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Sudan: The Crisis in Darfur and Status of the North-South Peace Agreement

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Summary

Sudan, geographically the largest country in Africa, has been ravaged by civil war intermittently for four decades. More than 2 million people have died in Southern Sudan over the past two decades due to war-related causes and famine, and millions have been displaced from their homes. There were many failed attempts to end the civil war in Southern Sudan. In July 2002, the Sudan government and the Sudan People's Liberation Movement (SPLM) signed a peace framework agreement in Kenya. On May 26, 2004, the government of Sudan and the SPLM signed three protocols on Power Sharing, on the Nuba Mountains and Southern Blue Nile, and on the long disputed Abyei area. The signing of these protocols resolved all outstanding issues between the parties. On June 5, 2004, the parties signed "the Nairobi Declaration on the Final Phase of Peace in the Sudan." On January 9, 2005, the government of Sudan and the SPLM signed the final peace agreement at a ceremony held in Nairobi, Kenya. In April 2010, Sudan held national and regional elections. In January 2011, South Sudan held a referendum to decide on unity or independence. Abyei was also expected to hold a referendum in January 2011 to decide whether to retain the current special administrative status or to be part of South Sudan. The Abyei referendum did not take place. In the Southern referendum, 98.8% voted for independence and 1.4% for unity.

The crisis in Darfur began in February 2003, when two rebel groups emerged to challenge the National Congress Party (NCP) government in Darfur. The crisis in Darfur in western Sudan has led to a major humanitarian disaster, with an estimated 2.7 million people displaced, more than 240,000 people forced into neighboring Chad, and an estimated 450,000 people killed. In July 2004, the House and Senate declared the atrocities in Darfur genocide, and the Bush Administration reached the same conclusion in September 2004. On May 4, 2006, the Government of National Unity and the Sudan Liberation Movement/Army (SLM/A) signed the Darfur Peace Agreement (DPA) after almost two years of negotiations. In December 2010, the Government of Sudan began a major military offensive against the SLM.

In July 2007, the U.N. Security Council passed Resolution 1769, authorizing the deployment of a robust peacekeeping force to Darfur. The resolution calls for the deployment of 26,000 peacekeeping troops to Darfur. The resolution authorizes the United Nations African Union Mission in Darfur (UNAMID) to take all necessary measures to protect its personnel and humanitarian workers. As of August 2010, UNAMID deployed a total of 22,007 peacekeeping personnel. As of August 2010, 73 peacekeeping personnel have been killed in Darfur. In July 2008, International Criminal Court (ICC) Chief Prosecutor Luis Moreno-Ocampo accused President Omar Bashir of Sudan of genocide, crimes against humanity, and war crimes and asked ICC judges to issue an arrest warrant for President Bashir. On March 4, 2009, the ICC Pre-Trial Chamber issued a warrant of arrest for President Bashir for war crimes and crimes against humanity.

In late October 2009, the Obama Administration announced a new Sudan policy. The new Sudan policy focuses on three policy priorities: the crisis in Darfur, the implementation of the North-South peace agreement, and counter-terrorism. The new policy links the lifting of sanctions and incentives to verifiable progress on the ground. In mid-September, the Obama Administration announced new policy initiatives on Sudan. The new policy update focuses on the Administration's active and expanded diplomatic engagement and relaxation of sanctions and restrictions. In December 2010, the State Department appointed former Ambassador Dane Smith as Senior Advisor on Darfur.

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Recent Developments

South Sudan and Abyei Referenda

In January 2011, South Sudan held a peaceful and transparent referendum on Southern secession or unity, as called for in the Comprehensive Peace Agreement (CPA).[1] An estimated 3.9 million people were registered to vote, including those residing in other countries. An estimated 3.8 million people, or 97.5%, came out to vote in the referendum. According to the South Sudan Referendum Commission (SSRC), 98.8% voted for secession, while 1.1% voted for unity. In early February, Sudanese President Omar al-Bashir officially accepted the result of the referendum. The United States, the African Union, the European Union, the United Nations and others endorsed the result. On July 9, 2011, South Sudan will officially declare independence and the new country reportedly will be named the Republic of Southern Sudan.

Abyei was also expected to hold a referendum, on January 9, 2011, to decide whether to retain its current special administrative status or to be part of Southern Sudan. However, the referendum did not take place, in large part due to the government of Sudan's rejection of agreements on Abyei. In late December 2009, the Sudan National Assembly passed the South Sudan and Abyei Referendum Act. However, the Abyei Commission was never established and residents of Abyei were not registered to vote. In February and early March 2011, government forces and their allies attacked several villages around Abyei and many residents fled the town of Abyei in early March 2011. On March 3, 2011, the State Department, in a press release, condemned the violence in Abyei.

Unresolved CPA Issues

Status of Abyei

Over the past several months the African Union High Level Implementation Panel, chaired by former South African president Thabo Mbeki, has been mediating on Abyei and other post-referendum issues. In early December 2010, the Panel presented the parties six options to consider on Abyei. Several of the options were seen by the parties as unacceptable The Bashir government favors the option that divides Abyei into two. The SPLM rejected that option, arguing that the South has made several territorial concession over the past two years. Another proposed option was the return of Abyei to South Sudan and to provide a number of concessions to the north, including 30% representation in parliament and in the executive.

Is an all-out war between the North and South over Abyei possible? Although some of the senior political leaders and military commanders in the South come from the Abyei region, it does not appear that war over Abyei is inevitable. It is possible, however, that the Southern army may be dragged into a limited conflict over Abyei. The ruling party in Khartoum has accepted the referendum results but has hardened its position on Abyei. The South is inclined to find a solution Abyei short of war.[2] Another potential trigger for a conflict is if proxies of the government begin

[1] The author spent one week in Southern Sudan during the referendum.

[2] Author interview with President Salva Kiir and other senior officials and military officers, January 2011.

to target southerners in the North and Abyei. The Government of South Sudan and its army may not be able to control some units and the population in such scenario.

Border Demarcation, Citizenship Rights, and Other Issues

While important progress has been made, the North-South border demarcation is not fully resolved. The parties have made some progress on citizenship rights, although there is no formal agreement on this issue as of March 2011. The Government of South Sudan (GOSS) has called for debt forgiveness for Sudan, but the parties have not reached agreement on what percentage, if any, of the debt the GOSS will be responsible for. Other unresolved issues include currency, security arrangements, and use of Sudanese ports and the Sudan pipeline for the export of oil. The parties are scheduled to meet in March to discuss these issues.

Preparation for Independence

The Government of South Sudan (GOSS) has been actively engaged on a wide range of issues in preparation for independence. The GOSS is expected to declare independence on July 9, 2011. The ruling Sudan People's Liberation Movement (SPLM) Political Bureau decided in February 2011 that the new country will be named the Republic of Southern Sudan, created a Constitutional Review Commission, and announced that an inclusive new government will be established in July 2011. New elections are not expected to take place, as Southern Sudan held presidential, parliamentary, and regional elections in April 2010. As part of the government's reconciliation efforts, the SPLM invited opposition and armed groups to talks and reached agreement with most of those present. However, it is likely that political infighting with the ruling party may develop after independence. The GOSS is also assisting returning refugees and internally displaced persons, and in January 2011, President Salva Kiir assured Sudanese national from the north that they can stay in Southern Sudan as long as they wish.

The April 2010 Elections: Background

In April 2010, Sudan held national and regional elections as called for in the CPA. In January 2010, the Sudan People's Liberation Movement (SPLM) nominated Yasir Arman as its presidential candidate to run against President Omar Bashir, the ruling National Congress Party (NCP) candidate. Former Prime Minister Sadiq al-Mahdi was also declared a candidate for president by his Umma party, despite reservations expressed about the fairness of the electoral process. There were a total of 12 presidential candidates. The NCP endorsed First Vice President Salva Kiir for South Sudan presidency.

The United States provided more than $100 million in support of the elections. In a joint statement, Secretary of State Clinton, Norwegian Foreign Minster Jonas Store, and United Kingdom Foreign Secretary David Miliband stated that "irrespective of the outcome of elections, it is essential that work continues and is accelerated to meet remaining CPA deadlines."

In South Sudan, President Salva Kiir was challenged in the presidential elections by former foreign minister Lam Akol. In the governor races, several candidates from different political parties competed in each state. Members of the ruling SPLM, who disagreed with the candidate selection process, ran as independents. South Sudanese also voted for the State and South Sudan Assemblies.

In late March 2010, the SPLM withdrew its candidate from the presidential elections and rejected participation in elections in Darfur. Following the announcement by the SPLM, almost all of the other presidential candidates decided to boycott the presidential election as well as participation in regional and national elections. These parties asserted that the elections were rigged. According to Sudanese electoral law, candidates must withdraw from the elections 45 days before the election date. Since the parties withdrew less than two weeks before the elections, the candidates' names were on the ballots and people reportedly voted for these candidates.

There were 72 political parties registered to compete in the elections, although a majority of these parties are fairly new. There were an estimated 16,502 polling stations, including 5,764 in Southern Sudan. The ruling National Congress Party had candidates competing in all 10 Southern Sudan states, while the elections were largely peaceful, there were several violent incidents, some unrelated to the elections. In one particular case, a number civilians and an NCP member were reportedly killed by an SPLA soldier. According to South Sudan government officials, "a member of the NCP committed adultery with the wife of a soldier." The solider reportedly killed the NCP member and his wife, and later killed himself.

International And Local Election Observers

The elections were monitored by many local and international observers, including the Carter Center, the African Union, the European Union, and many local observers. In a preliminary statement, the Carter Center observer team stated that "the elections will fall short of meeting international standards and Sudan's obligations for genuine elections in many respects. Nonetheless, the elections are important as a key benchmark in the CPA and because of the increased political and civic participation that has occurred over the last months. Ultimately, the success of the elections will depend on whether Sudanese leaders take Action to promote lasting democratic transformation." The EU expressed similar concerns.

The elections in South Sudan were largely peaceful and transparent, although there were a number of problems, including delays, missing names, and the delivery of ballots to the wrong polling stations. The elections, however, were competitive. In a number of governor races, there were several parties challenging SPLM candidates.

National Presidential Elections Results[3]

An estimated 10.1 million people voted in the national presidential elections. The results, despite the withdrawal of almost all of the presidential candidates, with the exception of President Bashir, suggest that if some of these candidates had stayed in the race, the overall results would have been different.

