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

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

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, including efforts by Nigeria, Kenya, Ethiopia, former President Jimmy Carter, and the United States. To that end, the heads of state from Ethiopia, Eritrea, Kenya, and Uganda formed a mediation committee under the aegis of the Inter-Governmental Authority for Development (IGAD) and held the first formal negotiations in March 1994.

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. The signing of the Sudan Comprehensive Peace Agreement (CPA) effectively ended the 21-year old North-South civil war and triggered a six-year Interim Period.

Meanwhile, a separate ongoing crisis in Darfur in western Sudan has led to a major humanitarian disaster, with an estimated 2 million people displaced, more than 234,000 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. The agreement was rejected by two other Darfur groups: the Justice and Equality Movement (JEM) and a splinter group from the SLM. The agreement calls for the integration of SLA troops into the Sudan Armed Forces, provides $300 million initially and $200 million for the next two years for reconstruction and compensation purposes for Darfur, and establishes the Transitional Darfur Regional Authority (TDRA).

In August 2006, the U.N. Security Council passed Resolution 1706, authorizing the deployment of a robust peacekeeping force to Darfur. Sudanese President Omar Bashir rejected the deployment of a United Nations force. In December, the Security Council issued a Presidential Statement effectively abandoning Resolution 1706. The proposed new force will continue to have a predominantly African composition and will be led by the African Union and an African Force Commander.

This report will be updated as circumstances warrant.

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

Recent Developments

On November 30, 2006, the Peace and Security Council of the African Union (AU) adopted a decision concerning the proposed AU/United Nations (UN) hybrid force for peacekeeping operations in Darfur. The Peace and Security Council endorsed the decisions taken at the Addis Ababa High Level Consultation in mid-November. A number of key actors participated in the meeting, including the United Nations, Arab League representatives, and the government of Sudan. According to the AU Peace and Security Council Communique, the United Nations is expected to provide three-phased support for the African Union Mission in Sudan (AMIS). The three-phased support package, according to the AU, would include "a light support package, a heavy support package, and a hybrid operation." Concerning the hybrid operation, the AU Peace and Security Council made four key determinations:

- The Special Representative shall be jointly appointed by the Chairperson of the Commission of the African Union and the Secretary-General of the United Nations, after appropriate consultations.

- The Force Commander, who should be an African, shall be appointed by the Chairperson of the Commission in consultation with the Secretary-General of the United Nations.

- The Mission shall benefit from United Nations backstopping and command and control structures and systems.

- The size of the force shall be determined by the African Union and the United Nations, taking into account all relevant factors and the situation on the ground, as well as the requirements for it to effectively discharge its mandate.[1]

The African Union Mission in Sudan was extended for another six months, beginning January 1, 2007, in large part due to a possible delay in the implementation of the proposed hybrid operation and the absence of clarity and decisions on key elements of the proposed joint mission. The United Nations Security Council, in Resolution 1706, decided in August 2006 that 17,300 military personnel and 3,300 civilian police should be deployed. The government of Sudan rejected Resolution

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[1] Communique of the 66th Meeting of the Peace and Security Council of the African Union, November 30, 2006.

1706, which led to the proposed hybrid force operation. As noted above, the size of the hybrid force is to be decided jointly by the African Union and the United Nations, taking into account "relevant factors and the situation on the ground." The AU is expected to have command and control responsibility and decide on the mandate for the new mission. The role of the United Nations in the proposed hybrid operation is likely to be focused on logistics and financial support for the proposed force, and is likely to be non-military in function. In a November 28 letter to the United Nations, Sudan President Omar Bashir reportedly outlined the rules of engagement he prefers for the proposed hybrid force.

The participants at the Addis Ababa meeting also made a number of other decisions. The African Union decided to re-energize the political process in Darfur, while stating that the Darfur Peace Agreement (DPA) should not be re-negotiated. But in the same document the African Union called for an inclusive "political process" in order to resolve the conflict in Darfur. It also called for "the mediation to be credible and under the AU and U.N. leadership." The African Union argued that since the DPA is "not sufficiently inclusive, a number of parties remain outside the framework." Moreover, the African Union affirmed its lead role in the implementation of the DPA, while acknowledging "the slow pace of implementation of the DPA." According to the November 16 Addis Ababa documents, the requirements of the peacekeeping force should include the following provisions:

- It must be logistically and financially sustainable. This support must come from the United Nations. The Secretary-General should recommend to the appropriate bodies that the United Nations provide funding for the peacekeeping operation in Darfur, pending clarification of force size.

