

# SUDAN

# A STRATEGY FOR RE-ENGAGEMENT



A Report of the Atlantic Council's Sudan Task Force

by Ambassador Mary Carlin Yates with Kelsey Lilley

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# ABOUT THE ATLANTIC COUNCIL'S 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 Mary Carlin Yates, explores and analyzes a rethink of the US-Sudan relationship to better serve US interests in Africa and beyond and to improve the lives of those in the country—goals that the Task Force agrees are mutually reinforcing. The group takes into consideration factors including Sudan's internal political landscape, the country's role in Africa and in the Arab world, the costs of the status quo to both the United States and Sudan, and the possibilities that can be refined to build an improved relationship between the two countries. If relations are to be more productive and lives improved, a consensus must be reached on what the US-Sudan relationship should look like and what practical steps need to be taken to facilitate the building of trust, cooperation, and exchanges—commercial and otherwise—to reinforce a refreshed relationship.

For the past eighteen months, this group has conducted research and discussions intended to inform the Sudan policy of the new US presidential administration.

The authors of this report do not intend for it to be a comprehensive overview of the US-Sudanese relationship, nor of the remaining obstacles to closer relations. Instead, this report hopes to build on work already done on these topics to offer a series of recommendations to the new administration and Congress regarding the most constructive path forward for the US-Sudan relationship.

A week-long Task Force visit to Khartoum in October 2016 followed an earlier visit in May 2016 by the Task Force co-chairs. In both visits to Sudan, Task Force members met with Sudanese and US government officials, opposition members, nongovernmental organizations (NGOs) and human rights advocates, civil society representatives, youth leaders, and members of the business community. The recommendations represent a strong majority consensus among Task Force participants. Nothing implies that every participant agrees unequivocally with every specific finding and recommendation, and organizations listed serve for identification only, as individuals served in their personal capacity. The final text of the report itself is the sole responsibility of the authors.

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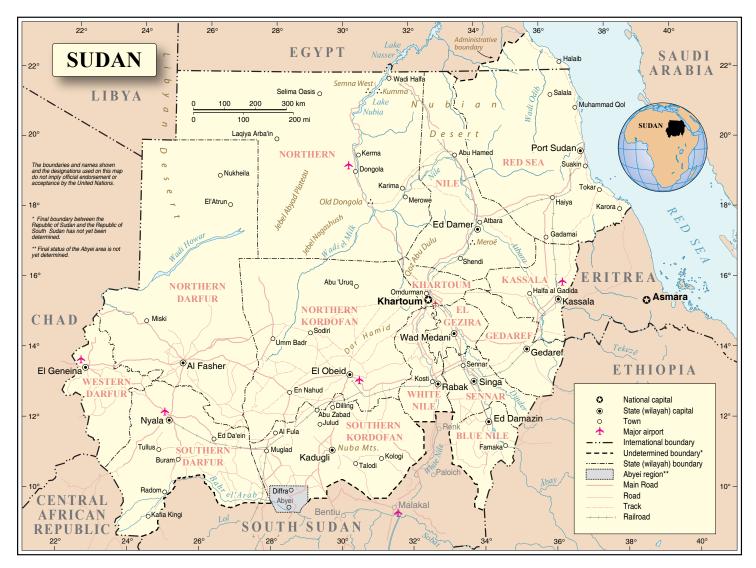
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This map is for illustrative purposes and does not imply the expression of any judgment on the part of the Atlantic Council, its Sudan Task Force, or any of the members thereof, concerning the legal status of any country or territory or concerning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

# CONTENTS

Foreword	1
Executive Summary	2
Context	3
Crafting a New Vision: Elements for Review	6
US Sanctions and Restrictive Measures on Sudan and their Effects	8
The People of Sudan: Humanitarian Challenges and Opportunities	14
Conclusion and Recommendations	22
Acknowledgements	26
Appendix 1	27
Appendix 2	29
Appendix 3	32
About the Authors	34

# **FOREWORD**

At the Atlantic Council, we believe in the power of engagement to serve US interests across the world. We are driven by the conviction that if the United States shapes the future constructively with its friends and allies, the world will thrive. If we fail to do so, less benevolent forces—or chaos—will fill the void.

It is with this mindset that eighteen months ago the Council's Africa Center embarked on its ambitious Sudan project, co-chaired by Atlantic Council Vice President and Africa Center Director Dr. J. Peter Pham and Atlantic Council Board Director Ambassador Mary Carlin Yates. The project includes an esteemed Task Force made up of former ambassadors and long-time Sudan watchers. The effort has been enriched by two delegations to Sudan and numerous meetings, briefings, and roundtables in both Washington and Khartoum.