[3] Sudan National Electoral Commission.

Table 1. 2010 National Presidential Election Results

Candidate	Party Affiliation	Vote Results
Omar Hassan Al-Bashir	National Congress Party	68.2% (6.9 million)
Yasir Arman	Sudan People's Liberation Movement	21.6% (2.1 million)
Abdullah Deng Nhial	Popular Congress Party	3.9% (396,139
Hatim Al-Sir	Democratic Unionist Party	1.9% (195,668
Al-Sadiq Al-Mahdi	Umma Party	.96% (96,868)
Kamil Idriss	Independent	.76% (77,132)
Mahmood Ahmed Jeha	Independent	.71% (71,708)
Mubarak Al-Fadil	Umma Reform and Renewal Party	.49% (49,402
Munir Sheikh El-Din Jallab	New National Democratic Party	.40% (40,277
Abdel Aziz Khalid	Sudanese National Alliance	.34% (34,592
Fatima Abdel-Mahmood	Sudanese Socialist Democratic Union	.30% (30,562)
Mohamed Ibrahim Nugud	Communist Party	.26% (26,442)

South Sudan Presidential Elections Result

An estimated 2.8 million valid votes were cast in the South Sudan presidential elections.

Table 2. 2010 South Sudan Presidential Election Results

Candidate	Party Affiliation	Vote Results
Salva Kiir	Sudan People's Liberation Movement (SPLM)	92.9% (2.6 million)
Lam Akol	SPLM for Democratic Change	7% (197,217)

U.S. Policy Toward Sudan: Background[4]

U.S.-Sudanese relations have been turbulent over the past several decades. In 1967, Sudan broke diplomatic relations with the United States because of American support for Israel in the Arab-Israeli war. In 1973, the U.S. Ambassador and Deputy Chief of Mission were assassinated in Khartoum by members of the Palestinian Black September group, who were tried and sentenced to life imprisonment, although then-President Gaffer Nimeri commuted the sentences and the United States recalled its ambassador. In the mid-1970s, relations began to improve between Sudan and the United States. However, relations were again strained when the democratically elected civilian government was ousted from power in 1989 by a military junta led by current President Omar Al Bashir. Since 1989, the United States has maintained multiple sanctions against the Bashir government because of human rights concerns and Sudan's support for international terrorism.

[4] For more on a wide range of issues on Sudan, please see CRS Report RL33574, *Sudan: The Crisis in Darfur and Status of the North-South Peace Agreement*, by Ted Dagne.

In the late 1990s, the United States became actively engaged in efforts to bring an end to Sudan's North-South conflict. Successive U.S. Administrations played key roles in the North-South peace process, while pressing for a resolution of the Darfur crisis in Western Sudan. Throughout the Inter-Governmental Authority for Development (IGAD)-sponsored talks, the Bush Administration engaged the parties at the highest levels, reportedly including calls by President Bush to the principals at critical times during the negotiations, and frequent visits by senior State Department officials to Kenya, where the talks were being conducted. President Bush's former Special Envoy, John Danforth, also made several trips to the region to encourage the parties to finalize an agreement. Former Secretary of State Colin Powell was actively engaged in the peace process and traveled to Kenya to encourage the parties, according to U.S. officials and Sudanese sources. U.S. financial support for the peace process and technical assistance during the talks were considered by the parties and the mediators as critical, according to U.S. officials. American interventions at critical times during the negotiations helped break a number of stalemates, including during security arrangement talks and the three disputed areas of Nuba, Southern Blue Nile, and Abyei. Sustained U.S. pressure on the government of Sudan was a factor in securing the 2005 Comprehensive Peace Agreement (CPA). The Bush Administration, while maintaining U.S. bilateral sanctions, also engaged the Government in critical dialogue and offered the normalization of bilateral relations as an incentive for the resolution of the Darfur crisis and settlement of the North-South conflict, according to U.S. officials and Sudanese sources.

The Obama Administration and U.S.-Sudan Relations

In late October 2009, the Obama Administration announced a new policy toward Sudan. The policy focuses on three priorities: an end to the conflict in Darfur; implementation of the Comprehensive Peace Agreement (CPA); and ensuring Sudan does not become a safe haven for international terrorist groups. Strategic Objective I calls for the protection of civilians, a negotiated settlement to the conflict in Darfur, improving humanitarian conditions, accountability and justice, and an end to violent conflicts inside Sudan and with its neighbors. Strategic Objective II focuses on implementation of the CPA; U.S. assistance to promote governance and transparency in South Sudan; strengthening international engagement; defusing tension and providing assistance to Abyei, Southern Blue Nile, and Nuba; and assisting the parties in developing plans to deal with the post-2011 political, economic, and other emerging issues. Strategic Objective III seeks to prevent terrorists from having a safe haven in Sudan and ensure cooperation on counter-terrorism.

The policy clarifies a number of issues and affirms the conflict in Darfur as genocide. In June 2009, Special Envoy Scott Gration characterized conditions in Darfur as "the remnants of genocide." According to press reports, he further stated that "the level of violence that we're seeing right now is primarily between rebel groups, the Sudanese government and some violence between Chad and Sudan." The new policy states that the United States' primary objective in Darfur is "a definitive end to conflict, gross human rights abuses, and genocide in Darfur." The policy also asserts that cooperation on counter-terrorism without verifiable progress on other issues will not lead to a normalization of relations. The policy document states that "Sudanese support for counterterrorism objectives is valued, but cannot be used as a bargaining chip to

evade responsibilities in Darfur or in implementing the CPA."[5] The Obama Administration, according to the policy document, will enhance U.S. assistance to South Sudan and help prepare the country for a possible two-state outcome should the Southern Sudanese decide to vote for independence in the 2011 referendum.

The policy seeks to deal with a wide range of issues, as outlined in Strategic Objective II:

> The United States will work with international partners to encourage the parties to implement the necessary legislation and planning for the 2010 elections and the 2011 referendum. Among other issues, the United States will work with international partners to: (1) provide assistance for census resolution, voter registration and education, political party assistance, polling place administration, balloting mechanics, and ensuring international and local domestic election and referenda monitoring; and (2) encourage the parties to enact the necessary legal reforms to create an environment more conducive to a credible election process and referendum, including through the enactment of a credible referendum law. The United States will assist the parties in resolving census and referendum disputes in accordance with the CPA. In addition, the United States will support efforts to push for the timely and transparent demarcation of the North-South border through the provision of technical expertise and by supporting U.N. efforts to professionalize and equip the Joint Integrated Units (JIUs) responsible for policing disputed areas.

In order to strengthen governance capacity and transparency, the Obama Administration plans to provide assistance to South Sudan:

> The United States will work to improve security for the southern Sudanese people by supporting DDR and conflict prevention initiatives and strengthening the capacity of the security sector and criminal justice system. The United States will also work to improve economic conditions and outcomes. The United States will provide technical advisors to vital ministries and will work to strengthen entities such as the U.N. Development Program's Local Government Reform Program (LGRP). The United States will work with international partners to implement the World Bank Multi-Donor Trust Fund South Strategy in a timely manner and to improve access to capital, particularly micro financing, for agricultural enterprises and local private sector ventures. The United States will support efforts and initiatives that assist in increasing trade between Sudan and its neighbors. Transparency in fiscal expenditures will be critical to attracting investment, and the United States will support World Bank anticorruption efforts in Southern Sudan.

Views about the October 2009 Policy

In October 2009, many Sudan watchers, members of Congress, and Sudan advocacy groups expressed support for the new policy, although some linked their support to full implementation of the new policy. Some of these initial supporters are now critical of the Administration's policy toward Sudan. In mid-February 2010, 35 Sudan advocacy groups, in a letter to President Obama, called for the firing of Special Envoy Scott Gration. These groups accused Special Envoy Gration of being too conciliatory to the ruling National Congress Party (NCP) and too critical of other groups. At the African Union Summit in Ethiopia in early 2010, President Yoweri Museveni of Uganda expressed a similar concern about Special Envoy Gration.

[5] *Sudan: A Critical Moment, A Comprehensive Approach*, 19 October 2009.

Since his appointment as an Envoy, General Gration has met with a wide range of people, including southerners, advocacy groups, Darfur rebel groups, and regional officials. The ruling NCP, however, has had more high-level official meetings in Washington, DC, than at any time in a decade. In late 2009 and early 2010, there were three delegations led by the NCP members to the United States. Members of the delegation had meetings at the Treasury Department to discuss U.S. sanctions issues. A Sudanese delegation that came to the United States in late January 2010 included executives from the Kenana company (sugar) and Sudan Airways. The delegation, in addition to official meetings, went to visit the P.L. Thomas company (a gum arabic company) in Morristown, NJ. The delegation also held a meeting in Washington, DC, with Valmont Irrigation company executives from Valley, Nebraska to discuss farm issues, according to Sudanese sources.

Recent Policy Updates

In mid-September, the Obama Administration announced new policy initiatives on Sudan.[6] The new policy update focuses on the Administration's active and expanded diplomatic engagement and relaxation of sanctions and restrictions. The policy update states that:

> During this critical period, the Obama Administration is intensifying its work to implement its strategy by: elevating diplomatic efforts; working with other nations, the United Nations, and other regional and international organizations to help prepare for the referenda; making significant investments on the ground to help prepare for what happens after the referenda, and presenting the parties concrete steps that the United States will take contingent on concrete achievements on the ground.[7]

The Obama Administration announced in mid-September that restrictions on licensing regulations in agricultural sector; spare parts for trains, and technology related restrictions have been removed. In addition, the Administration announced that the United States would normalize relations, provide assistance in debt relief, remove Sudan from the State Sponsors of Terrorism designation, support access to multilateral and bilateral assistance, and remove legislative and Executive sanctions, provided that a comprehensive peace agreement in Darfur is secured, Sudan ends support to international terrorism, security is improved on the ground, unfettered humanitarian access, and "efforts to achieve accountability, justice and reconciliation" are supported by the Government of Sudan. The Executive branch can not remove legislative sanctions without the support and action of Congress.

The reaction from the government of Sudan has been negative. Sudanese Presidential Adviser Ghazi Salahuddin that "We have expressed our stance towards such offers earlier. We reject in principle the issue of incentives and pressures. This is an unacceptable matter."[8] Officials of the Government of Southern Sudan expressed concern that to providing incentives to the Bashir government in light of their delays in the implementation of and rejections of some provisions of the CPA could be seen as a reward for intransigence. These officials argue that the NCP has rejected several efforts in setting up the Abyei Referendum Commission. Obama Administration officials insist that the removal of sanctions and normalization of relations are dependent on a

[6] http://www.state.gov/r/pa/prs/ps/2010/09/147103.htm.

