

Sudan

Politics, Engagement, and Reform

MARCH 2018 JOHNNIE CARSON AND ZACH VERTIN

Sudan Task Force

Following sustained progress on a “five-track” engagement plan, on October 12, 2017, US President Donald Trump permanently lifted significant and long-standing economic sanctions on Sudan. The Atlantic Council’s Sudan Task Force applauds US efforts to promote positive domestic changes in Sudan, while recognizing the obstacles to full normalization that exist. The reforms necessary to drive real change—improvements in governance, rule of law, human rights, and political participation—are well known and must remain a centerpiece of US-Sudan engagement; they should not take a back seat to narrow counterterrorism concerns. But administration officials would be prudent to also consider Sudan’s strategic relevance in a wider regional and global context. Failing to seize the opportunity at hand could risk pushing Sudan into the arms of global competitors.

To advance the dialogue on the US-Sudanese relationship in a way that could benefit both Americans and Sudanese, task-force members traveled to Sudan in January 2018—the third delegation in two years—to research three critical topics: governance and political reform; economic reform and impediments to investment; and prospects for greater US cultural engagement. While in Khartoum and in the Darfur region, the group sought out a diverse range of perspectives, speaking to government, civil society, business, youth, and artistic communities. That trip formed the basis of three issue briefs: “[Sudan: Politics, Engagement, and Reform](#),” “[Sudan: Prospects for Economic Re-engagement](#),” and “[Sudan: Soft Power, Cultural Engagement, and National Security](#).” Each brief proposes concrete measures that the US and Sudanese governments should undertake to continue advancing the bilateral relationship and to maintain momentum on addressing longstanding issues of mutual concern.

The Atlantic Council’s **Africa Center** promotes dynamic geopolitical partnerships with African states and redirects US and European policy priorities towards strengthening security and promoting economic growth and prosperity on the continent.

Following two decades of hostile relations between Washington and Khartoum, US Special Envoy for Sudan and South Sudan Donald Booth initiated a new round of talks with Sudanese officials in 2015, intent on breaking a cycle of mistrust and achieving tangible results. The US economic sanctions first instituted in the 1990s—the anchor of a larger policy of pressure and political isolation—had proven largely ineffective. The government of Sudan was neither reformed nor dislodged, and regime insiders were able to exploit the circumstances while ordinary Sudanese citizens suffered.

The new US strategy eventually yielded a “Five-Track Engagement Plan” in 2016. It outlined a series of benchmarks for Sudan to meet over the ensuing six months, and a package of associated incentives. Successful

About the Sudan Task Force

The Sudan Task Force—co-chaired by Atlantic Council Vice President and Africa Center Director Dr. **J. Peter Pham** and Atlantic Council Board Director Ambassador (ret.) **Mary Carlin Yates**, former special assistant to the president and senior director for African affairs at the National Security Council, as well as chargé d'affaires of the US embassy in Sudan—proposes a rethink of the US-Sudan relationship to better serve US interests and to improve the lives of those in Sudan, both goals that task-force members believe to be mutually reinforcing. The task force also includes: Ambassador (ret.) **Timothy Carney**, the last senate-confirmed US ambassador to Sudan; Ambassador (ret.) **Johnnie Carson**, former US assistant secretary of state for African affairs and ambassador to Kenya, Zimbabwe, and Uganda; Dr. **Jeffrey Herbst**, expert on African political economy and former CEO of the Newseum; **Cameron Hudson**, former chief of staff to the US special envoy for Sudan and South Sudan; Ambassador (ret.) **Princeton Lyman**, former US special envoy for Sudan and South Sudan and assistant secretary of state for international organizations; and **Zach Vertin**, visiting lecturer at Princeton University and former director of policy for the US special envoy for Sudan and South Sudan. **Kelsey Lilley**, associate director of the Atlantic Council's Africa Center, is the task-force coordinator.

This issue brief is one of a three-part series that continues the work of the task force's July 2017 report, *Sudan: A Strategy for Re-engagement*—authored by Ambassador Yates with Lilley—which detailed the costs to both the United States and Sudan of the status quo of strained relations. That report found that the decades-long US policy of isolation toward Sudan had not yielded significant changes in the country's governance, to the detriment of US policy objectives as well as the Sudanese people.

The content and recommendations are the result of task-force collaboration and represent a majority consensus among participants. Nothing implies that the lead authors or every participant agree unequivocally with every finding and/or recommendation. Individuals served in their personal capacity.*

* Participants in the January 2018 delegation traveling to Sudan included Pham, Yates, Carney, Carson, Herbst, Vertin, and Lilley. Their work was augmented by the expertise and insights of the wider US-based task force.

completion of the plan served as the basis for easing sanctions in early 2017, and permanently revoking them later that year.

