--which claimed two million lives and displaced four million more--a referendum in southern Sudan must be held by January 2011 to determine whether it remains united with the north or secedes from it. Given that popular sentiment in the south overwhelmingly favors secession, two basic scenarios are conceivable: the south secedes peacefully through a credible referendum process or the CPA collapses and the south fights for independence. There is no scenario in which the south remains peacefully united with the north beyond 2011. Further complicating prospects for averting renewed violence are the ongoing conflict in Darfur and potential conflicts in other marginalized areas of the north. The violent secession of the south would hinder efforts to resolve these conflicts, as well as increase the prospect for greater internecine fighting among historic rivals in the south. The resulting significant loss of life and widespread political unrest would threaten regional stability and challenge U.S. interests in Africa.

The likely triggers of renewed civil war between north and south over the next twelve to eighteen months concern the referenda on self-determination, border flashpoints, and oil. While ultimately the Sudanese will determine peace and stability or conflict and insecurity, Washington has at its disposal a variety of near-term and longer-term policy measures it could adopt to help avert a renewed civil war.

#### CHALLENGES AHEAD

Renewed civil war in Sudan would present an acute policy challenge to the United States in Africa. A major new outbreak of violence, with all its attendant humanitarian consequences, would put considerable pressure on the United States to respond and prevent further bloodshed. The U.S. role as the principal broker of the CPA, the existence of widespread public concern in the United States on Darfur, and the concern that renewed conflict could spill over and destabilize neighboring countries add to these pressures.

In the worst-case scenario, a renewed north-south conflict could plunge the country into a chaotic and deadly situation of total war if the political opposition and armed movements in the north, south, Darfur, and east organized and coordinated their combat strategies. In the more probable scenario of CPA collapse leading to a resumption of generalized north-south war or even a partial resumption of hostilities, the civilian toll is still likely to be high. Both the northern military—the Sudan Armed Forces (SAF)—and the southern military—the

Sudan People's Liberation Army (SPLA)—are large land armies and have acquired advanced weaponry and training for their armed forces during the interim period. Khartoum retains air superiority over the south and can be expected to resume its bombing raids aimed at terrorizing civilians.

Small arms remain pervasive throughout the civilian population in the south despite recent disarmament efforts by the Government of Southern Sudan (GoSS). Violence in southern Sudan is already rising at an alarming rate; in 2009, communal violence in the south surpassed the level of violence in Darfur, displacing some 350,000 people and killing more than 2,500. Khartoum is widely suspected of helping to foment this violence through its standard practice of destabilization through local proxy forces and should be expected to increase its nefarious activity in the south along these communal fault lines, as well as by providing ongoing support for the Lord's Resistance Army (LRA), in an effort to make the south appear ungovernable and therefore unfit for its referendum on self-determination. Finally, retributive violence against minorities in Khartoum, Juba, and other important cities in the north and south with a mix of populations (southerners living in the north and vice versa) can be expected in the event of the collapse of the CPA and a resumption of hostilities.

The catastrophic humanitarian consequences of a violent secession will demand that the United States work closely with the United Nations and nongovernmental organizations (NGOs) to access needy populations throughout Sudan with food and emergency relief. Conditions for humanitarian relief will be difficult, if not impossible, in many areas. The NCP will likely cut off humanitarian access in the north and Darfur, ruling out international humanitarian relief efforts. In the south, humanitarian actors could revert to cross-border operations via Kenya and Uganda even without Khartoum's assent (as occurred during the civil war); humanitarian flights and convoys, however, would be again vulnerable to possible air attack.

Prospects for resolving the conflict in Darfur will dim further and likely expire in the event of a renewed north-south war. Since the start of 2010, Khartoum has taken the offensive against two of the major outstanding rebel movements in Darfur, the Justice and Equality Movement (JEM) and the Sudan Liberation Movement-Abdul Wahid (SLM-AW). Similar to the outbreak of violence in Darfur in 2003 and its escalation in 2004, Khartoum appears to be banking that the focus of the international community—and particularly that of the United States—will be diverted to the CPA (in this case securing the referendum), allowing it to take more aggressive action in Darfur while continuing to participate in the peacemaking efforts of the UN/AU joint mediator, Djibril Bassole, and the Qatari government in Doha.