In the turbulent and complex world in which we live, it is more important than ever to engage even with those with whom we disagree. The United States has recently done so in Cuba, Myanmar (previously Burma), and Iran—countries with which the United States continues to have profound disagreements.

Our policy of non-engagement toward Sudan has failed to move the needle on key items of interest to the United States: the conflict in Darfur and the Two Areas still simmers, President Omar al-Bashir and the National Congress Party maintain a firm hold on power, and US-led sanctions have not punished the country's political elites as much as they have made the importation of basic goods like medical equipment and educational materials difficult and cost-prohibitive.

There is now a key opportunity for the United States to rethink its relationship with Sudan. In January, the outgoing Obama administration issued an executive order to temporarily lift sanctions on Sudan in exchange for progress on select items. The new Trump administration must decide whether the progress to date has been satisfactory and, if so, what comes next. This report argues that a rethink of the US relationship with Sudan would be both timely and advantageous—to benefit US interests and to promote Sudan's political transformation in a way that brings peace and prosperity to all its citizens.

While much of this report is dedicated to bilateral ties, successful engagement is only possible if the United States works with its transatlantic and international allies. The European Union is already re-engaging Sudan (primarily due to its migration concerns), and Gulf countries, as well as Russia and China, have been there for some decades. If the United States cedes this territory of engagement to these other actors—as it has for years—it risks losing influence in Sudan, especially with the country's twenty-one million young people.

Engagement does not mean blind approval of Sudan's policies, an inability to exert pressure when warranted, or abandoning the pursuit of human rights and good governance in Sudan, but it does mean keeping a line of communication open between Washington and Khartoum.

Frederick Kempe
President and CEO
Atlantic Council

# **EXECUTIVE SUMMARY**

solation rarely produces the results the United States desires, and Sudan is an illustrative case. Decades of frosty bilateral relations and extensive sanctions have done little to bring about desired changes, particularly in the human rights climate in Sudan. Successes on political and security issues—including the peaceful secession of South Sudan and cooperation on counterterrorism and intelligence sharing—were the product of lengthy bilateral and multilateral interactions, not isolation. Moreover, as the US-Sudan relationship has remained static, the country has turned eastward toward new partners who do not prioritize the same goals of peace, security, and freedom for all of Sudan's peoples.

The effects of the measures that were intended to pressure the Sudanese government to reform have been overwhelmingly negative for the Sudanese people, who face enormous obstacles to access life-saving drugs and medical equipment, important industrial machinery and spare parts, and educational materials, among other things.

In January 2017, the outgoing administration of US President Barack Obama issued a wide-ranging executive order that provided relief from the US sanctions regime after what it deemed as the Sudanese government's progress on a series of issues related to peace and security inside Sudan and the broader region. Importantly, the executive order was a temporary measure that can only be made permanent by US President Donald J. Trump's administration and after a thorough inter-agency review of the status of the US-Sudanese bilateral relationship.

This report is intended to assist the new administration in identifying opportunities for a recalibrated strategy in Sudan and in determining what a successful US-Sudanese relationship could look like in ways that both serve US interests and encourage improved peace and security for Sudan's citizens. It was drafted after two visits to Sudan and consultations with the Task Force, and it offers a series of recommendations to US policy makers on how to most effectively move bilateral relations with Sudan forward in 2017 and beyond. These recommendations include:

- Augmenting diplomatic efforts: Diplomacy is one of the United States' strongest national security tools. When properly resourced and executed, diplomacy provides the United States with an opportunity to understand, influence, persuade, or cajole other nations to partner on vital US policies.
- Assessing the future of sanctions and restrictive measures, including the state sponsor of terrorism designation, in light of their original intent and their ongoing strategic efficacy.
- Recognizing economic realities: Sudan's fragile economy is wracked by an unsustainable debt burden and entrenched corruption. If Sudan continues to meet the required benchmarks to make sanctions relief permanent, then the United States should support policies that stabilize and grow Sudan's fragile economy, which will in turn cement the progress of US-Sudan negotiations.
- Prioritizing the Sudanese people: The bilateral engagement on which sanctions relief was predicated did not focus explicitly on the broader human rights and governance environment in Sudan. As the Trump administration thinks about future relations with Sudan and the goal of establishing peace and stability for all of Sudan's people, the United States can play an important diplomatic role in continuing to pressure both the government and various armed groups to seek a truly comprehensive peace in Darfur and the Two Areas. The American people also have a long history of generous support to the Sudanese people in order to mitigate the country's developmental and humanitarian challenges. Continuing such support in a strategic and fiscally responsible way is a vital element to stimulate broader change.