Despite the opportunity presented by the successful round of bilateral engagement, some believe that the Donald Trump administration has since been slow to act. The administration delayed the scheduled decision to permanently lift sanctions until October 2017, and has not since articulated plans to leverage further changes in Sudan. In the meantime, the real impact of sanctions relief in Sudan has been slow, yielding complaints from government officials and actors across Sudanese society. A slow recovery was to be expected, as Sudan's financial estrangement from the global economy was not going to end overnight. But unrealistic expectations, compounded by new economic woes, have sapped the popular optimism that followed the October 2017 announcement.

This issue brief examines the political landscape in Sudan in the wake of renewed bilateral engagement, addressing questions of governance, inclusion, and reform. Drawing on interviews and analysis in Sudan and the United States, the brief then offers recommendations for continued progress toward democratic transformation, in both the medium and long terms. Building on the tangible progress achieved through "Phase I" (January 2015-October 2017), it then urges the Trump administration to finalize a plan for "Phase II" and present it to Sudanese officials. This brief also offers specific recommendations to that end.

US Bilateral Engagement: Phase I (January 2015-October 2017)

Then-Special Envoy Booth began a new round of bilateral engagement in 2015, guided by the realization that punishment alone had failed, and that only through a nuanced engagement strategy could Washington position itself to leverage the kind of domestic change US leaders had long sought in Sudan. A series of bilateral discussions and confidence-building measures ensued, while senior US officials continued to debate the merits of engagement. Despite opposition from quarters inside and outside the government, the Barack Obama administration finally settled on the terms of a new roadmap for bilateral engagement in 2016.

In June 2016, senior US officials invited Sudanese Foreign Minister Ibrahim Ghandour to Washington—his second visit in sixteen months—to receive the terms



This map is for illustrative purposes and does not imply the expression of any judgment on the part of the Atlantic Council, its Sudan Task Force, or any of the members thereof, concerning the legal status of any country or territory or concerning the delimitation of frontiers or boundaries. Map credit: United Nations.

of the so-called "Five-Track Engagement Plan." The plan outlined a series of positive steps the Sudanese government would be asked to take, and a package of corresponding US incentives should the conditions be met over the following six months. The plan stipulated that Khartoum: cease military offensives—including aerial bombardment—in Darfur, as well as in the "Two Areas" of Southern Kordofan and Blue Nile; improve humanitarian access to conflict zones; refrain from interference in South Sudan's ongoing civil war; increase cooperation on regional and counterterrorism issues; and cooperate on the threat posed by the Lord's Resistance Army (LRA). In exchange, Washington

would lift its trade embargo and economic sanctions, and begin cooperation in a number of bilateral areas.¹

Drawing on lessons learned from failed bilateral processes of the past, Special Envoy Booth and his team established a "joint review committee" to monitor progress each step of the way. Previous "roadmaps"—which similarly offered Khartoum condition-based incentives—had come undone when circumstances evolved and US and Sudanese officials disagreed

¹ US Department of State, "United States Lifting Select Sanctions on Sudan," January 13, 2017, <https://2009-2017.state.gov/r/pa/prs/ps/2017/01/266946.htm>.

about whether the conditions first stipulated had been met. The joint review committee, co-chaired by US and Sudanese officials, was thus tasked to convene every two weeks to monitor progress, address concerns, and ensure the five-track plan stayed on course. (Given its success, the Atlantic Council Sudan Task Force recommends this joint committee model remain the foundation for future engagement.)

Importantly, the engagement plan's architects also intended it to be greater than the sum of its five tracks. If Sudan could demonstrate meaningful progress on areas of core concern—and if Washington delivered on its promised incentives—the cycle of acrimony and mistrust would be broken. Khartoum would see dividends from its reforms, but Washington would retain several big-ticket items on Sudan's wish list,

State Sponsor of Terrorism Designation

Created in 1979, the State Sponsor of Terrorism (SST) designation applies to countries that have “repeatedly provided support for acts of international terrorism,” and triggers a series of military, economic, and financial sanctions intended to isolate nations that could undermine the security of the US homeland and its citizens.

Sudan's August 1993 designation was a response to its providing “safe haven” to international terror groups. It prompted a ban on the US export of military equipment or dual-use items to Sudan and a hold on most economic assistance—including debt relief. Twenty-five years have passed since that designation, and reports have long suggested the circumstances that gave rise to the designation no longer exist.

In 2013 and 2014,ⁱ the State Department Country Report on Terrorism noted Sudan “remained a generally cooperative counterterrorism partner and continued to take action to address threats to US interests and personnel.”ⁱⁱ When released in January 2017, the executive order easing sanctions further noted Sudan's “cooperation with the United States on addressing regional conflicts and the threat of terrorism.” Given the continuing sanctions and wider reputational considerations attached to the designation, SST rescindment is atop the list of Khartoum's asks of Washington.

However, the executive order did not alter the SST designation. Domestic political considerations have long factored in discussions of SST rescindment, and the designation has remained, in part, to punish Sudan for reasons other than sponsoring terrorism. US officials worry that continuing to maintain the SST designation without any evidence of sponsoring terrorism, and in light of sustained cooperation in countering terrorism, undermines US credibility and leverage in Sudan, the region, and on wider US counterterrorism efforts.