- The peacekeeping force will have a predominantly African character. The troops should, as far as possible, be sourced from African countries. Backstopping and command and control structures will be provided by the UN.

- The strength of the peacekeeping force should be 17,000 military and 3,000 police. However, the GoS representative indicated that he would need to consult with his government on this figure.

- The peacekeeping force must enjoy free and unhindered movement in Darfur.[2]

In late 2006, the government of Sudan reportedly agreed to the deployment of the hybrid force. In early March 2007, however, President Bashir in a letter to the Secretary General of the United Nations indicated that his government would like to re-negotiate the proposed deployment of the AU/United Nations (U.N.) hybrid force. The contents of the 13-page letter have not been publicly disclosed, although U.N. and U.S. officials stated that the letter reverses the agreement made to permit a hybrid force by the government of Sudan. In response to the letter, the State Department in

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[2] African Union High Level Consultation on the Situation in Darfur, November 16, 2006.

a press release stated that the Department is "troubled and disappointed by President Bashir's recent letter to the U.N. Secretary general that, essentially, abrogates the November 16 Addis agreement Bashir made to allow U.N. troops." The press release further stated that "Bashir continues to defy the will of the international community, whose only goal is to ease the suffering in Darfur. Bashir is also reneging on his own commitments."[3]

Humanitarian Conditions

Conditions in Darfur continue to deteriorate, according to U.N. officials and non-governmental organizations. In early March, two African Union peacekeepers were killed in Graida, Darfur. According to the U.N. Secretary General's February 23, 2007, report to the Security Council, "the security situation in Darfur has been characterized by increased violence during the reporting period."[4] The same report stated that tension along the Sudan-Chad border remains high. Humanitarian workers have also seen an escalation in violence against NGOs throughout Darfur. More than 400 humanitarian workers were relocated on a number of occasions because of security concerns. Over two dozen trucks have been taken from NGOs and properties damaged. According to the Secretary General's February 2007 report, "On November 15, soldiers of the Sudanese armed forces and armed militia, supported by helicopter gunships, attacked several villages in the Birmaza area, killing at least three civilians, torching dozens of houses and destroying four rub halls of an international NGO."[5] The withdrawal in December 2006 of humanitarian workers from Gereida displaced camp, the largest camp with over 130,000 internally displaced persons, had a major impact on the inhabitants of that camp.

U.N. Human Rights Council Report

In March 2007, the United Nations Human Rights Council issued a report on human rights conditions in Darfur. The government of Sudan had refused to issue visas to the Council's delegation to carry out its investigation in Sudan. The delegation visited Ethiopia and Chad and met with "hundreds of relevant persons" in preparing its report. According to the report, "humanitarian space continues to shrink, and humanitarian and human rights actors are increasingly targeted. Killing of civilians remains widespread, including in large-scale attacks. Rape and sexual violence are widespread and systematic. Torture continues."[6] The report makes a number of recommendations, including expanding the humanitarian space, increasing accountability for perpetrators, enhancing protection for civilians, and providing compensation for victims. Sudanese government officials condemn the report.

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[3] State Department Press Guidance, March 15, 2007.

[4] Monthly Report of the Secretary General of the United Nations on Darfur, February 23, 2007, at [http://www.un.org/Docs/sc/sgrep07.htm].

[5] Ibid.

[6] U.N. Human Rights Council. Sudan: Report of the High-Level Mission on the situation of human rights in Darfur pursuant to Human Rights Council decision S-4/101, at [http://news.bbc.co.uk/2/hi/africa/6440719.stm].

International Criminal Court (ICC) Indictment

On February 27, 2007, the ICC prosecutor, Luis Moreno-Ocampo, after 20 months of investigation, issued two indictments. The prosecutor, in announcing the indictments, stated that "there are reasonable grounds to believe that Ahmad Muhammad Harun (former interior minister) and Ali Muhammad Ali Abd-Al-Rahman, also known as Ali Kushayb (leader of Janjaweed militia), bear criminal responsibility in relation to 51 counts of alleged crimes against humanity and war crimes."[7] Former Interior Minister Harun was responsible for security in Darfur in 2003-2004. He allegedly provided arms and funds for the Janjaweed and other pro-government militia groups. According to the prosecution, Harun and Ali Kushayb worked together to target civilians, especially ethnic Fur, Zagawa, and Masalit.

