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P R O C E E D I N G S

MR. O'HANLON: Thank you for coming out on a hot summer day to discuss two if Africa's most intractable and difficult ongoing conflicts. I'm Mike O'Hanlon from the Foreign Policy program at Brookings, very honored and privileged to be able to moderate today. My only claim to any expertise is that I know these three guys and also that I was a Peace Corps volunteer with Tony Gambino in Congo, then known as Zaire, many years ago. But let me introduce each of them and what we're going to do today is talk about the Sudan and Congo and also Mwangi will then, to some extent, tie together the initial presentations with a little bit of focus on the economic dimensions of each of these conflicts and then we'll look forward to a conversation with you.

Our panelists today are John Prendergast, Anthony Gambino, and Mwangi Kimenyi. Mwangi is my colleague here at Brookings in the Global Economy and Development program. I'll introduce him first. He has been now at Brookings for a couple of years with an emphasis in the Africa Growth Initiative. He's a Kenyan, started a think tank in Kenya at one time, has taught at a number of universities in the United States, is an economist by training, but with a great deal of expertise and interest in a number of Africa's conflicts and political challenges and has written very impressively on Somalia in recent years

as well. So, Somalia is the third conflict we were briefly considering discussing today, decided not to in the sake of maintaining some focus, but you'll be able to go to our Brookings website and learn a good deal from my colleague if you are so inclined.

Tony Gambino, as I mentioned, was a Peace Corps volunteer in the former Zaire, Congo Kinshasa, from 1979 to 1982. I've been privileged to know him since about that time and we both wound up at the Woodrow Wilson School at Princeton, both wound up in House Annex II on the U.S. Congress where he worked on the Hunger Committee for a number of years in the late 1980s into the early '90s. He spent a good deal of the Clinton Administration in government and help set up the restoration of the USAID effort in Congo in the late 1990s, and then he directed that mission from 2001 to 2004.

And I would be remiss and, moreover, I would not get away with it if I did not highlight an excellent Council on Foreign Relations monograph and it was written by Mr. Gambino despite the fact that we would have liked to publish it here. I have to admit the Council did a beautiful job and it remains very timely. It was written a couple of years ago and is called "Congo: Securing Peace, Sustaining Progress," and whether or not there's any progress to be sustained, today we'll soon hear from him.

John Prendergast, as you know, runs The Enough Project with a focus on preventing genocide and mass killing around the world. He has done this kind of work in a remarkable range of capacities with many of the world's most important organizations a number of which he's either started or been a key player in. They include well-known groups like The International Crisis Group, but also, of course, his own creation with The Enough Project. He wrote a very well-received and bestselling book, *Not On Our Watch,* with Don Cheadle. He's writing another book with Don right now.

And he, as I say, has been focused on the Sudan quite a bit, as anyone here who follows this part of the world would know, in his recent writings and his documentary work, televisions productions, and many other capacities. He also was in government in the 1990s working on the peace processes in Africa as colleague and assistant to our own former Susan Rice, as well as other places in the government.

So, I'm thrilled to have these three gentlemen today as well as all of you here. We're going to start with John and the Sudan. You know very well the issues. I won't bother to spend much time teeing them up but very importantly there will be an early 2011 referendum on independence by the South and the fear, of course, is that that could spark renewed conflict of a North/South variety even as the Darfur conflict,

which remains ongoing, tragically, has nonetheless perhaps quieted down a bit, the potential for North/South conflict is rearing its ugly head yet again.

There's elections coming up in Congo as well next year and Tony will talk about those as well as the ongoing huge security challenges in the east and then we will turn to my esteemed colleague.

So, without further ado, John, over to you.

MR. PRENDERGAST: Thanks, Mike. I feel today like we're actually in Djuber or Kinshasa, doesn't it, so well timed in terms of putting this thing in the dead of summer. But thank you all for coming out because we're going to need you, because this is a profoundly important period for both of these two countries and we really appreciate the opportunity that you gave us, Mike, to come to Brookings and talk to you all about how we see it.

I've been talking way too much about Congo lately, so this is great to actually turn it over to a guy who knows it way better than I do and to go back to where I started and what I've been working on for now 27, 28 years, Sudan. You know, Congo is definitely the deadliest war in the world in the last 15 years arguably since the Holocaust, but Sudan is the second deadliest and if the North/South deal in Sudan breaks down and the Darfur conflict intensifies, because we've already seen the re-ignition

of the conflict there, then Sudan will become, without any doubt in my mind, the deadliest conventional war on the face of the earth in 2011.

So, those are the stakes on my side of the fence and, you know, the stakes are just as high in DRC.

Kristof the other day, in one of his blogs, described what's -- as he saw what was happening in Sudan as two trains traveling on the same track as we used to see in the old road runner cartoon, you know, at a very, very high speed straight at each other, but they're far enough away right now that we have time to take precautions, to take measures, to take actions to prevent, what in the absence of those precautions and measures, will be a horrific train wreck. We can see it coming, we have time to prevent it, will we apply the necessary political will and action to do that? And that's what this is about, my little intervention's about today.

First, let's talk about where we are in Darfur and in the nexus of the North/South issues. On Darfur, the peace process has failed, if anyone hasn't seen this news flash, you know, there it is, and this failure of the peace process in Doha has led to an increase in fighting in Darfur, in Jebel Moon and Jebel Marra, between the government and the JEM and the government and some of the other SOA factions. And this is a year -- less than a year after the -- of course, our wonderful leadership in the United Nations' African Union Mission declared that the war was over

for political reasons and many within the United Nations Secretary General's Office concurring. The vulnerabilities of these 2+ million internally displaced persons remains as fragile as ever, acute as ever, due to fighting, due to insecurity, due to the militia activity that we all know so well. Those militias have not been disbanded, they've not gone away, they're still praying on people, it's just not village burning time as we saw back in 2003 to 2005, because the villages are burned, and the manipulation of aid as well has caused tremendous vulnerability on the part of civilian populations in Darfur.

The elections in April weren't meaningless because they did absolutely have an impact in Darfur, they've actually now empowered the ruling party to pursue a military solution in Darfur with no international opposition or consequence and the reduced support from Chad to the main rebel group, the JEM -- the Justice and Equality Movement -- has emboldened the regime further to go for that military solution, the Chadian -- reduction in Chadian support of course courtesy of a U.S.-brokered deal between Chad and Khartoum.

So, Darfur, in addition, has been put largely on the backburner of the international agenda in favor of the North/South issue, so we know that.

North/South, of course, we're six months away from one of

the biggest moments in Sudan's history, these two referenda that are going to be held, one for Southern Sudan and one for Abyei in January of 2011. The snapshot at this moment does not inspire confidence. Here's some data points.

Number one, we have until September to register the population for the referendum, voting the referendum, remember the election registration process that would give anyone pause and nothing has been done to address the significant problems that existed then.

Two, there is no -- yet no Abyei referendum commission. This is a major, major flashpoint, an area that people care deeply about and is bubbling with oil, so the fact that this has not been dealt with is going to be -- and then you have some very, very dangerous and unhelpful comments made by senior National Congress Party representatives about what the situation is in Abyei, or about what they're going to do about Abyei.

Third, the United Nations mission doesn't have the -- they've got plenty of pledges, but they don't have the resources yet to do what they really need to be doing in the next six months which is monitoring -- very strong monitoring with a big, big spotlight, the local conflicts that are going to be organic and fueled from the outside.

The militias are what I have worried about since the day that

the CPA was penned in 2005, the return of the militias which were so crushingly damaging. I spent a better part of a decade of the 1990s in Southern Sudan seeing firsthand the destruction of human life and communities in Southern Sudan as a result of particularly ruling party sponsored southern militias. And you can do a lot of damage by throwing a little match on little vats of gasoline all over the South and create an appearance of an ungovernable situation where people can then argue, push back the referendum. And that, I fear, is what many are still perceiving in Khartoum to be the best way forward and so we have to be -- well, the way you do it is you prevent that but turning the spotlight on it.