The SST designation can be reviewed at the president's request, during a six-month process that includes inputs from the intelligence, defense, and diplomatic communities. If such a process determines that the state in question has met the criteria for rescindment, the president may submit a certification report to Congress forty-five days before the intended date of rescindment.ⁱⁱⁱ

ⁱ The State Department Country Report on Terrorism for 2015 and 2016 also notes that Sudan is a cooperative US counterterrorism partner. See US Department of State, “Chapter 3: State Sponsors of Terrorism Overview,” Country Reports on Terrorism 2015 (Washington, DC: State Department, 2016), <https://www.state.gov/j/ct/rls/crt/2015/257520.htm>; US Department of State, “Chapter 3: State Sponsors of Terrorism Overview,” Country Reports on Terrorism 2016 (Washington, DC: State Department, 2017), <https://www.state.gov/j/ct/rls/crt/2016/272235.htm>.

ⁱⁱ US Department of State, “Chapter 3: State Sponsors of Terrorism Overview,” Country Reports on Terrorism 2013 (Washington, DC: State Department, 2014), <https://www.state.gov/j/ct/rls/crt/2013/224826.htm>; US Department of State, “Chapter 3: State Sponsors of Terrorism Overview,” Country Reports on Terrorism 2014 (Washington, DC: State Department, 2015), <https://www.state.gov/j/ct/rls/crt/2014/239410.htm>.

ⁱⁱⁱ This box is drawn primarily from Mary Carlin Yates and Kelsey Lilley, *Sudan: A Strategy for Re-Engagement* (Washington, DC: Atlantic Council, 2017), <http://www.atlanticcouncil.org/publications/reports/sudan-a-strategy-for-re-engagement>.

most notably rescindment of Sudan's designation as a “State Sponsor of Terror,” and its hold on multilateral debt relief.² As such, Phase I would not only establish a constructive channel for engagement, but position US policymakers to leverage further reforms. Lastly, the engagement strategy aimed to strengthen those voices in Sudan—including inside the ruling National Congress Party—who sought to end their country's long period of isolation and restore positive relations with the West.

Six months later, after another rigorous policy review, the Obama administration determined that Sudan had indeed demonstrated sufficient progress on the five tracks. In January 2017, during his final week in office, President Obama thus issued an executive order easing a range of economic sanctions. He noted that the bilateral process had yielded important benefits for US interests and for the people of Sudan, most notably a “marked reduction” in conflict and the delivery of much-needed humanitarian relief. The president's order also included a clause that allowed his successor to affirm the decision, pursuant to another six months of sustained progress, and thereby make his sanctions revocation permanent in July 2017.³

The election of Donald Trump cast doubt on the continuity of US foreign policy in Sudan. Given the Trump administration's comparatively limited interest in the issue, early tumult at the National Security Council, and delays in critical foreign policy appointments, the scheduled determination to formalize Sudan's sanctions relief did not receive high-level attention until shortly before the July 2017 deadline approached. Though the engagement plan's timetable had been clear from the outset, some US opponents of the plan urged the administration to delay the decision. Following some confusion and eleventh-hour lobbying from special-interest groups, the Trump administration decided to defer the determination for another three months, until October 2017.

² For more on the “State Sponsors of Terrorism” designation, see Box 1. The United States also holds an effective block on forgiveness of any of Sudan's \$45 billion of outstanding external debt. For more on Sudan's debt profile, see “Sudan: Prospects for Economic Re-engagement.”

³ White House, “Executive Order 13761 of January 13, 2017, Recognizing Positive Actions by the Government of Sudan and Providing for the Revocation of Certain Sudan-Related Sanctions, Code of Federal Regulations,” January 13, 2017, <https://www.gpo.gov/fdsys/pkg/DCPD-201700026/pdf/DCPD-201700026.pdf>.

While some considered the delay innocuous, task-force interviews suggest the decision risked derailing the engagement process altogether.⁴ The narrative among Khartoum's hardliners—those opposed to engagement with the United States—had long fixated on a perception of Washington's false promises, and the delay announcement presented an opportunity to rally against renewed relations. But, in October 2017, President Trump made the sanctions relief permanent, ending Phase I and setting the stage for a second, deeper round of engagement.

Current Political Landscape

Governance in Sudan has long been a matter of interest to US administrations, due, in large part, to the internal wars and instability that have plagued the country for a generation. Though circumstances continue to evolve, Sudan's broad political narrative remains much the same as it has in recent years. Political power is concentrated in the hands of President Omar al-Bashir and his National Congress Party-led government. Democratic institutions are weak, and human rights and civil liberties are severely constrained. The media are harassed and tightly controlled, and political space for civil-society groups is limited. Despite continuing discontent at home and tenuous relationships abroad, the NCP government's hold on power remains buttressed by an extensive patronage network, as well as a powerful national security apparatus that is both well resourced and accountable only to the president.