[7] http://www.state.gov/r/pa/prs/ps/2010/09/147103.htm.

[8] http://en.ce.cn/World/Africa/201009/16/t20100916_21822444.shtml.

number of conditions. Some members of Congress are skeptical about the incentive package, while welcoming the active and expanded diplomatic engagement.

The Obama Administration has significantly increased the number of U.S. officials in Sudan. In Juba, South Sudan, the Administration appointed a retired ambassador at the U.S. Consulate and doubled the U.S. official presence. The Administration also appointed former Ambassador Princeton Lyman as the head of the U.S. Negotiations Support Unit in Sudan. Senior Administration officials have also intensified their engagement in the Sudan policy. In June, Vice President Joseph Biden visited Kenya and met with officials of the Government of Southern Sudan. In September, Secretary of State Hillary Clinton and National Security Advisor General James Jones spoke to President Salva Kiir by phone. On September 24, President Barack Obama is expected to participate at a conference organized by U.N. Secretary General Ban Ki-moon in New York City.

Government of South Sudan Weapons in Kenya

The government of South Sudan began to purchase weapon systems over two years ago to replace old tanks and other equipment. Over the past two years, there were several shipments of weapons to South Sudan. In October 2008, Somali pirates hijacked a Ukrainian ship loaded with several dozen tanks headed for Kenya, although the final destination was South Sudan. In 2009, the pirates freed the ship, and in late 2009 the governments of South Sudan and Kenya loaded the tanks on a train for South Sudan. A few days later, the State Department threatened the government of Kenya with sanctions if it delivered the tanks to South Sudan. State Department officials promised that they will find ways to resolve the issue and get the tanks to South Sudan. South Sudanese and Kenyan officials were informed by U.S. officials in June 2010 that the issue had been resolved and the tanks could be delivered. But U.S. officials reportedly told Kenyan officials that the tanks should not be delivered for a while.

According to the Comprehensive Peace Agreement (CPA), the SPLM has the legal right to buy weapons and receive assistance from foreign governments to rebuild its defense forces. The Bashir government uses funds from the national treasury to buy weapons from outside and also manufactures heavy weapons inside Sudan, including tanks. The United States government is providing security assistance to South Sudan. The government of South Sudan has asked the United States repeatedly for an air defense system. President Bush reportedly informed First Vice President Salva Kiir in late 2008 that he approved his request for an air defense system and that he was unaware why it has not been delivered. Bush Administration officials then said that they were hoping to first train and equip the Southern military.

Humanitarian Conditions[9]

Humanitarian conditions in South Sudan have worsened in the past several months, according to U.S. and South Sudanese officials. According to the World Food Program, "the number of people in Southern Sudan in need of food assistance has more than quadrupled from 1 million in 2009 to 4.3 million in 2010." Since January 2009, more than 440,000 people have been displaced and an estimated 450 civilians killed due to violence in South Sudan. Meanwhile, an estimated 100,000

[9] See U.N. maps and charts at the end of the report for more details.

displaced people and refugees have returned in the first six months of 2010, according to United Nations officials.

Humanitarian conditions in Darfur, while stable in some areas, have worsened in other areas due to renewed fighting. According to a report by the U.N. Secretary General, "humanitarian access was uneven and, in some cases, restricted owing to renewed fighting in eastern Jebel Marra and Jebel Moon."[10] In some areas there are no health services available and only limited services in water and sanitation.

U.S. Humanitarian Funding

The United States continues to provide significant humanitarian assistance to Darfur and to Darfur refugees in Chad. Since 2005, the United States has provided an estimated $6 billion. In FY2009, the United States had provided $936.9 million in humanitarian assistance to Sudan and eastern Chad.[11] As of August 2010, the United States has provided $420.3 million in humanitarian assistance in fiscal year 2010.

Table 3. U.S. Bilateral Assistance to Sudan

($ in thousands)

	FY2008 Actual	FY2009 Actual	FY2010 Estimate	FY2011 Request
Total	906,396	924,140	427,780	439,979
Development Assistance	127,721	25,550		
Economic Support Fund	145,876	263,550	296,034	270,210
Global Health and Child Survival (State)	3,245	6,327	7,036	7,036
Global Health & Childe Survival (USAID)	17,488	23,185	30,010	32,083
International Military Education and Training	349	681	800	800
Int. Narcotics Control and Law Enforcement	23,578	15,400	16,000	53,950
Non-proliferation, Anti-terrorism, Demining and Related Programs	4,400	4,000	3,900	3,900
Peacekeeping Operations	70,822	38,000	44,000	42,000

[10] http://www.un.org/Docs/sc/sgrep10.htm.

[11] http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/countries/sudan/template/fs_sr/sudan_ce_sr02_12-20-2007.pdf.

	FY2008 Actual	FY2009 Actual	FY2010 Estimate	FY2011 Request
Food for Peace	512,917	547,447	30,000	30,000

Source: State Department FY2011 International Affairs Budget Request.

The International Criminal Court (ICC) and Sudan

In May 2010, the ICC pre-trial chamber recommended to the United Nations Security Council to take appropriate measures against Sudan since the government of Sudan has failed to cooperate in handing over two individuals wanted by the ICC. In February 2010, the appeals judges for the ICC reversed a March 2009 ruling by the pre-trial chamber to remove the genocide charges against Bashir. This decision provides another opportunity for the Special Prosecutor to make his case for the genocide charge. The Bashir government condemned the decision by the ICC.

On March 4, 2009, the ICC Pre-Trial Chamber issued a warrant of arrest for President Bashir for war crimes and crimes against humanity. This is the first warrant of arrest issued for a sitting head of state. According to the Pre-Trial judges, President Bashir intentionally directed attacks "against an important part of the civilian population of Darfur." President Bashir is accused of five counts of crimes against humanity (murder, rape, torture, extermination, and forceful transfer of civilian population) and two counts of war crimes (killing and pillaging). The Pre-Trial Chamber stated that President Bashir "played a role that went beyond coordinating the implementation of the common plan and was in full control of all branches of the apparatus of the State of Sudan, including the Sudanese Armed Forces and their allied Janjaweed Militia, the Sudanese Police Force, the National Intelligence and Security Services (NISS)."[12]

The government of Sudan condemned the ICC decision and expelled 13 non-governmental organizations (NGOs) working in Darfur. President Bashir accused these NGOs of collaborating with the ICC. The government of Sudan and the United Nations agreed to send a Joint Technical mission to assess humanitarian conditions in Darfur. Meanwhile, the NCP and the SPLM formed a Crisis Committee to address the ICC crisis and other issues. The Obama Administration stated that "the United States is strongly committed to the pursuit of peace in Sudan and believes those who have committed atrocities should be held accountable." The Administration also condemned the expulsions of the NGOs and warned that this measure "seriously threatens the lives and well-being of displaced populations."[13] In April 2009, U.S. Special Envoy J. Scott Gration reached an agreement with the National Congress Party leaders on the expulsions of the NGOs. The agreement does not call for the return of the expelled NGOs, but provides additional authority to the government of Sudan to manage and control NGO activities.

The African Union, the Arab League, China, and a number of other countries called for a deferment of the ICC process against President Bashir. In a press statement, the African Union Peace and Security Council stated that "despite the risks posed by the ongoing ICC process to the search for lasting peace and stability in the Sudan and in the region, the United Nations Security Council has failed to consider with the required attention the request made by the AU to implement the provisions of article 16 of the ICC Statute." The African Union appointed former South African President Thabo Mbeki to chair a high-level panel to make recommendations on

[12] http://www.icc-cpi.int.

[13] Department of State Press Release, March 4, 2009.

the most effective way to deal with impunity, accountability, and reconciliation in Sudan. In July 2009, the African Union in a resolution stated that member states will not cooperate with the ICC. In a statement, the AU stated that "the AU member states shall not co-operate relating to immunities for the arrest and surrender of Sudanese President Omar al-Bashir to the ICC."

Background

In July 2008, the ICC Chief Prosecutor accused President Bashir of Sudan of genocide, crimes against humanity, and war crimes. The Prosecutor asked ICC judges to issue an arrest warrant for President Bashir. In late September 2008, the U.N. Secretary General, Ban Ki-moon, the African Union Commission Chairman, Jean Ping, ICC Special Prosecutor, and other government officials met in New York to discuss the status of the ICC case against President Bashir. Special Prosecutor Moreno-Ocampo stated that "We presented a solid case. The evidence shows that crimes against Darfurians continue today. President al-Bashir has complete control of his forces, and they are raping women today, they are promoting conditions in the camps to destroy complete communities and they are still bombing schools." Ocampo added that "the judges will decide. Those sought by the court have to face justice. It is an immense challenge for the political leaders of the world. They have to protect the victims and ensure the respect for the court's decisions."[14]

The government of Sudan condemned the ICC action, while the African Union asked for a deferment of the ICC case against Bashir. However, the then-Chairman of the African Union, President Jakaya Kikwete of Tanzania, stated at the United Nations in September that "when we talk about deferment, we should not in any way be perceived as condoning impunity. Justice is a matter of essence." President Museveni of Uganda stated that "you cannot stand up and say: 'Don't touch Bashir because he is a president.' Suppose he made those mistakes. If you take that position, you will be ignoring the right of the victims."[15] Other African leaders also expressed similar views concerning the ICC case against Bashir.

The SPLM Position

In 2008, the SPLM issued a press release stating that "the solution to the crisis is for the Government of National Unity to forge an understanding with the international community and to co-operate with ICC on the legal processes." Vice President Salva Kiir was appointed to chair a "Crisis Committee" to deal with the ICC process and other emerging issues. Foreign Minister Deng Alore of Sudan informed President Bashir that he will not defend him at the United Nations or lobby against the ICC case. This led to a decision by Bashir to appoint Vice President Osman Ali Taha to lead a 50-person delegation to the United Nations in September 2008. The Bashir government is currently actively engaged in a lobbying campaign against the ICC. Senior government officials, who in the past ignored or harassed the international press, are now giving the international media access.

