

Testimony by Randy Newcomb  
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Of the Committee on Foreign Affairs of the House of Representatives  
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Thank you Chairman Payne, Ranking Member Smith, and members of the Subcommittee for inviting me to testify at this critically important moment for the people of Sudan. Before I begin my remarks, I ask that my full written statement be made a part of the record.

Let me first commend the Committee for holding this hearing. As you know, Mr. Chairman, there has never been a more critical time in Sudan's history than the present. How the parties in Sudan—and those in the international community—use the next 18 months may make the difference between a hard-won peace and a return to large-scale war. Those of us concerned about the Sudanese people who have suffered so much during the last two decades, including the millions of refugees and internally displaced persons who continue to languish, must redouble our efforts to help the parties resolve the multi-faceted conflicts in Sudan. I also want to express my appreciation for your invitation to a wide range of members from the Tom Lantos Human Rights Commission, including Representative McGovern and Representative Wolf, who have so often demonstrated their commitment to preventing further suffering and loss of life in this and other distressed regions of the world.

Humanity United was founded in 2005 on a simple premise: More than just representing a challenge to peace and security, we believe that egregious forms of violence and injustice—including those taking place in Sudan—threaten the very foundation of our common humanity. As a private philanthropic organization whose mission is to help end mass atrocities and modern-day slavery, our work on Sudan includes supporting advocacy efforts globally and providing grants to those working to advance peace, as well as engaging in a range of other activities focused on conflict prevention both inside and outside of Sudan.

As requested by the Committee, I will focus my remarks today specifically on how the United States can support conflict resolution in Sudan by working with marginalized communities in the country. I will also concentrate on the issues that the various parties within Sudan need to be resolving now in order to prevent conflict following the referendum on the independence of Southern Sudan that is scheduled to take place in 2011.

It is clear that U.S. and international attention is focused on resolving the immediate disagreements between the governments of North and South Sudan, as well as on facilitating dialogue between the central government in Khartoum and rebel groups in Darfur. At the same time, the issue of whether popular elections scheduled for 2010 can be free, fair, and credible is beginning to come to the fore. Concurrently,

many in the activist and non-governmental communities are considering exactly which benchmarks should be applied to help gauge the effectiveness of the newly announced U.S. policy on Sudan.

These immediate issues are important. And yet, settling them will address only some parts of the complex mosaic of center-periphery conflict in Sudan. Several high-risk flashpoints will still threaten a return to conflict. For instance, with the referendum on self-determination for the South just 13 months away and all signs pointing to a vote in favor of independence, the international community should be planning now for how to reduce the risk of negative fallout. Areas along the North-South border, which already serve as the static frontline between the northern and southern armies, could soon become an international border. Local skirmishes along that border could quickly escalate into a larger war. Time and energy should be devoted now to identifying such potential flashpoint areas and to promoting peace-building activities meant to reduce those local tensions which could trigger a wider conflict.

Central to this discussion are the transitional areas of Southern Kordofan, Blue Nile, and Abyei—the so-called “Three Areas,” regions along the North-South border that fought with the Sudan People’s Liberation Army (SPLA) during the civil war. The U.S.-backed 2005 Comprehensive Peace Agreement (CPA) contains separate protocols for these fragile and high-risk areas, including establishing a parallel referendum for Abyei and a popular consultation process for the states of Southern Kordofan and Blue Nile, both of which will remain in northern Sudan beyond 2011. These processes are meant to allow local communities to express their views on the CPA and to enter into discussions with Khartoum on persisting grievances. While the popular consultations in Southern Kordofan and Blue Nile represent a potentially important step toward an inclusive governance arrangement, not to mention addressing the long-standing issues in these areas, little has been done to prepare for the consultations thus far. They remain poorly understood by the citizens of Southern Kordofan and Blue Nile and may turn out to be wasted opportunities unless significant energy is devoted to making them a success.

The Sudanese can and should do better—and the United States can and should help. We believe that local conflict resolution training and other similar efforts can significantly reduce tensions in the Three Areas. The challenges are great, particularly in the volatile area of Abyei, which has received more international attention than Southern Kordofan or Blue Nile. Yet U.S. leadership is still urgently required to ensure that the Abyei referendum, which will determine whether Abyei joins an independent South Sudan or stays within the North, is held in a free and fair manner, consistent with the terms of the CPA.

Abyei itself is a microcosm of the issues facing both North and South with regard to the 2011 Southern independence referendum. Abyei sits on large deposits of oil, includes traditional grazing areas for northern pastoralist communities, and was the scene of the most serious post-CPA violence to date. In May 2008, local tensions

fueled by failure to implement the CPA led to violent clashes between government forces from the North and the South, leading to widespread destruction and many deaths. The incident underscores the ease with which a local conflict could trigger a broader war between North and South, collapsing the CPA altogether and with it any hope for peace.

