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THE SUDAN REFERENDUM: DANGERS AND POSSIBILITIES

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Discussant:

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P R O C E E D I N G S

MR. PICCONE: Good morning, everyone. Welcome to Brookings. My name is Ted Piccone. I'm a senior fellow and deputy director of the Foreign Policy Program here, and I'm very happy to welcome you and our guests for this discussion today on the Sudan Referendum, which will be taking place in I think less than three months. So, it's a very timely moment to step back and take a look at the dangers, the risks, the possibilities for peace and resolution in Sudan and Darfur.

You all know the topic very well. So, I will go right to the introduction of our speakers since we got a little bit of a late start.

We're very lucky today to have our featured speaker, Congressman Donald Payne, a native of Newark, New Jersey. You have in your materials a full bio of his very extensive and impressive background. The first African-American congressman elected from New Jersey, and is, I suppose, about to face election very soon. What would then be his twelfth term in Washington, representing the Newark area.

He's a past chairman of the Congressional Black Caucus, and, for our purposes, as it relates to this subject; he has a long and extensive involvement more generally on international affairs, and specifically on Sudan and Darfur.

President Bush appointed him as a congressional delegate to the United Nations. Speaker Nancy Pelosi appointed Congressman Payne to serve on the House Democracy Assistance Commission. He was a cofounder of the Malaria Caucus. Of course, he serves on the House Foreign Affairs Committee.

He currently is the chairman of the Subcommittee on Africa and Global Health, and he also serves on the Subcommittee on Western Hemisphere and

international organizations. Of course, as many of you know, he led the fight in Congress, winning passage of a resolution declaring genocide in Darfur, and has remained very involved, including talking to Darfur refugees at the camps in Chad.

We will first hear from Congressman Payne, and then we will hear from our discussants. Those are Mike Abramowitz, who's director of the Committee on Conscience at the United States Holocaust Memorial Museum. And Mike has had a great career at the Washington Post and covered everything from A to Z, and, in particular, issues of foreign affairs, and we look forward very much to hearing his comments.

And we'll also hear from Rich Williamson. I'm very happy to welcome Rich to the Brookings community. He is current a non-resident senior fellow here at Brookings as of earlier this year. Many of you know him as the former U.S. Special Envoy to Sudan, appointed by President Bush, and he's had a long career in and out of government as a lawyer, but also in government as, among other things, the assistant secretary of state for International Organization Affairs as a senior U.S. diplomat at the U.N., and on other matters, as well.

So, I welcome you, and we look forward to hearing the discussion. After the initial comments, they'll be some further discussion here among the panelists, and then we'll open it up for questions and answers.

Thank you.

Congressman Payne?

(Applause)

CONGRESSMAN PAYNE: Thank you. Thank you very much. Thank

you, Ted, for that kind introduction, and it's really a pleasure to be here to participate with my good friend Rich Williamson. Of course, as you know, Ambassador Williamson was an special envoy to Sudan, and, so, in that responsibility, we had a tremendous interaction, and I do have to say that of all the envoys that I have worked with on Sudan, it was really the easiest to work with you and the open dialogue that we had, I think, made progress for the short time you were there. Probably more accommodating than it would have been without you, and I'd just like to commend you for that.

And certainly to Mike, the Holocaust Museum really does an outstanding job, and one of the first activities on Darfur here in Washington, D.C., was at the Holocaust Museum. Senator Lautenberg, myself, and several others participated. It was long before there was an outcry, but the Holocaust Museum was right there at the forefront of saying that this situation in Darfur must end.

So, it's really a pleasure for me to be here to talk about the Sudan Referendum, dangers, and possibilities.

As has been indicated, I've been in Congress for about 22 years. I got elected 1988, and was sworn in in 1989, and at that time, you may recall that's the same year that Omar el Bashir came to power. Of course, we came into office in a different way. I was elected in a democratic process. He was brought in by troops and bloody coups, using military might. So, I have certainly had an opportunity to carefully study the situation, and I'm certainly extremely concerned about what I see happening now in Sudan. Concerned that the emboldening intransigence of the Bashir Regime certainly threatens to unravel the peace that was won five years ago.

Incidentally, I had the opportunity, just one of the reasons I was a little bit late here is I just got off the phone with President Salva Keer, and we talked about the

breakdown of the talks. He is very encouraged that he's going to continue to stay on course. He was very elated about a very successful meeting that he had all 24 of the political parties of the south just a day or 2 ago, where parties that have had a difference all came together and there seems to be a new feeling of unity and a oneness in the south, and individual differences seem to be put aside. And this is a very positive step for the SPLA, SPLM.

Also, there was a meeting that he held with some of the generals who had created some problems within the military, and he said that there would be amnesty for anyone who had previously broken the law, and that also on the military front, there is jubilation that there is a oneness of purpose. And, so, I think that the leadership in the south is certainly strongly following the lead of President Salva Keer.

But, as we know, back on January 9, 2005, there was the signing of the Comprehensive Peace Agreement, and I was there and witnessing it very proudly, but, as you know, it ended the 21-year civil war between north and the south. We know the statistics; 2 million died in that struggle, 4 million people were displaced, a war that the Bashir Regime used aerial bombings against innocent children, women, and elderly. A war that nearly destroyed the entire region. But one thing it did not do, it did not destroy the spirit of the people of South Sudan.

The CPA, as you know, was championed by the Dr. John Garang, who led the struggle in the south, outlined the path to secure lasting peace, a six-year interim period, and that was serious time for Khartoum to prove that unity should be attractive. However, during this six-year period, Khartoum has done everything in just the reverse to say that unity is unattractive, and it's unfortunate because Dr. John Garang really was looking for a new Sudan. His dream was there would be one Sudan. However, the

untimely death of Dr. Garang shattered those hopes.

And, so, at the end of the six-year period, which will be on January 9, 2011, the CPA promised an opportunity for the people of the south to determine whether the regime in Khartoum had changed enough that they want to remain as a part of Sudan, or whether they want to secede and have a new, independent South Sudan.

People in the marginal area of Abyei, the region that holds, as we know, much of the oil wealth, would decide if they would retain their special administrative status in the north or to become a part of the South. As we know, Abyei has been a political football from the Khartoum Government. The CPA laid out very clear though benchmarks to be met for these referendum and the issues that should be on it that should take place, and it also included detailed instructions for power sharing and oil revenue sharing.

