

United States Institute of Peace
Association for Diplomatic Studies and Training
Sudan Experience Project

Interview # 13 – Executive Summary

Interviewed by: Marilyn Bruno
Initial interview date: August 4, 2006
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The Interviewee was a member of a non-governmental organization (NGO) that traveled to Sudan in January 2006 to assess the implementation of the human rights provisions of the CPA. The delegation met with cabinet-level members of the Government of National Unity, lead CPA negotiators from both sides, the retired Kenyan mediator, opposition politicians, civil society activists, religious leaders, and representatives of international humanitarian organizations.

The NGO delegation concluded that the North fails to demonstrate sincerity to fulfill its CPA commitments on basic human rights, including freedom of religion. There are currently four competing drafts for the functioning of the yet-to-be-formed national Human Rights Commission, as provided by the interim Constitution. Not all of these drafts are in accord with international standards relating to the independence and mandate of such commissions. The National Constitutional Review Commission, charged with ensuring the creation on a proper legal basis for the various bodies necessary to implement the CPA, has been largely dormant. The CPA specifies, for example, that Sharia (Islamic) law should not be applied to the same degree to non-Muslims in the North, yet Christians in Khartoum are still subject to lashings for consuming alcoholic beverages and other violations of Sharia. The Government established a Special Commission for the Protection of the Rights of Non-Muslims in the National Capital in early 2006, but to date this special provision amounts to little more than vague callings for judicial discretion and training to make the police more culturally sensitive to Non-Muslims.

Those Western countries facilitating the negotiation of the CPA overestimated the North's good will, and currently lack a strategy to leverage compliance. Regarding the CPA's provisions for the return of internally displaced persons (IDPs) and refugees, the donors still fail to grasp that their goals are unrealistic, due to the absence of infrastructure and security in the South to enable people to return home. Nor surprisingly, the UN High Commissioner for Refugees (UNHCR) and the UN Office for the Coordination of Humanitarian Affairs (OCHA), which coordinate IDP returns in Sudan, are far behind their proposed timetables for returnees.

Despite the apparent lack of gratitude from the Government of Khartoum, the Interviewee was certain that donors and the NGO community would continue to show diligence and commitment to facilitate returns. The U.S. Government, and other countries with influence in Sudan, should increase pressure on Khartoum by conditioning donor and NGO assistance on performance of the CPA commitments, including protection of religious freedom in the North, an end to the genocide in Darfur, and a transparent sharing of revenues so that the South can be rebuilt and made secure. The Interviewee recommends that Sudan continue to be designated by the Secretary of State as a "country of particular concern" until there are palpable changes in the North's authoritarian security system and attitude of impunity towards human rights abuses.

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Q: My name is Marilyn Bruno. It is the 4th of August of 2006. Thank you very much for your time today.

A: It's great to be on your show.

Q: It's not really a show, but okay. We're here to talk about the implementation of the Comprehensive Peace Agreement in Sudan.

A: Yes.

Q: The Agreement was finalized over a year ago. Could you tell me what's happening on the ground in Sudan regarding the CPA implementation? What your connection with that?

A: Yes. Well first of all, I will confirm that it's not going very well. Just last week, I was participating on a delegation of my non-government organization (NGO) that met the President of Southern Sudan/Vice President of Sudan, Salva Kiir. We met with him for about 30 minutes and got his take on the CPA. He was very candid and honest that he wasn't very pleased. Things are moving slowly in Sudan. I don't know if that's a cultural thing. I have a suspicion that it is largely that the Northern Sudan Government is dragging its heels.

Our NGO was one of the first to focus of attention on Sudan because of Khartoum's coercive policies of "Arabization and Islamization." The civil war's millions of victims were overwhelmingly Christians and followers of traditional African religions. Its victims also included Muslims, particularly in the Nuba Mountains, condemned for opposing the Islamist regime in Khartoum. Since its inception, our NGO has recommended that Sudan be listed as a "country of particular concern" (CPC) in its extensive reporting on Sudan. Our NGO has frequently testified at Congressional hearings on the myriad religious freedom violations there, held a full-day public hearing on Sudan, convened numerous press conferences, and issued many press releases drawing attention to the plight of the suffering in Sudan. In the midst of the war in 2000, our former Chair conducted a site visit to Southern Sudan. In January 2006, a year after the signing of the CPA, I participated in the NGO's delegation that visited Khartoum, Juba, and Kadugli in Sudan, as well as Nairobi and Lokichokio in Kenya. to discuss the impact of recent developments on religious freedom conditions in Sudan. Meetings included cabinet-level members of the Government of National Unity, lead negotiators for both sides, the retired Kenyan general who had mediated the North-South peace negotiations, opposition politicians, civil society activists, religious leaders, and representatives of international humanitarian organizations. A visit to the Jebel Aulia Internally Displaced Persons (IDP) Camp outside Khartoum provided an opportunity to hear directly from individuals displaced by the civil war. It was clear that the ability of the SPLM to