All these things have solutions, we just need to be smart about it and look at history and see, well, what has happened before? Now let's make sure we don't let it happen again.

Next data point, the border's not demarcated. I've got two words for you: Ethiopia, Eritrea.

Next data point, no oil deal. Okay, we've got a process that's beginning and that process is -- and we'll get to that in a minute -- is very important, but if you don't have a deal about oil and you don't have the revenue sharing -- I mean, first of all, there is no deal after January 2011. As soon as the referendum happens there's no sort of operating governing authority that determines how the money is shared, so that's a

serious problem right there, but to prevent a war in Southern Sudan between North and South, you're going to have to have a very robust deal. What the terms are depends on what the parties agree to, there's no question, but will those that have leverage be involved in supporting the building of political will within the ruling party and the southerners. To have that deal, that's going to be a huge question.

And then, of course, there's no deal on citizenship issues. That we can get into in the Q&A if you want.

So, let's move briskly to U.S. policy. Why did you make that funny face, Mike? How many minutes do I have?

MR. O'HANLON: You were persuading me.

MR. PRENDERGAST: I thought you were worried about the time. Are we worried?

MR. O'HANLON: Happy, very happy, except about the situation in Sudan.

MR. PRENDERGAST: I'd argue, you know, on U.S. policy that we're contributing very, very little right now to the resolution of conflict in Darfur and to the prevention of this train wreck between North and South. You know, the policy was rolled out in October by Secretary Clinton and by Ambassador Rice. It was a good policy, it has simply not been implemented with very little explanation, in fact, public explanations

have been very confusing from those that have actually been willing to wade into that morass. So, the -- to be specific on Darfur and on the North/South stuff, on Darfur, the Obama policy, you know, as I mentioned muscled Chad into this deal with the regime in Khartoum with the National Congress Party, which led to a diminishment of support from the JEM.

Now, in classic conflict resolution theory, ha-ha, we've weakened the main opposition, now let's cut a deal with a weakened opposition at the negotiating table. The opposite happened. What we have now is that the people that have any guns on the ground are not participating in the peace process. Of course, eventually they're finding their way back to their old sponsors, positions have hardened even worse, the government has used -- subcontracted, as they always do -- other militias to intensify military operations on the ground in Darfur, and you have just further dissolution and division which, again, basically serves the interests of the regime, but why are we playing into that? Again, and again, and again, from the Zoellick negotiations in 2006, where we walked right into that buzz saw and gave Khartoum its biggest paramilitary force in Darfur when we demanded that Minni Minnawi sign the deal. We're doing the same thing. It's really strange that we continue to do this and it's deadly.

So, the government has -- the U.S., I would argue, and they

won't say this, but they've basically abandoned, as has the mediation, abandoned the idea of a peace deal struck between the belligerents, and they're going to this sort of track two thing because it's easier, because civil society people will talk to you, this Darfur-Darfur Dialogue or Darfur-Daro peace process, whatever they're calling it, and it's about getting civil society involved. Who disagrees with that?

You've got to have them both and we've basically abandoned one track going to this other one because it's easier, I mean, good luck with that. That's going absolutely nowhere fast. Add that one to one of the -- here's a third train coming into that thing, so -- and these things don't exist if it wasn't for international blundering, so it's making matters worse, I would argue.

What we don't have is a single text that addresses the core issues, where the Darfurs and the camps can say, yeah, that addresses the things that I care about, where the belligerents can say, okay, now we've got something we can start to deal on, and civil society who can then shape and help build a stake into a larger peace process. That's of great concern, I think, you know, getting -- putting U.S. effort into a revitalized peace process in Darfur at a time when everyone's arguing and we need to focus only on the North/South thing would be critically important.

Cost-benefit analysis, a few more diplomats deployed to the region to work intensively with the key people within the mediation structures led by the AU and the UN because in this day and age it's an African-led process that one has to construct. But that, I think, is where the U.S. would best use its resources to really make a very, very strong push for the end of the year for the construction of a credible process that involves all actors. It has simply not been done yet.

The North/South situation, the U.S. has also backed off from a deep involvement in the negotiations and the efforts to implement the CPA and we heard this just last week from the special envoy at this U.S. Commission for International Religious Freedom event where he basically said that he wanted other countries to step up and take the lead on these issues related to CPA implementation.

This is very worrisome, of course. You know, we have a successful model in peacemaking in Sudan and that is the CPA, and the 2005 North/South deal in which African nations led the peace process with a single mediator who had the confidence of the parties, a general from Kenya, and the United States and a few other countries provided very, very close diplomatic support on the ground 24/7 for a 3-year peace process. This doesn't happen -- you know, people fly in for three days and think they can make any kind of progress. You've got to be on the

ground, on the ground for a long period of time to get gradual shifts in the tectonic plates that are required to align for the possibility of a peace deal. And so, you know, we don't have any of that. We're walking away from the one successful model that exists for peacemaking in Sudan. It's again, baffling, that our special envoy is going, you know, in the opposite direction of success.

So, what do you do? I'm not just going to criticize, I want to give you an alternative, and that is that I think it's very clear, again, just building on what we've already done, hey, if that doesn't work, at least we tried something that already did work. And one aspect of the sort of Nivasha as I call it, because Nivasha was where the peace deal was signed between North and South and the process unfolded and accelerated in Kenya during 2003, 2004, and 2005, I mean, until they got the deal in 2005. The Nivasha model dictates that the U.S. provide senior diplomats and experts (inaudible) to the process, where they provide, again, the close diplomatic support that Thabo Mbeki and Haile Menkerios will eventually need and who themselves have acknowledged we'll need to make headway on the list of the many issues that I brought up to you earlier.

There's no way they're going to make -- I mean, you think about Abyei alone, where the United States has this incredible history of

having negotiated directly the deal that allowed for the Abyei to be included in the CPA. We have a responsibility to maintain and to remain involved in that intensive level and you can't do that with shuttle visits, with occasional visits saying, hey, guys, what can I do? You have to be on the ground knowing what everybody's calculation is. You have to be on the ground where the peace talks are and on the ground in the field where things are happening, and that's -- you know, and again, you're talking about deploying 10 to 20 people who are part and parcel of the negotiations process. We had that -- "we," meaning the United States, provided that in the CPA talks. We need to replicate that. So that's the first thing, the requisite diplomatic engagement.

Secondly, the leverage. You know, international leverage is not a static thing and we're doing a thing with Woodrow Wilson that will come out in a week or two that explains in more detail what leverage could look like in the -- oh, god, did I just violate the think tank rule --

MR. O'HANLON: We love the Woodrow Wilson Center.

MR. PRENDERGAST: Thank you. But the -- you know, that -- in the situation where parties, you know, they have their calculations on a daily basis when they're negotiating, and you influence those calculations by either one of two things, and this is an interesting -- I think you'd have a lot to say about this -- you know, you can either calibrate

your carrots and sticks, your pressures and incentives, on a very rapid response basis. You know, okay, the regime unleashes an offensive, military offensive in Darfur, boom, you slap some kind of additional sanction on two members of the Defense Ministry or something. You know, I'm just making it up. Or there's some positive event and then you get some visa restriction is lifted or something, you know, where there's these kind of little knickknack things, confidence building measures or the opposite.

The other option, in extremis, usually it's when there's actual serious diplomacy occurring, there's usually some, you know, somewhere in the middle. The other extreme is that you create sort of a package of what maybe you could call benefits and consequences and you say, okay, at the end of the period of time, if you, the various parties, have contributed substantially to peace and done the kind of things that everyone basically -- there's an international consensus about what people need to do to help build peace in Darfur and in the North/South deal, then these are the benefits that will accrue to you. And as we've argued in may forums already, we've got to be really forward leaning on these benefits so they're real, but they have to be comprehensive. You can't just say it's only for the North/South thing because that's the trap the U.S. fell -- the Bush Administration fell into. They made all these promises

to the Sudanese government and then they -- about if they signed the CPA you'll get all this stuff, but, in the meantime, they're committing genocide in Darfur. So when they signed the deal they're like, okay, where are all the benefits? Like, oh, sorry about that.