In early February 2009, the SPLM Political Bureau passed a resolution to respond to the ICC investigation. The SPLM leadership created a Committee on the ICC, whose membership include senior SPLM members, including the chairman of the SPLM, Salva Kiir, Sudan Foreign Minister Deng Alore, SPLA Affairs Minister Nhial Deng, and several other senior SPLM leaders. The

[14] United Nations News Wire, September 22, 2008.

[15] *The Sudan Tribune*. "Ugandan President Does Not Condemn the ICC", August 3, 2008.

committee is tasked with reaching out to relevant actors in Sudan, the region, and the international community to respond to the on-going crisis in Darfur. The committee was tasked to come up with recommendations on the ICC investigation, the crisis in Darfur, and reconciliation efforts. On the other hand, the SPLM leadership has put in place a contingency plan in case of emergency.

The U.S. Response

The Bush Administration's then-Special Envoy to Sudan, Richard Williamson, at a briefing before the U.S. Commission on Religious Freedom in late September 2008, stated that "we believe strongly that there should be no impunity for the atrocities committed in Darfur. The people of Darfur have suffered for far too long." He also stated that the United States will veto any resolution for deferment under Article 16 of the Rome Statute. Then-Secretary of State Rice reportedly informed Vice President Taha at a meeting in New York that the U.S. will veto a resolution on deferment. The Obama Administration is also opposed to a deferral of the ICC case against President Bashir. In early February 2009, U.S. Ambassador to the United Nations Susan Rice told the *Washington Post* that "it is our view that we support the ICC investigation and the prosecution of war crimes in Sudan, and we see no reason for an article 16 deferral."[16] Meanwhile, the African Union at its Summit in January 2009, once again, urged deferral of the ICC investigation. The current U.S. Sudan policy states that "in addition to supporting international efforts to bring those responsible for genocide and war crimes in Darfur to justice, the United States will work with Darfuri civil society to support locally owned accountability and reconciliation mechanisms that can make peace more sustainable."

Security Conditions in Darfur

In early 2010, security conditions in Darfur began to deteriorate, despite some progress in negotiations between the government of Sudan and some rebel groups. In April and May, the Sudanese army attacked Jebel Marra and later captured it from JEM forces. According to an April 2010 report by the U.N. Secretary General, "UNAMID was the target of a number of deliberate attacks. On February 16, 2010, seven personnel of the Pakistani formed police unit were injured—three of them critically—during an attack on its patrol to the El Sereif camp for the displaced."[17] In January 2009, the forces of the Justice and Equality Movement (JEM) reportedly attacked the town of Muhajeria in South Darfur. The town and the surrounding areas were under the control of another Darfur rebel group, the Sudan Liberation Army (SLA)-Minawi faction. JEM officials initially denied that they attacked the area, claiming that they were responding to attacks by SLA and government forces. The SLA pulled its forces out, while JEM forces took control. In late January and early February, Sudan government forces attacked JEM, forcing JEM to pull out of the town. The Obama Administration condemned the government of Sudan's actions, while United Nations officials rejected the government of Sudan's demand to pull U.N. peacekeepers out of Muhajeria.

In late August 2008, government forces entered the Kalma Internally Displaced Persons (IDP) camp in South Darfur and killed over 30 civilians and wounded many more. Government forces

[16] *The Washington Post*. "Sudan Retains Clout While Charges Loom", February 9, 2009.

[17] http://www.un.org/Docs/sc/sgrep10.htm.

reportedly used heavy weapons during the attack. Civilians lost legs, arms, and other body parts, according to photographs of the wounded in the Kalma camp. During the same period, government forces intensified their ground and air attacks against rebel forces, although the casualties were largely civilians. In July 2008, seven United Nations African Union Mission in Darfur (UNAMID) peacekeepers were killed and over a dozen wounded in an attack by heavily armed pro-government militia. Another peacekeeper was killed a few days later, bringing the total casualties to 25.

Darfur: Current Status of Peace Talks

In February 2010, the government of Sudan and the Justice and Equality Movement (JEM) signed a framework agreement. The parties agreed in principle to a cease-fire, the release of prisoners of war, the participation of JEM in government, and compensation to Darfur refugees and displaced people. The peace initiative was brokered by the government of Qatar, the United Nations/African Union Special Envoys, and the governments of Chad and Eritrea. A number of other Darfur factions have rejected the agreement between JEM and the government of Sudan. Several other groups are currently engaged in separate talks with the government. Meanwhile, in late February, government forces launched a major offensive against one of the major rebel groups in the Jebel Marra area of Darfur. JEM and several other Darfur groups have condemned the attack, while the United States expressed concern about the offensive. In May 2010, JEM withdrew from the Doha talks after the capture of Jebel Marra. In late May 2010, the leader of JEM, Khalid Ibrahim, was denied passage by Chadian authorities to go to JEM-controlled areas in Darfur. He reportedly returned to Libya.

United Nations Peacekeeping in Darfur

On July 31, 2007, acting under Chapter VII of the Charter of the United Nations, the United Nations Security Council adopted Resolution 1769. The resolution called for the deployment of a hybrid United Nations-African Union force in Darfur (UNAMID). The U.N. was expected to fully deploy 26,000 peacekeeping troops to Darfur by mid-2008. As of June 30, 2010, the United Nations deployed 25,883 peacekeeping personnel to Darfur. As of August 2010, 66 peacekeeping personnel have been killed in Darfur. In March 2008, the United States pledged $100 million to train and equip African peacekeepers for deployment under UNAMID. In late 2008, the United States helped transport equipment and personnel to Darfur. The resolution:

1. Reaffirms its commitment to stop the suffering in Darfur, and to work with the government of Sudan toward this end.

2. Commends Sudan's acceptance of a hybrid operation to be deployed in Darfur and the ongoing efforts of the African Union Mission in Sudan, AMIS.

3. Refers to the Addis Ababa Agreement that the hybrid operation be predominantly comprised of African troops.

4. Expresses concern about ongoing attacks on civilians in Darfur and the security of humanitarian aid workers in the region.

5. Welcomes the appointment of the AU-UN Joint Special Representative for Darfur, Rodolphe Adada, and Force Commander, Martin Agwai.

6. Calls on all parties to facilitate the full deployment of Light and Heavy Support Packages to AMIS and preparations for UNAMID within 30 days.

7. States that UNAMID shall establish an initial operational capability for its headquarters by October 2007, in addition to the management and control structure of the operation.

8. Decides that by October 2007, UNAMID shall assume command of all Light Support and Heavy Support personnel as may be deployed by October.

9. States that by December 31, 2007 at the latest, UNAMID will have fully implemented all of the elements of its mandate and will assume authority from AMIS.

10. Calls for a unity of command and control provided by the United Nations.

11. Demands an immediate cessation of hostilities in Darfur.

12. States that UNAMID is authorized to take the necessary actions to protect its personnel and humanitarian workers. The resolution also calls for the protection of civilians, "without prejudice to the responsibilities of the government of Sudan."

In late December 2007, UNAMID officially assumed command and control from the African Union peacekeeping force. The Government signed the Status of Forces Agreement (SOFA) with the United Nations in February 2008. In January 2008, a UNAMID supply convoy was attacked by Sudanese government forces in West Darfur. The United Nations and the United States condemned the attack.[18] In January 2008, President Bashir appointed Musa Hilal, a leader of the Janjaweed, as advisor to the minister of federal affairs. In April 2006, the United Nations Security Council imposed a travel ban and asset freeze on Musa Hilal. Bush Administration officials criticized the appointment of Hilal.[19] President Bashir argued that Hilal is an influential leader in Darfur and that his government does not accept the allegation against Hilal. The appointment of Hilal is seen by observers as another obstacle to peace in the Darfur region.

Developments in Southern Sudan

In May 2008, government of Sudan forces destroyed the town of Abyei, displaced over 60,000 people, and killed over a dozen. Abyei town was largely burned, according to witnesses. In June 2008, the government of Sudan and the Sudan People's Liberation Movement (SPLM) signed an agreement on "defining and demarcating" the Abyei area. The parties agreed to refer the Abyei dispute for arbitration. Many of the civilians displaced by the attacks in May remain in displaced camps and the town of Abyei was largely empty as of mid-August 2008. However, by January 2009, an estimated 10,000 displaced people had returned, according to U.N. officials. United Nations and Government of South Sudan officials expect the number of returnees will increase in the coming months.

An agreement reached in 2008 between the Government of South Sudan (GoSS) and the National Congress Party (NCP) on Abyei largely ended the tense situation between the two sides. The agreement established an Interim Administration for Abyei, created a Special Fund for development of the region, and provided for the redeployment of government and SPLA forces out of Abyei. The parties agreed to deploy Joint Integrated Units (JIUs) and a police force. An estimated 257 JIU forces have been deployed as of late 2008. In August 2008, the parties

[18] http://www.state.gov/r/pa/prs/ps/2008/jan/98954.htm.

[19] http://afp.google.com/article/ALeqM5gvhevbfJOD4I9EAeZ5OxHyHtkPUw.

appointed the chairman and deputy chairman of the executive, and in October 2008 members of the Executive Committee and Abyei Council were appointed. In late 2008, the parties presented their oral arguments before the Permanent Court of Arbitration, and a final decision was made in June 2009.

In October 2007, the government of Southern Sudan suspended the participation of its ministers, state ministers, and presidential advisors from the Government of National Unity to protest measures taken by the National Congress Party and to demand full implementation of the Comprehensive Peace Agreement (CPA). The Sudan People's Liberation Movement (SPLM) has urged the Sudanese government to implement key provisions of the CPA and to consult the first vice president on key issues. They complained that President Omar Bashir has been taking important decisions with little or no consultation with the First Vice President since the signing of the peace agreement in 2005. On Darfur, President Bashir has been waging war and deliberately sidelining the SPLM on key decisions. For example, the Eastern Sudan Agreement was negotiated and signed between the National Congress Party and the Eastern rebels without serious consultation with the First Vice President. According to the CPA, "the President shall take decisions with the consent of the First Vice President on declaration and termination of state of emergency, declaration of war, appointments that the president is required to make according to the peace agreement, summoning, adjourning, or proroguing the National Assembly." A request by the first vice president to reshuffle southern ministers in the Government of National Unity was held up for several months by President Bashir in large part due to Bashir's opposition to the proposed change of the foreign minister.