Despite discontent over the regime's heavy-handed rule, its control of government institutions remains largely uncontested. Opposition parties operate in a tightly controlled atmosphere, and lack the organization, vision, and reach to present a serious electoral challenge. The armed groups that have long been fighting government forces in Sudan's neglected peripheries are divided and weaker than at any point in recent years. Meanwhile, Sudanese professionals who left the country remain abroad, and many young people who remain at home are disillusioned with national politics.

Inside the National Congress Party (NCP), authority has been increasingly concentrated in the hands of President Bashir. While factional sparring was once the party norm, Bashir effectively sidelined the most influential party bosses in 2014, and no one has taken

⁴ Task-force interviews with government and nongovernment actors in Khartoum, January 2018.

their place.⁵ As Bashir ponders his political future, the 74-year-old leader has delegated much of the day-to-day business of government to his first vice president and prime minister, Bakri Hassan Saleh—himself an army general and longtime Bashir loyalist.

Few party or government officials enjoy the political standing necessary to provide unvarnished counsel to the president, much less to challenge him on matters of politics or policy. As such, Bashir is not only more powerful than he has been at any point in recent years, but also more isolated. Reports suggest the de facto isolation may be fueling the president's well-known insecurities about his political fate—including, above all, the 2009 indictment by the International Criminal Court (ICC).

Bashir's outstanding warrant remains an X-factor in Sudanese politics, a topic raised in most interviews conducted by the task force in January 2018. High office has so far provided a degree of safe haven, and most political analysts—including NCP officials—believe that is the reason for the president's clinging to power and his inclination to run again in national elections in 2020. Conscious of both domestic and international realities, however, few have ideas about how to resolve the issue. It is highly unlikely that the president will report to The Hague or initiate the kind of national justice process that might meet Rome Statute requirements on inadmissibility.⁶ Outside Sudan, there remains little interest in spending the political capital required to negotiate an alternative, or be seen to be circumventing justice. And so the status quo persists.

As preparations for Sudan's 2020 elections commence, internal party dissidents are carefully assessing opportunities to challenge the president or curtail his power. Several old rivals from the party's Islamist faction are determined to chart a path back to power, and would be happy to see Bashir exit the stage. However, absent a provocative, sustained, and well-organized challenge from within, most in Sudan's political classes

⁵ Recent party tumult and rumored personnel changes could alter this dynamic in the coming year.

⁶ The Rome Statute of the ICC allows states to challenge the admissibility of a case before the Court, which includes both the ICC's jurisdiction over the type of alleged crimes and the requirement for a state to be either unwilling or unable to prosecute said case. See Articles 17 and 19 of the *Rome Statute of the International Criminal Court*, pp. 13-14, https://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf.

In the interim, the most credible threat to the government's position is Sudan's ailing economy, which many Sudanese believe to be far worse than the downturns faced in years past.

believe that the NCP will amend constitutional term limits to allow Bashir to seek a third term as president.⁷

In the interim, the most credible threat to the government's position is Sudan's ailing economy, which many Sudanese believe to be far worse than the downturns faced in years past. During the country's decade-long oil boom in the 2000s, government coffers swelled with petrodollars. Billions were spent strengthening the NCP and government institutions, building up the security apparatus, deepening individual pockets, and nurturing an expanding patronage network. Despite the fat paychecks, far too little was invested in the future—in agriculture, minerals, and other sectors that might carry the economy once the oil dried up.

Thus, when South Sudan seceded in 2011, taking most of the country's remaining oil reserves with it, Sudan found itself ill prepared for the future.⁸ In addition to making overdue pivots to other economic sectors, Sudan received cash injections from Gulf States in exchange for various favors, which helped defer a financial reckoning.⁹ But, by early 2018, the winds

⁷ Article 57 of the Interim Constitution of the Republic of Sudan (2005) limits presidential office holders to two five-year terms. Under the current constitution, Bashir was elected in 2010 and 2015.

⁸ The second paper in this Atlantic Council series, "Sudan: Prospects for Economic Re-engagement," addresses Sudan's economy in detail, and is available at <http://www.atlanticcouncil.org/publications/issue-briefs/sudan-prospects-for-economic-re-engagement>. A third paper, "Sudan: Soft Power, Cultural Engagement, and National Security," explores opportunities for greater cultural engagement, and is available at <http://www.atlanticcouncil.org/publications/issue-briefs/sudan-soft-power-cultural-engagement-and-national-security>.

⁹ Task-force interviews with World Bank and International Monetary Fund officials, December 2017 and January 2018.



US Deputy Secretary of State John Sullivan meets with Sudanese Foreign Minister Ibrahim Ghandour in November 2017. Photo credit: US Embassy Khartoum.

of regional geopolitics had shifted, and the friendly bailouts were no longer forthcoming. The government was forced to lift a decade-old subsidy on wheat, driving up bread prices and sending scores of protesters into the streets. Though the government is reluctant to lift fuel subsidies, other belt-tightening measures are envisioned as Sudan looks to prevent further economic erosion.¹⁰

Currency woes have made matters worse. In December 2017, the currency was devalued from 6.7 to 18 Sudanese pounds (SDG) to the US dollar.¹¹ However, the black-market rate remained roughly double that,

¹⁰ Task-force interviews with government and IFI officials, Khartoum, January 2018.