hold its former Sudanese Government adversaries to the letter, much less the spirit of the CPA, is limited by the SPLM's own limited institutional capacities. The SPLM faces the triple challenge of participating in the Government of National Unity (GNU), of establishing and leading the new regional Government of Southern Sudan, and of transforming its armed wing from a rebel movement to a standing army. Finally, our delegation appreciated first-hand the South's lack of infrastructure when we found ourselves in a meeting with one of the Ministers of the new Government of Southern Sudan in a tent city in which he was living due to the lack of housing in the new Southern capital.

When I went to Sudan last January, the complaint over and over again by at least those people from Southern Sudan was that the CPA implementation is moving very slowly, and they're a bit discouraged.

Q: Did they give a reason for this slow movement?

A: You know, they're just suspicious of the current regime in Khartoum that signed the papers, but is not eager to implement them. So, they were kind of baffled actually.

Q: Were they asking for U.S. support, or additional support?

A: They said that any amount of pressure that the international community or the U.S. can give to move things along would be greatly appreciated. They were concerned about significant delays, shortcomings. They were concerned whether the National Congress Party leadership was sincere in its commitment about CPA. They've had a long history of broken promises from that government and so they're a bit suspicious. I didn't come away very encouraged. When the President of Southern Sudan was in town last week, we asked him questions about it. One would have hoped he would say that things were moving right along now and we would have been encouraged. But he was very candid in saying that it wasn't going well. And he also said that word was getting back to Sudan about his visit to Washington. He met with President Bush, with other leaders, and the State Department. Word was getting back to Sudan that he was not saying nice things about how it's going. He didn't seem too worried about it, or he is a very courageous man.

Q: Do you think Non-Governmental Organizations (NGOs) should be playing a bigger role right now in raising these concerns?

A: Well everybody can play a bigger role, and the NGOs that we met with there are doing everything they can. The Government of Sudan did not meet with us, and was not eager to meet with us, because we're a body that looks at religious persecution and human rights. We were meeting with Muslims, non-Muslims, and people of all types. The Government of Khartoum was not very eager for us to ask them tough questions. So we met largely with Southern Sudan leaders who were working in Khartoum to implement the CPA. This is anonymous so I can be really candid. Why am I pulling my punches? One gets the impression that the Islamic government of Sudan is a pretty brutal regime, a pretty corrupt regime. Anybody that puts a lot of optimism in peace agreements should be a little wary right now when dealing with a government like that. But that doesn't mean we shouldn't pursue peace agreements, even with corrupt people. It's just that when we do it we ought to be aware who we're signing agreements with.

Q: So we know that Sudan has a North-South ethnic split and a religious split. Do you see this as a cultural rift, or do you think it's a religious rift?

A: Well in Darfur, I think it's an ethnic split. But in Khartoum and in the North, I think it's very much a religious split. We found a lot of non-Muslim people who were the victims of what's called Sharia law in Northern Sudan. The Muslim are applying Islamic, Sharia law to people who are not Muslims, which was disturbing. The CPA specifically says that Sharia law should not be applied to the same degree to people who are not Muslims. And that apparently is not being followed.

Q: And who would be responsible for that? Is it the police? Is it the courts?

A: Yes, it's the police. It's the Government, but it trickles down when the police find out you're a non-Muslim. We met with a newspaper reporter who told us that he was at a party where there was drinking. The police arrived, and the Muslims who were drinking got 20 lashes. The non-Muslims only got 10.

Q: You get lashed for drinking?

A: You get lashed. It's primitive.

Q: But who sold them the liquor to begin with?

A: Well, probably the Government. But yes, you get taken to the police station and get lashed. Welcome to the 17th century.

Q: Well, no women are in sight there, so they're safe. You said that you saw Northern Sudan as a tribal, ethnically divided place?

A: Yes. It is rooted in a religious understanding of Islam. As we have learned throughout the world, Islam is a very diverse religion. There are moderate Muslims and there are non-moderate Muslims. Apparently, the Government of Khartoum is not moderate. But the CPA specifically says that the Sharia law shall not be applied to non-Muslims. It is to be applied only to the Muslims, and the Government violates that.