It's got to be an all Sudan strategy. So, you say, you do all these things and this is what you get. It's a quid pro quo. Normalization of relation -- you know, what do they want? Argue it all out in your head and in this forum, but what they want is normalization with the U.S. Bashir rails about this in private meetings with diplomats. When am I going to get rid of those sanctions from the U.S.? They're meaningless, they're scarlet letters, but it matters to them, so normalization of relations and Article XVI. Those are the things that matter to them. Everything else is window dressing. So, are you going to put it out there or not? Yeah, it's utilizing -- it's perversion of accountability, blah, blah, blah, but those are the things that matter.

On the other hand, consequences, here's the things that are going to occur if you don't -- if you're substantially contributing to undermining peace between North and South and in Darfur. It's really simple. The question is, are you going to do the hard work to do it? No one else will do it if the U.S. doesn't. If the U.S. doesn't, all this potential leverage will sit there on the shelf and never be used. No one will have to

worry about anything but their own very specific and direct calculations. And you don't change the game, you don't change the facts on the ground, you don't change the incentive structure away from conflict, which has worked.

If anyone hasn't noticed, it's actually worked for the NCP over the last 20 years to continue low- or high-intensity conflict to achieve objectives. They're in power as firmly as they've ever been, they're exploiting oil resources that 15 years ago everyone -- and, I mean, everyone except the Chinese National Petroleum Corporation, thought were impossible to access, and there really isn't any domestic opposition in the North to be remotely concerned about. Conflict as a tool of domestic policy works for them. If you don't change the calculation and say, you know what, the cost is going to get higher and higher and higher for you to use this strategy. How can we not be taking the lead on this? I don't understand, frankly, what -- because all I hear from the Obama Administration is, our special envoys saying that we have no leverage. Like, that's a statement that, in a self-fulfilling prophecy, means you lose your influence on a daily basis. If you believe you have no leverage then you don't have any and everyone around you is like, okay, the U.S. has checked out, which is basically how he's perceived.

So, that's a problem, that's a serious problem, and there is

an alternative. Again, I'm not throwing all this at you to say a devastatingly negative picture. This is a picture that can be changed and altered. How is it altered? Okay, by senior U.S. engagement. You have a very curious phenomenon, I mean, perhaps unprecedented, where the three most forward-leaning United States senators two years ago, on the issues we're talking about today -- Congo and Sudan -- in the United States Senate, which, you know, normally Sudan and Congo are not like high-profile issues for a United States Senator -- the three most forward-leaning senators in the United States Senate at that time, two years ago, were Barack Obama, Joe Biden, and Hillary Clinton. And now you know where they are, and so there's plenty of knowledge and understanding about the issues there.

So, the hope is -- and you get your former colleague as a bonus thrown in, Susan Rice. You know, four people who have long histories of deep concern about these places who don't have to spend full time on it. It's just a little bit of adult supervision and a little contribution, a little senior U.S. engagement, a little decision-making that says, you know what, we need to do more and this is what we need to do. Now deploy the assets to do it. If you need my help, I'll make the call. If I have to, I'll have a meeting.

That's what Colin Powell did from 2001 to 2004, until the end

of his term as the Secretary of State, and to his great credit, I think he was an instrumental actor in the CPA being negotiated. He didn't negotiate -- he didn't go out in Nivasha and worry about the commas and the apostrophes. He made the calls and brought the full force of the United States Government at the highest level, brought it to bear on the parties and pushed it, as did Bush. You're going to have to have that.

If we're going to avert the largest conventional war on the face of the Earth in 2011, I would argue we need senior level engagement, we need the United States to deploy diplomatic assets just as we did in Nivasha, in Kenya in 2003, 2004, 2005, and we need to lead an international effort to develop a package of parallel incentives and pressures, benefits and consequences, carrots and sticks, whatever you want to call them, to say, this is how we are going to attempt to influence whether the two trains collide or not.

Thanks a lot.

MR. O'HANLON: Thank you, John. Tony, over to you.

MR. GAMBINO: Thank you so much, Mike, for putting this together. There are a lot of reasons that it is important and useful to talk about these two countries and I hope that as you listen to me talk about the situation in the Congo, even though the details are very different, you will recognize that many of the overarching themes that John just

underlined are actually quite, quite similar, when we talk about both the situation in the Congo and the state of U.S. policy.

Now, given this topic, how to improve U.S. strategy towards the Congo, if I wanted to be comprehensive, boy, I'd need a lot of time. And I would want to talk about Congo's complexities at multiple levels. Breathe a sigh of relief, I'm not going to do that. And I can't even be comprehensive about what the U.S. should do. So, what I'm going to do in my time is talk about what I think needs to be the essential focus of United States and United Nations policy, in particular, towards the Congo right now.

First, though, I have to say something about Congo's recent history and talk about the present situation. Last month on June 30th, Congo marked its 50th anniversary of independence. Unfortunately, most of those 50 years have been filled with conflict, dictatorship, other forms of misrule, and astonishing levels of human suffering.

Mobutu Sese Seko's 32-year dictatorship only ended when he was overthrown in 1997 and the rule of his successor, Laurent Kabila disintegrated rapidly. By the beginning of 2001, Congo looked to be stuck in an intractable civil war with armies from five other African states deeply involved, and a UN force called MONUC monitoring a fragile ceasefire.

Remarkably, the situation only began to change after

Laurent Kabila was assassinated in early 2001. His son, Joseph, who wasn't even 30 years old, became president after his father's death, and he swiftly moved to lead the Congo towards reconciliation, a transition government of national unity, elections, and more positive engagement with the West. The U.S. and others responded positively to these surprising developments. An effective diplomacy by the international community engaged in the Congo coupled with large-scale intervention by MONUC supported President Kabilia's rapprochement with rebels.

This combination of factors led ultimately to successful national elections in 2006, and by the time of these elections, MONUC had roughly 15,000 troops and thousands of civilians in the Congo. Today it has nearly 20,000 troops and thousands of civilians.

But, things started to go downhill again after successful democratic elections. Let me repeat that since it should sound like a contradiction. Things started to go downhill after successful democratic elections. What happened?

First, after the elections, President Kabila, who won the elections, repeatedly stated that the situation was different. He was now the head of a sovereign and legitimate state. No more transition. The U.S. and other states adopted the collective attitude that President Kabila was right, he was fully in charge and therefore it was appropriate for

outsiders to rapidly scale back the heavy political and diplomatic engagement that characterized the previous period.

Now, what was the real reason for this international disengagement coming from Washington, New York, and European capitals? The real reason is that these capitals had developed an extreme case of what I call Congo fatigue. After years of serious diplomacy and assistance to help the Congolese transition succeed, these and other international actors succumbed to what can only be called wishful thinking, a sense that surely things had to be good enough in the Congo. After all, a number of years had passed and successful elections had taken place. This conclusion was reached despite clear evidence at the time to the contrary, both from the Congo itself and from a wide body of international research on what happens in fragile states like the Congo.

This disengagement has had tragic consequences for the Congolese people, particularly in Eastern Congo and enough in others have produced volumes discussing this in detail. A Congolese scholar named Mvemba Dizolele has just published an important article on these issues in the *Journal of Democracy*. I recommend it to anyone interested in learning more about the present situation there. Here's an excerpt from his conclusion. I quote, "Political developments over the past four years give ample reason to worry. Unless the donor to community takes a firm

stand, the democratic process will die and autocracy will once again take hold in the DRC. If this were to happen, the country would become completely ungovernable."