January's executive order was an attempt to lay a new foundation for future progress between the United States and Sudan, but it is only a first step. The achievements that predated sanctions relief must continue, and they must deepen. As the United States looks forward, it should strategically and intelligently use its leverage to spur both broad and deep reforms in Sudan. Doing so in a measured way will strengthen the US-Sudan relationship and further US interests in Sudan and throughout Africa.

# CONTEXT

uring his eight years in office, President Barack Obama attempted to advance US policy in Africa, despite turbulence in East Africa and the Sudans. He spent a considerable amount of political capital dispatching three presidential special envoys to negotiate and oversee the birth of the Republic of South Sudan, and shortly thereafter watched it descend into civil war.

Largely overshadowed in this policy was any strategy for the Republic of Sudan, the country from which South Sudan seceded in 2011. Over the administration's final six months, the United States undertook a serious review of its approach toward Sudan, ending with a policy shift. Executive Order (EO) 13761—which offers temporary relief from the longtime trade and economic sanctions in place against Sudan and provides a pathway for the permanent repeal of sanctions—was announced on January 13, 2017.1 Importantly, the EO called for an assessment of continued bilateral progress this year by the Trump administration,<sup>2</sup> noting specifically that EO 13761 was designed to offer "maximum flexibility" to the incoming administration.<sup>3</sup> Sudan's "state sponsor of terrorism" designation, imposed more than two decades ago, remains in place despite calls from some analysts that a reconsideration is overdue.

This report's goal, undertaken long before the US presidential election and these recent US government decisions, is to assist the new administration in identifying opportunities for a recalibrated strategy in Sudan and determining what a successful US-Sudanese relationship could look like in ways that both serve US interests and encourage improved peace and security for Sudan's citizens. Reviewing America's long-standing but complicated relationship with Sudan now could

position the United States to project more influence in East Africa and beyond and more robustly pursue US national interests and values.

In the six decades since Sudan's independence, relations with the United States have ebbed and flowed. At one time, the two countries cooperated on economic and defense issues, particularly as the turbulent years of the Cold War played out across Africa. At other times, the relationship was strained, including following the 1973 assassination of the US ambassador and his deputy by Palestinian terrorists, as well as the murder of a United States Agency for International Development (USAID) officer stationed in Sudan in 2008. At some of these times, the United States considered Sudan an imminent threat to its national security: In 1993, citing the government's protection of Middle Eastern terror groups, the Clinton administration designated Sudan as a state sponsor of terrorism. Subsequent administrations imposed various sanctions throughout the 1990s and early 2000s. Since its initial opening in 1956, the US Embassy in Khartoum has repeatedly scaled up and down to reflect threats to American personnel in Sudan. During a particularly tense period in 1998, the United States bombed a Sudanese pharmaceutical plant allegedly manufacturing chemical weapons. Now in 2017, neither country has an accredited ambassador, and US diplomats have not met with President Bashir since prior to his 2009 indictment by the International Criminal Court for war crimes, crimes against humanity, and genocide. While symbolic, the absence of a Senateconfirmed ambassador in Khartoum since 1997 has reduced US access, influence, and effectiveness, leaving the American chargé d'affaires in Khartoum and the president's Special Envoy in Washington to tag-team US policy in Sudan.

<sup>1</sup> The White House, "Executive Order - Recognizing Positive Actions by the Government of Sudan and Providing for the Revocation of Certain Sudan-Related Sanctions," January 13, 2017, https://obamawhitehouse.archives.gov/the-press-office/2017/01/13/executive-order-recognizing-positive-actions-government-sudan-and.

The Trump administration has yet to put forward an official strategy for Sudan, though the country was affected by the January 27, 2017, executive order (replaced by a March 6 order) banning individuals from six countries from traveling to the United States. See The White House, "Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States," January 27, 2017, https://www.whitehouse.gov/the-press-office/2017/01/27/executive-order-protecting-nation-foreign-terrorist-entry-united-states; The White House, "Executive Order: Protecting the Nation From Foreign Terrorist Entry into the United States," March 6, 2017, https://www.whitehouse.gov/the-press-office/2017/03/06/executive-order-protecting-nation-foreign-terrorist-entry-united-states.

From the January 13, 2017 US Department of State press briefing regarding EO 13761: "We've maximized leverage for [the Trump administration] because we've handed them a large carrot and a large stick, and the carrot is that the new administration has the ability to make these sanctions relief permanent in six months, but they also have the ability to take them away. The general licenses we have put together can be removed if there's backsliding or if the progress doesn't continue. So with that, we think we're leaving the new administration in a very strong place to advance U.S. interests." US Department of State, "Background Briefing on Sudan: Special Briefing with Senior Administration Officials," January 13, 2017, https://2009-2017.state.gov/r/pa/prs/ps/2017/01/266956.htm.