We also met, for instance, with 30 religious leaders for a reception and dinner at the U.S. Embassy, including Catholics, Anglicans, and Presbyterians. They were all very skeptical about both the intentions of the Government in Khartoum regarding the Peace Agreement. It was paradoxical. They were glad about the Peace Agreement, but they were skeptical immediately because they don't trust the Government in Khartoum. So we have a Peace Agreement with a government that no one really trusts.

Q: We have a view to 2009 elections and a 2011 referendum where the South has the possibility of exercising its vote to secede.

A: Right.

Q: Is that the better option, given all of this distrust?

A: That's the direction it's going right now. I mean, the South wants to see evidence during this six year interim period that there are real, good intentions on the part of the North. One could suspect the North will drag its feet for four-and-a-half years and then, as it gets closer to the end of the six years, show good intentions. But everybody we talked to said, "This is not going to work and we're going to secede." And then are you going to get? Another civil war? I don't know.

Q: So you went on a trip with your NGO's delegation and came back with your findings. Did you report these findings to people in the U.S. Government?

A: Absolutely.

Q: And what was the reaction?

A: Great concern, as you can imagine. We put out a report and we gave testimony on Capitol Hill to several subcommittees. Our NGO also reports to Congress, to the State Department, and to the President. So all of this goes to their staffs as well.

Q: And what was the outcome of that?

A: Ongoing bewilderment and concern.

Q: Because we are putting millions of dollars into Sudan, we have a stake in this success?

A: There are not a lot of reasons to be optimistic about the conditions of Sudan, both in Darfur and also with the intentions of the Government in Khartoum regarding the CPA. I'm generally an optimistic kind of guy. But you go to Sudan and you just come away saying the opposite view. This State Department has been very energetic. Before he stepped down, Robert Zoellick had been to Sudan almost a dozen times, back and forth, back and forth, trying to get some good out of it. And you know, diplomacy is a hard job, especially with governments that don't want to budge.

Q: Well now, there are also oil revenues coming in on both sides.

A: Which are not being shared. Another finding that we had was the accounting of oil revenues was not transparent. Where the revenues were going was not transparent, and the South had no way of tracking whether they were getting their fair share.

Q: Members of the U.S. Government serve on oversight commissions that are supposed to be assessing and evaluating the implementation?

A: Yes, but I'm not in touch with those people. I'm sure that, in your interviews on this question, someone will tell you how that's going. But what we found out is that monitoring is difficult because of the lack of transparency. It's difficult to determine if the South is receiving the agreed-upon share of the current oil revenues. Again, this was another disturbing finding.

Q: Is this something we should be addressing more vigorously with our international colleagues?

A: Yes, yes.

Q: And who do you think those players should be?

A: Well, the highest level of State Department. We do have a lot of problems in the world with Iraq and the Middle East, but Sudan can end on a positive note. One can be grateful that this President actually is concerned about Sudan and meets with all the people who come here from Sudan. He has undertaken a special burden for the people of Sudan. Another positive note would be that there was a smooth transition by the Government of National Unity and Sudan People's Liberation Movement (SPLM) for John Garang's successor, the gentleman I met with last week, President Kiir. People were happy about the smooth transition, especially in light of Garang's tragic death. But the other difficulty, of course, is with the horrible lack of infrastructure in the South, including the lack of housing. The damage to the infrastructure because of the war created a sad situation there because there's so much to recover.

Q: And Darfur, of course, is in the middle of all of this.

A: And Darfur is going on in the middle of all of this. We went out to an Internal Displaced Persons (IDP) camp, where all these people are literally displaced. We met the IDPs and refugees.

Q: And what were the conditions there? What did you see?

A: Well, we were there for about five or six hours. We met with the leaders and saw hundreds of thousands of people out in the middle of the desert in these little clay huts. All of them are pleading, tearfully, eagerly, to go to the South. "We want to go home, we want to go home." This camp was just outside of Khartoum. And they can't get home. There's no way to get there. There are no roads. And if and when they get back, there's nowhere to go. As much as you're compassionate and want to say, "Yes, we'll get that bus going right away, or that train, or that flight," there's simply no way for them to get back to the South. The international NGOs are doing their best to speed that up but, quite literally, people with great concern and compassion told us that there's nowhere to go. This is hard to comprehend. We're sitting here from the West saying, "Well, why don't you just get a train ticket?" It's hard to imagine what we take for granted.

Q: And there are no schools when you get there, or homes or facilities.

A: Exactly. Our NGO reported on that horrible situation. Paraphrasing from our report, in terms of the number of civilians displaced by conflict, there are more than 600,000 refugees and four million IDPs from the North-South civil war, and more than 200,000 refugees and two million IDPs from Darfur, for a total of seven million displaced Sudanese from a population of 40 million. In the Khartoum area alone, there are 255,000 IDPs residing in official camps, and an additional 1.7 million living in unofficial squatter settlements. The overwhelming majority of the nearly five million displaced as a result of the North-South civil war are Christians or followers of traditional African religions; those displaced from Darfur are Muslims who are members of tribes identified as African as distinct from Arab.