The Darfur Conflict and Impact on Chad and CAR

The crisis in Darfur continues to affect Chad and the Central African Republic (CAR), in large part due to rebellions supported by the government of Sudan against the governments of Chad and CAR. The conflicts in Chad and CAR are largely internal political disputes between the respective governments and a number of armed groups. In Chad, some of the belligerents are armed and given safe havens for training purposes by the government of Sudan. The most affected areas in Chad are towns and villages near the border with Sudan. The government of Sudan accuses the government of Chad of supporting some of the rebel groups in Darfur. The Sudan Liberation Army (SLA) reportedly benefitted from outside support, including from fellow Zagawa elements in Chad. The Zagawa are dominant in some SLA factions. President Idriss Deby of Chad is a Zagawa and some of the senior officers in the Chadian army come from the Zagawa ethnic group. Successive governments in Sudan have intervened in the internal affairs of Chad by providing support to armed factions.

The current instability in eastern Chad is also due to pro-Sudanese government militia groups and the Janjaweed crossing the border into Chad and attacking civilians. A February 2007 U.N. Secretary General report on Chad and CAR stated that "fighting between the Chadian armed forces and rebel groups, some of which are armed and supported by the Sudan, and attacks by militia on the civilian population have continued to destabilize eastern Chad, leading to widespread insecurity and human rights violations, including continued displacement of civilian populations."[8] According to international NGOs and the United Nations, more than 120,000 people have been internally displaced in eastern Chad. Chad has more than 230,000 refugees from Darfur, according to these sources. The incursion by the Janjaweed and the fighting between government forces and Chadian rebel groups have contributed to the suffering of the internally displaced and the refugees in eastern Chad. The

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[7] International Criminal Court (ICC). *ICC Prosecutor Presents Evidence on Darfur Crimes*, at [http://www.icc-cpi.int/press/pressreleases/230.html].

[8] Report of the Secretary General on Chad and the Central African Republic, February 23, 2007, at [http://www.un.org/Docs/sc/sgrep07.htm].

internally displaced persons often move to areas closer to the refugee camps because humanitarian assistance to the displaced has been limited. In December 2006, President Deby reached an agreement with one of the rebel groups led by Mahamat Nour. In March 2007, Mr. Nour was appointed as Minister of Defense.

In the Central African Republic, the fighting between rebel groups and government forces has displaced more than 70,000 people in northeastern CAR, according to the United Nations. Over the past several months, the CAR government has recaptured towns taken by rebel groups. The CAR armed forces, supported by French troops and a multinational force from the Central African Economic and Monetary Community (CEMAC), have largely succeeded in containing rebel advances. Meanwhile, negotiations between the government of President Francois Bozizé and several rebel groups have led to some agreements. In February 2007, in negotiation mediated by Libya, two rebel leaders, Abdoulaye Miskine and André Ringui Le Gaillard, signed an agreement with the CAR government. However, the agreement was rejected by the military chief of one of the rebel groups.

The United Nations has been working towards the deployment of a peacekeeping force to Chad and CAR over the past several months and has concluded two technical assessment missions to Chad and CAR. The mandate of the proposed U.N. multidimensional presence would include the protection of civilians and internally displaced persons, maintenance of law and order, facilitation of the free movement of humanitarian assistance, and coordination with African Union Mission in Sudan (AMIS) and the U.N. Mission in Sudan (UNMIS). The area of operations would be in eastern Chad and northeastern CAR. The U.N. Secretary General recommended to the Security Council the deployment of 10,900 personnel to Chad and CAR. The government of Chad has reportedly expressed reservations about the deployment of an armed force but stated that the government would welcome a police force.

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. Over the past year, 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 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."[9] 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 because of 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,

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

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. Some observers have expressed concern that the ICC investigation is moving too slowly and is focused on low-level officials.

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.[10] 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 over the past several months, including an International Rescue Committee nurse on September 1 and an International Committee of the Red Cross driver on August 30, 2006. Meanwhile, according to reports, tens of thousands Darfuree civilians have been displaced from their homes in the past several months due to government and Janjaweed attacks. In early September, United Nations Secretary General Kofi Annan stated that "if the African Union forces were to leave, and we are not able to put in a UN follow-on force, we are heading for a disaster, and I don't think we can allow that to happen, particularly since we only recently passed the 'Responsibility to Protect' resolution." [11]

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 late 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 have also deteriorated in recent months, with 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."[12] 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

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[10] U.S. Agency for International Development (USAID). Sudan-Complex Emergency, December 15, 2006.