Internally in Sudan, this could be the right time to engage stakeholders on governance and rule of law issues. Despite concerns about its inclusiveness, the country completed the first stage of a National Dialogue in October 2016, aimed at determining what inclusive governance looks like for all Sudanese. The Dialogue resulted in a series of recommendations, including the creation of a prime minister role—which had previously been abolished—and the expansion of parliament to include more opposition members.<sup>4</sup> Bakri Hassan Saleh was sworn in as Sudan's prime minister in March 2017, and a new cabinet was named in April that includes figures not part of the ruling National Congress Party.<sup>5</sup> Talks to implement the other elements from the National Dialogue are underway.<sup>6</sup> As President Omar al-Bashir approaches the thirty-year mark in power, the ruling party and opposition have begun to think about Sudan's inevitable political transition and the state of its future governance. Nevertheless, there are still harsh crackdowns on dissent and resistance in some parts of the government to greater reform. The future direction of Sudan is thus at a critical juncture, and the United States could play a supportive role in encouraging a more inclusive and democratic process.

Importantly, the US-Sudan relationship should be reviewed in the context of fluid international, continental, and regional situations—not in isolation or as a zero-sum game in relation to South Sudan, where some five million people are on the verge of starvation due to a civil war that has raged in this new nation since 2013.<sup>7</sup> Overall, US policy toward Sudan needs to reflect a significantly changed reality: the "divorce" between South Sudan and Sudan is final, but custody issues remain that require separate visions and strategies for these independent countries.

East Africa faces tense times both politically and because a massive drought stalks the Horn of Africa. Famine has already been declared in two counties of South Sudan and large swathes of Somalia are reaching crisis levels of food insecurity.8 Civil war continues unabated in South Sudan; Ethiopia remains under a prolonged state of emergency; international divisions fester over the country's construction of the Grand Ethiopian Renaissance Dam and its impact on downstream countries like Sudan and Egypt; the Somali terror group al-Shabaab continues to be a serious threat; and Kenya prepares for what undoubtedly will be contentious August 2017 presidential elections. Deepened instability in Sudan would have dangerous ripple effects throughout this alreadyfragile region, including grave implications for East Africa's existing humanitarian, security, and migration crises.

Sudan sits at the intersection—both geographically and culturally—between the Arab and African worlds and, as such, could potentially exert a significant amount of influence regionally. It has aligned itself with Saudi Arabia and against Iran as part of the anti-Houthi fight in Yemen, even dispatching a battalion of troops to fight alongside the coalition. The country has welcomed more than 375,000 refugees from South Sudan since the civil war began in December 2013 and at least 100,000 Syrian refugees since 2011. December 2011.

Moreover, the Arab Spring, which profoundly affected Sudan's neighbors Egypt and Libya, reinforced how quickly things can change in places where social progress and economic prosperity have been stunted, and where citizens believe that a ruling elite has marginalized them through corruption, patronage, or incompetence. A resurgence of terrorism across the Middle East—emphasized by the rise of the Islamic State of Iraq and al-Sham (ISIS)—has kept security at the forefront of US bilateral relationships with African countries.

The Obama administration laid out its strategic objectives for Sudan early in its tenure through a policy review in 2009. Priorities included ending the conflicts in Darfur and between northern and

<sup>4</sup> Analysts are 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.

<sup>5 &</sup>quot;Sudan's PM Reshuffles Cabinet, Replaces Economic Ministers," Reuters, May 11, 2017, http://www.reuters.com/article/us-sudan-government-reshuffle-idUSKBN1872YV.

<sup>6 &</sup>quot;Bakri Hassan Saleh Named PM by Omar al-Bashir," Al Jazeera, March 1, 2017, http://www.aljazeera.com/news/2017/03/bakri-hassan-saleh-sudan-prime-minister-170302001752477.html.

<sup>7</sup> US Agency for International Development, "Food Assistance Fact Sheet - South Sudan," April 21, 2017, https://www.usaid.gov/south-sudan/food-assistance.

<sup>8 &</sup>quot;East Africa Food Security Outlook, February to September 2017," *ReliefWeb*, April 7, 2017, http://reliefweb.int/report/somalia/east-africa-food-security-outlook-february-september-2017.

<sup>9</sup> Mohammed Mukhashaf, "Sudan Sends Ground Troops to Yemen to Boost Saudi-Led Coalition," Reuters, October 18, 2015, http://www.reuters.com/article/us-yemen-security-sudan-idUSKCNOSCOE120151018. Sudan cut diplomatic ties with Iran in January 2016, following an attack on Saudi diplomatic facilities in Tehran by protesters.