Approximately 500,000 IDPs and 50,000 refugees already have returned to the South and transitional areas. IDPs living in Khartoum from the South overwhelmingly told delegation

members that they plan to return to the South, even those who had lived for many years in the North and had secure jobs. The UN High Commissioner for Refugees (UNHCR) and the UN Office for the Coordination of Humanitarian Affairs (OCHA), which coordinate IDP returns in Sudan, require that all returns of refugees and IDPs must be voluntary. This has been memorialized in recent tripartite agreements between the UNHCR, Sudan, and major host countries of Sudanese refugee camps. However, the international community has acknowledged that the infrastructure of Southern Sudan is so frail and overstretched that it can support only a relatively small number of returns at this time. This obstacle is compounded by serious protection concerns, as well as a total lack of safe transportation options from the IDP camps to the places from which the IDPs fled. As Walter Kalin, the Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons recently reported, many IDPs in and around Khartoum face trip consisting of a 220 mile ride packed into a truck from Khartoum to Kosti. Once in Kosti, the IDPs must wait in the outdoors for up to a month before it is their turn to take a 5-25 day ride in a barge with no guardrails, sanitation, or cooking facilities. This water route is necessary because travel by road is not feasible as the few passable roads in existence are mined. From the port, returnees must find their way home, often on foot.

According to UNHCR, an unknown number of land mines and unexploded ordinances are located along the feeder roads that would be used by returning refugees and IDPs. By now, the UN had expected to have 23 way stations in place to assist spontaneous returnees en route, but currently has only two. According to IDP community leaders with whom our delegation met, most of Sudan's IDPs would like to return home, but cannot afford to pay for or do not want to risk the dangerous, weeks-long journey home to the South or the transitional areas.

Of the nearly 4 million IDPs resulting from the North-South Civil War, 1,260,000 were expected to return in 2005 and 2006. UNHCR expected to repatriate 140,000 refugees by May 2006, out of a population of more than 400,000 refugees. However, UNHCR and U.S. officials now concede that the actual number of returns will likely be much smaller. At this rate, voluntary returns will take several years. Moreover, once home, the returnees will likely remain without shelter, sufficient food, potable water, or access to schools or medical services. Many, particularly the elderly, women, and female-headed households, also face serious security risks. There are also few legal or state structures to support speedy resolution of land disputes or other conflicts once they are home.

Q: So what are our donor allies doing? Are we working together on this? Are we rebuilding roads?

A: I don't know the answer to that.

Q: Is there something the development assistance and the oil revenues are earmarked for?

A: I'm not sure, but they should be. Look, the international community is trying its best to weigh in on everything from Darfur to the problems in Sudan. The Government of Khartoum doesn't seem to be very grateful for all the help. But people are doing it anyway. I mean, one of the things I was most impressed with was the diligence and commitment of the NGO people who are working there, with a lack of attention and fanfare and gratitude.

Q: What are some of the NGOs who are there? CARE? Red Cross?

A: All of them are there. There are all these different agencies that are doing heroic work.

Q: Do you have any names of people at those agencies I could interview? Whether they're here or there, we'll do it by phone.

A: I can put you in with some experts on Sudan. They can tell you names and NGOs.

Q: So what would consider the lessons learned from the CPA process?

A: The breakdown is not with the CPA. The breakdown is with the people who signed the CPA on one side of the party. Any time you sign a peace agreement, one would hope that the two parties that are signing are well intentioned. It doesn't seem like that's the case here. The way you force people to keep their commitments and agreements they've signed is a tough question. Again I'm not against agreements, because at least you have something to point to and say you have not followed through. You have a little leverage to at least embarrass them by saying to them that they are not cooperating with implementation.

Q: So the lesson learned from our point of view is keep the pressure up?

A: Always keep the pressure up. Don't assume because a peace agreement has been signed. At their press conference, they were delighted about a peace agreement, and within two hours after the press conference and the reception that followed, pressure should begin to ensure follow-through. I assume in peace agreements you've got to have safeguards that say that in six months we're going to check to see if you've done any of this. The U.S. Government should find a way to report publicly every six months through the State Department or the U.S. Embassy in Khartoum on the status of the implementation. I assume that, at our Embassy, we have some people there that are following this.

Q: Very much so. I also understand that the logistics of doing work in all of Sudan is hampered by their rainy season, which lasts six months. This must pound on the psyche of the people to create a longer-term attitude for getting things done, a concept of postponing deadlines. Did you pick up on any of that? Was there a basic cultural resignation, or were they looking to us to make something that they themselves felt they couldn't make happen or had no experience making happen?