[11] 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].

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

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 and accused of war 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.

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 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,"[13] 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 be principally target civilians and terrorize the civilian population.

The Darfur Peace Agreement 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 calls for the integration of 4,000 SLA troops into the Sudan Armed Forces, provides $300 million initially and $200 million each in 2007 and 2008 from government

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

funds for reconstruction and development purposes for Darfur, and establishes the Transitional Darfur Regional Authority (TDRA), a new entity mandated under the DPA to administer Darfur. The agreement provides 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.

On August 7, 2006, the leader of the SLM, Mini Minawi, was sworn in as Assistant to the President. The agreement also calls for the disarmament and demobilization of the Janjaweed. 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 had 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."[14] 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. On October 16, 2006, a day-long forum on pre-Darfur to Darfur Dialogue Consultation took place in Khartoum.

A number of the commissions called for in the DPA are not fully operational. The disarmament and demobilization of the Janjaweed and other armed groups is moving slowly, according to the October CPA Monitor report, "power sharing and wealth sharing commitments remained largely unaddressed in October. The President issued four decrees establishing DPA institutions, including the Transitional Darfur Regional Authority. However, the SLM/Minawi claimed the decrees were inconsistent with certain aspects of the DPA and sent them back to the Presidency for revision." [15]

U.S. Humanitarian Funding

The United States has provided significant humanitarian assistance to Darfur over the past several years. In fiscal years 2005-2006, the United States provided $1.524 billion to Sudan and Chad. In February 2006, the Bush Administration submitted a supplemental appropriations request for Iraq, Afghanistan, funding for the Gulf Coast hurricanes, and other foreign policy priorities. The Administration requested $514.1 million for Sudan/Darfur. On March 16, 2006, the House approved $618.1 million (H.R. 4939): $499.1 million for Darfur ($66.3 million for International Disaster and Famine Assistance (IDFA), $11.7 million for refugees, $173 million for African Union peacekeeping, $150 million for food aid, $98.1 million for Contributions to International Peacekeeping Activities (CIPA), and $119 million for southern Sudan ($12.3 million for refugees, $75 million for food aid, $31.7 for CIPA-U.N. peacekeeping). On April 4, 2006, the Senate Appropriations Committee approved $564 million for Sudan/Darfur: $125 million for southern

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

[15] Ibid.

Sudan and $439 million for Darfur. On May 4, 2006, the full Senate approved $624 million for Sudan: $125 million for southern Sudan and $499.1 million for Darfur. In mid-June, the House and Senate approved the conference report which contained $618.1 million for Darfur and Southern Sudan, and on June 15, President Bush signed H.R. 4939 (P.L. 109-234). In fiscal year 2006, the United States provided $776.3 million in humanitarian assistance to Sudan and Eastern Chad. As of March 2007, the United States has provided $431 million for fiscal year 2007 in humanitarian assistance to Sudan and Eastern Chad.

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 late 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 Commission reports to a Joint Commission composed of the parties to the agreement, Chad, and members of the international community. The AU currently has an estimated 7, 700 peacekeepers and observers in Darfur.

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. President Bashir has rejected a United Nations peacekeeping mission and the government has threatened to expel the AU if the intention of the AU is to transfer the mission to the United Nations.

United Nations officials and many observers of Sudan argue that failure to resolve U.N. peacekeeping deployment is likely to lead to the collapse of the DPA and a major humanitarian crisis. In addition to its peacekeeping responsibilities, AMIS is a key player in the implementation of key provisions of the DPA. The Ceasefire Commission and the Joint Commission are chaired by AMIS, while it is 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 are also the responsibility of AMIS.

Possible Policy Options Concerning Darfur

There are a number of unilateral and multilateral policy options available to consider in facing the Darfur crisis. These options are complicated by a number of factors. Members of the international community are divided over Sudan, and some governments are allies of the regime in Khartoum. Since the late 1990s, the European Union has adopted a policy of engagement, instead of containment, while the United States pursued a policy of isolation and containment of the government of Sudan. Sudan's neighbors are also divided. Relations between Eritrea and Sudan were poor, although in recent months relations have improved, while relations with Chad are poor. For some of the options outlined below to be successful, close cooperation and coordination between the United States and the international community, especially the Security Council and Sudan's neighbors, is pivotal. Some of the other options are not dependent on close cooperation with the international community.