In the event of the violent secession of south Sudan, neither Khartoum nor the Darfur rebel movements will be motivated to seek a meaningful negotiated settlement. Khartoum's tolerance of the UN-AU Mission in Darfur (UNAMID) may cease, and it may conclude that forcibly returning the 2.7 million IDPs to their homes is its best option to end international involvement in Darfur. At the same time, humanitarian access would become

very difficult, if permitted at all, denying food and other emergency assistance to the more than 4.7 million people in Darfur currently reliant on international aid.

As the principal proponent and overseer of the CPA, U.S. credibility as a peacemaker in Sudan and Africa will be affected by whether and how the United States supports the south's path to independence. Without the unequivocal support of the United States and the international community for the south's right to self-determination, it will have no incentive to seek this peacefully and avoid renewed conflict. Moreover, the rebel movements in Darfur will conclude that the United States and the international community are not trustworthy guarantors of a settlement with Khartoum, thus eliminating the possibility of a political arrangement that restores stability in Darfur and allows the voluntary return of IDPs to their homes. In the wake of domestic advocacy campaigns on Darfur, pressure for greater U.S. action will grow at the same time that U.S. credibility and leverage in Sudan and the region is compromised.

In the event that the referendum passes credibly, preparations will need to have been underway for a two-state reality. With respect to the south, a frequently heard view is that a new state of Southern Sudan will not be viable upon independence, given its weak institutional capacity, signs of corruption, and proclivity for communal violence. Yet it is noteworthy that the GoSS is a mere five years old, without any legacy of governance structures or physical infrastructure from the past fifty-four years of independence, or the preceding fifty years of colonial rule, on which to build. In nearly every sense the project of the GoSS, whether an autonomous region of a federated Sudan or a newly independent state, is one of nation and state construction, not reconstruction.

Expectations for the performance of this nascent state must be attenuated with the reality that no nation-state has developed its capacity to function as a sovereign state in such record-breaking time, and care must be taken to pace external demands with available resources and realistic timeframes. Mistakes will be made and decisions taken which do not fit into the box of international best practice, but so long as the fundamental aspirations of the southern Sudanese leadership are for the betterment of its people, as I believe they currently are, then sustained patience and partnership are due to the GoSS as it assumes the responsibilities of full sovereignty.

For its part, the GoSS must continue to demonstrate the political will and strength of leadership to confront the challenges of a nascent state entirely dependent on natural resource extraction and foreign assistance and to accept massive external assistance to help establish transparent, accountable, and durable institutions of governance. In a situation with a plethora of urgent needs, both the Government of Southern Sudan and its international partners need to pay greater attention to securing the stability of the south. Thus far, much effort has been paid to the professionalization of the SPLA, and while there is more left to be done in this regard, a similar commitment is needed to address critical law and order functions such as policing and the judiciary.

With respect to the north, the key question to be answered post-referendum is whether the National Congress Party (NCP) will use its control over the government to return to its

original Islamist agenda or will instead pursue the reforms mandated in the CPA for both north and south—to build a multi-ethnic, multi-cultural, multi-party democratic and decentralized state.

## TRIGGERS FOR VIOLENT OUTBREAK

The likely triggers of renewed civil war between north and south over the next twelve to eighteen months concern the referenda on self-determination, border flashpoints, and oil. Elections held in April 2010 passed with limited violence, though they were seriously flawed and did not meet international standards of credibility.

### *The Referenda:*

The clearest tripwire for return to war between north and south is delay of the southern Sudan referendum beyond January 2011, or manipulation or denial of the results by the NCP. In addition to the referendum on independence for the south, the CPA also affords the volatile and oil-rich region of Abyei, historically part of the south but currently part of the north, its own referendum to decide whether to follow the south's decision or to stay in the north. Given Abyei's symbolic significance to southern Sudan, any serious movement by the north or outside actors to postpone or defer either of these referenda could collapse the CPA and embolden those within the south who agitate for a unilateral declaration of independence. The SPLM leadership would be unable to resist popular pressure for such action, even though it would likely provoke the north to secure the oil fields militarily and to terminate transfers of oil revenues to the south, plunging the two parties back into war.