¹¹ Khalid Abdelaziz, "Sudan to devalue pound currency to 18 per dollar in January: minister," Reuters, December 26, 2017, <https://www.reuters.com/article/us-sudan-economy/sudan-to-devalue-pound-currency-to-18-per-dollar-in-january-minister-idUSKB-NIEKONT>. The rate banks receive was then raised to 28 SDG to the dollar in February 2018, which suggests that the government has not fully eliminated exchange-rate distortions.

in the mid- to high-thirties. Under pressure to float the currency, the government has since been considering a another push to unify the exchange rate, but is wary of inviting further social upheaval. Given restrictions on engagement by international financial institutions (IFI), and Sudan's outstanding debt, the government will need to continue making these painful macroeconomic adjustments without the aid of external financing. Despite the pain already being felt, many Sudanese point out that government spending on the security apparatus seems to continue apace.

In 2014, following sustained calls for political reform, President Bashir announced the convening of a new "national dialogue"—a forum through which all political constituencies would come together to debate and formulate a new national dispensation. Despite skepticism (and boycotts) from government opponents and international observers, the dialogue was conducted between October 2015 and October 2016; participants gathered in Khartoum's Friendship



US Agency for International Development Administrator Mark Green tours an internally displaced persons camp in North Darfur during an August 2017 visit to Sudan. *Photo credit:* UNAMID/Amin Mohammed Ali Ismail.

Hall to debate questions of identity, economy, foreign policy, governance, and peace.

The national dialogue's outcome document—comprising dozens of recommendations in each area—is, in theory, supposed to provide a foundation for the drafting of a new constitution ahead of the 2020 elections. The value of the dialogue exercise remains widely debated, however, as many consider it another in a long series of empty gestures from the NCP. Critics argue the government has entertained the exercise as a way to alleviate domestic pressure, but has little intention of undertaking the wide-ranging reforms codified in the outcome document. They argue a constitutional change to allow Bashir's 2020 candidacy is inevitable. Others believe the national dialogue is imperfect but, nonetheless, a tool that can be used to leverage democratic reforms—including, first and foremost, via changes to the nation's electoral law and electoral commission.¹²

¹² The Atlantic Council Sudan Task-Force Report from July 2017 addressed the national dialogue in detail, noting: "Analysts are

Meanwhile, beyond Khartoum's city limits, conflicts of varying levels of intensity remain a concern in Darfur and the Two Areas, though both have waned since the US engagement process began in mid-2016. In Darfur, armed groups have been weakened, and—while crime, banditry, and sporadic intercommunal clashes persist—the African Union-United Nations Hybrid Peacekeeping Operation in Darfur (UNAMID) reports an overall reduction in conflict and human-rights violations.¹³ UNAMID also indicates "no confrontations

divided about the impact of the National Dialogue. Key opposition elements continue to boycott the Dialogue, leaving open many questions on Sudan's future political transformation. While pursuing these goals, the United States should support internal reform processes that are intended to bring in new voices and groups—especially Sudan's ethnic, religious, and other minorities—to conversations about accountable and inclusive governance, building on the recently concluded National Dialogue as a start." For more, see Yates and Lilliey, *Sudan: A Strategy for Re-engagement*, p. 4.

¹³ United Nations Security Council, *Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur* (New York: UN, 2017), <https://reliefweb.int/sites/reliefweb.int/files/resources/N1745340.pdf>.

between the Government and the Darfur rebel groups" since mid-2017.¹⁴

The United Nations also reports continued improvement in humanitarian access, progress in restoring the rule of law, and positive developments in the general security situation.¹⁵ Internally displaced persons (IDPs) have begun to return home, albeit slowly, though much remains to be done to facilitate their reintegration into their home communities. While positive reports and cautious optimism should be welcomed, it must be underscored that the root causes of conflict in Darfur are far from resolved. Much remains to be done to address political grievances, restore security, and promote both economic development and reconciliation in Darfur.

Attempting to consolidate its gains, the government initiated a weapons-collection campaign in Darfur in July 2017, citing the importance of security as the "starting point of any development."¹⁶ Support for arms reduction is widespread, though feedback on the campaign's efficacy to date is mixed. UN Secretary General António Guterres' most recent report reflects cautious optimism about the impact of the campaign, but it remains to be seen whether the campaign will be completed systematically and equitably, and if it includes a plan for weapons disposal.¹⁷ While "encouraged" by recent improvements in the security situation and progress in collecting illegal weapons, the UN chief stressed the importance of ensuring that all communities, including IDPs, "benefit from the positive security environment it is meant to create."¹⁸

In the Two Areas of Southern Kordofan and Blue Nile, the government declared a unilateral ceasefire in June 2016, which it renewed in October 2016, January 2017, and again in July 2017. The Sudan Peoples' Liberation Movement-North (SPLM-N), which has long been fighting for political change and greater autonomy, declared its own unilateral ceasefire in July 2017 and again in January 2018. The group fractured in 2017, and the split has further slowed long-running negotiations with the government over a peaceful settlement. The

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ "Sudan's Bashir Pushes for Darfur Arms Collection," *Agence France Presse*, September 20, 2017, <https://www.news24.com/Africa/News/sudans-bashir-pushes-for-darfur-arms-collection-20170920>.