After elections, the new government pursued policies that increased suffering, including gender-based violence, and the only real breakthrough occurred in late 2008 when more out of desperation than design, President Kabila turned to Rwandan President Kagame for help.

President Kagame agreed to remove renegade warlord Laurent Nkunda from the Congo, and then Rwandan troops entered the Congo briefly in early 2009 in alliance with the Congolese. After they left, the Congolese army began an offensive against a brutal group known as the FDLR, whose leaders took part in the Rwandan genocide in 1994. That fight continues today in Eastern Congo where the Congolese army has had some success in reducing the area of operation and numbers of the FDLR. But the offensive against the FDLR has not led to reductions in human rights violations in Eastern Congo. How could this be?

Here's what happened. The agreement between the Congo and Rwanda came as a surprise and when the Congolese army started its own offensive against the FDLR in early 2009, MONUC decided to provide nearly unconditional support. It makes sense, doesn't it? Congo's a sovereign state. It's trying to rid its territory of a violent rebel group that

entered the Congo from a neighboring state. Surely assisting the Congolese army was the right thing to do.

There was a problem. The Congolese army is notoriously abusive itself. It commits human rights abuses on a scale and at a level of brutality comparable with that of the FDLR and here MONUC got itself caught. What should it do? Should it help the abusive Congolese army or, as its mandate had stated for years, focus as its highest priority on the protection of Congolese civilians against all abusers including those in the Congolese army?

In effect, in early 2009, MONUC, with tacit support from the U.S. and others in the international community, dropped its civilian protection mandate. What were the results? They were documented by Congolese and international NGOs later in 2009. I'm quoting, "More than 1,000 civilians killed, 7,000 women and girls raped, 6,000 homes burned down, just in 2 provinces, North and South Kivu and Eastern Congo, 900,000 people forced to flee their homes living in desperate conditions." Many, if not most of these violations, were not committed by the FDLR. They were committed by the Congolese army itself and this situation continues today.

I need to mention briefly that in the far north of the Congo and in other neighboring countries, a group that if anything is even more

brutal, the Lords Resistance Army, the LRA, massacres unarmed Congolese children, women, and men. The Congolese and Ugandan armies and MONUC have not ended this threat. The U.S. has provided some assistance particularly to the efforts of the Ugandan army, and the U.S. certainly needs to do a better job in finding a way to finally end the threat of the LRA, but a discussion of what needs to be done would take me well beyond my time. I'm happy to talk about it if anyone wants to ask a question about the LRA during Q&A, and The Enough Project has done a lot of work on the threat posed by the LRA to the region.

Now on to the Obama Administration. When the President took office a year and a half ago, many hoped that the U.S. would reengage and swiftly lead I helping to end conflict in the Congo, but as has been the case in a number of other areas of this Administration, it has been very slow to get up to speed. But I have to say today there are beginning to be some promising signs. But before getting to today, let me start with 2009, which was not a good year for U.S. policy towards the Congo. Even though Secretary of State Clinton visited the Congo last August, and she even went to Eastern Congo to highlight the ongoing sexual violence, this is what she said during the trip. She stated that ending sexual violence, "has to start with making sure that the military of the Congo does not engage in any sexual and gender-based violence."

I'm sorry to tell you that I'm aware of no evidence that suggests that the U.S. seriously followed through by, similar to what John talked about in Sudan, strongly and consistently pushing the Congolese and MONUC on this critical issue.

In any case, since Secretary Clinton said these excellent strong words, nothing has changed. Nothing has changed.

U.S. policy today towards the Congo badly needs focus. Since the Secretary's trip, the U.S. has sent team after team after team after team of Americans to the Congo to look at what to do. This has resulted in a tremendous amount of activity and things to report on, but is it making much of a difference? I have to say the pithiest critique I have found of the U.S. approach comes from a now-deceased college basketball coach. The legendary John Wooden was known for his aphorisms and I think this one captures the flaw in U.S. policy. "Never mistake activity for achievement." We've seen lots and lots of activity, but we have very, very little to show in terms of any real, measurable, important achievements. Why?

As Enough and other groups have forcefully stated, the violence in Eastern Congo has a fuel, various armed groups obtain money for arms and other necessary supplies by controlling different parts of the trade in the vast load of rich minerals that are mined in the conflict areas

of Eastern Congo. But here's the most difficult problem at the core of Congo's conflict minerals today. The force that controls the majority of the minerals and makes money, while committing horrific human rights abuses including sexual violence, is not the FDLR, it's not the LRA, it's not any of the various small militias operating in Eastern Congo. No, the force is the Congolese army itself linked to other powerful Congolese government officials which brutally dominates this trade today inside the Congo.

I hope it's clear that the choice taken a few years back by MONUC with the tacit support of the U.S. to support actions by the abusive Congolese army was the wrong one. The central challenge that U.S. policymakers and all others interested in helping the Congolese move forward now, is what do you do when the Congolese state itself is unwilling and/or unable to take effective action? Sounds similar to some of the conundrums faced in the Sudan.

I hope that we can honestly examine these mistakes, learn from them, and move forward, and believe it or not, I actually have hope that when looking back we'll be able to mark 2010 as a positive turning point in Congo's history. Let me now briefly explain why.

Earlier this year, President Kabila stated that things were basically fine in his country, including most of Eastern Congo, and it was

time for MONUC to leave. This request had nothing to do with the actual insecure and troubled reality of the Congo but it had everything to do with a political calculation related to Congo's 50th anniversary of independence and much more importantly, national elections scheduled for late next year. But President Kabila appears to have miscalculated. Finally the Security Council, led by the United States, rejected Kabila's demand for withdrawal by the middle of 2011 before elections. It only acquiesced in a symbolic drawdown of a few thousand MONUC troops just last month at the time of the 50th anniversary.

It looks like U.S. policymakers in Washington and New York at senior levels share the overwhelming view of careful observers of the Congo, that any significant drawdown of what is now called MONUSCO in 2011, would be catastrophic. This decision is good news. That means the substantial human and material resources of MONUSCO and the substantial diplomatic and assistance muscle of the United States and others, can be used properly and they should be overwhelmingly focused on just two goals.

Number one, protect civilians in Eastern Congo from all perpetrators including the Congolese army. The success or failure of these efforts which much happen from MONUSCO have to be verified through measurable reductions in the overall scale and scope of human

rights violations including sexual violence in Eastern Congo.

Number two, provide essential technical and logistical support to the 2011 national elections. These elections have to be free and fair and we'll judge whether they're free and fair by two fundamental criteria: Number one, certainly they have to be at least as free and fair as the elections that were held in 2006. I don't know how anyone could dispute that as a minimal criterion. Number two, as part of that, there has to be at least one candidate in addition to President Kabila who's able to run a credible, unimpeded national campaign.

For the United States, which provided almost no financial support to the 2006 elections, the U.S. needs to step up and provide at least $50 million, arguably much more, in support to the 2011 elections.

The previous head of the UN mission to the Congo has left and his replacement is a former American Ambassador Roger Meese, well known to many of us. He served as the U.S. ambassador to the Congo during the 2006 elections. He is fully aware of what occurred to make those elections succeed. He also knows what needs to be done to have successful elections in 2011.

Roger Meese will arrive in the Congo later this week and in his new role heading the UN mission now called MONUSCO, he has the opportunity to revive, reenergize, and refocus it. He needs to ensure that

they take effective action in protecting civilians. And there's only one near term way to protect civilians from the Congolese army and that is the threat of and the use, if necessary, of deadly force by MONUSCO troops stationed in Eastern Congo.

I spent about a month in the Congo this year and I had the privilege of meeting with various field commanders. Some of them were fully aware of the abuses committed by the Congolese army and they were chomping at the bit to take effective action against them, but those orders never came. Those orders need to be given now and action needs to be taken place by place, opportunistically with these commanders given the resources and authority to interdict abusive units whether they come from the Congolese army or any other group.