The NCP's utmost concern is political survival, which assumes continued access to oil revenues and, ideally, would not entail a referendum on southern independence. At a minimum, the NCP will attempt to make the southern referendum as costly as possible for southerners, both to gain maximum leverage in post-referendum negotiations as well as to showcase its resistance to southern secession and the division of the country. If Khartoum assesses ambivalence or outright support from the international community in delaying the referenda, any inclination within the party to uphold the CPA will crumble and the likelihood of southern agitation in response to northern intransigence will mount.

In two other contested areas in northern Sudan—the states of Southern Kordofan and Blue Nile—the CPA provides each a lesser option for popular consultations at the end of the interim period to review and possibly amend the constitutional, political, and administrative arrangements of these states with the national government; the CPA does not allow for these areas to participate in the south's referendum on independence in spite of their alliance with the south's struggle for self-determination. Dissatisfaction with being denied self-determination combined with mounting disappointment with the popular consultation process due to delays and perceived manipulation will fuel hard-line sentiment to return to war in pursuit of a better solution for the former SPLM-held areas. Already state elections in Southern Kordofan have been postponed due to controversial census results and constituency demarcation; they must be conducted as quickly as possible after the census re-count is completed in mid-June so that the process of popular consultation may move forward.

### *Border Flashpoints:*

The CPA provides for the demarcation of the north-south border before the referendum takes place. At stake are the disposition of some of the most productive oil reserves in Sudan, constituency delimitation for the elections and referenda, and traditional access to land and grazing routes. A joint committee of the parties to resolve contested portions of the border has not finalized its work, with the four or five most contentious border issues outstanding (comprising some 20 percent of the border) and awaiting resolution by the presidency.

During the interim period, both the SAF and the SPLA have rearmed and repositioned themselves along the border particularly around strategic oil fields. Joint Integrated Units of the two forces, as mandated by the CPA, exist in name only and are themselves sources of considerable volatility. As the end of the interim period nears, the chances of either accidental escalation through weak command and control of junior officers or intentional escalation to secure vital oil fields will rise. Numerous potential flashpoints exist; the most prominent of which centers on Abyei.

In May 2008, the SAF's 31st brigade attacked the SPLA and burned the town center to the ground. Intense diplomatic pressure and the ruling of the Permanent Court of Arbitration in July 2009 helped to calm simmering tensions, but potential for conflict to flare between the African Ngok Dinka and the Arab Misseriya tribes, and by extension the SPLA and the SAF, remains high. The SAF's 31st brigade remains just north of the town. Further, the Misseriya are blocking the demarcation of Abyei's northern border, per the Permanent Court of Arbitration's ruling, and the UN Mission in Sudan (UNMIS) has yet to gain peacekeeping access to the vital Heglig oil fields that are located in this area. Scaled-up presence and monitoring of UNMIS along the north-south border is imperative as quickly as possible, as is resolution of its status in Blue Nile and Southern Kordofan post-referendum.

### *Oil:*

Given that most of Sudan's currently active oil fields are on the southern side of the north-south border and that the only pipeline for transporting oil to the coast for export runs north to Port Sudan on the Red Sea, negotiation of acceptable terms for oil revenue sharing post-referendum, particularly in the eventuality of southern independence, will be a significant indicator of the prospects for a smooth referendum process and beyond. A basic deal between north and south will be imperative to secure the NCP's tolerance of the referendum process and respect for its outcome. Uncertainty about the dispensation of oil revenues and pipeline service fees will not only discourage NCP cooperation with a credible referendum process but encourage it to tighten its security around the active fields. This, in turn, will further provoke the SPLM to disrupt the pipeline or attack the oil fields; the NCP likely underestimates this risk, believing its control of the pipeline gives it ultimate leverage in oil revenue negotiations.