As things stand today, Khartoum threatens to tear the CPA apart at the seams, as Bashir's Regime has refused to cooperate on key issues that must be put in place before we can move forward. In fact, the nine-day talks in Addis Ababa between The NCP and the SPLM to address the issues of Abyei as an important component to the CPA has failed. We saw several days ago that the talks have broken down, but in my conversation with President Salva Keer, he said that on 28th of this month, they will resume talks and really try in the interim to put together all of the pieces that need to be put together so that those talks at that time when they resume can be a positive factor, and these important issues can be hammered out.

According to a joint statement issued by the parties, "Despite serious efforts and many productive discussions, they did not succeed in reaching an agreement on the eligible criteria for voters in the Abyei Area Referendum." The failure of the talks

rules out the possibility that the Abyei Referendum will be held on time. And that's a very, very serious problem. Abyei is supposed to be determined before January 9 elections in 2011. And, at the present time, we see that that is not occurring.

Unfortunately, this comes as little surprise to many of us. Abyei remains a contentious issue throughout the CPA process. It's been contentious from the beginning.

In late December 2009, the Sudanese National Assembly passed the South Sudan and Abyei Referendum Act. In late 2010, the National Assembly approved a list of names submitted by President Bashir to become members of the Southern Sudan Referendum Commission, and, on June 30, 2010, President Bashir issued a presidential decree appointing the chairman, deputy chairman, and members of the commission. However, with all of that fanfare, with all of these appointments, with all of the names mentioned, to date, the Abyei Referendum Commission has not been approved. And, therefore, is not met. So, how in three months can this very contentious issue be solved because the government in Khartoum does not want the issue solved?

There has been reports of mass migration of the Misseriya people into Abyei bringing folks into the region in order to tilt the vote, and we saw the same thing occur years ago when Namibia was having its vote for independence, and South Africa encouraged people who lived in South Africa for decades to go back to Namibia, white Namibians to vote in the referendum so that Namibia, which was Southwest Africa, would remain a part of South Africa. But the U.N. stepped in and prevented it from happening. And, so, we have to make sure that the votes are not tilted again as they tried to do it in the past.

Of course, no one can forget the bombing and the burning of Abyei. Ambassador Williamson and I were there at the same

time, you recall with the terrible devastation done to Abyei. It was carried out by Bashir Regime in May of 2008. We traveled there, we saw the heartbreaking devastation. And, to this day, all of the issues are reminders that Abyei is still critical if there will be a full implementation of the CPA.

And concerns remain. Khartoum has repeatedly played games, stalled, held up, and obstructed so many critical steps in the fulfillment of the CPA. So much that today, it is unclear whether the referendum in January, even for the south, can actually be held freely and fairly held.

Must I remind us that this is the same regime that carried out the first genocide that the U.S. Congress ever declared while it was in progress? As we may recall, half a million Darfurians lost their lives as a result. More than 2 million have been displaced. And they're still displaced, and there is no discussion on the part of the Government of Sudan about when Darfurians will ever be able to return to their homes. That's not even a discussion. The discussion is who can feed them and who the government and Khartoum will allow to go into IDP camps. Not a discussion about shutting the camps down and having people return to their lands.

And, so, while Darfur is not on the front pages anymore on the newspapers, the people still suffer what the Chief Prosecutor of the International Criminal Court, Luis Moreno Ocampo, called last month at a Congressional Black Caucus Brain Trust held here in September, a brain trust that I chaired, he called it "a silent genocide." Khartoum has strangled aid, cut off IDP camps, and is watching the people of Darfur slowly starve to death. This is the regime headed by a president who has been indicted by the ICC for war crimes and for genocide.

And, again, as the CPA is supposed to come

into full completion in less than three months, there is the threat of massive violence once again against the people of the south. We have seen several reports of arms shipments to the south, that militias are there, that they are being encouraged by the north to destabilize the south. They want people to feel that the south is unable to govern themselves. However, I think that the meeting that President Salva Keer had is starting to calm that down. And, so, the tactics of the north are failing.

As the administration rolls out a new policy that includes an incentives package to sway Khartoum to do the right thing, let us remember that this is the same regime that welcomed with open arms and harbored Osama bin Laden from 1991 to 1995. It was from Khartoum that Osama bin Laden planned an assassination attempt on Egyptian President Hosni Mubarak. It's the same regime that tried to create havoc in our embassies in East Africa, and we are talking about giving them a second change again and again. So, what have we learned? In the words of the late Dr. John Garang, the Bashir Regime is, as he said it, "too deformed to be reformed." The U.S. must provide leadership in the international community.

And, actually, I have called on President Obama and Secretary Clinton and Special Envoy Gration to provide clear leadership and not to give this regime continued concession after concession when it is never enough for them. I repeatedly urge President Obama to meet with first Vice President of Sudan and President of South Sudan, Salva Keer, and to make it clear to him that the United States will provide support. The south needs to ensure that the CPA does not crumble and that war does not break out again in the south.

The message to Khartoum must be a dismissal of the CPA in any form will not be tolerated. We demand free and fair referendum for the

people of South Sudan and Abyei. We demand justice and accountability in Sudan. We must also demand a real end to the genocide in Darfur. All these things are paramount if we are going to have lasting peace in Sudan.

And we also must be aware that, as time winds down for the referendum to occur, we have to remember that 21 days after the CPA was signed, there was an untimely death of Dr. John Garang, and many of us warned him that he should be careful and that there are treacherous people who oppose him, and, so, we have to also be sure that all precautions are given so that our leader, Salva Keer, has the protection that he needs so that he will lead the new South Sudan.

Thank
you.

(Applause)

MR.

ABRAMOWITZ: Good morning. First of all, I wanted to thank Brookings for hosting us today, and I want to thank Rich for inviting me to be here. I'm glad that you picked me and not George Clooney to offer our reflections on our recent trip to South Sudan.

(Laughter)

MR. ABRAMOWITZ: I also want to thank Congressman Payne for your very kind words about the museum, and it's a great honor to be on the same panel with you. I'd like to just start by telling you a little bit about the museum's interest in South Sudan because I just want that to be kind of clear that the museum has been long concerned about the genocide in Darfur, the other atrocities that have taken place in Sudan over the past really 30 years and beyond. We do not take public policy positions generally. Our focus really is on raising awareness about cases of genocide or potential genocide with the public, with policymakers, and we

do that through our exhibitions, through our Web material, and, so, that's the context in which we're involved in this issue.