In October 2007, the SPLM leadership submitted a number of demands to President Bashir. In a letter to President Bashir, First Vice President Salva Kiir wrote:[20]

> At this critical juncture of the history of our country, the Sudanese people, the region and the international community at large, do follow with concern the evolving situation in our country. In particular, they follow closely with concern what both of us, and the parties we lead, are doing to enhance and consolidate peace in our country. The Comprehensive Peace Agreement (CPA) is the corner stone of that peace. It is with this spirit that I am addressing you today on behalf of the SPLM, and on my own behalf as a partner in peace.
>
> The SPLM was encouraged by the creation of bilateral permanent mechanisms for the resolution of outstanding issues on CPA implementation as well as for the enhancement of cooperation and partnership between our two parties. Despite the progress made on several issue areas, critical flash points remain. Thereby giving rise to the impression that the mechanisms we have created were mere vehicles for public relations exercises and not meant to help the parties in resolving critical differences.
>
> The above impression was reinforced by recent provocative actions emanating from authorities within the Government of National Unity (GONU) of which we are part, indeed the major partner to the NCP. The height of these provocations was the raids in Khartoum on SPLM premises and the Mess of SPLA senior officers in the Joint Defense Board (JDB). The JDB is the highest military organ created by the CPA and INC to oversee the smooth implementation of Security Arrangements. Those indecorous acts were compounded by the unrepentant reaction by their perpetrators to SPLM's protest. The perpetrators include NCP Ministers and officers in the law enforcement agencies who are duty-bound by the INC to steer away of politics. It became clear to us, however, that the provocations reflected a

[20] Government of Sudan source.

> pattern of behavior intended to humiliate the SPLM. The SPLM, therefore, should not be expected to take that behavior lightly. Indeed, the situation called for a pause and a deep reflection on the way and spirit with which we are handling the implementing of CPA.
>
> To that end, the SPLM Interim Political Bureau (IPB) met in Juba from October 4th—11th 2007 to assess and evaluate the status of CPA implementation and draw concrete actions for the way forward. In that evaluation, the IPB identified CPA violations and enumerated unacceptable deliberate actions demeaning to the SPLM and its leadership. I am enclosing herewith copy of the IPB's resolutions encompassing violations to the CPA as well as actions to which the SPLM takes serious exception. In presenting these resolutions, I am confident that you shall address, with wisdom and statesmanship, the serious issues raised therein. Truly, those violations and actions constitute a major challenge to the sustenance of peace and consolidation of unity in our country. On my part, I remain committed to the full implementation of the CPA and I do not wish for a moment to contemplate the collapse of the CPA, let alone take part in that collapse.
>
> Furthermore, the IPB expressed deep concern with Your Excellency's inaction on the reshuffle of SPLM Ministers in GONU which, in the spirit of collegial decision-making, I proposed. In doing that, I was exercising my constitutional rights and prerogatives as the Chairman of the SPLM to effect the recommendations of my Party. In view of the perception that this inaction amounts to an encroachment on the First Vice President's constitutional powers, the IPB recalled all SPLM Presidential Advisors, Ministers and State Ministers in GONU and they have been directed to stay away from their duties till considerable progress is seen in addressing the issues raised in the attached resolutions. In order not to paralyze the work of GoNU, I am again presenting to your Excellency our new list of ministerial changes in GONU. I am confident that you shall address this matter together with other pressing issues contained in the resolutions of IPB with due regard to the risks inherent in the present stalemate. This stalemate, if left unresolved, may degenerate into a crisis which none of us wants. It is our political duty and national obligation to avert actions that might endanger the CPA. It is also our moral and constitutional responsibility to provide the necessary leadership so that our country is enabled to enjoy peace, stability, democracy and unity based on the free will of its people.

In response to these demands and unexpected developments, President Bashir reportedly accepted a number of the government of South Sudan demands in late October, except those related to the Abyei issue. According to senior SPLM officials, the acceptance of their demands by President Bashir does not resolve the crisis. They would like to see a timeline and a roadmap for implementation of their demands before they return to government. President Bashir accepted a new list of ministers submitted by the first vice president, although he deleted the name of one senior official who was appointed as a presidential adviser, according to Sudanese sources. In late December 2007, the new ministers were sworn in office. Former Minister of Foreign Affairs, Lam Akol, was replaced by Deng Alore, a senior member of the SPLM.

Status of the Comprehensive Peace Agreement Historical Context

In 1956, Sudan became the first independent country in sub-Saharan Africa, gaining independence from Britain and Egypt. For almost four decades, the east African country, with a population of 35 million people, has been the scene of intermittent conflict. An estimated 2 million people died over two decades from war-related causes and famine in Southern Sudan, and millions more were displaced. The sources of the conflict were deeper and more complicated than the claims of most political leaders and some observers. Religion was a major factor because of the Islamic fundamentalist agenda of the current government, dominated by the mostly

Muslim/Arab north. Southerners, who are Christian and animist, reject the Islamization of the country and favor a secular arrangement. Social and economic disparities were also major contributing factors to the Sudanese conflict.

Former President Jaafer Nimeri's abrogation in 1983 of the 1972 Addis Ababa agreement, which had ended the first phase of the civil war in the south, is considered a major factor triggering the civil war. The National Islamic Front (NIF) government, which ousted the democratically elected civilian government in 1989, pursued the war in Southern Sudan with vigor. Previous governments, both civilian and military, had rejected southern demands for autonomy and equality. Northern political leaders for decades treated southerners as second-class citizens and did not see the south as an integral part of the country.

Southern political leaders argue that under successive civilian and military governments, political elites in the north have made only superficial attempts to address the grievances of the south, reluctant to compromise the north's dominant economic, political, and social status. Most political leaders in the north, now in opposition to the current government, have said that mistakes were made. But the political mood among southerners has sharply shifted in favor of separation from the north.

The North-South Peace Agreement: Background

On January 9, 2005, the government of Sudan and the Sudan People's Liberation Movement (SPLM), after two and half years of negotiations, signed the Sudan Comprehensive Peace Agreement at a ceremony in Nairobi, Kenya. More than a dozen heads of state from Africa attended the signing ceremony. Secretary of State Colin Powell, who led the U.S. delegation, reportedly urged the government of Sudan and the SPLM to end the conflict in Darfur. The signing of this agreement effectively ended the 21-year-old civil war and triggered a six-year Interim Period. At the end of the Interim Period, southerners are to hold a referendum to decide their political future. National, regional, and local elections are to take place during the second half of the Interim Period.

On July 30, 2005, First Vice President and Chairman of the SPLM Dr. John Garang was killed in a plane crash in Southern Sudan (discussed below). His death triggered violence between government security forces and southerners in Khartoum and Juba. More than 100 people were reported killed. The government of Sudan has established a committee to investigate the violence. The crash was investigated by a team from Sudan, Uganda, Russia, United Nations (UN), and the United States. The final report was issued in April 2006. In early August 2005, the SPLM Leadership Council appointed Salva Kiir as Chairman of the SPLM and First Vice President of Sudan. Salva Kiir had served as Garang's deputy after the SPLM split in 1991. He was officially sworn in as First Vice President in the Government of National Unity (GNU) on August 11, 2005. On August 31, 2005, the National Assembly was inaugurated. According to the CPA, the National Congress Party was allocated 52% of the seats (234), 28% to the SPLM (126), and the remaining 20% for the northern and southern opposition groups.

In September 2005, after weeks of contentious negotiations, the SPLM and the National Congress Party (NCP), formerly known as the National Islamic Front (NIF), agreed on a cabinet. At the core of the dispute was the distribution of key economic ministerial portfolios. The NCP insisted on keeping the Energy and Finance ministries, while the SPLM argued that each party should be given one or the other. The SPLM ultimately gave up its demand and managed to secure eight ministries, including Foreign Affairs, Cabinet Affairs, Labor, Transportation, Health, Education,

Humanitarian Affairs, and Trade. Several advisers were also appointed to the Presidency (the Presidency consists of President Bashir, First Vice President Kiir, and Vice President Osman Ali Taha), including two from the SPLM.

Implementation of the CPA

Implementation of the CPA by the Government of National Unity has been selective and at times deliberately slow, according to United Nations officials and Sudan observers. President Bashir, for example, rejected implementation of the Abyei Boundary Commission (ABC) recommendations, and the formation of the Joint Integrated Units has been slow, although in 2008 important progress was made. The ABC was mandated to "define and demarcate" the area known as the nine Ngok Dinka Chiefdoms transferred in 1905 to Kordofan in North Sudan. The ABC was chaired by former U.S. Ambassador to Sudan Donald Peterson, with active international engagement. In July 2005, the ABC submitted its final report to the Presidency. According to the CPA, "upon presentation of the final report, the Presidency shall take necessary action to put the special administration status of Abyei Area into immediate effect."

The CPA faces serious challenges, despite the number of commissions created and decrees issued by the Presidency to address issues related to the agreement. Government force redeployment from Southern Sudan, as called for in the peace agreement, has been slow, especially in the oil field regions of Southern Sudan. The SPLA completed redeployment of its forces from East Sudan in 2006. The government of Sudan redeployed most of its forces as of December 2007, although thousands of Sudanese Armed Forces (SAF) remain in the oil region of South Sudan. SAF has increased its forces in the Nuba Mountains and Southern Blue Nile in violation of the CPA. According to the CPA, forces in these two states were supposed to be at a level of peace time. SPLA forces also had a presence in the Nuba and Southern Blue Nile regions. According to senior SPLM officials, the SPLA will pull out of the area once the SAF reduces its presence and the Joint Integrated Units (JIUs) are fully deployed. In early January 2008, the SPLA withdrew some of its forces from Nuba.[21] As of January 2009, an estimated 84.7% of the CPA authorized JIU forces have been deployed.

A number of Commissions remain dysfunctional, although many of the Commissions have been created by the government of Sudan. According to the January 2009 CPA Monitor, the National Human Rights Commission, the Electoral Commission, the Land Commission, and several other Commissions have been established. The Assessment and Evaluation Commission (AEC), which was mandated under CPA to monitor implementation of the peace agreement, has created four Working Groups to monitor implementation of the CPA, although the parties to the agreement have not been actively engaged in the process. The parties have made some progress in the implementation of the wealth-sharing and power-sharing provisions of the CPA, although work on the north-south border is behind schedule. Failure to fully resolve the border issue is likely to complicate the redeployment of forces and sharing of oil revenues, since a number of the oil fields are located along the 1956 north-south border. In December 2009, the SPLM and the National Congress Party reached agreement to resolve the north-south border issue and on oil-related issues.[22]

[21] Ted Dagne met with senior SPLA commanders in January 2008 in Juba, South Sudan.