<sup>10</sup> UN High Commissioner for Refugees, "South Sudan Situation - Information Sharing Portal," May 15, 2017, http://data.unhcr. org/SouthSudan/regional.php; "Sudan hosts about 100,000 Syrians, says refugee commission," *Sudan Tribune*, October 11, 2016, http://www.sudantribune.com/spip.php?article60491. This is in addition to Sudan's hosting of hundreds of thousands of additional refugees from across East Africa.



View of Khartoum, Sudan. Photo credit: Christopher Michel.

southern Sudan, as well as preventing the country from becoming a "safe haven" for terrorists. 11 While the Obama administration presided over the historic secession of South Sudan in 2011 (this was the final element of the Comprehensive Peace Agreement [CPA], which was signed by the Sudanese government and the Sudan People's Liberation Movement in 2005 to end a long-running civil war between northern and southern Sudan), there was little forward momentum in the US relationship with the north in intervening years.<sup>12</sup> In 2016, near the end of the Obama administration, the United States undertook a new review of its relationship with Sudan, encompassing a series of five tracks that both countries agreed to cooperatively monitor over six months: a cessation of hostilities in Sudan's conflict areas; improved humanitarian access to the same areas; ending Sudanese support for factions seeking to undermine South Sudan's

stability; working cooperatively with US intelligence agencies to counter terrorism; and supporting ongoing regional security efforts, including a multilateral push to counter the Lord's Resistance Army.<sup>13</sup> Progress in these five areas resulted in EO 13761 of January 2017, a marked shift in US rhetoric and policy toward Sudan.

January's executive order was a first step of what must be a broader US strategy on Sudan. The five-track plan did not include commitments to improve the human rights climate, increase government transparency and accountability, promote religious freedom, or articulate a long-term plan for ending Sudan's ongoing conflicts. The Trump administration now has an opportunity to assess the progress to date and recalibrate US policy toward Sudan accordingly to consolidate the progress and include their far-reaching objectives in a true strategy for the long term.

<sup>11</sup> Office of the Spokesperson, "Sudan: A Critical Moment, A Comprehensive Approach," US Department of State, October 19, 2009, https://www.state.gov/r/pa/prs/ps/2009/oct/130672.htm.

Hillary Rodham Clinton, "Statement Congratulating the Republic of South Sudan on Its Independence," US Department of State, July 9, 2011, https://2009-2017.state.gov/secretary/20092013clinton/rm/2011/07/167964.htm.

<sup>13</sup> Mark Toner, "On Progress in Sudan," US Department of State, January 13, 2017, https://2009-2017.state.gov/r/pa/prs/ps/2017/01/266945.htm.

<sup>14</sup> The Enough Project makes the case for a new "track" focused on human rights. See Enough Project, *The Missing Track*, June 2017, https://enoughproject.org/wp-content/uploads/2017/06/TheMissingTrack\_June2017\_Enough\_Final\_small.pdf.

# CRAFTING A NEW VISION: ELEMENTS FOR REVIEW

n the early months of the new US administration, there is an opportunity to closely assess the impact of past US policies toward Sudan and lay out a future policy to further the primary interests of the United States and its allies-to advance peace and stability in the region and improve conditions for the Sudanese people. These interests include stemming security threats that could affect the United States; a commitment to Sudanese and regional stability by ending the country's internal conflicts; working to promote basic human rights, access to information, good governance, freedom of religion, and rule of law; and promoting closer bilateral business ties. For the Trump administration, a clear-eyed assessment of progress since EO 13761 was announced should be a priority before determining future goals. As such, this report lays out refinements to the past US strategy to strengthen the US-Sudan relationship and more effectively and sustainably achieve these qoals.15

"A more productive relationship with Khartoum could also give the United States important leverage on issues such as human rights and greater political dialogue..."