I think one of the reasons I'm here is that museum has recently sponsored a trip to Southern Sudan. I traveled to Juba and to several other provincial capitals with Professor Andrew Natsios, who is a longtime friend, and, obviously, as many of you know, is a real expert on Sudan in general and a friend of the south. We spent about 12 days on the ground.

I would say over the course of our time there, that we consulted with I would say close to 100 people. We met with President Keer and the Vice President, Riek Machar. We met with a number of other cabinet ministers. We met with Sudanese Civil Society, we met with humanitarian, U.N. officials, and we met, frankly, with a lot of ordinary Sudanese, who have really experienced much hardship over the past 30 years.

And I think, for me, being in Sudan for the first time, the most moving thing was just how much the people of the south have endured in terms of violence, and also that everyone that you talk to has a story that is very moving, that either walked hundreds of miles to a refugee camp, that their mother and father were killed, that they witnessed atrocities, and, still, the people of Southern Sudan are very resilient and were very upbeat about the future. And, in fact, they're very upbeat about the referendum and focused on a successful conclusion to the CPA process. So, that was just for myself very moving.

The museum, one of the things that concerns us about Southern Sudan and Sudan in general, I would say, is that, obviously, we have studied genocide and mass atrocities over the years, and we know that a number of the key risk factors for mass atrocities are present. We know that there is a history of particularly the

government in Khartoum employing outrageous tactics in the course of warfare. We know that there is a much incendiary rhetoric that's been emanating from Khartoum regularly, as the referendum approaches. We know that we're very concerned about the safety for some million or so southerners who have been displaced from the south and are living in the environs of Khartoum. That was a constant refrain we heard from many of the people we talked to, that they're very concerned about the safety of these people.

And, so, our core message is let's not wait until it's too late. Let's try to raise awareness among the public in general, policymakers that it's very important to try to deal with this problem now in advance of the referendum, in advance of terrible things happening.

I would say that we had several major takeaways from our trip. And I'd like to just mention three or four of them, and then during the discussion period, if you have other questions, I'd be happy to try to entertain them.

One is simply that it is a very dangerous time for civilians that, as Congressman Payne noted, the two sides are amassing troops on the border, the border is awash in weapons and ammunitions. We traveled to Upper Nile, and it was a very tense situation there. That's in the middle of the oil fields.

We have been disturbed about the statements from regime officials that have directed against the displaced persons. While we were there, it was very interesting. The information minister and one other minister had some very incendiary comments about the southerners who were living in the north, and about how they'd be losing all their rights if the south voted for secession.

It was interesting that President Bashir actually rebutted publicly those comments, which I think was a good sign, although, then, since we have left, we've

noticed that President Bashir has now made comments to the Parliament saying that the only acceptable outcome from the referendum would be by unity. That's the only outcome that they'll accept. So, there's clearly a lot of internal dynamics that are going on within the NCP, and I would be lying if I could tell you that I could sort all that out.

I will say just for the record that we asked repeatedly to go to Khartoum because we wanted to get the whole picture. We asked for visas, and it was made clear that the museum was not welcome.

I think a second point that I would say is that while we are definitely alarmed about the situation, and there are good reasons for being alarmed, that we did not come away feeling that mass atrocities, violence is inevitable, that the focus of the international efforts ought to really be on drawing clear lines about what kind of behavior would be tolerated, and that the focus of international efforts really ought to be towards preventing the two sides from restarting armed conflict to settle their differences. And we understand that both sides, including the north, have interests that are going to be addressed during negotiations, but that the negotiations should be kept ongoing, and that a tax on civilians is completely off the table. That, I think, is our bottom line message.

I think one thing that was interesting to both Andrew and myself is that it's a very dangerous situation for a lot of reasons, that there are freelance actors who may have an interest in commencing hostilities, maybe more so than the NCP or even the SPLM.

I think we talked to a number of people from the Civil Society who made a very strong case to us that it's really not in the north's interest to start a war, that there are huge oil interests that are at stake, and that these can be negotiated, and that, also, the south has a very significant military power, and it's made clear that if war were to start

again, that the battle would be not just in the south, but it would taken to the north and to Khartoum, possibly.

So, there is a perception of military balance that needs to be taken into account, and there are good reasons, but that there are other players that are not totally in control that could precipitate hostilities.

And Congressman Payne talked about the situation with the Misseriya and the Abyei region. A number of officials we talked to were also concerned about the situation in Blue Nile, where there is a governor, a very charismatic governor who is affiliated with the SPLM who won the election over the NCP in the April elections, and he commands a very sizable military force, and he's very concerned about the developments that are going on.

So, another related message that we heard from many people that we talked to in the south was just how fragile the north is right now, that on all sides, they are confronting separatist movements, obviously in Darfur, on the border regions, and also in the east, where there is severe unhappiness with the rule from Khartoum.

We think it's important, a number of people have told us it's very important to keep our eye on the ball not just in the run-up to the referendum, but in the months after the referendum. That was a key takeaway that people said that after the world loses interest, which could happen after the referendum, even if the referendum is carried off successfully and Congressman Payne, again, outlined some severe problems there, that there are lots of problems. I think the key one is if there is a perception that the election is rigged, that it's not fair, that could really be very dangerous.

I think because of the logistical challenges and unresolved political issues, we were told by a number of people that they are very concerned that the

referendum will not take place as scheduled on January 9. Now, clearly, the official line from the Southern Government is that we're on course for January 9, and that's as it should be, that's called for in the law. I think if in the few months there can be progress on some of the preparatory steps, the registration of voters, the printing and distribution of ballots.

One thing that was interesting, we talked to a number of people about the question of what yes means on the referendum. Does yes mean unity or does yes mean secession? That was still being sorted out when we were there. So, we're just very concerned about the period after the referendum. It's very important for the international community to really keep its eye on the ball.