[22] Ted Dagne interview of President Salva Kiir in Juba, South Sudan.

The United States and the North-South Peace Agreement

The United States played a key role in the North-South peace process, while pressing for a resolution of the Darfur crisis in Western Sudan. Throughout the Inter-Governmental Authority for Development (IGAD)-sponsored talks, the Bush Administration engaged the parties at the highest levels, reportedly including calls by President Bush to the principals at critical times during the negotiations, and frequent visits to Kenya by senior State Department officials, where the talks were being conducted. President Bush's former Special Envoy, John Danforth, also made several trips to the region to encourage the parties to finalize an agreement. Former Secretary of State Colin Powell was actively engaged in the peace process and traveled to Kenya to encourage the parties, according to U.S. officials and Sudanese sources. U.S. financial support for the peace process and technical assistance during the talks were considered by the parties and the mediators as critical, according to U.S. officials. The United States provided funding for the SPLM delegation for travel and other related expenses. American interventions at critical times during the negotiations helped break a number of stalemates, including during security arrangement talks and the three disputed areas of Nuba, Southern Blue Nile, and Abyei.

Sustained U.S. pressure on the government of Sudan was a factor in securing the Comprehensive Peace Agreement. The Bush Administration, while maintaining U.S. bilateral sanctions, also engaged the Government in critical dialogue and offered the normalization of bilateral relations as an incentive for the resolution of the Darfur crisis and settlement of the North-South conflict, according to U.S. officials and Sudanese sources. U.S. policy toward Sudan is complicated because the same government that signed the peace agreement with the South is also the one implicated in atrocities in Darfur, which the U.S. government has declared is genocide. This reality has led to some criticism of the Bush Administration, although many praise the Administration's sustained engagement in the North-South talks. According to some critics, the Administration did not initially consider the Darfur crisis to be a priority; instead the Administration was largely focused on the CPA negotiations between the government of Sudan and the SPLM. The first statement on Darfur by the White House, they point out, was issued in early April 2004. The Bush Administration and Congress, however, have been at the forefront in calling for an end to the crisis in Darfur and demanding accountability, especially since mid-2004.

The Crisis in Darfur: Background

The crisis in Darfur began in February 2003, when two rebel groups emerged to challenge the National Congress Party (NCP) government in Darfur. The Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM) argued that the government of Sudan discriminates against Muslim African ethnic groups in Darfur and has systematically targeted these ethnic groups since the early 1990s. The government of Sudan dismisses the SLA and JEM as terrorists. The conflict primarily pits three African ethnic groups, the Fur, Zaghawa, and Massaleit, against nomadic Arab ethnic groups. Periodic tensions between the largely African-Muslim ethnic groups and the Arab inhabitants of Darfur can be traced to the 1930s and had surfaced again in the 1980s. Most observers note that successive governments in Khartoum have long neglected the African ethnic groups in Darfur and have done little to prevent or contain attacks by Arab militias against non-Arabs in Darfur. Non-Arab groups took up arms against successive central governments in Khartoum, albeit unsuccessfully. In the early 1990s, the National Islamic Front (NIF) government, which came to power in 1989, began to arm Arab militias and attempted to disarm the largely African ethnic groups.

The conflict in Darfur burgeoned when the government of Sudan and its allied militias began what is widely characterized as a campaign of terror against civilians in an effort to crush the rebellion and to punish the core constituencies of the rebels. At the heart of the current conflict is a struggle for control of political power and resources. The largely nomadic Arab ethnic groups often venture into the traditionally farming communities of Darfur for water and grazing, at times triggering armed conflict between the two groups. Darfur is home to an estimated 7 million people and has more than 30 ethnic groups, which fall into two major categories: African and Arab. Both communities are Muslim, and years of intermarriages have made racial distinctions difficult, if not impossible. Fighting over resources is one of several factors that has led to intense infighting in Darfur over the years. Many observers believe that the NIF government has systematically and deliberately pursued a policy of discrimination and marginalization of the African communities in Darfur, and has given support to Arab militias to suppress non-Arabs, whom it considers a threat to its hold on power. In 2000, after the ouster of the founder of the NIF, Hassan al-Turabi, and after a split within the Islamist Movement, the government imposed a state of emergency and used its new authority to crack down on dissidents in Darfur. By 2002, a little-known self defense force emerged as the SLA, challenging government forces in Darfur.

With the NCP regime internally in turmoil and mounting international pressure to end Sudan's North-South conflict, the SLA and JEM were able to gain the upper hand in the initial phase of the conflict against government forces in early 2003, and appeared well armed and prepared. The rebels also enjoyed the support of the local population, as well as officers and soldiers in the Sudanese army. A significant number of senior officers and soldiers in the Sudanese armed forces come from Darfur. The SLA reportedly benefitted from outside support, including from fellow Zaghawa elements in Chad and financial support from some Darfur businessmen in the Persian Gulf region. In late 2004, another Darfur armed group, the National Movement for Reform and Development (NMRD) emerged. Initial reports suggested that the NMRD was created by the government of Sudan in order to undermine the SLA and JEM. In December 2004, the NMRD and the government of Sudan signed a ceasefire agreement in Chad and a month later agreed to cooperate in facilitating the return of refugees from Chad to Darfur. Regional officials and Sudanese opposition figures assert that the NMRD is backed by the government of Chad and that the rebels wear uniforms and carry arms similar to those of the Chadian army. Since 2005, the rebel groups have splintered into different factions and often clashed with each other. In June 2006, another rebel group was formed, the National Redemption Front (NRF), consisting of several rebel faction groups. These include splinter groups from SLM and JEM, as well as the Sudan Federal Democratic Alliance (SFDA).

Darfur Developments: Accountability for Atrocities

In July 2004, the U.S. House of Representatives and the Senate unanimously passed resolutions (H.Con.Res. 467, S.Con.Res. 133) declaring the crisis in Darfur to be genocide, based on the five criteria for genocide enumerated in Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide. On September 9, 2004, then Secretary of State Colin Powell, in his testimony before the Senate Foreign Relations Committee, declared the atrocities in Darfur genocide. Secretary Powell stated that, after reviewing evidence collected by the State Department team, "genocide has been committed in Darfur and that the government of Sudan and the Jingaweit bear responsibility—and that genocide may still be occurring." Powell further stated that because the United States is a contracting party to the Geneva Convention, Washington will demand that the United Nations "initiate a full investigation." Shortly after Powell's testimony, a draft U.N. resolution (1564) was adopted.

The resolution requested the Secretary General of the United Nations to "establish an international commission of inquiry in order to immediately investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties, to determine also whether or not acts of genocide have occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable." The declaration of genocide by the Bush Administration did not lead to a major shift in U.S. policy or a threat of intervention to end genocide. Instead, Bush Administration officials continued to support a negotiated settlement between the rebels in Darfur and the government of Sudan. But continued violence in Darfur and the government's failure to disarm the Janjaweed militia further strained relations between Khartoum and Washington.

In January 2005, the International Commission of Inquiry on Darfur submitted its report to then U.N. Secretary-General Kofi Annan. The 176-page report provided a detailed accounting of atrocities committed by the government of Sudan and its Janjaweed militia allies. The Commission declared that "based on thorough analysis of the information gathered in the course of the investigations, the Commission established that the government of Sudan and the Janjaweed are responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law."[23] The Commission found, however, that "the government of Sudan has not pursued a policy of genocide." The Commission, while acknowledging that government officials and other individuals may have committed genocidal acts, stated that "the crucial element of genocidal intent appears to be missing." The Commission submitted a sealed document listing 51 suspects for prosecution by the International Criminal Court (ICC).

U.S. officials argue that the government of Sudan is responsible for genocide in Darfur, despite the Commission's conclusion of no genocidal intent. Washington initially did not support the Commission's referral of these cases to the ICC. U.S. opposition to the ICC is unrelated to the Darfur case. It is largely driven by concerns about the potential prosecution of U.S. personnel by the ICC, and owing in part to this concern, the United States is not signatory to the ICC. In March 2005, the United States abstained on Security Council Resolution 1593, paving the way for its passage. Resolution 1593 refers the situation in Darfur to the International Criminal Court (ICC). In June 2005, the Special Prosecutor of the ICC formally began an investigation. ICC spokesman Yves Sorokobi indicated that the decision to launch the investigation came after the ICC had finished its analysis of the referral by the UN Security Council. This analysis included, he said, consultations with experts, ensuring that the ICC had met statutory requirements before beginning the investigations. Meanwhile, ICC officials continue to gather information and pursue their investigation, although the ICC has not issued any indictments to date. In July, the ICC Chief Prosecutor charged President Bashir with genocide, crimes against humanity, and war crimes.[24]

Since the crisis began in 2003, sources estimate 450,000 people have been killed, more than 2 million displaced, and some 234,000 Sudanese are in refugee camps in neighboring Chad. The security situation continues to deteriorate, especially since the signing of the peace agreement in May 2006 reportedly due to recent troop deployments by the government of Sudan. According to human rights groups, over a dozen humanitarian workers have been killed in Darfur, including an International Rescue Committee nurse on September 1 and an International Committee of the Red

[23] Report of the International Commission of Inquiry on Darfur to the United Nations Secretary General. January 25, 2005.

[24] For recent developments on the ICC and Sudan, please see the ICC and Sudan Section.

Cross driver on August 30, 2006. In 2007, according to reports, tens of thousands of Darfuree civilians have been displaced from their homes by government and Janjaweed attacks. According to a February 2008 United Nations report, "tensions inside camps of internally displaced persons and carjacking incidents continued. One week after the transfer of authority from the African Union Mission in the Sudan (AMIS) to UNAMID, the force faced its first armed attack."[25]

Meanwhile, humanitarian groups have warned that they may not be able to continue to provide assistance to the civilian population because of deteriorating security conditions. In November 2006, the government of Sudan ordered the Norwegian Refugee Council to leave the country, while a German relief organization, Welthungerhilfe, announced it would pull out of Darfur for safety reasons. In October 2006, armed militia attacked a village in Jebel Moon and Seleah in West Darfur, killing over 50 people, including children and elderly. Meanwhile, security conditions inside IDP camps deteriorated, with an increasing number of armed groups in the camps. In his monthly report to the Security Council in November 2006, Secretary General Kofi Annan stated that "the insecurity, banditry and fighting which have characterized the reporting period continued to prevent access to populations in need of humanitarian assistance."[26] According to the same report "in Northern Darfur alone, the World Food Program (WFP) reported that 355,000 people went without food aid during July and August."