Isolation rarely produces the results the United States desires, and Sudan is an illustrative case. Decades of frosty bilateral relations and extensive sanctions have done little to bring about the intended changes to the human rights climate in Sudan. Progress on political and security issues—including the peaceful secession of South Sudan and cooperation on counterterrorism and intelligence sharing—occurred after lengthy bilateral and multilateral interactions, not isolation. Moreover, as the US-Sudan relationship has remained static, the country has instead turned eastward to new partners who do not prioritize the

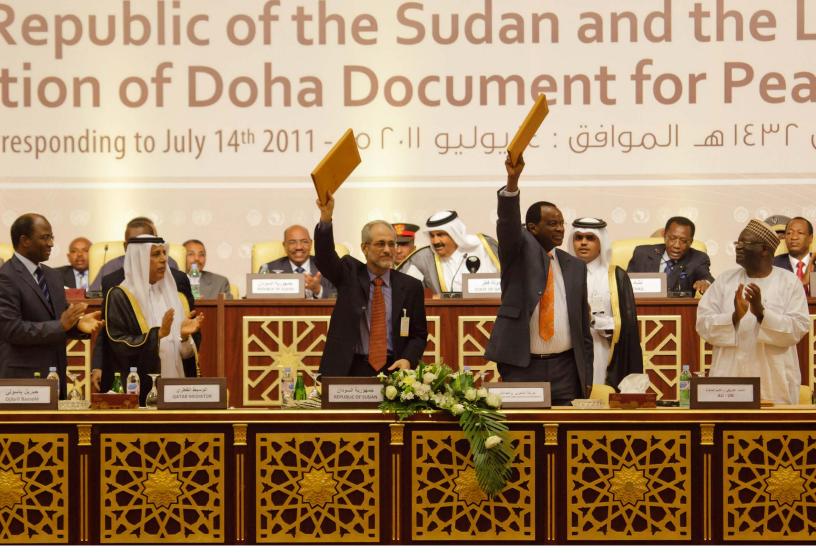
same goals of peace, security, and freedom for all of Sudan's peoples. Significant issues in the bilateral relationship remain, including the status of Darfur—where the United States condemned Sudan for perpetrating a genocide in 2004 and subsequently backed a joint African Union-United Nations peacekeeping mission—and the Two Areas of South Kordofan and Blue Nile States, where government-directed aerial bombardment of civilian areas and skirmishes with armed opposition groups have been all too frequent. Whether, and how, to interact with Bashir is also a difficult and unresolved issue.

Some US administrations looked toward a change in Sudan's leadership, which was never an explicitly stated policy. Instead, US policy sought changes in the leadership's behavior. Bashir remains firmly in power, though he faces a restive population open to reforms that bring greater prosperity and freedoms. At the same time, isolation provides political cover for the Sudanese government, where the United States is viewed as a foe for imposing political and economic difficulties on the Sudanese people. Without the "cover" of the US-led sanctions regime, for example, many Sudanese believe that their government would be forced to account for the country's stagnant economic growth, rampant corruption, and poor human rights climate.

Any iteration of US strategy toward Sudan should include continued progress on the elements of past negotiations, including the five tracks on which sanctions relief was predicated, while also expanding its focus to include internal political transformation that moves Sudan toward more inclusive, accountable, and transparent governance. These goals must focus on all Sudanese, not just the elite political class, and especially seek to benefit the next generation, not only for its own sake but also because it serves the interests of the United States.

This report seeks to review past US goals and responsibly examine both current initiatives that should be strengthened and new elements that could be created including: augmenting US diplomatic efforts to bring peace and stability to Sudan and the region; evaluating US-led restrictive

<sup>15</sup> Additional recent analysis on this subject is worth reading. See Enough Project, *The Missing Track;* International Crisis Group, "Time to Repeal U.S. Sanctions on Sudan?" June 22, 2017, https://www.crisisgroup.org/africa/horn-africa/sudan/b127time-repeal-us-sanctions-sudan.



Representatives at the celebration of the 2011 Doha Agreement, which was signed by the Government of Sudan and the Darfuri armed group Liberation and Justice Movement. *Photo credit*: Olivier Chassot, UNAMID.

measures in light of EO 13761 and the mandatory policy review therein; increasing US-Sudanese security cooperation to counter terrorism; promoting mutually beneficial bilateral business ties; and engaging Sudan's next generation in a way that builds an educated, engaged, and prosperous citizenry.

A new US approach to Sudan should migrate away from a largely punitive relationship and do more to empower Sudan's reformers, entrepreneurs, and select members of the ruling class, who are frustrated with the economic stagnation, poor human rights situation, and political isolation Khartoum has brought on the country. A more productive relationship with Khartoum could also give the United States important leverage on issues such as human rights and greater political dialogue, where US policy should encourage and incentivize nascent reform processes.

Positive engagement can occur in multiple formulations. The United States learned recently that

the framework of bilateral, and primarily low-profile, negotiations has been useful. But the United States also supports the African Union-led High-Level Implementation Panel for Sudan and South Sudan and is part of the Troika, the US-Norway-United Kingdom coalition collectively working toward peace in the Sudans. Other paths for engagement are being developed by a range of parties, including the European Union, whose current interaction with Sudan is primarily driven by mounting migration concerns; China; other Muslim-majority countries encompassing Persian Gulf states, Indonesia, and Malaysia; and other African countries. This is welcome engagement with Sudan insofar as these efforts find a productive and effective mechanism for conflict resolution, governance, and peacebuilding. It is important for the United States to support these processes—both internationally mediated dialogues and internal, Sudanese oneseven when they differ from US approaches.