¹⁷ Task-force interviews in Khartoum and Washington, DC.

¹⁸ United Nations Security Council, *Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur*, p. 11.

government hopes to finalize a ceasefire with the leader of its main SPLM-N faction, Abdel Aziz al-Hilu, as it believes his aims pertain primarily to political and security concerns in the Two Areas.¹⁹ Meanwhile, the competing SPLM-N faction, though weakened by the split, retains a national agenda. It is conscious that Sudan's governance problem is not unique to the Two Areas, but a national ill.

US Bilateral Engagement: Phase II

Despite the opportunity presented by the successful round of new bilateral engagement in 2016-17, some believe that the Trump administration was slow to act, even after allowing itself an additional three months to finalize the sanctions revocation. Delays in advancing a foreign policy agenda have prompted concerns about Washington's posture and objectives in many regions, not least in places like Sudan, where the administration has conceived its interests narrowly thus far. Meanwhile, the administration's widely debated move to restrict visitors from six predominantly Muslim countries—including Sudan—further confused interlocutors in Khartoum.²⁰

In August 2017, Secretary of State Rex Tillerson also informed Congress of his intention to cut a number of senior, ad-hoc diplomatic positions, including the US special envoy to Sudan.²¹ This further curtails Washington's already limited diplomatic profile in Sudan, where the United States has not appointed an ambassador since 1997. The task force believes the absence of an experienced, senior-level ambassador in the capital limits US access and influence—to the detriment of American interests and objectives in Sudan, and across the region.

Despite these signals, Sudanese officials welcomed a November 2017 visit by US Deputy Secretary of State John Sullivan, heralding it as the beginning of a second phase of engagement. (Sullivan's visit followed an August 2017 trip by US Agency for International

¹⁹ The main fighting faction under Abel Aziz al-Hilu sat down with the government again in February 2018 in Addis Ababa, under African Union auspices, but adjourned talks in short order after no progress was made. The two sides agreed to meet again. "Joint Statement; Government of Sudan, SPLM-N, African Union," February 4, 2018.

²⁰ Sudan was later dropped from the contested order in September 2017, without comment from the administration.

²¹ Olivia Beavers, "Tillerson Moves to Eliminate Special Envoy Posts at State: Report," *Hill*, August 28, 2017, <http://thehill.com/homenews/administration/348334-tillerson-moves-to-ditch-special-envoys-report>.

Development Administrator Mark Green, who traveled to Sudan to assess improvements in humanitarian access). Working-level US officials urged the high-level visit as a way to sustain hard-fought progress on the bilateral track and preserve the space for further engagement.²² While Deputy Secretary Sullivan conveyed some of the new administration's priorities, his mission at the time was not to negotiate the terms of a second phase of engagement. In the months since, interagency deliberations have yielded progress toward a plan, but have not yet produced full consensus. US officials are hopeful, however, that a Phase II strategy will be finalized in the near future.

In the meantime, the real benefits of sanctions relief in Sudan have been slow to appear, prompting complaints from government officials and many in Sudan's political chattering classes. A slow recovery was to be expected, as Sudan's financial estrangement from the global economy was not going to end overnight. Unrealistic expectations, compounded by new economic woes, have sapped the popular optimism that followed the October 2017 announcement.

The impact of sanctions relief will require deep-seated reputational concerns to subside; in the immediate term, Sudan's SST designation continues to be a critical impediment to economic reintegration and debt relief.²³ Thus, rescindment is an almost-singular focus of government officials, private-sector representatives, and many other Sudanese constituencies. The policy shift from Washington has begun to change the wider narrative, however, by removing the NCP's favorite scapegoat. "The government has been exposed," one businessman told the task force. "They can no longer blame the dire state of the economy on US sanctions."²⁴

Building on the five-track plan employed in Phase I, it is critical that the US government finalizes a Phase II plan and re-engages the Sudanese government. Long-term democratic transformation should remain the centerpiece of Phase II, but administration officials

22 Sullivan's trip also included stops in Nigeria, Tunisia, and France. See US Department of State, "Deputy Secretary Sullivan Travels to France, Sudan, Tunisia, and Nigeria," November 13, 2017, <https://www.state.gov/r/pa/prs/ps/2017/11/275494.htm>.