A: No. You know, when you go on a trip like this and you read the histories and the best books on Sudan, you get a really sad picture of the place. The norm in Sudan has been conflict, not order. And the norm has been tribal, ethnic conflict. We met with several people who were the former leaders in Sudan who were the victims of coups, and now are waiting in exile to come back in.

Q: Where in exile were they waiting?

A: Right there in Khartoum. Biding their time. They didn't say that specifically, but one got the sense. And then we met with a man named Turabi, former head of Sudan, who is currently kind of in exile in Khartoum. When you read about Turabi, you're talking about a terrorist. That wasn't a meeting, by the way, I considered that pleasant. I mean, bragging about how bin Laden stayed in this room right over here when he was here. Oh great. Turabi seemed to think that was

really something to be very proud of. If five bodyguards had not surrounded him, I would have rebuked him. No, it was really a tense meeting. We're off the subject, I'm sorry.

Q: No problem, but let's get back to Turabi later. I wanted to ask you, doesn't the North understand that we Americans are also under pressure to deliver a success, and that we've placed a lot of faith in them to hold up their end of the bargain?

A: Well, I can't help you on that because the people we met with were mostly from the Southern leadership. The Northern leadership just did not return the calls. We met with religious leaders and government leaders from the South to find out the situation on human rights.

Q: When you say religious, they're Christian? Muslim? Tribal?

A: Yes, we met with various Christian groups, different Muslims who weren't happy with the current regime. But largely there's not an Eastern religion. We were there for one week and it was from 8 a.m. to 9 at night that we were in meetings so it's hard for me to remember them all.

Q: Your meetings were in both the South and in Khartoum?

A: No, we were in Khartoum the whole time. But these were people from the South who were part of the transition and the CPA. We would go by, suffering from jet lag and ask how was it going and they would say "Not so good."

Q: Okay. So we're now faced with this dilemma of implementation and agree that we need to exert high-level pressure, and also to work with our allies?

A: All people, good will, yes.

Q: Do you know any specific countries that we could call on or that have been active?

A: No. We mentioned earlier problems with Darfur, but you've got problems in Chad right next door with refugees there. No, the international community is concerned about Sudan and everybody that can help is helping. The problem is not one of needing more help from the international community. The problem is getting to the Khartoum Government, making it clear to them that it is in their interest to try to build a stable society that doesn't have a war, and convincing them it's in their interest to have a country that's at peace and cooperative. And yet, as I said earlier, it seems like the norm in Sudan has always been conflict. They may feel like no outcome is satisfying if they don't have a lot of conflict. But to answer your question, should there be more UN involvement? Yes, and there is already. Should there be more NGO involvement? Yes, but there is a lot already. There always can be more but there are a lot of people doing heroic work there with a stubborn regime, a very stubborn regime.

Q: Does the South simply lack the capacity to do more? Do they need more resources?

A: The South needs to be rebuilt. Infrastructure needs to be rebuilt, and the South needs resources. It needs to make sure that the revenue-sharing is occurring so it has the resources to rebuild its infrastructure and also be a functioning country on its own. The fear could be that the North is just waiting this six-year period out, and thinks the South is going to be so weak after the six years that they'll just collapse.

Q: The U.S. also has a sanctions policy against Sudan. That's why I ask if maybe there should be more interest on the part of other international players?

A: Well we had the impression that many people want us to lift the sanctions so as to create more revenue. We recommend, if there are going to be sanctions, that they not preclude U.S. support for developmental projects in Southern Sudan.

Q: But when something like a bridge or a railroad track can be used for military purposes, this is factored into the decision-making process on sanctions. At what point are you rebuilding for development and at what point are you enabling a military to strengthen operations?

A: On either side.

Q: Yes, on either side.

A: Right. Well of course you've just got to say you've got to rebuild no matter what it's going to be used for, with the hopes that it will be used for the right things not the wrong things. Got to have roads, got to get these people home.

Q: Well you mentioned the bin Laden connection. Although you didn't interview anyone in the North, did you get the sense that bin Laden was still perceived as the hero of the cause?

A: Only with Turabi and all his little assistants around him. And Turabi is not a well man. He's in his 70s and he's had some injury, so he didn't talk very coherently. You know, somebody tried to assassinate him in the Toronto airport. I didn't find this out until I was on the way over in the van. Going through Toronto, Canada on his way to the States or something. I don't know what he was doing there. Somebody with a pipe hit him on the head and bashed him in the brain and he didn't die. He recovered, but you get the real impression that it affected his thinking, because you'd ask him questions and he'd give an answer that was not even asked. So that was a unique experience.