# US SANCTIONS AND RESTRICTIVE MEASURES ON SUDAN AND THEIR EFFECTS

anctions are a tool that the United States uses to change behavior by creating negative incentives and externalities—levied against a government, individual, or commercial entity involved in activities to which the United States or international community is opposed. Sanctions, particularly comprehensive ones that block mostif not all-trade and assistance, are also blunt instruments of political and economic power that sometimes result in unintended consequences. The US response to national security threats emanating from Sudan and punishment for the government's genocidal campaign in Darfur has created a complex and interlocking set of sanctions and other coercive restrictive measures, some of which go back more than two decades (see appendix 2 for these restrictions in detail). This patchwork of sanctions and restrictive measures-four executive orders, three congressional acts, the cross-cutting State Sponsor of Terrorism (SST) designation, restrictions included in US appropriations legislation, and a series of global sanctions amplified by European Union and United Nations actions-resulted, until recently, in Sudan's near-total isolation from Western business, investment, and even culture.<sup>16</sup>

Operationally, adherence to these sanctions is straightforward: Until January 13, Sudanese government officials, companies, and citizens were, with very limited exceptions, unable to trade with

the United States, use the American banking system, or take a loan from US institutions.<sup>17</sup> Pending a final policy review, EO 13761 effectively suspended many of the legal restrictions to trade and investment in Sudan.<sup>18</sup>

# **Sanctions and the Sudanese People**

On their research trips to Sudan, Task Force members repeatedly saw examples of ordinary Sudanese citizens being disproportionately affected by US sanctions. In describing the suffering of the elite as opposed to the suffering of common citizens, one young Sudanese used the analogy of a person who is upset his iPhone cannot be serviced compared to someone who does not have enough to eat. In the months before EO 13761 was issued, discontent with the economic status quo manifested itself in anti-government rallies across Khartoum, as demonstrators massed to protest price hikes on basic goods;19 a doctors' strike around the same time brought the country's healthcare system to a grinding halt.<sup>20</sup> Opponents of the sanctions regime suggest that while the increased cost of everyday items was not solely due to sanctions, it primarily hurt ordinary people-not the elites with more money and mobility.<sup>21</sup> An August 2016 report by the United Nations (UN) Special Rapporteur on the Negative Impact of Unilateral Coercive Measures confirmed this point of view: "Unilateral coercive

In addition to the more widely known executive orders and congressional acts, Sudan is subject to US appropriations legislation that restricts economic and military assistance to countries in financial arrears or whose democratically elected head of state is deposed by a coup. Sudan is also the subject of sanctions derived from UN Security Council resolutions, which are required to be implemented by all UN member states. UN Security Council Resolutions 1556 and 1591 impose an arms embargo against the government of Sudan and all belligerents in the Darfur conflict. In a later resolution, UNSCR 1672, the United Nations designated four individuals to be subject to the travel bans and asset freezes set out in previous resolutions. A 2010 resolution, UNSCR 1945, elaborated on the conditions of providing military aid in circumstances not prohibited under its previous resolutions, requiring member states to make public any intention to provide military equipment to Sudan and to obtain "end user documentation" to ensure it was used in accordance with these resolutions.

<sup>17</sup> Gum Arabic, a key ingredient in soft drinks, is the sole Sudanese item allowed to be imported directly to the United States.

<sup>18</sup> Executive Order 13761 issues wide-ranging general license that authorizes "all transactions prohibited by the Regulations and by Executive Orders 13067 and 13412, effective as of January 17, 2017. Newly authorized transactions include the processing of transactions involving persons in Sudan; the importation of goods and services from Sudan; the exportation of goods, technology, and services to Sudan; and transactions involving property in which the Government of Sudan has an interest." See Office of Foreign Assets Control, "Sudanese Sanctions Regulations," Federal Register, January 17, 2017, Vol. 82, No. 10, https://www.gpo.gov/fdsys/pkg/FR-2017-01-17/pdf/2017-00844.pdf.

<sup>19 &</sup>quot;Sudan Police Fire Tear Gas on Protest Over Price Hikes," Al Jazeera, November 30, 2016, http://www.aljazeera.com/news/2016/11/sudan-police-fire-tear-gas-protest-price-hikes-161130072912437.html.