In early August 2006, the government of Sudan submitted a letter to the United Nations Security Council outlining the government's decision to deploy significant new security forces and implement other measures in Darfur. According to the government of Sudan, "the National Plan embodies several priority themes for the restoration of normal life in Darfur." The government of Sudan began to deploy more than 26,500 troops and 7,050 police personnel in order to address "threats imposed by the non-signatories of the Darfur Peace Agreement and getting control of the security situation and restoration of peace in Darfur." Human rights groups, U.N. Secretary General Kofi Annan, and U.S. officials have criticized the deployment of these troops and stated that this action violates the peace agreement. Meanwhile, senior commanders of the SLM, the only group that signed the peace agreement, have stated that continued government attacks in Darfur and continued rejection of a U.N. force could lead to the collapse of the peace agreement.

The Janjaweed: Background

Since the crisis in the Darfur region began in 2003, the name Janjaweed (also spelled as Janjawid, Janjawad, Jingaweit, Jinjaweed) has become a very familiar name to many in the international community. The Janjaweed and the government of Sudan have been accused of committing genocide against civilians in Darfur by the United States government in 2004 as well as crimes and crimes against humanity by the United Nations and other governments.

The existence of the Janjaweed goes back over a decade. In the mid-1980s, the government of Sudan began to arm Arab militias in order to prevent African Darfuris from joining the Southern Sudanese rebellion against the government. In 1983, the Sudan People's Liberation Movement/Army (SPLM/A) began its armed struggle against the government of Sudan. Attacks against Darfuri African tribes and Nubans increased in intensity for most of the 1980s.

[25] CBC News. Darfur heading for disaster unless U.N. troops are allowed: Annan, September 13, 2006, at http://www.cbc.ca/world/story/2006/09/13.

[26] Monthly report of the Secretary General on Darfur, November 8, 2006.

In 1991-1992, an SPLM commander from Darfur led a force into Darfur in support of the Darfuris, who were being targeted by the government of Sudan and pro-government Arab militia. Those targeted were the Fur, Massaliet, and Zagawa peoples. More than 200 villages were attacked and later occupied by pro-government Arab militia in the Garsilla District, now know as the Wadi-Saleh Province. These attacks were carried out by a group now known as the Janjaweed.

Daoud Yahya Bolad, who was a senior member of the National Islamic Front (NIF) in Darfur before the 1989 coup, was the leading figure in the SPLM-led rebellion against the Sudanese government in Darfur in the early 1990s. In 1976, Bolad, an ethnic Fur, was Chairman of the student union of the University of Khartoum. He was sent by the NIF leadership to Darfur in the late 1970s to recruit members for the NIF. He left the NIF due to a major disagreement with the leader of the NIF, Hassan al-Turabi. Turabi and other NIF leaders recruited Arab youth to go to Libya and other places for training purposes and began other activities without consultation with Bolad and other Darfuri leaders.

The traditional leaders in Darfur described the Janjaweed then as men who own a horse and a G-3 rifle and who commit crimes against civilians. Darfuri leaders link the Janjaweed to a manifesto called the Quresh. The principal objective of the Quresh, they argued, was to create a region called Dar-el-Arab, Land of the Arabs. The architects of the manifesto and those who signed it are senior members of the National Islamic Front government, currently known as the National Congress Party.

The 1991-1992 rebellion against the NIF regime failed in large part due to lack of preparation inside Darfur and major Janjaweed and government operations against the small SPLA force in the region. The commander of the SPLA force decided to withdraw his troops after the government and Arab militia forces discovered the location of the SPLA force before final preparation for operations.

Elements within the government intensified their campaign to bring Bolad back into the NIF for talks with pledges to change policies and address the concerns of the Darfuris. Bolad decided to return to engage NIF officials against the advice of the SPLA leadership and the force commander, believing that since he knew some of the leaders in the government and the NIF he might be able to make a deal. Upon his return he was captured, tortured, and executed, according to Sudanese sources.

For many Darfuris, the war between the various groups started well before 2003. Darfuris who experienced the atrocities in the mid-1980s, in large part, are the ones currently fighting the Janjaweed and the government of Sudan. The groups that were targeted in the mid-1980s are the same ones currently being attacked by the Janjaweed and the government of Sudan: the Fur, Massaliet, and Zagawa.

In the current crisis in Darfur, the Janjaweed are armed and protected by the government, and their attacks against civilians are coordinated with the Sudan Armed Forces, the Popular Defense Force, and other government-supported militia groups. Senior Sudanese government officials and leaders of the Janjaweed admit this collaboration between the Janjaweed and the government. As was the case in the mid-1980s, one of the main objectives of the Janjaweed is to push out African Darfuris in order to take control of areas belonging to non-Arabs.

Human rights groups, foreign governments, and Sudanese groups have documented the atrocities committed by the Janjaweed against Darfur civilians, humanitarian workers, and African Union

peacekeepers. Human Rights Watch in its report "Darfur Destroyed,"[27] provides detailed accounts of Janjaweed atrocities as well as those committed by government forces. Janjaweed leaders and government officials claim that they are fighting rebels and violent militia. But the victims of these atrocities have been reported as the civilians in Darfur, mainly the Zagawa, Fur, and Massaliet. The Janjaweed, like the Interhamwe in Rwanda and the Lord's Resistance Army in Uganda, are reported to principally target civilians and terrorize the civilian population.

The Darfur Peace Agreement[28] and Status of Implementation

On May 5, 2006, the Government of National Unity and the Sudan Liberation Movement (SLM) signed the Darfur Peace Agreement (DPA) after almost two years of negotiations. The agreement was rejected by two other Darfur groups: the Justice and Equality Movement (JEM) and a splinter group from the SLM. The agreement called for the integration of 4,000 SLA troops into the Sudan Armed Forces, provided $300 million initially and $200 million each in 2007 and 2008 from government funds for reconstruction and development purposes for Darfur, and established the Transitional Darfur Regional Authority (TDRA), a new entity mandated under the DPA to administer Darfur. The agreement provided seats for the SLM in the national and regional parliaments and several top positions, including the chairmanship of the TDRA and Senior Assistant to the President. The agreement also called for the disarmament and demobilization of the Janjaweed.

On August 7, 2006, the leader of the SLM, Mini Minawi, was sworn in as Assistant to the President. Since the signing of the agreement, the DPA has failed to win popular support in Darfur. The faction that signed the agreement is also accusing the government of violating the agreement. In mid-May 2006, violent demonstrations in IDP camps led to a number of deaths and injuries. AMIS personnel have also been targeted, forcing African Mission in Sudan to reduce its presence in IDP camps. Meanwhile, implementation of the agreement is also moving slowly. According to the United Nations DPA Monitor report, "the parties continued to miss critical DPA implementation deadlines."[29] The Preparatory Committee, tasked to organize the Darfur-Darfur Dialogue, was not fully functional, although in late September a chairman was appointed to head the Committee.

The African Union and the Crisis in Darfur

The African Union (AU) was slow in responding to the crisis in Darfur. The AU became actively engaged during the cease-fire negotiation in Chad in 2004 and subsequently assumed a central role in monitoring the cease-fire agreement and facilitating political dialogue between the government of Sudan and SLA/JEM. In March 2004, the AU sent a team led by Ambassador Sam Ibok, Director of the AU's Peace and Security Department, to participate in talks in Chad. In the April Cease-Fire Agreement, the AU was tasked to take the lead in the creation of a Cease-Fire Commission. The Commission was tasked to define the routes for the movement of the respective forces, assist with demining operations, and collect information about cease-fire violations. The

[27] Human Rights Watch. *Darfur Destroyed: Ethnic Cleansing by Government Forces and Militia*. May 2004, at http://hrw.org/reports/2004/sudan0504/sudan0504simple.pdf.

[28] http://www.sd.undp.org/doc/DPA.pdf.

[29] Report on the Implementation of the Darfur Peace Agreement, at http://www.unmis.org/english/dpaMonitor.htm.

Commission reports to a Joint Commission composed of the parties to the agreement, Chad, and members of the international community.

In January 2006, the African Union stated that transforming AMIS into a United Nations force is acceptable to the AU in principle. In March, the AU agreed to accept a United Nations peacekeeping mission for Darfur. Meanwhile, the Security Council requested that authorities in the U.N. provide options for a U.N. peacekeeping operation. On September 20, 2006, AU officials extended the AMIS peacekeeping operation until the end of December 2006, and in December the AU extended the AMIS operation for another six months. In addition to its peacekeeping responsibilities, AMIS was a key player in the implementation of key provisions of the DPA. The Ceasefire Commission and the Joint Commission were chaired by AMIS, while it was also tasked to establish and play a key role in the Joint Humanitarian Facilitation and Monitoring Unit. Security in IDP camps, creation of Demilitarized Zones, verification of disengagement and demobilization were also the responsibility of AMIS. In late December 2007, UNAMID officially assumed command and control from the African Union peacekeeping force.

China and Sudan

Relations between China and Sudan are warm. In the 1990s, political, economic, and military relations between Sudan and China expanded, and China became a key trading partner, investing billions of dollars in Sudan's oil sector. China reportedly imports an estimated 64% of Sudan's oil and China's National Petroleum Corporation is the largest shareholder (47%) in the two biggest oil consortiums in Sudan, Petrodar and the Greater Nile Petroleum Operating Company (GNPOC). In addition to the oil sector, China is an important player in other sectors of the Sudanese economy. In February 2007, China signed a $1.2 billion agreement to upgrade the railway between Khartoum and Port Sudan. China is also an active participant in power generation, the arms industry, and other major infrastructure projects. China built the 1,000-mile oil pipeline used by Sudan to move its oil from the oil fields in South Sudan to Port Sudan.