Q: That's an interesting interview you gave then.

A: Oh yes. I mean I was sitting this far from him with one of his bodyguards on this side, one on this side. I'm talking to him and thinking that he is not answering anything I'm asking, and we've been here for an hour-and-a-half.

Q: How do you see Salva Kiir to replace Garang?

A: Wonderful human being. He has charisma, strength, and commitment. Garang was well-loved and respected but, although I was only with Kiir for 30 minutes, I found him to be a very impressive man who loves his country and is bold about what he thinks needs to be done. He is apparently unafraid to tell us what he thinks, and had been telling everyone else in Washington what he thinks. And he did say in our conversation with him much of what he saying right now has gotten back to the Government of Sudan and they're not pleased with what he was saying over here.

Q: Did you get a sense that his ministers and his entourage were as well- prepared as he is for this task?

A: We just met him at the Washington Marriott Hotel. We got wheeled up into a room and bodyguards all around.

Q: Yes. Have you received any feedback from your people on the ground or your contacts on the ground about Kiir and his leadership? How is he setting up his new government?

A: No, our main purpose in getting with him was to find out what he felt about the CPA, actually.

Q: Is this a matter of the South needing more money? Is there a number that would kick start progress on implementation?

A: No. Money can always help in these situations, but we're dealing with an intractable government that needs to give signs that it wants this Agreement to work. So one thing our State Department could do is try to say to them, "You signed this Agreement. Did you ever have any intention of implementing it? Well then why aren't you doing it? We're now a year-and-a-half into this thing. Where is the evidence? Give us the evidence. Because if you don't give us the evidence we're going to do the following."

Q: And that would be?

A: Beats me. I mean again, you'd have to ask people who have been on this for 10 years and know what kind of threats would actually get their attention. I don't want to pretend to know what that would be. But I bet some of the people you're interviewing might know. Do we have any leverage with the Government of Sudan? I hope so.

In our report, which is Winter of 2006, we note that Sudan is in the midst of a historic transition that will determine the future of the largest country (in terms of land mass) in Africa and in the Arab world. There are potential ramifications beyond Sudan's borders, since Sudan is only one of several African countries with large Muslim and Christian populations. The report focused on several things.

The main question remains the sincerity of the commitment of the National Congress Party leadership, who still holds the major levers of power in the new Government of National Unity. The institutions intended to protect human rights are not yet functioning. An authoritarian security system remains in place, and the attitude of impunity for human rights abuses shows little sign of change. We recommended that Sudan continue to be designated by the Secretary of State as a "country of particular concern" for severe violations of religious freedom. Sanctions should remain an essential element of U.S. human rights policy toward Sudan. This should not preclude U.S. support for economic and political development in the South, as well as educational exchanges and specific programming throughout Sudan to promote religious freedom by assisting those, including in the Government of National Unity, favoring greater protection of human rights, the establishment of rule of law, and the development of truly accountable and democratic governmental institutions. The lifting of current U.S. sanctions should be conditioned on proven performance in terms of CPA implementation, an end to the genocide in Darfur, and improvement in religious freedom in the North.

Among the most important concessions captured in the CPA was the agreement that Sharia would not apply to the South or to non-Muslims in the North. There are four competing drafts for the functioning of the yet-to-be-formed national Human Rights Commission, as provided by the interim Constitution. Not all of these drafts were in accord with international standards relating to the independence and mandate of such commissions. The National Constitutional Review Commission, charged with ensuring the creation on a proper legal basis for the various bodies necessary to implement the CPA, has been dormant for most of the past year. The establishment of the Special Commission for the Protection of the Rights of Non-Muslims in the National Capital was announced in early 2006, but the special provision for non-Muslims appeared to amount to little but promises of judicial discretion and training to make the police more culturally sensitive. Christians in Khartoum believe these provisions are inadequate to protect their rights. Ominously, President Omar al-Bashir has rejected the findings of what was supposed to be a binding decision by the Abyei Boundary Commission. On the other side, there are also questions about the depth of the commitment of the SPLMA to Garang's vision of a united Sudan.

A year after the CPA's signing, we believe it is necessary to educate the Sudanese in a more systematic manner about the terms of the Agreement. For people to assert their rights, they need to know what they are. Little effort has been made to inform the Sudanese people about the CPA or the Interim National Constitution. Although efforts are continuing to broaden participation in the GNU, significant political opposition exists to the current power-sharing arrangement, including parties that represent both of Sudan's main Islamic sectarian movements and the followers Turabi, who provided the ideological foundation for the former regime. To ensure that elections called for by the CPA are free and fair, the Khartoum Government will need to take considerable steps, for which external assistance and international monitoring may be necessary. If they are not, the protections for individual rights, including freedom of religion or belief enshrined in the CPA and in the Interim National Constitution, may well remain just words on paper, like those in previous Sudanese constitutions.