Engagement. One option is engagement with the government of Sudan. The government of Sudan is eager to appease the international community as long as it can avoid punitive sanctions and ensure its own political survival. In this scenario, engaging the government might yield some positive results, short of full cooperation and accountability by the government. Past engagement with the current government, however, has not succeeded in changing its behavior. The government of Sudan signs peace agreements or shows flexibility when it feels that it is in its interest to do so.

Sanctions. Many observers assert that the current regime only responds to real pressure. The Clinton Administration imposed comprehensive economic and trade sanctions in 1997; the impacts of these sanctions are mixed. Over the past decade, a number of punitive measures have been imposed on the government of Sudan. The government of Southern Sudan is exempted from these sanctions. But the government of Sudan has survived years of sanctions imposed by the United States. Moreover, some countries oppose sanctions against the government of Sudan, especially those countries with business interests in Sudan's oil sector. Multilateral targeted sanctions, including oil embargo, travel ban, and asset freeze, might have serious impact, especially if enforced by the international community. Another option is prohibiting foreign businesses from raising capital or trading their securities in the United States if they are engaged in business activities in Sudan.

Regime Change. Some observers and Sudan opposition leaders argue that the regime is incapable of change. They argue that since the National Congress Party government came to power in 1989, it has committed war crimes in south Sudan, the Nuba Mountains, and now in Darfur. They also maintain the regime has ties to international terrorist and extremist groups. A regime change in Khartoum, they argue, could bring a swift end to the crisis in Darfur and help implement the North-South agreement. But opposition groups are not strong or united enough to pose a serious threat to the regime. Moreover, 21years of war with the SPLA and other armed groups did not lead to the collapse of the regime in Khartoum. For this option to be viable, the opposition would have to be united and assisted. Nonetheless, the only force capable of countering the regime in Khartoum is the SPLA. Proponents of the regime change concept argue that strengthening the SPLA militarily, unifying the Darfur factions, and assisting other opposition elements in the North, could pose a threat to the regime in Khartoum.

International Intervention. Another option is military intervention by the international community. The international community could disarm the Janjaweed, enforce a no-fly zone, and provide protection to civilians in Darfur by deploying large numbers of peacekeepers with a Chapter VII mandate. The government of Sudan has rejected the deployment of a U.N. peacekeeping force after the Security Council passed Resolution 1706. Deployment without government consent is an option, although there seems to be no strong support for such a forceful measure.

Bilateral Targeted Military Measures. Another force-based option is the targeting of certain military assets of the Sudanese government. These targets might include the Sudanese air force, military airfields, intelligence and military headquarters, and training facilities for the Janjaweed and the Sudanese armed forces. In 2005, 138 Members of Congress cosponsored H.R. 1424, which would have given the President authority to take similar measures.

Status of the Comprehensive Peace Agreement

Historical Context

In 1956, Sudan became the first independent country in sub-Saharan Africa, having gained independence from Britain and Egypt. For almost four decades, the east African country, with a current population of 35 million people, has been the scene of intermittent conflict. An estimated 2 million people have died over the past two decades from war-related causes and famine in Southern Sudan, and millions more have been 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 of the 1972 Addis Ababa agreement in 1983, 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. In recent years, most political leaders in the north, now in opposition to the current government, have said that mistakes were made and that they are prepared to correct them. But the political mood among southerners has sharply shifted in favor of separation from the north.

The North-South Peace Agreement: Current Status

On January 9, 2005, the government of Sudan and the 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, 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.

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. On August 31, 2005, the National Assembly was inaugurated. According to the Comprehensive Peace Agreement, 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.