I guess the final takeaway has to do with the intentions of the north. And this is something that, as I said, we did not go to Khartoum, and Andrew himself has a long experience in negotiations with President Bashir and others. So, he's obviously very familiar with them. We talked to a number of people who traveled back and forth between the north and south, but I think one thing that's sometimes not taken into account in the analysis is really what's going to happen with the north? And I think we came away with the feeling that even the north is not fully sure what they plan to do. That there were some southerners we talked to who were very strong that they felt that there was no way that President Bashir will ever let the south go, and that they were very worried. There were others who saw bluster, threats, cajoling, but that, in the end, they saw him as a practical person who would allow the referendum to go ahead.

I mean, there were very disturbing signs in recent weeks that some of Bashir's opposition within the NCP are spoiling to undo the Comprehensive Peace Agreement, and, so, how that sorts out, I think, is very difficult to know.

I would just conclude by saying just our core message, it's a very dangerous situation, we are very concerned about the risks to civilians in the south, we do not think violence is inevitable, but it's going to take a very engaged and enlightened international community to keep the parties on target and to make sure that the calamity does not happen. There is still time for both sides to step away from the abyss and to have a peaceful separation.

Thank you.

(Applause)

MR. WILLIAMSON: I want to first thank my friend, Chairman Payne, for his long interest in commitment to the welfare in Sudan and his efforts to achieve a more peaceful and stable situation. It's been a long road which he's traveled, and great efforts and leadership he's provided, and thank you for the opportunity to collaborate with you, including when I was in Special Envoy, and even on the many times you disagreed with me and fully and frankly exchanged views.

I always want to thank Mike Abramowitz, who does very important work at the Holocaust Museum, and we're delighted first because of their interest in this issue, but also that you could be here today. And let me tell you, Mike is one of the smartest guys I know. He may not be as good an actor as George Clooney, but he's better looking. So, we're really happy you're here.

(Laughter)

MR. WILLIAMSON: And I want to thank you, those who care about Sudan and its issue. It's long been a cauldron of chaos, conflict, and controversy among when I was working on Darfur with both rebel leaders and the government, it was clear there weren't any entirely white hats. You engage in this environment. No one's a saint.

There are people with much darker hats, however, than others.

And I want to say at the start it's a very difficult issue, and I have empathy for those who are working on it now. And things are very tense, but let go beyond the generic international community united, we don't want war to where I think the actual building blocks have to come from.

Sudan suffers because they have no identity, no national identity. This has existed during the long colonial period under the Ottoman Empire, then the British, that together spanned about 150 years, and continued afterwards with most of the power and influence residing in the Northern Nile Riverian Tribes, who see themselves as Arab, Muslim, and Arabic speakers, and the marginalization of those not in that center, whether they be in the Nuba Mountains, rather they be in the south, whether they be in Darfur.

And the marginalization and discrimination began, as I said, under the Ottoman Empire and the British Empire, so, when the British left and the new country was founded in 1956, it's not shocking that first the British handed over power and authority to the same people with whom they had worked primarily, and those people engaged in the same tactics and activities that the colonial powers had engaged in. So, that marginalization and discrimination and economic deprivation continued with the added kicker of violence.

The result was the North-South Civil War, most dramatically, the longest civil war in Africa, where the death, displacement, destruction, and despair continues today as we sit here.

In another context, one ambassador once said to me about the Vulcans, it had too much history to digest. Sudan certainly falls in that same category with its history of violence and the scar tissues that have inevitably been built.

Finally, let me just note as was seen in the Eastern Congo today, as is seen in Darfur, as the genocide in slow motion continues, and as is seen in the north-south border regions, once the gates of hell have been opened, it is very, very difficult to close them. And, as Mike alluded to and I'll comment on in a second, the control of those forces that you've unleashed becomes more problematic.

In the last 18 months, there's been a lot of diplomacy, a lot of activity, but no substance. The signals have been bad. The rhetoric of 2008 has not been delivered upon. When the ICC issued an arrest warrant, there was not cries for accountability in western capitals, but quiet statements that we support the ICC sort of. And then later, there was an arrest warrant for genocide issued, Omar el Bashir, as Don Payne said, reaffirming the genocide declared by the U.S. Congress, and it has been declared by the last two presidents, again, the voices were quiet.

Accountability has been hurt, not only in Sudan, but worldwide. When 13 humanitarian NGOs were kicked out right after the arrest warrant, the protests were muted, modest, and misplaced. It was a time to stand for international humanitarian law. It was a time to stand with those many civilian humanitarian workers who are in Darfur every day risking their lives, some 16,000 of them. Not only for those who were displaced, but those that were left behind in a more precarious situation. Again, beyond perfunctory protests, the western capitals said little.

And, finally, after the Abyei flare-up when an Abyei roadmap was developed, which contained many elements from, but most importantly, the referral of the disputed border to the international, permanent tribunal on arbitration in the Hague with both sides committing to accept the result when the result was delivered and it was not attractive to Khartoum, Khartoum refused to accept it, and there was no word from the

west.

Violence has increased in Darfur and in Sudan in the last 18 months. The governments have not been upfront in protests. Humanitarian aid has decreased, perhaps inevitably, because of the 13 humanitarian organizations that were kicked out, but it has decreased, and there have been almost no public denunciations from the west. And when the vote for president was riddled with irregularities, the comments from the west were modest.

There are key issues that face Sudan between now and the referendum. One, as Mike correctly said, are the mechanics of the vote. There's been delayed registration, disagreement on how to move forward.

USAID and the U.S. Government have given a surge of support for NGOs and the government to try to help in these mechanics to move forward. One might say it's too bad we came in at the 11th hour, but it's happening. And those who are implementing it have been involved in election processes before. We have to hope that they have some success.

There are important issues that are substantive and matter beyond some general, political will. There are legal treaties, especially with respect to the Nile that Egypt cares about. Citizenship questions, because many of the displaced from the south have lived for many, many years in displaced camps outside of the south, even up near Khartoum. There are questions of freedom of movement. These are important, substantive issues that have to be addressed. I think we are fortunate that a distinguished, experienced, American diplomat is helping facilitate that now, Princeton Lyman, Ambassador Lyman is there in Sudan, and I am hopeful he can make progress on that.

Let's go back again to the border. Seventy percent of the oil is at the contested border areas or the south. When the regime came to power in a coup in 1989, the total exports from Sudan were about \$500 million. Today, there are over \$9.5 billion. The growth is almost entirely from oil.

In the CPA, there was oil revenue sharing formula, which has been generally accommodated where the south has been getting about \$2 billion a year, the rest, the north has kept. Both the north and south are very dependent on that oil revenue to function.