Contrary to the understanding even of some Sudanese, the CPA and the Interim National Constitution's special provision for the rights of non-Muslims in the national capital does not exempt Christians and followers of traditional African religions from Sharia law. Rather, it proposes to mitigate the impact of its application by providing for alternatives to the punishments prescribed for Muslims, at the court's discretion. As has been the case for decades, no permits for new church construction have been granted, although authorities have in three instances permitted land purchased by a church to be registered in the name of the church as an institution rather than in the name of a church official. Churches built without such official permission exist at the authorities' sufferance. Those constructed in squatter settlements or IDP camps have often been razed. Church-owned properties that are legally recognized are nevertheless vulnerable to seizure in a legal atmosphere in which Government action is not effectively constrained by an independent judiciary. For example, the Government expropriated a Roman Catholic recreational facility, not for a public purpose, but for the use of the National Congress Party. Although not applied in recent years, the legal penalty of death for apostasy from Islam remains the law of the land. Converts to Christianity from Islam face societal pressure and harassment from the security services to the point that they are typically forced to leave Sudan. The law against apostasy is also of concern to Muslims. The last instance in which the death penalty was applied was against a Muslim reformer. The Government supervises and controls most Muslim religious institutions in order to enhance a militant interpretation of Islam that promotes intolerance and undermines the rights of Muslims who adhere to other interpretations, as well as the rights of non-Muslims and

women. Government agencies in the North, including education and the Government-controlled media, continued to show a preference for Islam, reinforcing the message that Christians and non-Muslims are not equal members of society. History books reportedly ignore the Christian and other non-Muslim societies that existed in what is now Sudan for centuries before the Islamic conquest. In addition, Koranic verses are found throughout school texts, even in math and geography books. All law students in the North, whether Muslim or non-Muslim, must be competent in Sharia. law. Freedom of the press is limited, although there are some courageous independent voices testing those limits. The activities of both indigenous and international humanitarian and other NGOs are often subject to harassment and interference by the security services, even under the GNU.

In the South, the Nuba Mountains, and other transitional areas, religious freedom conditions have significantly improved since the signing of the CPA. Severe abuses of religious freedom and of other universal human rights have decreased. Christian leaders in Juba reported a general lifting of the climate of fear of Government security forces that had prevailed during the war. A major Christian religious event was being advertised publicly during our delegation's January visit. On the down side, Muslims with whom the delegation met in Juba expressed concern about their prospects, especially in light of the anti-Muslim and anti-Northern violence that followed the announcement of Garang's death. Representatives of international NGOs working in the South reported that, since the signing of the CPA, there has been a decrease, although not a total cessation, of reports of slavery, a tactic employed by Government-supported militias against Southerners during the North-South civil war. Khartoum has established a mechanism for assisting victims of abduction, the Committee for the Eradication of Abduction of Women and Children (CEAWAC). Estimates of the number of victims vary enormously, but there is a general consensus that a majority of victims, numbering in the thousands, remain unidentified and that those responsible for their enslavement have not been held to account. CEAWAC lacks funds to return home even those whom it has documented as victims. The lack of action of Sudan's legal system toward the perpetrators continues. Clearly more needs to be done to eliminate abduction into slavery, to prosecute the violators, and to ensure the rights of victims.

Our report also made several recommendations. Let me enumerate these for you. First, there is a need for the U.S. Government to assign a ranking official to the U.S. Embassy in Khartoum with a mandate to advance the human rights aspects of CPA implementation, including coordination of the Interim National Constitution and Interim Constitution of Southern Sudan, as well as U.S. foreign assistance to support these mechanisms and to promote human rights. The U.S. Embassy and Consulate staff should be equipped with appropriate training and language skills to strengthen reporting on human rights and advocating for human rights protections. Political and public affairs officers should be required to travel regularly throughout Sudan to monitor and examine human rights concerns. Most importantly, the U.S. Embassy or State Department should report publicly every six months on the status of implementation of the CPA and the return of IDPs and refugees, and take a leadership role within the Assessment and Evaluation Commission to ensure the timely, transparent, and complete implementation of the CPA's power-sharing, revenue-sharing, and security arrangements. U.S. sanctions should be maintained until particularly severe violations of freedom of religion or belief throughout Sudan and the genocidal atrocities in Darfur are ended, while not jeopardizing U.S. support for development projects in Southern Sudan. USAID, the State Department's Human Rights and Democracy Fund, and other providers of U.S. assistance should fund specific programs to promote implementation of the human rights and religious freedom provisions of the CPA, and advance legal protections and respect for freedom of religion or belief throughout Sudan. The programs funded by USAID's Office of Transition