Implementation of the Comprehensive Peace Agreement

Implementation of the Comprehensive Peace Agreement 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, has not yet implemented the Abyei Boundary Commission recommendations, and the formation of the Joint Integrated Units has been slow. According to a September 2006 report by then-Secretary General Kofi Annan, "the parties have made no progress on implementing the Abyei Protocol, since the NCP rejected the Abyei Boundaries Commission report issued in July 2005. The failure of the Presidency to appoint a

local Executive Council or Abyei Area Council has left the people of this region largely without formal policing, public sanitation and health services. Abyei remains a serious potential flashpoint for CPA implementation."[16] Meanwhile, 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, although the SPLA completed redeployment of its forces from East Sudan. The government of Sudan redeployed 68.1% of its forces as of early January 2007. According to the CPA, government forces must be out of South Sudan by July 9, 2007. As of January 2007, Sudanese Armed Forces (SAF) forces still were in control of several states in Southern Sudan, including Upper Nile and Unity States.

A number of Commissions remain dysfunctional. According to the December CPA Monitor, important Commissions still not established include "the Land Commission, Electoral Commission, [and] Commission for the Protection of the Rights of non-Muslims in the National Capital."[17] The Assessment and Evaluation Commission, 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 little progress in the implementation of the wealth and power sharing provisions of the CPA, while work on the north-south border is behind schedule. Failure to 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 2006, Sudanese officials announced the launching of a new currency. The new Sudanese pound is to initially be introduced in Southern Sudan. On December 21, 2006, the National Assembly passed the 2007 national budget, although a number of important bills are still awaiting action by the Assembly. On December 5, 2006, the National Assembly adopted the Political Party Bill. On December 19, Southern Kordofan State formally adopted its new constitution, while Upper Nile and Western Bahr el-Ghazal states approved their constitutions on December 18, 2006.

The United States continues to play a key role in the North-South peace process, while pressing for a resolution of the Darfur crisis. 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. U.S. financial support for the peace process and technical assistance during the talks were considered by the parties and the mediators as critical. The United States provided funding for the SPLM

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[16] Report of the Secretary-General on the Sudan, [http://www.un.org/Docs/sc/sgrep06.htm].

[17] Report on the Implementation of the CPA, available at [http://www.unmis.org/english/cpaMonitor.htm].

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 helped secure 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. 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 talks 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 United Nations Mission in Sudan

In a January 2005 report to the Security Council, Secretary General Kofi Annan recommended a robust U.N. Peace Support Mission for Sudan to support the implementation of the Comprehensive Peace Agreement (CPA). The Secretary General recommended the establishment of a "multi-dimensional" United Nations Peace Mission, under Chapter VI of the United Nations Charter. On March 24, 2005, the United Nations Security Council passed Resolution 1590 establishing the United Nations Mission in Sudan (UNMIS). Resolution 1590 calls for coordination between AMIS and UNMIS, authorizes the deployment of 10,000 military personnel and up to 715 civilian police personnel, and authorizes a Chapter VII mandate for UNMIS. According to the United Nations, as of February 2007, "9,978 total uniformed personnel, including 8,759 troops, 577 military observers, and 642 police; supported by 851 international civilian personnel, 2,250 local civilian and 184 United Nations Volunteers" were deployed.[18] The Chapter VII Mandate for the U.N. Mission in Sudan would:

- Support implementation of the Comprehensive Peace Agreement,
- Support the National Unity Government,
- Support the Assessment and Evaluation Commission,
- Support the African Union efforts in the Abuja peace process,
- Promote Efforts to resolve the Darfur Crisis,
- Monitor the Cease-Fire Agreement signed between the government of Sudan and the SPLM,
- Protect civilians under imminent threat of physical violence, and

[18] UNMIS, at [http://www.un.org/Depts/dpko/missions/unmis/facts.html].

- Provide assistance in governance, humanitarian areas, Internally Displaced Persons (IDPs), and demining.

On August 31, 2006, the United Nations Security Council passed Resolution 1706 expanding the mandate of UNMIS. The resolution authorized the deployment of an additional 17,300 military personnel and 3,300 police personnel to Darfur. The new mandate was to support the implementation of the DPA and numerous other responsibilities related to DPA implementation. The mission was authorized to operate under Chapter VII of the Charter of the United Nations. The resolution recommended that deployment commence on October 1, 2006 and stated that UNMIS was expected to take over full responsibility by December 31, 2006. President Bashir has rejected U.N. Resolution 1706 and has vowed not to allow the mission to be deployed to Darfur. First Vice President Salva Kiir, on the other hand, has publicly expressed his support for the proposed deployment of UNMIS to Darfur. Organizing the deployment of such a large force is a major undertaking, especially in the face of opposition for deployment by President Bashir. The already deployed UNMIS force could be utilized in the initial phase of deployment and could establish a presence in Darfur. UNMIS is already engaged in some activities related to Darfur. UNMIS has provided support to AMIS in communications, logistics, and transportation. UNMIS also participated in the AU-led Ceasefire Commission and Joint Commission. The United Nations also organized six workshops in Darfur to promote the Darfur Peace Agreement.