To any skeptics who say this can't be done, my quick reply is it already was done by MONUC when it was more assertive during the period roughly five years ago. The goal was clear, specific successful actions against specific abusers, so that they stop, unit-by-unit, person-by-person. And the U.S. should refocus its military assistance, human and financial, on meeting this goal of protecting Congolese civilians now.

I have a final suggestion for everyone here. Whenever policymakers, U.S. or other, start talking about all the different activities underway to end the violence in Eastern Congo, please don't let them

slide off with references to new initiatives, teams visiting, high level dignitaries with their two- or three-day visits, on and on and on, just stop them in their tracks and ask one direct question: are these efforts leading to civilians becoming safer in Eastern Congo today or not? If not, then we and others are complicit in the continuing failure to do what we said we have to do. We've been saying it for years. Stop the violence in Eastern Congo.

This is what has to happen over the next year and a half. I hope we meet again in late 2011 and it's clear that Congolese living in the east are safer and that all Congolese were able to participate in free and fair elections. Surely that will mean that the Congo's regained the path towards progress. Even then that path will require steady, focused leadership from the United States, the UN, and others, for years so that the Congolese people can recover from decades of misrule and a legacy of brutality stretching back 130 years to Henry Morton Stanley and King Leopold in the 1880s.

Thank you.

MR. O'HANLON: Another extremely powerful presentation. Thank you, Tony.

Mwangi, over to you, sir.

MR. KIMENYI: Thank you very much. I think that the two

presenters have been very comprehensive. I will just highlight a couple of issues that I think are important in terms of understanding the conflicts but also in terms of appropriate -- what I consider to be appropriate strategies.

I think the two cases of Sudan and Congo are quite important. For one, they are conflicts that have been going on for a very long time. So, in terms of duration, these are actually fairly significant conflicts. Sudan had only a very few years of peace in the last 50 years. Congo, since 1996, you had very limited peace or (inaudible) and now peace.

So, they are important. And then the other feature is that they are also -- they involve criminal, sort of what you may call criminal violence. Not only do you have a lot of people killed, talking about in the millions, you know, 3.5, 5.4, those are huge numbers, so they are quite significant in terms of human rights abuses in Africa.

The other dimension is that they spill over to other countries, they involve a lot of other countries, either through other interventions, but they tend to impact regionally, they have regional impact. They are not just confined in those countries. So, if you are talking about development in Africa, you are talking about, you know, forging growth, you will find that these conflicts impact those countries where they are, where they are taking place, but they also impact on growth in the region.

So, in terms of a broader policy, if you are thinking about supporting growth in Africa, anywhere there is a conflict, you're going to be impacting growth in other areas.

Now, but from -- I mean, I remember one of the statements that President Clinton made after leaving office, asked about some of the -- one of the regrets that he has during his leadership was that he could have done something about Rwanda, but there are a lot of Rwandas going on. I think the numbers that we have, if you think about the Congo and think about Sudan, they are huge numbers. So, I think for a president, President Obama, I think it's important that these issues be taken seriously because they are really a catastrophe and they might deteriorate without appropriate interventions.

I want to focus on where I think the U.S. can do something, but I also would like to mention that Africa itself must do something. I actually would like to say, you cannot win the wars in Congo or in Sudan with the United States. Even if the United States was going to enter there with all the military might, that's not going to be winnable. You would have to have -- work with the African Union, but particularly facilitating the United Nations.

I think where we have seen -- and if you compare -- look at the case of Liberia, for example, it's really interventions by the African

Union the Nigerian forces supported through the AU and UN, and then the UN itself. So, we have to get the African countries more committed to peace in their region, we have to get the UN involved in all this, so we should not let the U.S. be the one that is necessarily going to lead, but I think we should be seeking also assistance when we demonstrate a plan of action from the African side.

But U.S. has leverage and as an economist, I know that incentives do work and the U.S. has several areas that it could leverage and impact on the outcomes in Africa.

I would like to mention one issue that I think, although it had been mentioned, has not been really elaborated a lot. Most of these conflicts that go for a long time, their fuel is natural resources. They are fueled by natural resources and both presenters, John and Anthony, have actually mentioned that. I was -- when I was teaching public finance and public choice, I always used to say how bad congressmen -- how they increased the spending of government by sneaking some of the bills within another bigger bill. But I found that it can help, and I think John had (inaudible) in this.

If you look at the -- if you read the Finance Bill 201, the current Finance Bill 201, there is a small statement that was inserted there by one of the Senators about the Congo minerals. So now, if you are

going to buy a particular type of minerals from Congo, you have to show that they are not from the war -- they have to go through channels that are not financing war.

Now, that's a small thing, but it actually has a major impact in terms of financing war. It will influence how these groups are financing this war.

Now, of course, we know that a big problem in most of these conflicts is the competition for these natural resources. In fact, a main drive is the competition to capture these natural resources, and in Africa we have been affected by what we call the natural resource cast. The poorest countries in Africa are also the richest in terms of natural resource endowment. And the reason that happens is because they've been fighting for these natural resources, they've been fighting in Angola, in Congo, in Sudan, maybe Nigeria to some extent, to capture these natural resources. And I believe that if we were to go ahead, in the United States, for example, to try and support these initiatives that look at the flow of revenue, the Natural Resource Transparency Initiative, which tracks to see how revenues are spent, I think that would go quite a long way in terms of dealing with these type of wars.

This initiative recently is also quite important, so I think that is one of the areas that I think the U.S. -- and the U.S. people, because I

think the amendment or the insertion of that clause was done mainly by the NGOs that were trying to influence this outcome.

I think the other issue that is important from a humanitarian point of view, I would say that these interventions to prevent continued killings, that's crucial, and I think U.S. there again through the UN must stop that. There is no -- I mean, we know it's happening, we know it's going on, and there are things that should be done, so more intervention in terms of -- again, facilitating the UN and the African nations should help stop that.

For Sudan, the critical issue is enforcement of the CPA. I think that's a very -- that was a major progress, the Comprehensive Peace Agreement, and I believe that the coming referendum would define what happens in the future of Sudan, whether it would be a continuous war, and it is risky. It may tip over. In other words, you know, we may end up with very bad results in terms of military interventions and conflict, because obviously the North, the government might -- is likely to delay the process. So, there has to be very clear strategies, how to go about it, and I don't think that that preparation is fully -- is there.

Finally, for Congo again, I think the preparation for the coming 2011 is also crucial and it's likely that you could find -- I would say that where I've seen a similar solution in other countries that seem to have

worked these correlations. We -- I come from Kenya, and we had a small, small, you know, problem there, and we were forced -- well, not me, but they were forced to do a coalition government and that was brokered by the UN with the United States was there. So if the U.S. can participate and actually influence these outcomes in other countries, I think it could do so also in Congo. I think we will need to see major change.

I think we pretty much spent a lot of time, so I will be ready to answer any questions.

MR. O'HANLON: Excellent. Thank you. Before I turn things over to you all, and when I do, please introduce yourselves and then if you need to make a brief comment, I'll allow that provided you get fairly quickly to a question please, but let me, in that spirit, try to set a good example by asking one quick question of both Tony and John, and for John it's, I just want to press you a little on explaining the kind of leverage that we're going to be able to create vis-à-vis the Sudanese government. Do you think we need to go to a much more tough kind of sanctions as a prospect? And you alluded to some of this, but I just want to press you on this point because it would seem necessary by way of gaining the leverage that you mentioned we needed?

And for Tony, do you think that the two goals that you talked about -- preventing violence and preparing for elections -- need to be

juxtaposed with a third which is reforming the Congolese security forces, or is that going to be a derivative of those other two? So, if I could ask you each to comment briefly and then we'll open up.