23 As outlined in "Sudan: Prospects for Economic Re-engagement," Sudan also remains a difficult operating environment for private business, ranking 170th in the World Bank's *Doing Business 2018* indicators. World Bank, "Sudan," *Doing Business*, 2018, <http://www.doingbusiness.org/data/exploreeconomies/sudan>.

24 Task-force interviews in Khartoum, January 2018.

Despite assurances that Sudan has since ceased all illicit dealings with North Korea, US officials are not yet satisfied that their "zero tolerance" demand has been met.

would be prudent to also consider Sudan's relevance in a wider regional and global context. Failing to seize the opportunity at hand could risk pushing Sudan into the arms of global competitors, as evidenced both by the country's past engagement with Iran and North Korea, and more recent overtures from Russia and Turkey.

Additional Trump Administration Priorities

In lieu of a Phase II rollout, Washington has sent clear signals to Khartoum regarding two administration priorities.

North Korea: First, rising tensions with North Korea have influenced US foreign policy engagement across the globe, and Sudan's purchase of arms from North Korea—a breach of United Nations Security Council sanctions—has irked US officials. Khartoum's relationship with Pyongyang is decidedly limited, and ceasing relations should be a fairly easy way for the government to score some points in Washington. Despite assurances that Sudan has since ceased all illicit dealings with North Korea, US officials are not yet satisfied that their "zero tolerance" demand has been met. Until these concerns are fully addressed, a Phase II is unlikely to commence.

Religious Freedom: Second, concerns about religious freedom have framed Trump administration outreach to date. For Sudan watchers, religious freedom is one part of a larger set of human-rights concerns, including restrictions on the media, popular assembly, and political expression. But, in the absence of a fully fleshed-out policy, constituencies with close ties to the US administration have elevated religious freedom to a first-tier issue in the bilateral relationship.

As such, Deputy Secretary John Sullivan delivered a speech in Khartoum that addressed a range of issues in the bilateral relationship, noting Washington was "committed to positive engagement with Sudan on a wide range of topics," but his remarks were heavily oriented toward the "protection of religious freedom and the promotion of other human rights." He made clear, in public and in private, that "the protection and promotion of religious freedom is a foreign policy priority of the Administration," and that Sudan's practice in this area would be a determining factor in any future engagement. To this end, Sullivan also delivered an "action plan" outlining a series of steps the Sudanese government could take to address concerns over issues ranging from registration of religious institutions to demolition of places of worship.²⁵

Religious authorities on the ground in Sudan make an important distinction about religious freedom, noting there is "no problem" when it comes to "everyday relations between ordinary Muslims and Christians." Instead, the problem lies with select government bodies, which appear to advance the agenda of those hostile to religious minorities. Consistent with factionalism and wider policy inconsistency, religious institutions commend the Foreign Ministry and Higher Education Ministry for their support and open dialogue, while the powerful National Intelligence and Security Service is the source of most confrontations.²⁶

Task-force members believe that, while religious freedom should be an ongoing part of bilateral discussions, it is important that it not wholly supplant a wider set of human-rights and political concerns.

Conclusion and Recommendations

Sudan's political, economic, and social problems are, first and foremost, the result of poor governance, corruption, and a lack of political inclusion. The country's long-term political stability, economic growth, and international normalization will depend on its ability to strengthen its democratic institutions, improve governance, and enlarge the space for greater political participation for all its citizens.

The new round of engagement begun by President Obama's special envoy was premised on an objective

25 US Department of State, Office of the Deputy Secretary of State, *Remarks on Human Rights/Religious Freedom in Sudan by Deputy Secretary of State John Sullivan*, (Khartoum, Sudan, 2017), <https://www.state.gov/s/d/17/275752.htm>.

26 Task-force interviews, Khartoum, January 2018.

of long-term, managed change. Given thirty years of corrosion at the hands of the NCP, Sudan's democratic transformation will take time, but it should not be ignored or put on the back burner. The reforms necessary to drive that change—governance, rule of law, human rights, and political participation—are well known, and have been generally articulated by Sudanese stakeholders—including via the national-dialogue process.²⁷ These core democratic principles must remain a centerpiece of US-Sudan engagement, together with economic health and people-to-people engagement. They cannot take a backseat to narrow counterterrorism concerns.

More immediately, and concretely, the US administration should initiate negotiation of a Phase II of US engagement, building upon the process and success of Phase I. After two decades of hostile relations, the historic progress made in 2016-17 must not be allowed to slip away. To prevent gaps in interpretation and misplaced expectations, Phase II conditions should again be clear, measurable, and attached to a specific timetable. The process should again be administered on a biweekly basis by the existing joint review committee, which was critical in keeping the process on track throughout its first phase. With this in mind, Phase II might include the reforms and associated incentives outlined below.

The government of Sudan should make new commitments in the following areas:

Governance, Political Reform, and Inclusion

1 Negotiate a Permanent Ceasefire: The government should work with the SPLM-N, via African Union-led negotiations, to translate existing unilateral ceasefires into a permanent ceasefire and interim governance arrangements for Southern Kordofan and Blue Nile; the talks should address regional governance issues in the Two Areas and clear a path to SPLM-N participation in a national constitutional process.