110th Congress Legislation

H.Con.Res. 7 (Lee)

A resolution calling on the League of Arab States to acknowledge the genocide in the Darfur region of Sudan. Introduced January 4, 2007.

H.R. 180 (Lee)

A bill that supports states' and universities' efforts of divestment and restrictions on investment in companies that do business in Sudan. Introduced January 4, 2007.

H.R. 459 (Rangel)

A bill to amend the Internal Revenue Code of 1986 to deny foreign tax credit and the benefits of deferral to companies doing business directly or through subsidiaries in Sudan. Introduced January 12, 2007.

H.Res. 76 (Feingold)

A resolution calling for a comprehensive regional strategy in Africa to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace in eastern Chad, the Central African Republic, and Darfur, Sudan. Introduced February 8, 2007.

H.Res. 98 (Payne)

A resolution honoring the life and achievements of the late Dr. John Garang de Mabior and reaffirming the continued commitment of the House of Representatives to a just and lasting peace in the Republic of the Sudan. Introduced January 24, 2007. Passed 410-1 on March 6, 2007.

H.Res. 164 (Tancredo)

A resolution encouraging the federal, state, municipal governments, universities, companies, and other institutions to divest from companies that do business in Sudan. Introduced February 14, 2007.

S. 831 (Durbin)

A bill to authorize states and local governments to prohibit the investment of state assets in any company that has a qualifying business relationship with Sudan. Introduced March 8, 2007.

S.Res. 383 (Biden)

A resolution calling on the President to take immediate steps to help improve the security situation in Darfur, Sudan, with an emphasis on civilian protection. Introduced on February 17, 2006 and passed on March 2, 2006.

S.Res. 559 (Biden)

A resolution calling on the President to take immediate steps to help stop the violence in Darfur. Introduced on September 7, 2006, and passed the Senate on September 13, 2006.

S.Res. 631 (Durbin)

A resolution urging the government of Sudan and the international community to implement the agreement for a peacekeeping force under the command and control of the United Nations in Darfur. Introduced on December 8, 2006, and passed the Senate on December 9, 2006.

109th Congress Legislation

P.L. 109-344, H.R. 3127 (Hyde)

Calls for protection of civilians in Darfur, Sudan, and urges imposition of sanctions on the government of Sudan. Introduced June 30, 2005. Passed the House April 5, 2006 (416-3). Passed the Senate on September 21, 2006. Signed by the President on October 13 and became Public Law 109-344.

H.R. 1424 (Payne)

Urges imposition of sanctions against the government of Sudan and authorizes use of force. Introduced March 17, 2005.

H.Res. 496 (Payne)

A resolution honoring the life and achievements of the late Dr. John Garang de Mabior and reaffirming the continued commitment of the House of Representatives to a just and lasting peace in Sudan. Introduced on October 17, 2005.

H.Res. 723 (Lantos)

A resolution calling on the President to take immediate steps to help improve the Security situation in Darfur, Sudan, with a specific emphasis on civilian protection. Introduced March 14, 2006 and passed on September 26, 2006.

H.Res. 992 (Wolf)

A resolution supporting the appointment of a Presidential Special Envoy for Sudan. Introduced September 7, 2006 and passed the House on September 26, 2006.

S. 495 (Corzine)

Urges the United Nations to impose sanctions. Introduced March 2, 2005.

S. 1462 (Brownback)

On November 18, 2005, the Senate passed S. 1462, the Darfur Accountability Act, by unanimous consent. The act condemns the government of Sudan for the atrocities in Darfur, imposes punitive measures, and calls for the continuation of existing sanctions. Passed the Senate on November 18, 2005.

S.Res. 202 (Frist)

A resolution urging the government of Sudan and the Sudan People's Liberation Movement/Army to fully implement the Comprehensive Peace Agreement of January 9, 2005. Introduced and passed by the Senate on July 19, 2005.

Appendix

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 (Public Law 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 (Public Law 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.

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 overflights 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]