John?

MR. PRENDERGAST: So, right now, the international environment, and even the environment within the Obama Administration is such that no one is pushing with any possible chance of success a set of even small pressures right now, small consequences. So in order to move forward on a pressure-based policy, one has to play both sides of the aisle and demonstrate that -- the sort of one trick pony that many sort of hardliners within the American political establishment, both inside government and outside, perceive to be only focused on pressuring. You'd also say, well, if things do go well, we're perfectly willing to support positive benefits for compliance. That's why I mentioned the -- but then I didn't continue because of time -- so to reiterate, it's a package. On the one hand, you'd have the real benefits that the regime in Khartoum would be interested in, normalization and Article XVI for ICC stuff.

On the other side of the equation, what you're asking about -- and it's a sliding scale, of course, of consequences -- realistically a lot of this would be -- would only happen or will only happen -- it's not a conditional of the future tense unless something dramatic happens

diplomatically -- if things go very badly. And then suddenly people are more willing to consider much more difficult options than they are now where things are just sort of muddling along, so nobody wants to rock the boat. And in that sense, you know, we really don't have -- what we have is a lot of things that you would put in sort of the scarlet letter category, things that wouldn't work potentially. And I know little and you know a lot about this, Mike, but Iran and North Korea, but in the case of the Sudan regime, these guys are very internationally sensitive. And so when you start talking about rapid expansion of multilateral targeted sanctions where you start picking out individuals who are in the system, who are part and parcel of the major problems that would unfold if things got worse, when you start to take the already extant arms embargo and start putting implementation pieces to them. And that means not blockades -- that ain't gonna happen -- but rather, you know, sanctions committees where you start identifying where the trade comes, a panel of experts that's much more robust and calling out on those kinds of transactions that are breaking the existing embargo or toughening that embargo, holding firm on opposing IMF debt relief.

This is a government just like in Congo where the individual actors that are significant heavyweights in Kinshasa and Khartoum are making millions of dollars because of the mineral trading in Congo and the

oil trade in Sudan, and so the -- at the expense of their state coffers. So, the paradox of a record, you know, setting export years in both countries for the respective exports, and near bankrupt public sector expenditure patterns. They have no money, so they want, of course, desperately what Kinshasa just got with seemingly no conditions, at least -- we'll talk about that later. I get a question, I'm going to ask him -- anyways, Khartoum really wants, the NCP really wants to ascend into the HIPC thing, highly indebted poor countries, and some serious debt relief. And, you know, just hold firm on that and say, no way, until such things -- and so like there's a dozen of those -- I could go on and on and on.

Then you start to edge closer to the cliff and start to talk about expanded support to the government of Southern Sudan for defensive purposes. If we start to see patterns of real investment by the National Congress Party in a strategy of utilizing the militias that we saw in Darfur with the Janjaweed, we saw in the '90s and late '80s and in Southern Sudan, they go back to that tool. I mean, that should trigger some very intensive consultation about the provision of defensive support, particularly air support, but also ground, that kind of thing, you start to look at -- and work down the aisle. Most countries won't go along with us on that. Our own government's very divided about it, even the lightest of penalties and pressures, so right now is not a fortuitous moment. But I do

believe that the strategy of pulling together both sides of the equation, the incentives and pressures, and then here's the universe of the possible, let's go around and shop, let's create a coalition of countries that are -- at least will listen and potentially implement if things go very badly or things go very well, you know. And I think that's where you start to build the leverage, and you don't do it trumpeting. You don't get the big trumpet out and start talking about it. That's not where that kind of big-foot diplomacy gets us anywhere. That's the kind of thing where you quietly put a few countries together to agree to this thing and then you go and make -- pay a visit to the first vice president and the intelligence chief in Khartoum and say, this is what we're doing, we're just going to keep doing it, so, you know, we're getting serious now.

MR. O'HANLON: Thanks. Tony?

MR. GAMBINO: On your question about security sector reform, I'll keep it brief because as you know you've opened a gargantuan topic.

The question is this, and it goes back to what I tried to stress in my remarks: What do you do when the state itself is either unable or unwilling or even complicit in some of the actions that you want to stop? Relating to security sector reform I'll just talk about the Congolese army. If the army itself and its leadership is uninterested in reform, then what do

you do?

Well, the standard global textbook says after a conflict, successful elections, you work to build a national army. So, various donors, not just the United States, the Belgians, the South Africans, the Angolans -- a long list of countries have tried and usually they pick off a few units, they do their training, and what has been the results to now? Zero. Zero. No improvement in the effectiveness of the Congolese army.

And I think one has to think hard about the fact that has -- is seen around the world that when you want to do something difficult like build a national army in a circumstance where an effective one doesn't exist, you can't do it without effective leadership from the top in the country. If the leadership of that country is not committed to it, you're kidding yourself. So, that's why in my remarks I make a rather radical recommendation.

The U.S. is still pursuing, the textbook said you should, some training in the city of Kisangani of a Congolese unit. It's not going well. And no one makes any pretense that it will have any effect in the near term on the tragedy in Eastern Congo, so I say, stop kidding yourself. Focus on the short-term crisis. Use American resources. We have people and material that we can use in collaboration with MUNISCO to make a difference in Eastern Congo. Let's do that now, and then let's

hope and push that there will be better leadership in the Congo soon at the highest levels including in the Defense Ministry, and as soon as we see that, then embark on the critical task of helping to build a national army.

MR. O'HANLON: Excellent. Thank you. You wanted to make a quick comment?

MR. KIMENYI: I just wanted to make a comment on China. China is actually exploiting opportunities in both Congo and Sudan. It's investing in natural resource exploitation. My thinking is that we should not ignore China either in the process and I think that one way is -- well, with this investment, China also would want some stability. Their installations might be the first one to be hit if there is a real conflict. So I think China is at a point where it would like to -- can participate positively in these peace deals.

MR. O'HANLON: Thank you. I think we'll take a couple of questions at a time since we have two topics that are related, but also to -- I'll then ask our panelists to respond. So, start here in the second row please.

MR SURUMA: Thank you very much. My name is Ezra Suruma. I'm from the African Growth Initiative here at Brookings. I'm also from Uganda.

Both of you have given emphasis to the elections, both in the Sudan and the Congo, and my question concerns the capacity to hold free and fair elections in both Sudan and Congo. Even in the -- some of the better organized, more peaceful countries, organizing a free and fair election has proved to be an extremely difficult affair in many of our African countries, and in the case of economic stability, we have International Monetary Fund, and some degree the World Bank. These are world bodies, which assist countries, especially African countries, to stabilize their economies and move ahead. And they have been reasonably successful.

I'm wondering, to really expect that Congo or Sudan will hold a free and fair election, is a very, very tall order, and perhaps in line with what Mr. Mwangi was saying, would it not be more realistic for the United States to push through the United Nations for a more -- a neutral institution that would assist these countries to organize a credible election that would be acceptable to all parties once it's done? What is the point of having an election that will only cause people to fight when it is over because nobody accepts the results as being free and fair?

MR. O'HANLON: Thank you. Let's stay on this side and go back to the fourth row. I'll take two more from the fourth row, those two gentlemen right there, and then turn things over to the panelists.

MR. BIZMANA: Thank you very much. My name is Edward Bizmana from the embassy of Burundi. And I cannot agree more with most of what the speakers said, and I'm talking from the experience because I did a -- quite a good number of research on the region, especially on Congo, Rwanda and Burundi. And what I notice is, as you put it, the presence of strong leadership would be very, very important and helpful because this will come to bring a kind of remedy to the problem of immensity, territorial immensity, because in some countries, some areas, they seem to be (inaudible) areas, what we call in French, zone grise.