## RECOMMENDATIONS FOR AVERTING RENEWED CIVIL WAR

While there is immense risk of a violent breakup of the country, it is by no means inevitable. The Sudanese will determine peace and stability or conflict and insecurity. And yet Washington has at its disposal a variety of near-term and short-term policy measures it could adopt to help avert a renewed civil war.

The least costly and most effective option for the United States would be to re-double bilateral and multilateral diplomatic action to provide pressure as well as incentives for the parties to honor their commitment to the CPA, which has provided peace—however temporary—between north and south for the first time in twenty-two years and now needs to be consolidated through a credible referendum process. The Administration maintains leverage over Khartoum because of the range of economic and political measures it has already imposed, vitiating Khartoum's international legitimacy, and it must sustain a unified message of incentives and pressures toward the NCP to achieve its objectives for Sudan as a whole.

In the near-term, the United States should lead by example in recognizing that the south will not remain peacefully united with the north after January 2011 and in preparing for an independent south. International support for self-determination should be unambiguously affirmed without prejudice toward unity, and it must be backed by preparations to recognize and assist an independent southern Sudan. The United States should lay the foundation now for upgrading relations with the GoSS and nominating an ambassador as soon as the outcome of the referendum is validated. It should also be prepared with an even greater assistance package than it has yet provided, particularly to support the GoSS, state, and local level institutions of governance as well as to spur economic growth. Continued assistance to professionalize the SPLA will also be vital, as will even more assistance to build a competent police force and other institutions to maintain the rule of law, as I noted earlier.

In the event of a violent secession, all non-humanitarian assistance for an independent south should be contingent on a finding by the president, notified to Congress, that the south faithfully upheld its commitments under the CPA and that the south was not responsible for initiating the violence. The United States could further lead the donor community in mobilizing the resources for a post-referendum peace dividend, which is critical to securing stability in the south and building a capable, accountable government.

The United States can best support the parties by helping to ensure an environment that motivates them to keep the peace. Washington can do this by focusing them in the near-term on the critical outstanding issues, by generating ideas to break logjams if asked, and by articulating the minimum redlines for an internationally acceptable transition to post-referendum status. Pre-referenda, the most critical issues are the demarcation of the 1,300-mile north-south border, oil revenue-sharing arrangements post-separation, and resolution of citizenship status for southerners remaining in the north after independence, and vice versa. Arrangements for the referenda and popular consultations are lagging, requiring critical attention and greater coordination of effort and resources to support the parties. The

Administration should not attempt to negotiate any of the outstanding issues, but it could deploy senior diplomats with relationships with key northern and southern leaders to nurture the transition process, in addition to the frequent visits of the president's special envoy and in close coordination with the African Union's President Mbeki and the United Nations' Special Representative of the Secretary-General Haile Menkerios.

As soon as possible, the UN Security Council should codify consensus expectations of the international community with respect to the final benchmarks of the CPA and closely oversee the readiness of the UN for the most likely contingencies. Specifically, the Security Council should re-affirm January 2011 as the date for the southern and Abyei referenda through a resolution or presidential statement that details realistic penalties for each party if it were to renege on the CPA. It should also require a detailed transition plan from UNMIS, assuming an independent south; ensure that UNMIS is positioned at hotspots along the north-south border and inside southern Sudan; and provide UNMIS with the resources and manning it needs to counter the threats to civilian life that are already present.

The United States should lead the international community in pressing for the establishment of the commissions for the referenda as well as supporting their function; time is already short and technical preparations lag far behind. Concerted, coordinated, and public diplomatic pressure must be kept on the parties, particularly the NCP, to move expeditiously in establishing the Southern Sudan Referendum Commission and Abyei Referendum Commission and launching the popular consultations. A key element in this regard will be a competent, transparent, and timely complaint and dispute resolution process. Financial and technical support for the referenda must also be forthcoming from the international community.