Initiatives, should be expanded to ensure citizen awareness and enforcement of the legal protections for human rights included in the CPA, the Interim National Constitution, the Interim Constitution of Southern Sudan, and the international human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR), to which Sudan is a party. USAID should also fund grassroots reconciliation and “peace through dialogue” projects, and capacity-building of an independent and impartial judiciary in Southern Sudan, including through training of judges, prosecutors, and court administrators and support personnel, with the aim to ensure international standards of due process, fair trial, and non-discrimination. The State Department should expand the use of educational and cultural exchanges, such as the Fulbright Program, the International Visitors Program, and lectures by visiting Americans, work with UN agencies and NGO partners to ensure that the populations which remain in refugee and IDP camps continue to receive at least the same level of humanitarian assistance as before, so they are not unduly pressured into making “voluntary” returns, work with other resettlement countries to identify those refugees for whom repatriation is not an appropriate option, and the processing of asylum or resettlement to third countries for such refugees.

U.S. Government should bilaterally and through UN mechanisms urge Sudan’s Government of National Unity (GNU) to permit all religious groups to conduct their activities without discrimination or undue interference, including publishing or importing religious literature as well as building, repairing, and operating houses of worship and social service programs, repeal laws that punish changing one’s religion or encouraging another to do so, end official accusations of blasphemy, apostasy, or “offending Islam” used to stifle public debate or restrict the right to freedom of expression, remove state security services from their current role in regulating humanitarian assistance, establish an independent and impartial national Human Rights Commission as called for in the Interim National Constitution and in accordance with international standards, cease the policy of forcing religious organizations to register as NGOs under regulations that give government officials effective control over their activities, permit relations between national religious communities abroad in accordance with universal human rights norms, reform the state security services to be representative of all Sudanese and ensure that all national military, law enforcement and judicial institutions are representative of and equally protective of all Sudanese regardless of religious affiliation or belief, and expand capacity of the local media international radio broadcasting to Sudan to provide objective sources of news and information and to improve awareness of the CPA and its implementation, including specific programming promoting grass-roots reconciliation and respect for freedom of religion.

Regarding refugees and IDPs, the U.S. Government should appoint a high-level “Special Representative” or “Coordinator” ensure that U.S. resources and influence are effectively applied to facilitate voluntary returns, coordinate IDP and refugee returns with reconstruction efforts in Southern Sudan; and ensure that those refugees who need a durable solution other than repatriation are not left to languish in camps. The U.S. should provide additional assistance, and urge other countries, the UN agencies, and NGO partners to follow suit, to expedite development efforts in the South and the means for the safe return of IDPs and refugees. OCHA and UNHCR should be urged to track and report on the return process, and disseminate information to IDPs and refugees about return and reception conditions, including expanding “look and see” trips by refugees and IDPs to review conditions and report back to their camps, so that individuals can make informed choices about returns. UN agencies should lend and operate safer modes of transportation, including planes and river vessels, to facilitate voluntary refugee and IDP return, de-mining efforts, and the establishment of the 21 remaining “way stations” on the return route to Southern Sudan.

Finally, regarding slavery and human trafficking, the U.S. Government should use bilateral and UN mechanisms, and bilateral discussions with third countries with influence in Sudan, to urge the GNU to prosecute the crime of abduction into slavery, most of whose victims were women and children taken during the North-South civil war or in Darfur by government-sponsored militias, and ensure speedy identification, voluntary return, and family reunification of victims, as well as measures for their rehabilitation and reparation.

Q: Are you going back to Sudan?

A: If we're invited, I would be glad to go back. In fact, we told Kiir we'd love to come back. In fact I said to him, "Sir, we've issued this report. We want to give it to you. We will tell all our constituencies on Capitol Hill of your concern about the CPA and others who call with their surveys and we will tell them all that you're concerned about its implementation, and we'd be glad to come back. We were there in January, but we'd be glad to come back six months or a year later to see if there's progress made and report back." And he said, "Good. We'd like for you to return." Now, I don't know whether he has any power in telling us to do that. So yes, we might well go back.

Q: And members of Congress also make trips to Sudan.

A: Yes, they do.

Q: Is there anybody in Congress I should be talking to?

A: Well maybe the staff of Frank Wolfe and Chris Smith. They are passionately concerned about these issues. And they've got staff that are concerned about all this.

Q: This was excellent. Thank you so much.