And another comment I would like to make is a lot of resources in conflicts, especially in Africa, but what we have to notice is we need to focus on the other actors who benefit from the resources because sometimes the destinations of the resources become the origin of the conflict in those countries. During my research, it was in 2001, I noticed that many of the companies operating in DRC Congo were not African. They were from other countries. So this aspect has to be focused on in order to contribute to the resolution of those conflicts.

To end, I would ask a question. How do you assess the affect of the international warrants -- I don't know if it's mandate, I don't know -- against the Sudanese president? Will it contribute to the peace process or will it worsen the process?

Thank you.

MR. O'HANLON: If you could just hand the microphone to the gentleman next to you. Thanks.

SPEAKER: Right, Ben (inaudible) with (inaudible) Intelligent Risk System and also a Congolese national. This question will go to Mr. Gambino.

Recently there is also a development about the presence of ADF, the Allied Democratic Forces, which is a Ugandan rebel organization in the Eastern Congo, and so the recent report from the UN talking about the displacement of population and about 40,000 in the region that's (inaudible).

Now, you talked about focusing more on finding peace or maintaining security in that region in terms of stopping violence and also you have mentioned about the lack of the ability of the Congolese army itself to protect civilians in that region. Now, given that we have the LRA, ADF operating in that region, plus the atrocity committed by the Congolese army itself, who do you think should disband those organizations, those rebel organization, while we have the Congolese army which cannot do that?

MR. O'HANLON: Tony, you want to start? And then we'll go to John and Mwangi and then have one more round.

MR. GAMBINO: Sure, I'll say something about the first and third questions. The first one, elections, I take your point. No one, I don't believe, would ever suggest that getting to free and fair elections in the Congo in a little over a year will be an easy task. But let's keep in mind that just four years ago in 2006, they did have reasonably free and fair elections. That's the first point I'd make. It has happened, so there's prima facie evidence that it can happen again. It won't be easy, but it can happen. It's certainly not an impossibility.

The broader point I'd make is that -- and I'd look to our Congolese friends in the audience and others to support this -- there is a remarkable capacity that exists among the Congolese when given an opportunity to take that opportunity, and in my travels recently in Eastern Congo, in Kinshasa, there has been a lot of pessimism where people thought there weren't going to be any opportunities, that the elections would be trumped up, they'd be fake, it would be a sham, and then people lose their energy. Very natural human response, I think I'd feel the same way, too. They don't want to go out and really push hard and do things.

But there are very positive signs now that the Congolese government has accepted potentially large-scale international community support for these elections. We know that now, so this is 14 months away from the elections that that can occur. That's a tremendous positive boost

that I hope will be rapidly communicated by the United Nations and others to people all around the Congo so that as the processes begin, that dynamism and energy will be used, and I think that can't be underestimated.

Second, there's been, I think, a lot of unhelpful activity thinking about how one might use new technologies, cell phones and other things around some of the tough issues in the Congo relating to violence. And I think a lot of those ideas, frankly, have been cockeyed. But there is no question, and it's already been demonstrated in other countries, that cell phones can be used very powerfully relating to elections. They can really help monitoring. You can set up very simple systems of SMS messages. Is there a problem at this polling booth? Is there a problem? What's going on here and here? So, that -- in a way that wasn't possible even a decade ago.

And cell phones are ubiquitous in the Congo now, that we can have -- we don't need massive expensive structures set up to monitor and do things, even as we needed in 2006. And I hope that people in the State Department and elsewhere who are thinking about how to use technology in creative ways to help in tough places like the Congo and Sudan, will focus those energies on elections, because I do think, even though -- that it will be difficult, that it is feasible.

Final point on elections, I certainly agree with you. I wish the international community was set up better to support elections. Regrettably, too often, the United States and others almost seem to forget that there's an electoral calendar that's known around the world, and they wake up two or three months before elections and go, oops, there's going to be elections in, fill in the blank of the state. What are we going to do? Then they call up the Carter Center, can you get some monitors together? And then that doesn't work. Then you have lousy elections and they fail, and then the international community which hasn't been thoughtful and supported it, looks at leaders -- and, unfortunately, Central Africa is a great example of this: bad elections in Congo Brazzaville, the Congo's west to Angola, to the Southwest, we're going to have not particularly free and fair elections in Rwanda next month. I think it's fair to say that. Not great elections in Uganda.

So, as you go around and look at Congo's neighborhood, the record of free and fair elections is very poor. And it is in part, I think, because of the point you make, that there isn't a kind of coherent, consistent international structure that says, well over a year before elections there are a lot of things that need to be done. How are we going to do them? How are we going to organize them? This is a technical exercise that's well known and can be done successfully.

Then briefly on the third question about the ADF-Nalu and their new operations in the Beni-Arengheti area of North -- Northern/North Kivu and the Ituri parts of Eastern Congo. You know, this is where even the symbolic drawdown of MONUC, now MONUSCO, starts to create problems because the area where MONUC has had troops based in the Bunya, they had concluded for the moment that things were getting more peaceful, and so they were going to withdraw their units, concentrating them more in North and South Kivu.

The problem then is that Congo is unpredictable, not just in Eastern Congo. We had a major outbreak in the far western part of Congo 2,000 miles away in the province of Equateur last year. And there was no one around, and a rag tag group of fishermen, literally, practically took over the capital city of that region, because there was no army, there was no police force, there was no effective states to control it. We have the same problem in the region you refer to, the only group that can effectively control and take action against the ADF is MONUSCO and they need to have the ability to do so.

MR. O'HANLON: John?

MR. PRENDERGAST: Mike, I think on the Sudan side of the elections equation, you know, it hasn't been so much a capacity issue. It's certainly a will that precedes capacity issue and for the election in April

there was simply no political will on the part of the regime to have a free and fair election, so the death by 1,000 cuts, from the very beginning, registration all the way through to the actual voting process and the tabulation was corrupted in one way or another. You couldn't say, oh, this was stolen in one big fell swoop, but it was chopped -- the credibility was chopped away to the point where it was not an expression of popular will.

But we can't -- just a few short months later, can't capitulate in the face of that question of will because of lack of will because the referendum -- referenda, Abyei in the South are coming so fast and so as deeply flawed as everything Tony said, I totally agree with, you know, what do we have? Well, we have at least a few more months than the usual three weeks before a wake up call. You know, we can blanket international and domestic monitors. I mean, so crucially, as everyone in this room who has ever been a participant or a part of any elections, domestic monitors that are -- that provide the real coverage -- train -- with some modicum of training using the kinds of things like you're saying -- rapid reporting mechanisms to be able to demonstrate flaws. I mean, that's going to be crucial having those out -- as far out as possible, and this kind of support that every step of the -- technical step of the way for the referenda is crucial. But I think just as important will be the -- back to the leverage issue, which is if you don't have -- if the parties are not clear

that there are serious consequences for corruption of that system, for that electoral process, then you're going to get extreme manipulation and so I just believe very strongly that this package of incentives and pressures needs to be deployed in order to prevent the -- or at least temper the clear temptation to undermine the process from different points.

So, that's one issue. I think the future ambassador of Burundi had a question about ICC, and I think that the ICC ruling -- arrest warrants that came out a few weeks ago -- to answer that question one needs to first say, is our objective in Sudan only the absence of conflict? And I think that the answer for -- at least in my -- I think I've been in Darfur now and rebel hold areas, eight times since the war began in 2003, no Darfuri would say, yeah, the absence of conflict is what we want. I mean, most of the Darfuris that I've met, it's justice and peace, and that justice and peace go hand-in-hand with each other and you can't divorce the two. No one else did a damn thing about accountability in Sudan since all these wars have occurred, since the independence. And so the ICC has entered this remarkable vacuum of justice and issued a few arrest warrants for crimes that are entirely within their purview and entirely in the context of international law, the most recent of which, you know, was not some political vendetta, but rather were three judges who had initially said, when presented with the evidence about the genocide charges, said, you

know what, it's not enough evidence, send it back. So the prosecution had to provide more and once they provided the evidence that they provided for this particular round, these judges basically came down on the side that indeed these are -- it's within the ballpark and it's worth trying Bashir if he's ever brought to the Hague for the crime of genocide.