In the CPA, there was a provision on the difficult contested border area, both sides agreed, both sides committed that they would accept the decision of an international body, Abyei Border Commission. That group, in turn, looked at historical records, interviewed, got input on movement of herders, et cetera, and came down with its decision. It was not agreeable to the north, and, so, they never accepted it, despite their commitment. I think this is important. They made a commitment, they didn't live up to it, and there's been little cost. I've already mentioned after the Abyei roadmap, the same thing, international tribunal, commitment, didn't like it, no cost.

I agree that there are divisions within Khartoum. One leader of an authoritarian government nearby once said to me in a private discussion, Rich, they're different than we are. They actually allow different views. And they do, and there are debates, and I think that's fair and I'll say having dealt with many of them at some length, generally, they're pretty smart, and they know their interest. And their interest is to stay alive, to stay in power.

You might say in the midst of this American election it isn't much different than politicians here, we just have different ways and means to do it. They have an

acceptable range of options they see as acceptable a range of options, which we find deploring. But they are acceptable options.

One old, Sudan hand once said to me when I asked how can they do this to their people, he said, Rich, you don't get it. They don't think these are their people. I used to ask myself how come they don't want peace. One old, Sudan hand said to me, to them, this is peace. There's never not been violence in the peripheries. It's a long way away from Khartoum. The violence doesn't visit Khartoum; it visits innocent people in villages in Darfur, in Southern Sudan, in the Nuba Mountains.

We have a problem with expectations going into this because there's no question in my mind the south expects war, and, so, they're preparing for it. The north wants that to be an option in their toolbox, so, they're preparing for it. So, you have an increase of armaments, troops, armed air militias on the border going into this election, which is so charged. I think the north is genuinely concerned about dismemberment because if the south leaves, will the east leave? Will Darfur leave? What will be left? More than one of the top handful of leaders in the north have explicitly said that to me.

Second, money is critical to hold the society together. The north has enjoyed the fruits of that, and so has the south. Salva Keer has used much of the money wisely to keep various divisions in the south, various rebel movements in a peaceful coalition. If you go to Khartoum, this is not some deprived city. You've got more construction cranes in Khartoum than you do in western capitals. And I would argue that that is the issue that should be focused on and should have been focused on.

Again, I think it's great, let's have international unity, let's have international community saying peace, let's cross our fingers, but the substantive issue more than anything else is the money of that oil revenue, and the south would get if you had an

honest border, close to 70 percent of that revenue. But the south has no way to get it to market. Southern Sudan, which gets over 40 inches of rain a year, has less than 3 miles of paved roads. Trucks can't carry this stuff out. There are no pipelines. So, even if you're optimistic and say you're going to have an alternate pipeline built from the south through Kenya to get it to a seaport, you're talking years, and whether or not Southern Sudan could hold together without any oil revenue I'd suggest is a huge, unanswered question.

The north is dependent on this oil because the regime has prospered, and it's not only the elite who clearly have benefited a great deal, but others, as well. They can't live without it. It seems to me for some time that there is a deal to be made where the south agrees to pay a certain amount of carrying costs for their oil to go through the north's pipeline such that there is an accommodation on the revenue said for 5 or 10 years, but because of those elements I discussed at the very beginning, this history, heritage, and habit of violence, conflict, and distrust, there's not been able to be progress, but if the international community wants to be helpful as opposed to just being active, they'd focus on the substantive issue.

I've already mentioned expectations, its problem with the movement of more troops. Also, in difficult situations, governments, just like people, tend to easily move into the familiar as opposed to the difficult choice, and the familiar choice in Sudan is not to live up to commitments, to use surrogate violence through militias, to accept some violence and to tough it through. And, for 21 years, the Government of Khartoum was tough to get through.

Next, I just want to comment on a point Mike made, that there's not tight command in control of all these violent actors, and we saw that in May of 2008, when

there's a flare-up in Abyei. There was an incident one evening that resulted in the death of a northern soldier, and within 48 hours, there was tit for tat local escalation, and then it broke out in violence that destroyed Abyei. As Don said, we both visited soon thereafter. Over 50,000 people homeless. Their structures burnt to the ground. We were there a few days a week later, and the smoke was still smoldering. You'd see plastic bottles melted, scattered everywhere. Contorted bed frames. A handful of trucks and cars burned out. Saw a contorted child's bicycle. But this was literally as far as you can see, 50,000 people, and it happened in a few days, and I am persuaded because of my frequent conversations with Nafie Ali Nafie and Khartoum and Salva Keer at the time that they both were concerned, and, yet, neither had planned this. But, once it began, how do you put a stop on it?

And let me just note, Salva Keer, in my mind, is a great hero because he had great political pressure to move into Abyei. He moved his troops near it. We urged him not to. I usually only beg to Congress, but I begged him not to move the troops across the river because I thought it would spin out of control. At great political cost to himself, he did that. Politicians, by nature, don't accept things of great political costs just because they're the right thing. Salva Keer did.

But the point I want to make is the Abyei flare-up, the destruction that happened was not planned, it was local actors, and, similarly, now that you have armed folks at the border on both sides, there's not a command in control where you're going to be guaranteed there's going to be a conscious decision at the highest political level on whether or not to pull the trigger.

For the reasons I outlined, one of the most disturbing things, because this is something we could have changed, the international community is much weaker

today than it was a year ago or two years ago for the reasons I outlined. Nonetheless, I praised U.N. secretary general for convening a meeting on the margins of the UNGA, with many of the most important actors in which President Obama did participate, which gave a clear message on the importance on the referendum going forward on time.

I think there has been an effort among the international community to have a clear message. One of the traditional spoilers, China, has not been a directive obstructionist. I remember a discussion with a prominent southerner about China, who, as you probably know, has been problematic in the Security Council and elsewhere, and this rather seasoned leader in Southern Sudan, who had seen more horrors than I can imagine, Riley said, all I know is China is going to be with the winner. It was interesting, the next month when I was in Juba, I saw a new building. It was the Beijing Hotel. Hedging their bets. But China remains a bit of a wild card, but they benefit by having a peaceful transition, not having violence flare up.

Someone said to me recently that war will not be pleasant for the north, but, in Khartoum, I fear it's not too unpleasant.

(Applause)

MR. WILLIAMSON: Questions? We'll start with any of us.