Over the longer-term, the United States should lead multilateral efforts among the P5+1 (China, France, Russia, United Kingdom, United States, and European Union) special envoys to Sudan in developing a common agenda for focusing the parties on the critical issues pre- and post-referenda, in close coordination with President Mbeki and Haile Menkerios. Particular attention should also be paid to China, Egypt, and the Arab League given their influence with Khartoum, along with Sudan's other neighbors—Chad, Libya, Eritrea, Ethiopia, Kenya, Uganda, the Democratic Republic of the Congo, and the Central Africa Republic. Ministerial level intervention and focus from the P-5+1 and the international witnesses of the CPA (Kenya and Uganda on behalf of IGAD, Egypt, Italy, Netherlands, Norway, United Kingdom, United States, African Union, European Union, IGAD Partners Forum, League of Arab States, United Nations) is critical to hold the parties to implement the final stages of the agreement and to carry forward its spirit of Sudan as a multi-ethnic, multi-cultural, diverse, decentralized, and democratic state through the national constitutional review processes that both northern and southern Sudan will each undergo following a vote for secession by the south.

Whether south Sudan secedes violently or not, U.S. interests in Sudan will continue to be affected by Khartoum's calculations over the long term, and communicating the United States' interest in fostering a more democratic, accountable government for the people of northern Sudan as well as in ensuring a stable, peaceful neighbor for an independent south

will be essential for managing this relationship. The trajectory of the bilateral relationship should be predicated on how the NCP treats the political opposition, civil society, and media and on the government's willingness to transform as demonstrated through its actions in pursuit of peace in Darfur, popular consultations in Southern Kordofan and Blue Nile states, land reform, security reform, civil service reform, decentralization, freedom of the press, respect for human rights, and opening up of political space.

Prior to the referenda, the Administration should publicly begin a process to determine the restoration of full relations with Khartoum and prepare for a focused development assistance package for northern Sudan, pending the peaceful secession of the south and resolution of the conflict in Darfur. In the event that the president determines and notifies to Congress credible and peaceful referenda, as well as a political settlement and a return to stability in Darfur, the Administration should then move forward with the development assistance package for the north and begin the process of repealing sanctions according to the specific requirements for which the sanctions were imposed.

By contrast, if Khartoum reneges on its commitments in the CPA or promotes continued conflict in Darfur, U.S. assistance should be limited to humanitarian response, and the U.S. should seek further multilateral punitive economic and political measures against Khartoum. This should include pressing Sudan's European trading partners to adopt tougher commercial sanctions against the north if it reneges on the CPA (and to indicate their intent to do so prior to the referenda).

A commonly held view is that Khartoum only responds to increased pressure; already many advocates are calling for threats of punitive action and further isolation to help prevent Khartoum from reneging on the southern referendum. This option could include bilateral threats of military action, such as threats to blockade Port Sudan, launch air strikes against strategic targets, or enforce a no-fly zone over the country. The value of making these threats depends on 1) Khartoum's perception of the likelihood of their implementation; 2) the effectiveness of the intended action on achieving its objective; and 3) the trade-offs associated with each punitive measure.

For instance, an effective blockade of Port Sudan would disrupt arms flows and major economic activity for the north, severely challenging the regime's survival. The impact of the blockade would need to be balanced, however, with the political and civil unrest likely to ensue in northern Sudan, the spillover effect on the south, and the economic harm the south would suffer from the loss of oil revenue. Another option is to impose a no-fly zone over parts of Sudan. Given the size and location of the country, however, most military analysts assess it would be difficult for the U.S. government or allied forces to sustain such an operation. Any military options would be costly for the United States at a time when military resources and political capital, particularly in the Muslim world, are stretched thin. In light of these factors, Khartoum is likely to conclude that Washington will not follow through on military threats, and it will correctly assume that the UN Security Council will not back multilateral military action given the veto power of China and Russia—two of Khartoum's principal arms suppliers and, in the case of China, Sudan's largest trading partner.



Some also advocate other multilateral punitive actions, such as the threat of tougher sanctions and/or the imposition of a full arms embargo against Sudan. Support in the UN Security Council is similarly unlikely, however. Even if consensus could be reached in the Security Council, Khartoum's largest arms supplier is Iran, for whom UN-imposed embargoes are meaningless; any arms embargo would therefore be partial at best and would likely disproportionately affect the south.

Thank you again for the opportunity to address you today. I look forward to answering any questions you may have.