How does it affect the peace process, of course, is very interesting. If you only do your diplomacy by listening to what people say then of course, oh, it's gloom and doom because the ruling party officials will say this undermines peace, complicates peace, removes the possibility of peace, whatever variation on that theme, but as we all know, clearly, this is something that has very deeply affected the president of Sudan and his -- the people closest around him who all are on the list of the next people to be indicted if the process continues to unfold without any resolution. And so it provides incredible -- instead of it being an obstacle to peace, as is -- the conventional wisdom usually implies, I believe that the ICC rulings are a tremendous point of leverage for the peace process in Sudan, because -- and whether we like it or not, the International Criminal Court's charter has a series of articles, one of which, the infamous Article XVI says, in the interest of peace that these arrest warrants can be suspended for a year.

Now, the big question is, when do you do it? Egypt and

China and Russia would all say, right now. Let's do it in case they ever come to negotiate, but clearly there has to be -- it has to be -- because in this case all it takes is one country on the P-5 to not agree with that, so then that country has all the marbles. And if the marbles are articulated to say, yeah, if there's peace in Darfur and peace in -- between North and South, and they are legitimate alternative justice mechanisms, as again called for in the International Criminal Court charter and there are a number of conditions, where we see real serious human rights protections put in place, then why not consider Article XVI? You start to talk like that and you create a tremendous point of leverage and you create a tremendous incentive for those for whom the sword of Damocles is hanging over their heads with these arrest warrants. And I would point you to the cases of Charles Taylor, President Milosevic, and others who laughed, who scoffed at their indictments when they were first indicted by international tribunals, and we see where they are today.

MR. O'HANLON: I've been a terrible moderator but we're going to do a lightning round anyway because we've only had three questions so far. It's already after 5:30. I'm going to take two more questions, hold everyone to 30 seconds, so we'll give the questioners 30 seconds, and then each of the respondents 30 more seconds to be out of here at 5:35. So, ma'am, here, and then over here, and then we'll go this

way to finish. Please.

SPEAKER: (inaudible) defense counselor at the Embassy of Montenegro. My question is inspired equally by your excellent presentations, but also by my recent trip to South Sudan. Right after elections SPLN put together an interesting conference together with NGOs to learn more about recent referendums in countries like Montenegro, East Timor, Eritrea, and Quebec. So, the general view was really that the crucial would be to involve international community, the same kind of involvement that we had in Montenegro, for successful, credible, and legitimate referendum that would be accepted for all sides.

How do you see -- first of all, this is question for you, John. How do you see -- how realistic is that in the next six months would be possible to generate focus of U.S. administration having in mind all the internal policies and priorities.

And a follow-up question is how do you see Mbeki rule an African Union role in the process since they are already acting as a facilitator for (inaudible) negotiations?

Thank you.

MR. O'HANLON: Thank you. And last question over here. Please.

SPEAKER: My name is (inaudible) from Howard University.

My question is to John on Sudan.

Since the election of Obama, U.S., the Congress, is no more interested in Sudanese situation. It was Obama, Mrs. Clinton, and Biden who were interested in Sudan situation when they were in the Congress. And, you know, during the Bush Administration, Colin Powell was involved in the CPA between 2004 and 2005 to make it work, but the President's Secretary of State, Mrs. Clinton, is not interested in the Sudanese situation. How many speeches has she made or has she (inaudible) and speaking to some of the members of the Congress in the African foreign relation, the President and (inaudible) is not so much interested in Sudan institution. I was told that because of the situation in Afghanistan and Iraq, Mrs. Clinton is focusing on that instead of Sudan.

So, with all your recommendations, John, what do you think the U.S. can do? There is going to be an election in January or a referendum to decide the separation of (inaudible). What can the U.S. do to prevent this? Is it not too late now to do anything concrete for the U.S. towards Sudan?

Thank you.

MR. O'HANLON: Why don't we give John the last word? So we'll see if Mwangi or Tony has a brief word before that.

MR. KIMENYI: I think the South Sudan referendum is

clearly -- requires special attention, so the time is short, but there clearly needs to be concerted efforts. I would say that, again, U.S. working with the African Union and the UN and the international community in terms of monitoring, would be called for. It's very important to start, probably quite late. I don't even know about the voter registers and all that, how they are working, but I think there's a lot that needs to be already in place by now.

MR. GAMBINO: Just to thank everyone. Thank you for coming.

MR. O'HANLON: John, please?

MR. PRENDERGAST: The U.S. technical support, I think -- you know, for these referenda, I think they're very forward learning. There's a few things that one can say about this Administration positively in that -- when Mbeki and Haile Menkerios were here last -- two weeks, three weeks ago, they met with Obama and Biden, Clinton, Rice, everyone, and it -- and they're all actually ready to give the UN and AU more than what they were asking for. They actually left quite surprised because they had all these talking points and arguments they were going to make to the Administration and the Administration said, well, no, actually, we'll give you more than that, so they didn't even have to walk through the points.

So, that's one thing, support for technical processes, what

concerns those that watch this stuff a lot more closely is the policy and what the actual -- beyond just things and money, what actions will the U.S. take, which kind of dovetails with what you were saying, but in terms of the Mbeki as the lead mediator, well, it's really fascinating. Anybody can follow this -- track this by just watching his public comments. He's gone through quite a transition, shift, whatever you want to call it, on his thinking in Khartoum. I mean, you know -- and the NCP, and I think an evolution as opposed to the devolution, so I think he's much more ready to handle the challenges than he was a year ago where he sort of had the very wishful attitude about what could and could not be accomplished there a year ago.

In terms of Clinton, you know, Sudan policy in this administration is very complicated and the President has, you know, sort of deputized his special envoy to run it. And, I mean, you know, I have no special knowledge about this, but certainly if the Secretary of State, if she wants to jump in the middle of that, it's going to be a battle. So, when you have 15 other major crises, is that the one you want to -- you know, that's a question that will be asked on a regular basis. But as long as it is a clearly a White House-driven Sudan policy, then until there's a fairly significant protest from State, I don't see, you know, that other than just being a supporting actor in the play unless things change over time.

The Vice President then becomes the sort of wild card. In the aftermath of his trip and his desire to do more, you know, does he shake things up a little bit with dissatisfaction over the present situation? It's to be determined, but certainly the special envoy has support from the people who matter within the White House -- General Jones, Dennis McDonough, and Tom Donilon. Those are the people that matter in foreign policy in case anyone didn't know. That was a big news flash for the Brookings crowd, you know, the insider crowd, those are the guys that matter and they support General Grayson. So there you have it.

But I do think in terms of Congress, one of the battering rams that one does utilize in these kinds of situations is Congress to try to wake people up to when they're on the -- you know, when the trains are coming, and I do think that the domestic constituencies that have supported Darfur and that have -- going backwards the church related -- Christian church-related constituencies that have focused on the South, which were going to sort of ramp up now in advance of the referendum, this will affect political calculations. This will get -- I mean, Pelosi recently, you know, jumped back into the fray, Reid jumped back into the fray, so these people are going to get involved more and more. I think that Congress will actually reengage on Sudan in a positive way.

It is definitely, to close with your last question, it is definitely

not too late. This is a classic case of conflict prevention that we are seeing, the United States if it deploys the resources that it has at its disposal, works very closely with the African led mediation, and helps -- and works with European and other states to build international will and leverage, I think this is one that could be a success story just like, you know, the first term of Bush II, one could claim Sudan as one of the major success stories from there in terms of conflict resolution.

Thanks a lot.

MR. O'HANLON: Thank you all for being here. Thank you to the panel.

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I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

/s/Carleton J. Anderson, III

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