China is an important supplier of weapons to the government of Sudan. Sudan also produces significant quantities of weapons itself and is the third-largest arms manufacturer in Africa, after South Africa and Egypt. Human rights groups and other observers accuse the Chinese government of being the principal supplier of weapons in violation of a U.N. weapons embargo on Sudan. In 2005, China reportedly sold Sudan $24 million in arms and ammunition and $57 million worth of spare parts for aircraft and helicopters.[30] In July 2008, a BBC Television report presented evidence of Chinese army trucks and several A5 Fantan fighter planes in Darfur. In February 2008, Fantan fighter planes were used to bomb the town of Beybey in Darfur in which a number of civilians were reportedly killed. In June 2008, the BBC acquired satellite photographs of two Fantan fighter planes at Nyala airport in South Darfur.[31]

China provides important political and financial support to the government of Sudan. As a Permanent Member of the Security Council, China has threatened several times to veto U.N. Security Council resolutions or has influenced the Council either to withdraw or amend statements. In July 2008, a British-drafted Presidential Statement was withdrawn because of

[30] Amnesty International. *Sudan: Arms Continuing to Fuel Serious Human Rights Violations in Darfur*, May 2007.

[31] BBC News. *China is Fueling War in Darfur*, July 13, 2008. Ted Dagne spoke with the reporter on a number of occasions, in preparation for the BBC Television report, which was aired on July 14, 2008.

Chinese opposition. China also has abstained on resolutions 1556, 1591, 1593, and 1706 relating to Darfur. In 2007, China forgave $70 million in debt and provided $13 million in interest-free loan to Sudan to build a new presidential palace.

Figure 1. Map of Sudan

Source: United Nations, Department of Peacekeeping Operations.

Appendix A. Executive Order: Blocking Property of and Prohibiting Transactions with the Government of Sudan

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)(IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.)(NEA), and section 301 of title 3, United States Code, and taking appropriate account of the Darfur Peace and Accountability Act of 2006 (the "Act"),

I, GEORGE W. BUSH, President of the United States of America, find that, due to the continuation of the threat to the national security and foreign policy of the United States created by certain policies and actions of the government of Sudan that violate human rights, in particular with respect to the conflict in Darfur, where the government of Sudan exercises administrative and legal authority and pervasive practical influence, and due to the threat to the national security and foreign policy of the United States posed by the pervasive role played by the government of Sudan in the petroleum and petrochemical industries in Sudan, it is in the interests of the United States to take additional steps with respect to the national emergency declared in Executive Order 13067 of November 3, 1997. Accordingly, I hereby order:

Sec. 1. Except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)) or in regulations, orders, directives, or licenses that may be issued pursuant to this order, all property and interests in property of the government of Sudan that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, including their overseas branches, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

Sec. 2. Except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)) or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all transactions by United States persons relating to the petroleum or petrochemical industries in Sudan, including, but not limited to, oilfield services and oil or gas pipelines, are prohibited.

Sec. 3. (a) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 4. (a) Subject to paragraph (b) of this section, restrictions imposed by this order shall be in addition to, and do not derogate from, restrictions imposed in and under Executive Order 13067.

(b)(I) None of the prohibitions in section 2 of Executive Order 13067 shall apply to activities or related transactions with respect to Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, Abyei, Darfur, or marginalized areas in and around Khartoum, provided that the activities or transactions do not involve any property or interests in property of the government of Sudan.

(ii) The Secretary of State, after consultation with the Secretary of the Treasury, may define the term "Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, Abyei, Darfur, or marginalized areas in and around Khartoum" for the purposes of this order.

(c) The function of the President under subsection 6(c)(1) of the Comprehensive Peace in Sudan Act of 2004 (P.L. 108-497), as amended by section 5(a)(3) of the act, is assigned to the Secretary of the Treasury as appropriate in the performance of such function.

(d) The functions of the President under subsection 6(c)(2) and the last sentence of 6(d) of the Comprehensive Peace in Sudan Act of 2004 (P.L. 108-497), as amended by subsections 5(a)(3) and (b), respectively, of the act, are assigned to the Secretary of State, except that the function of denial of entry is assigned to the Secretary of Homeland Security.

(e) The functions of the President under sections 7 and 8 of the act are assigned to the Secretary of State.

Sec. 5. Nothing in this order shall prohibit:

(a) transactions for the conduct of the official business of the Federal Government or the United Nations by employees thereof; or

(b) transactions in Sudan for journalistic activity by persons regularly employed in such capacity by a news gathering organization.

Sec. 6. For the purposes of this order:

(a) the term "person" means an individual or entity;

(b) the term "entity" means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States; and

(d) the term "government of Sudan" includes the government of Sudan, its agencies, instrumentalities, and controlled entities, and the Central Bank of Sudan, but does not include the regional government of Southern Sudan.

Sec. 7. For those persons whose property and interests in property are blocked pursuant to section 1 of this order who might have a constitutional presence in the United States, I find that, because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 13067 there need be no prior notice of a determination made pursuant to section 1 of this order.

Sec. 8. The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may delegate any of these functions to other

officers and agencies of the United States Government, consistent with applicable law. All executive agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order and, where appropriate, to advise the Secretary of the Treasury in a timely manner of the measures taken. The Secretary of the Treasury shall ensure compliance with those provisions of section 401 of the NEA (50 U.S.C. 1641) applicable to the Department of the Treasury in relation to this order.

Sec. 9. This order is not intended to, and does not, create any right, benefit, or privilege, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

Sec. 10. This order shall take effect upon the enactment of the Darfur Peace and Accountability Act of 2006.

GEORGE W. BUSH

THE WHITE HOUSE,

October 13, 2006.

Appendix B. Executive Order: Blocking Property of Persons in Connection with the Conflict in Sudan's Darfur Region

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)(IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.)(NEA), section 5 of the United Nations Participation Act, as amended (22 U.S.C. 287c)(UNPA), and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, find that an unusual and extraordinary threat to the national security and foreign policy of the United States is posed by the persistence of violence in Sudan's Darfur region, particularly against civilians and including sexual violence against women and girls, and by the deterioration of the security situation and its negative impact on humanitarian assistance efforts, as noted by the United Nations Security Council in Resolution 1591 of March 29, 2005, and, to deal with that threat, hereby expand the scope of the national emergency declared in Executive Order 13067 of November 3, 1997, with respect to the policies and actions of the government of Sudan, and hereby order:

Sec. 1. (a) Except to the extent that sections 203(b) (1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)) may apply, or to the extent provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property of the following persons, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, including any overseas branch, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(I) the persons listed in the Annex to this order; and

(ii) any person determined by the Secretary of the Treasury, after consultation with the Secretary of State:

(A) to have constituted a threat to the peace process in Darfur;

(B) to have constituted a threat to stability in Darfur and the region;

(C) to be responsible for conduct related to the conflict in Darfur that violates international law;

(D) to be responsible for heinous conduct with respect to human life or limb related to the conflict in Darfur;

(E) to have directly or indirectly supplied, sold, or transferred arms or any related materiel, or any assistance, advice, or training related to military activities to:

(1) the government of Sudan;

(2) the Sudan Liberation Movement/Army;

(3) the Justice and Equality Movement;

(4) the Janjaweed; or

(5) any person (other than a person listed in subparagraph (E)(1) through (E)(4) above) operating in the states of North Darfur, South Darfur, or West Darfur that is a belligerent, a non-governmental entity, or an individual;

(F) to be responsible for offensive military over flights in and over the Darfur region;

(G) to have materially assisted, sponsored, or provided financial, materiel, or technological support for, or goods or services in support of, the activities described in paragraph (a)(ii)(A) through (F) of this section or any person listed in or designated pursuant to this order; or

(H) to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person listed in or designated pursuant to this order.

(b) I hereby determine that, to the extent section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) may apply, the making of donations of the type of articles specified in such section by, to, or for the benefit of any person listed in or designated pursuant to this order would seriously impair my ability to deal with the national emergency declared in Executive Order 13067 and expanded in this order, and I hereby prohibit such donations as provided by paragraph (a) of this section.

(c) The prohibitions of paragraph (a) of this section include, but are not limited to, (I) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person listed in or designated pursuant to this order, and (ii) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 2. (a) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For the purposes of this order:

(a) the term “person” means an individual or entity;

(b) the term “entity” means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States; and

(d) the term “arms or any related materiel” means arms or related materiel of all types, military aircraft, and equipment, but excludes:

(I) supplies and technical assistance, including training, intended solely for use in authorized monitoring, verification, or peace support operations, including such operations led by regional organizations;

(ii) supplies of non-lethal military equipment intended solely for humanitarian use, human rights monitoring use, or protective use, and related technical assistance, including training;

(iii) supplies of protective clothing, including flak jackets and military helmets, for use by United Nations personnel, representatives of the media, and humanitarian and development workers and associated personnel, for their personal use only;

(iv) assistance and supplies provided in support of implementation of the Comprehensive Peace Agreement signed January 9, 2005, by the government of Sudan and the People's Liberation Movement/Army; and

(v) other movements of military equipment and supplies into the Darfur region by the United States or that are permitted by a rule or decision of the Secretary of State, after consultation with the Secretary of the Treasury.

Sec. 4. For those persons listed in or designated pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that, for these measures to be effective in addressing the national emergency declared in Executive Order 13067 and expanded by this order, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

Sec. 5. The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may delegate any of these functions to other officers and agencies of the United States Government, consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order and, where appropriate, to advise the Secretary of the Treasury in a timely manner of the measures taken. The Secretary of the Treasury shall ensure compliance with those provisions of section 401 of the NEA (50 U.S.C. 1641) applicable to the Department of the Treasury in relation to this order.

Sec. 6. The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized to submit the recurring and final reports to the Congress on the national emergency expanded by this order, consistent with section 401(c) of the NEA (50 U.S.C. 1641(c)) and section 204(c) of the IEEPA (50 U.S.C. 1703(c)).

Sec. 7. The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized to determine, subsequent to the issuance of this order, that circumstances no longer warrant the inclusion of a person in the Annex to this order and that the property and interests in property of that person are therefore no longer blocked pursuant to section 1 of this order.

Sec. 8. This order is not intended to, and does not, create any right, benefit, or privilege, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

Sec. 9. This order is effective at 12:01 a.m. eastern daylight time on April 27, 2006.

GEORGE W. BUSH

THE WHITE HOUSE,

April 26, 2006.

ANNEX

Individuals

1. Gabril Abdul Kareem Badri [Colonel for the National Movement for Reform and Development (NMRD), born circa 1961]

2. Gaffar Mohmed El Hassan [Major General for the Sudan Armed Forces, born June 24, 1952]

3. Musa Hilal [Sheikh and Paramount Chief of the Jalul Tribe in North Darfur, born circa 1960]

4. Adam Yacub Shant [Commander for the Sudan Liberation Army (SLA), born circa 1976]

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