MR. ISMAIL: Thank you, Mr. Williamson. My name is Omer Ismail. I'm with the Enough Project.

I'm Sudanese, and for 20 or so years in this town, I participated in being part of a lot of panels, lectures, studies, and roundtables on Sudan. This is one of the most interesting ones. With the experience and involvement of Congressman Payne, I feel that after all these years, we came to a point where Sudan is going to be there or disappear forever as we know it.

And Mr. Williamson, your analysis touched on a lot of issues that a lot of people don't talk about in this town or elsewhere. So, thank you, all. Thanks, Mr. Abramowitz, for your participation.

Abyei remains a point where if we are going to divide Sudan, somewhere that pencil that is going to cut the north and south is going to pass by Abyei. A lot of people knew that for some time, but they never looked at it as a potential flashpoint that is going to make or break the whole deal. After a long sleep on this, which now some people are awake and they're looking at it, I hope it is not too late.

So, the deadlock in that is -- and now in the words of Congressman Payne, their "failure" to reach an agreement, what can the U.S. do in terms of suggestions, because, obviously, the suggestions that the U.S. Government gave to the two parties after the meeting in New York was rejected by the Government of Sudan. And the SPLM will not accommodate some of the points there in that same suggestion.

What can we do now? What does a deal in Abyei look like? And if we don't, what is the scenario in terms of the reaction from both sides knowing that everybody is moving their troops? And is it helpful in Addis to have a delegation from the Dinka and a litigation from the Misseriya?

This game of good cop, bad cop, (inaudible) and Salah Gosh, the heads of the two delegations, saying we can't reach an agreement, but talk to these guys. And then they talked to them and said (inaudible) they were saying no, no, we don't accept it. Is it helpful that we have that? They are stakeholders, yes, but, at this point, is it helpful to have them there? And what is the role of the Egyptians and the Kenyans and (inaudible) in general, those people who have a stake in Sudan whether there is going to be two peaceful countries, or, God forbid, when things flare.

Thank you very much.

MR. WILLIAMSON: Thank you.

Mr. Chairman, do you want to take a shot at this first?

CONGRESSMAN PAYNE: Well, I couldn't agree with you more, and your question is: What can be done? I think that the U.S. envoy and the team of the U.S. Government needs to really get a little more demanding from the NCP.

As you know, going into the last month or so, a number of concessions were suggested by the U.S. Government to encourage Khartoum to negotiate in good faith. And, so, there's been, I think, more of the carrot approach from the negotiating side of the U.S. than the stick. It's been, I think, this administration's policy to try to convince Khartoum to do the right thing, and we would like to normalize relations, perhaps, or take away sanctions, get you off the list of state-sponsored terrorists, maybe you can convince ICC that maybe they should delay their procedures.

And, so, I think that the negotiators on the side so that there some fairness in it, that the United States needs to draw a line and say to the Government of Khartoum that all we've done is to try to accommodate you, and there needs to be a line drawn that says that either you're going to have serious negotiations, or, perhaps, we need to increase sanctions, or, perhaps, we need to do something that's going to injure the Government NCP.

Right now, there is no damage that can be done, and it seems like the Bashir Regime, if you can't hurt them, then they don't feel your pain, and they do not have any intentions of changing. So, I do think that there has to be a toughening of the negotiations. I do believe that there has been a change in the attitude of the Chinese, who, as you know, are very obstructionist initially with Russia and some of the others, the

Security Council. We have seen them sort of back and take a less-visible stand, and which I think is positive. And, so, I do think that we need to really step up our seriousness and not continue to appear to be appeasing the Government of the North.

MR. WILLIAMSON: Mike, do you want to make some observations?

MR. ABRAMOWITZ: If I could, Omer, the first part of this is brinksmanship. I think the north feels the more of these difficult issues, the closer it gets to the referendum, the better deal they can cut because the south will be more desperate to deal with these issues. There's a history of very elegant and elaborate structures being set up in Sudan for deliberation, delay, and ultimately, denial. And I'd suggest in Addis having the Misseriya and the Dinka complicate it because this is an emotional issue about land and access for them.

I don't think it's an emotional issue in Khartoum. It's a pragmatic issue in which they're using pawns to perpetuate confusion because they want the oil issue resolved. I don't think, it's my personal view that they care too much about dirt. One way or the other. They care about the money that comes from under it.

So, maybe it's good to have a show going on in Addis with those players, but they're not dealing with the issue. The U.S. should stop engaging in all these elegant, elaborate deliberations and try to deal with the substantive issues that matter.

And then I think the Abia contested there and the other border-contested areas can be relatively quickly resolved. But I think things like Salva Keer's comment the other day that the only acceptable outcome of the referendum is unity, et cetera, should be accepted as negotiating postures, but time benefits them, not the south, because the south wants that January 9 Referendum to go forward. And I think it's the opportunity and responsibility of those who want peace and stability in Sudan to understand that and

actually engage in the very difficult underlying issues that will determine whether you're going to have a referendum go forward and some sense of stability.

And that's where the international community, some of the big players, the Norwegians, the U.S., the British, a few others can do it because we have to understand, first of all, the other African countries don't like this idea of a split because there's only two countries in Africa that don't have multiple ethnic groups, the multiple languages, so, they see this as a bad precedent because they could threaten their sovereignty.

Second, it's a known quantity. They may or may not like the government in Khartoum, but it's a known quantity.

Third, if you're a neighboring country with vital interests, get their water from the Nile or otherwise, again, it's easier to deal with the devil you know than the devil you don't.

So, there are lots of enablers that are nervous about this, even if they're not publicly disruptive. So, the outsider should deal with the real friggin' issues. And, most of all, this spinning that's going in, and, frankly, in which the U.S. is engaged, great, makes you feel good, but it's not going to help resolve whether you're going to have stability and peace in a referendum that goes forward.

MR. WILLIAMSON: Yes, sir?

MR. REED: Good morning. My name is Bill Reed, and I'm from the Black Press Foundation.

I'd like to talk about two. You've all gone from Southern Sudan to Darfur to Eastern Sudan, but the real subject today is, I thought, the referendum. So, one question: Could you talk about what will be on the referendum? I think Congressman

Payne made some references what does yes mean on the referendum? So, that's one thing.