2 Ceasefire Monitoring: In order to solidify ceasefire arrangements, and create the space necessary for ordinary Sudanese to return to normalcy, the government should cooperate with the SPLM-N, African Union, and United Nations in establishing an international mechanism to monitor a

27 See *National Dialogue Outcome Document*, October 2016, <http://hewarwatani.gov.sd/eng/images/Papers/NDen.pdf>.

permanent ceasefire in the Two Areas, to include US participation.

3 Create an Enabling Environment for Political Participation: Consistent with national-dialogue resolutions, the government should:

- Undertake a series of measures to increase confidence among all stakeholders in the political processes envisioned in the national dialogue, including releasing political prisoners, commuting criminal sentences against political opponents, and allowing opposition voices to fully participate in the envisioned constitution-making process.
- Take steps, in collaboration with other political parties, to improve electoral procedures, including reviewing the existing electoral law and commission, and updating registration rolls. In order to build greater credibility and trust in the registration and pre-election procedures, the government should also invite international election experts to provide technical assistance before and during the elections.
- Expand space for civil-society groups by amending the nongovernmental organization (NGO) law (Voluntary and Humanitarian Works Act of 2006), including provisions regarding NGO operations, funding, and registration.

Human Rights and Religious Freedom

- 4 Take Concrete Steps to Protect Minority Rights:** Guided by the US action plan delivered in November 2017, as well as by Sudan's own constitutional protections on religious freedom, the government should take clear and measurable actions to end undue interference with religious institutions of all faiths, including Christianity and other minorities. It should end arbitrary evictions, return property seized from religious institutions, and issue unambiguous legal guidance and administrative regulations that establish the specific rights of religious minorities, including licensing of places of worship, and issuance of visa and residency permits.

Global Engagement

- 5 Meet the Legal Conditions Required for SST Rescindment:** The government must ensure zero support for groups designated as terrorist

organizations, and be ready to provide written assurances that Sudan will refrain from relations with designated groups going forward.

- 6 Adhere to UNSC Sanctions on North Korea:** Pursuant to UN Security Council resolutions governing sanctions against the Democratic People's Republic of Korea, the government must refrain from any illicit financial or military engagement with North Korea, including weapons sales and/or purchases.

- 7 Advance Phase I Cooperation:** It is essential that progress made to date on the Five Track Engagement Plan (January 2015-October 2017) be sustained. To this end, Khartoum and Washington can advance cooperation steps on each of the existing tracks, including continuing improvements in humanitarian access, counterterrorism cooperation, and support for the High-Level Revitalization Forum and wider peace efforts in the Republic of South Sudan.

In exchange for progress on the above reforms, as monitored by the joint review committee, the United States should:

- 1 Initiate an SST Review:** The United States should signal that it has begun an official review of Sudan's SST designation, in accordance with the governing legal authority. If Sudan is found to have a "clean bill of health," the administration should inform Congress of its decision to rescind the designation.
- 2 Facilitate Debt Relief:** Partner with Congress, as well as the IMF and World Bank, to facilitate debt relief, provided Sudan has been removed from the SST list and undertakes the economic reforms necessary for a process of debt relief to begin.²⁸
- 3 Appoint a US Ambassador to Sudan:** The United States should appoint a Senate-confirmed ambassador to Sudan, provided Khartoum continues to implement its agreed diplomatic commitments. A Senate-confirmed ambassador should also be given the authority, in close consultation with Washington, to meet President Bashir, if it is determined that a meeting will advance key US foreign policy objectives. The United States should make clear that the appointment

²⁸ For a detailed of the necessary economic reforms, see "Sudan: Prospects for Economic Re-engagement."

of an ambassador does not signal US support for the Sudanese government or its policies, and that any meeting that might occur with President Bashir does not affect the Sudanese president's obligations to the ICC.²⁹

- 4 Sponsor US Private Investment and Trade-Promotion Activity:** Building on the banking conferences convened during Phase I, the United States should work through the Departments of State and Commerce, and the Overseas Private Investment Corporation, to organize—in conjunction with the Corporate Council on Africa, the US Chamber of Commerce, and the Business Council for International Understanding—a series of information seminars on trade and investment in Sudan.

- 5 Support a Sustained Ceasefire:** Act as a guarantor and monitor of a ceasefire in the Two Areas, including via the participation of US personnel and resources in an agreed monitoring mechanism, and be ready to take punitive action toward any spoilers.

²⁹ The United States might look to the example of some European countries—including among others France, Denmark, Germany, Norway, and Sweden—which, notwithstanding their membership in the International Criminal Court, have dispatched ambassadors to Sudan who present their credentials to Bashir.

- 6 Increase Assistance for Civil-Society Promotion:** US democracy promotion and political party development organizations should begin conversations about how, when, and under what circumstances their capacity-building programming for Sudanese civil society could take place.

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