Work with the local communities in Abyei to prevent precisely this kind of violence has lagged dangerously behind other efforts. This is dangerous not only in and of itself, but because forces outside Abyei may see local communities as pawns to be played in the chess match that will ultimately decide Sudan's fate. As the country that drafted the Abyei Protocol, the United States has a special responsibility here to ensure that agreements for Abyei are not just upheld, but that they are successful. This will require arrangements for continued oil revenue sharing between the North and South and guarantees for continued cross-border grazing rights for the northern pastoralist Misseriya community, when and if the South votes for independence. Efforts to renegotiate or redefine the CPA formula for the Abyei referendum should be resisted, as such obvious tactics will serve only to detour the path toward peace.

The need for local civil society engagement and empowerment are also dire in Darfur itself. As the members of the Committee know all too well, the terrible suffering in Darfur has led to displacement and fragmentation, with millions of Darfuris either in refugee camps in Chad or displaced from their homes. Sudan now boasts more displaced persons than any nation on Earth. Efforts to negotiate a Darfur peace deal have left critical local voices out of the process, making consensus among communities in Darfur nearly impossible to reach. Any final peace that returns refugees and internally displaced persons to their homes will require the agreement not only of the rebel groups and Khartoum, but also of the local communities inside Darfur. This can only be achieved if we help support and sustain the civil society actors that exist in Darfur and help give them a voice in this critical process.

The recent meeting of civil society players in Doha was an important and encouraging step toward making the peace process more inclusive and representative. We encourage the United States Government to increase its support for civil-society participation in the Darfur peace process.

Before turning to post-2011 referendum issues, I want to mention one final area that has been neglected, but that represents another potential powder keg: Eastern Sudan. Despite being a recent conflict area and struggling to implement the 2006 Eastern Sudan Peace Agreement, we were disappointed that Eastern Sudan went unmentioned in the Obama Administration's recent review of Sudan policy. We encourage increased attention to this and other conflict areas in the North. While Darfur and the CPA often steal the limelight, center-periphery conflict exists across Sudan and demands a comprehensive approach.

Mr. Chairman and members of the Committee, at the risk of over-extending my welcome, I do want to raise the critical importance of thinking today about the challenges of tomorrow. I have already referred to the multiple issues that demand more of our government's attention. However, in working for peace in Sudan we must also keep focused on the 2011 referendum on the secession of the South. If the choice is for southern independence—and all indications suggest that it will be—there are a number of issues that demand urgent attention today. Should they be overlooked, the referendum carries with it the risk of being perceived as a zero-sum game in which one side stands to win and the other stands to lose.

The good news is that there are solutions to each of the four pressing issues that are likely to arise from the separation of the South. The risk of conflict can be reduced. But in order for peace to prevail, international attention, coordination, and diligence is needed on these four pressing issues:

- 1) Cross-border oil revenue sharing. Southern oil revenue is currently split 50/50 between Khartoum and Juba. Should the South vote for secession, the bulk of the oil would remain in the South, but the pipeline to Port Sudan, the only means for the South to get their oil to market, runs through the North. Early agreement on a pipeline rental arrangement and on how to manage cross-border oil fields is needed. North-South cooperation in the oil sector has the capacity to promote peaceful relations between the two states, but will require international support, guarantees, and capacity-building in the South. Failure to achieve this agreement will contribute significantly to zero-sum perceptions.
- 2) Cross-border population movements. As mentioned in my previous comments on Abyei, there are populations on both sides of the border whose livelihoods depend on continued cross-border access, either for grazing herds or for trade. Early agreement on continued cross-border access will reduce the likelihood of tensions, local violence, and manipulation by outside forces.
- 3) Water rights. The White Nile flows through the South, before meeting with the Blue Nile at Khartoum and flowing north to Egypt. Regional concerns about the implications of southern independence for the Nile River Treaty need to be addressed. Early agreement can likely be achieved by subdividing Sudan's existing quota under the Nile River Treaty based on water needs. Such discussions will also require robust international engagement to ensure that neighboring countries are confident in the outcome.
- 4) Status of the southern population in the North. One of the most worrying scenarios around the secession of the South is the status of the southern population in the North, estimated to be between 1.5 and 2 million people. Most were displaced during the decades-long civil war and would be forcibly displaced back to the south or be subjected to violence. This type of violence

has been seen in other cases of state separation, but may be preventable in Sudan if a commitment by both Khartoum and Juba to protecting the rights of these populations is publicly reinforced ahead of the referendum.

Mr. Chairman, Ranking Member Smith, members of the Committee, these are complex and delicate issues. We realize they do not make the daily headlines. The more immediate North-South dialogue and the question of elections get the lion's share of attention and interest. This is understandably so. Yet we ignore the issues raised here at the peril of the Sudanese people—and all those who care about the advancement of peace.

Serious work must commence on these issues today. We have been encouraged that the Obama Administration appears to have an appetite for this type of engagement. And we encourage you to find ways to ensure that these important issues receive the attention they deserve. We urge each of you to push the Administration to address these issues and to make sure that continued Congressional oversight is exercised as the 2011 referendum approaches.

Thank you again for allowing me to appear before you today. I look forward to your questions.