The second thing: This genocide, you've all used the word "genocide" as you've gone around, and you, Mr. Williamson, have talked about the African countries and whether or not they're into it. First of all, the Congress voted genocide or has passed legislation on genocide in Sudan. Is there another government, and particularly in that region, who goes along with the ICC and its charges of genocide?

CONGRESSMAN PAYNE: Well, I don't know, as has been indicated, as you know, one of the principles when African countries became independent was that we would not interfere with the other countries' activities; we would simply let them do what they want to do. And that was pretty convenient because many of the new leaders were doing bad things in their own country. So, they didn't want someone saying to them, Mr. Mabuta, this is wrong, or Mr. Savimbi, what are you doing? And, so, it was convenient for them. As a matter of fact, it was pretty convenient for el Bashir to say I will not allow any troops in Sudan other than black troops because we're not going to have re-colonization. As he's bombing and murdering, his troops raping and killing people in Darfur. And, so, these leaders, as Ambassador said, they're very clever.

I mean, el Bashir has been escaping the law. He makes Al Capone look like a person who was just an amateur. He's been able to cajole, and, so, it's been mentioned the whole question of succeeding, every country, maybe Eastern Congo might want to go, there's all kind of ethnic groups. However, this is a special issue.

The other thing is it's been mentioned that other countries don't want to see -- Egypt wants to keep old colonial treaties as relates to the Nile. Well, the Nile really doesn't start in Egypt, but you would think it did because they say they can go to war as a

part of their treaties years ago if anyone does anything to the Nile that they don't agree with. The Nile starts up in Uganda and the White Nile and the Blue Nile flows north, as we all know, into Egypt, but they say we demand that we control the Nile.

So, they don't want to see, and they haven't been helpful in trying to see a solution to the problem in Sudan, and even going back, as Ambassador said, on the Ottoman Empire and when the British had their colonial rule, they ruled it as two different countries. They had the north ruled by an administrator and the south ruled by an administrator. So, they've ingrained this division between the north and the south, and, also, as you know, the people in Darfur region who have come up many centuries ago from the banter regions of Central Africa into that region.

So, I think that it's very complicated, there's no question about, but I think that we really have to, this question about the genocide not happening or is it happening anyplace else, I think it's irrelevant. It was clear what was going on in there --

MR. REED: Mr. Congressman?

CONGRESSMAN PAYNE: Yes?

MR. REED: Has any other country labeled it "genocide" in Sudan? Is the United States the only one? That's the question I'm asking.

CONGRESSMAN PAYNE: Yes. To my knowledge, it's the only one, and that's why the United States is United States because we have a system where people have an opportunity to speak out. And, democracy, most people tend to want to emulate the kind of government that we have here. I mean, unless you can tell me that maybe the Sudanese Government is, perhaps -- are you suggesting the government in Sudan is --

MR. REED: What I'm suggesting, Congressman, is that the ICC and the

United States have taken black countries, all the black and totally ignored because they have come up against the ICC charges on el Bashir. So, what I'm suggesting is a level of discrimination.

CONGRESSMAN PAYNE: Every single charge in Africa against an African leader about ICC, the information has been done by another African. Not by some European, not by an American, by another African.

MR. PICCONE: Mike, do you want to comment?

MR. ABRAMOWITZ: Yes, two points, sir. Just one on the referendum because that was your first question about the referendum, and there's one question that is really supposed to be on the ballot, which is whether the southerners want to be an independent country or not. That was clearly set out in the CPA, and they're going to start registering voters at some point, hopefully, and if 60 percent of the registered voters vote in the election and 50 percent of those voters choose independence, then it's considered cession follows.

MR. REED: (Off mike).

MR. WILLIAMSON: Please, I'm sorry. We're short of time. Let him answer.

MR. REED: (Off mike).

MR. WILLIAMSON: And then I'm going to give two other people a chance. Thank you, sir.

MR. REED: On the referendum --

MR. WILLIAMSON: Go ahead. Just ignore.

MR. ABRAMOWITZ: Okay. So --

MR. REED: (Off mike) ask me, but what is the question on the

referendum?

MR. ABRAMOWITZ: I think that's still being debated, but yes.

Just on the genocide issue, you're correct, sir, that the U.S. Government is alone in the world. The museum at around the same time that Colin Powell made the designation, the museum and other groups also looked at it and said we felt there was genocide in Darfur. I mean, I think the one thing that is important to note about the ICC, that the judges on the ICC, which come from different countries, looked at the charges from the prosecutor and said that there's basically reasonable basis to go ahead with this.

So, our point really is that it ought to be considered in a court of law. This is a question that really should not be a subject to public opinion, but should be up to competent jurists to kind of look at the facts and say what happened and decide whether or not genocide happened. But I think sometimes people get too wrapped up in whether or not genocide has happened. We know that outrageous tactics were used in Darfur; 2,700 villages destroyed, 10s or thousands of people killed, just outrageous behavior, and that is what the focus ought to be on.

MR. WILLIAMSON: Let me just be quick because since we started late, we're late, and then I'm going to allow three questions together and then quick answers, and then we'll adjourn.

The first point about us discussing the other regions, you can't look at the north-south issue in isolation because neither north, neither the Government of Sudan, nor the regions look at it that way.

Second, the patterns that you can learn from have been replayed in different regions, so, they're relevant.

Third, in my opinion, if full-scale war breaks out again between the north and south, we'll move from the low intensity violence in Darfur today to a spike in little or any chance to calm that down in the near future.

Second, on the genocide question, the first point I'd make is it the 2 million people that died in the south and 4 million that were displaced, the 350,000-plus who died in Darfur, and 2 million were displaced don't care if people in rooms like this in Washington call it "genocide" or not. They know they're dead, they know they've suffered.

Second, when the U.N. did its investigation, I think in part to avoid the international legal trigger on genocide, its report bottom line was there clearly have been genocide-like acts. Genocide-like acts.

Third, the issue of accountability, you really have to go back, of course, in modern history to Nürnberg being the first one, but then ICTR or ICTY, et cetera. It didn't start with the ICC and only Africa.

Second, every referral to Africa was made by outside countries, not the ICC.

Fourth, the ICC is investigating atrocities in Latin America and Asia at this time, have open cases whether they're going to go forward.

Fourth, as Mike said, the judges are not all non-African. And, again, the Africans on the Security Council in the spring of 2005 voted for the referral to the ICC.

I think we're going to struggle with this whole question of accountability. It's going to take awhile for practices to take root, for guardrails to be built. But I do think it's a red herring to chase whether or not it's "genocide" or not because when you send Air Force attack helicopters to dump burning oil on innocent people in a village, followed

by a flatbed truck with a dozen soldiers behind it shooting randomly through a village, followed by Janjaweed, the so-called Devils on Horseback, riding through, burning the village to the ground, burning crops, poisoning wells, killing little boys to old men, and gang-raping women, and those facts are not contested. Sir, I don't think it matters too much if you want to call it "genocide" or not.

MR. WILLIAMSON: All right. We're going to take three quick questions, and then we'll try to answer.

In the back. Sir?

MR. GOULTY: Thank you. I'm Alan Goult of the Wilson Center, but with 38 years experience of dealing with Sudan.

I have a very simple, practical question. What do you gentlemen think the U.S. Administration ought to be doing that it is not now doing, and why, in the light of your experience, do you think that any such prescription will work?

MR. WILLIAMSON: Thank you.

There's a woman over here.

Yes?

SPEAKER: Natalie from Rutgers University, and (inaudible) hi.

SPEAKER: (Off mike).

SPEAKER: And my question is just quick. I studied a lot about Sudan, and I know China, and Russia not so much, but more China has a lot of ties with this. You said that they don't have much to gain from there being a war going on, but I do think that they have a lot to gain. I think that they would have to shell out a lot more money if there were two, independent state countries.

Could you just elaborate a little more on that?

MR. WILLIAMSON: Sure.

SPEAKER: Thanks.

MR. WILLIAMSON: And then one last one, and then we'll try to answer them, and thank you for coming.

SPEAKER: Thank you very much. I will start with a little comment that when I came here, I expect the discussant to have a different point of view so as to have a dialogue. And, now, we are listening to the same story starting with His Excellency Donald Payne, whose exemption to some realistic comment from Williamson.

But in all cases, what I'm going to say is that, first, last time I read an article in *Washington Times*, it said that talking, oral statement by the two parties to the CPA, that is a (inaudible) to held the referendum in January 2009 is just a political obligation without a real supporting from the issues on the ground. I need a comment on that from Congressman, His Excellency, Donald Payne.

And second is that when they assign the CPA, the equation is balanced when we wait for unity. And that why they put the unity of Sudan in article and they take obligation from the two parties to work for unity as an institution? I mean, the CPA, SBLA, as a Congress party and the international community. We --

MR. WILLIAMSON: Okay, we have to wrap it up because I --

SPEAKER: Only one minute.

MR. WILLIAMSON: We lose this room.

SPEAKER: Only one minute.

After that, the Sudanese expect the international community to obligate to this obligation. That is so not to come today and exhibit someone saying that there is only city or four miles highways in the south, this should be (inaudible) from the starting of

the CPA. The two parties are (inaudible) alone. I can say that --

MR. WILLIAMSON: I'm sorry; we're going to have to --

SPEAKER: Thank you.

MR. WILLIAMSON: Please sit down.

CONGRESSMAN PAYNE: I don't even know what the first question was.

MR. WILLIAMSON: I don't know. Well, the first one was about what the U.S. Administration should do.

CONGRESSMAN PAYNE: Oh, yes.

MR. WILLIAMSON: And about China.

CONGRESSMAN PAYNE: Well, we can certainly take the one about China, and then what the U.S. should do.

China, as you know, took over the majority of the oil expiration. There were other companies in, and there was the Talisman from Canada, there was some Norwegian companies, and they all left because of the Government of Sudan. China moved in and took over most of the oil production.

I think what the Ambassador was saying is that China would prefer to see a smooth transition because if there is war, if the oil wells are destroyed by violence, it's going to disrupt the flow of oil, and China, being the sole sort of proprietor, will lose out. So, they have not been very helpful.

We had to meet with the Chinese authorities here in the U.S., the Congressional Black Caucus, four or five years ago to demand that their attitude towards Sudan be altered, and we did see changes in the behavior, and we even went to Beijing and met with the People's Party the second in charge of the Chinese Communist Party

and in their Parliament laid out criticisms about what they were doing. So, we did see some changes.

So, I think that China wants to see it only because they're just interested in the money. They don't care about the people; they don't care about anything but the bottom line. That's why they would like to see a smooth transition.

Just real quickly, and I'll let the others deal with what should we be doing? I think that, as I mentioned before, we need to have more sticks. I think that we have just had too many carrots. This administration has had, in my opinion, too much discussion with the NCP people without getting commitments.

For example, we had many of the Sudanese political leaders come to the United States about a year-and-a-half ago. I don't know why they were invited here, but they were. They were all over the capital. They had meetings with all kinds of, they tell me, senators and people in our government, and they left with having no real interest in changing their behavior. It would appear to me that a meeting of that nature should have been a culmination when there were agreements, when there were concessions, when the NCP said they were willing to deal with the SPLM on an equal basis, not to bring them here.

Now, in Addis, as another suggestion of ours, I agree. I don't see why these other parties are there in Addis. It just adds to the confusion. We know what the problems are, we know what the issues are, and we know what the data of the referendum is. We should move towards that.

MR. WILLIAMSON: Mike, quickly.

MR. ABRAMOWITZ: And just very quickly, Alan, I'm going to defer to Rich on the answer to your question. I don't feel that it's appropriate for me to answer that. But just one point on the final point about the unity. Everyone we talked to in the

south believed that unity was not an option anymore. They were deeply disappointed with the level of investment from the north, from basically a feeling of being marginalized in the decision-making of the north. So, whatever the origins of that problem were, it is clear, and all the public opinion polls and the focus group by the NDI support this, is that unity is not attractive in the south, and it is not desired by the south. That was our conclusion.

MR. WILLIAMSON: Three quick things. On the U.S. Administration, I agree with Chairman Payne. There has to be at least the credible threat of punitive action, which, as I went through a long list, is not viewed as credible right now.

Second, with respect to China, China also gets 6 percent of its imported oil if there's a war, if there's a disruption of that 6 percent of their oil flow for an extended period of time, that would be costly.

And, finally, the CPA is not a political obligation. It's an international agreement with guarantors, including all the (inaudible) countries and the United States, those who don't want to live up to it, want to degrade it, that's false.

Thank you, all, very much.

* * * * *

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