<sup>20 &</sup>quot;Sudan: Doctors at 65 Sudanese Hospitals Now on Strike," Radio Dabanga, October 9, 2016, http://allafrica.com/stories/201610090021.html.

<sup>21</sup> The sting of US sanctions on Sudan's elite has always been undermined by lukewarm enforcement from key actors: Sudan's neighbors Uganda, Kenya, and Ethiopia work closely with the Sudanese government, at times assisting various factions in the ongoing hostilities in Sudan; key Sudanese allies in the Middle East and, increasingly, in Europe, provide a safe haven for Sudanese assets, banking, and trading. Particularly with current European concerns about the migration crisis, there is even less incentive for other countries to join the United States in indefinitely prolonging Khartoum's isolation.

# Sanctions Case Study: Khartoum Breast Care Centre

The Khartoum Breast Care Centre (KBCC) is a privately funded nonprofit hospital dedicated to diagnosing and treating breast cancer—the only center of its kind in Sudan. The brainchild of Dr. Hania Fadl, a Sudanese-born, British-trained radiologist, KBCC fills a desperate need for breast cancer screening and treatment across the region by offering subsidized services.

KBCC screens nearly 10,000 people and identifies 74 percent of Sudan's breast cancer occurrences each year. It also operates one of the region's only mammography machines, which is made by



American company General Electric (GE). Servicing the American-made machine, however, turned out to be nearly impossible due to a lengthy and onerous sanctions-related licensing process. During the fifteenmonth wait for the license, KBCC's mammography machine broke down. In the month in which the machine was out of service, nearly four hundred scheduled breast cancer screenings were postponed. Given Sudan's high breast cancer rates, forty-nine of those untreated patients were likely to have had breast cancer.

While OFAC eventually approved the license for GE to service KBCC's mammography machine, the Centre owns a wide range of testing and treatment equipment—including anesthesia, ultrasound, and radiotherapy machines—which are not serviced regularly due to the ongoing difficulties of receiving licenses. Without proper maintenance, this equipment is more likely to break down or malfunction.

Despite the arduous process, Dr. Hania and her staff report their interest in continuing their relationship with US medical suppliers. She suggested that the decision is a simple one: The United States produces the best quality medical equipment. However, US-led restrictions make it difficult to continue to service—let alone purchase more—American equipment.

Source: Statistics from Khartoum Breast Care Centre. Photo credit: Ahmed Alnoman.

measures [like the sanctions imposed by the United States] do not have a significant negative impact on officials or on any elite group, but rather on innocent citizens, causing also a deepening of the gap in income distribution within Sudanese society and among the provinces."<sup>22</sup>

Proponents of sanctions point to the increased cost of goods as proof that, by squeezing the Sudanese economy, sanctions are working as intended to build pressure on the Sudanese government to act differently. US sanctions have undoubtedly hurt the Sudanese economy, which in turn is harmful to the government's legitimacy. Khartoum also uses sanctions as a shield from blame for the country's poor economic situation. If the sanctions regime is lifted, that will no longer be so easy. While not all Sudanese believe that US sanctions were the sole reason for the country's flagging economy, many felt that without sanctions there would be

a greater opportunity for business and investment in Sudan and less occasion for the government to delay important economic reforms and hide its corruption.<sup>23</sup> Should the shift in US sanctions policy become permanent, any use of sanctions for political convenience will dissipate, putting the onus squarely on the government of Sudan to make good on its promises to bring sustained economic growth to all Sudanese.

The efficacy of sanctions can be assessed depending on whether the original intention was to force a policy change or transform the country's leadership. If the former, sanctions were influential in pressuring the Sudanese government to complete negotiations on the Comprehensive Peace Agreement (CPA)—a key US goal at the time—and move into a more productive bilateral relationship with both the United States and South Sudan, including the resumption of intelligence sharing. But using

<sup>22</sup> United Nations Human Rights Council, "Report of the Special Rapporteur on the Negative Impact of Unilateral Coercive Measures on the Enjoyment of Human Rights, on his Mission to the Sudan," https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/171/87/PDF/G1617187.pdf?OpenElement, p. 8.

<sup>23</sup> Observations following author meetings in Sudan, May and October 2016.

# **State Sponsor of Terrorism Designation**

The State Sponsor of Terrorism (SST) designation was created in December 1979 as US concerns over international terrorism mounted. The US Department of State is responsible for identifying countries that have "repeatedly provided support for acts of international terrorism," which in turn triggers a series of military, economic, and financial sanctions intended to isolate nations who could undermine the security of the US homeland and its citizens.<sup>1</sup>

Sudan's August 1993 addition to the SST list—joining Iran, Syria, and Cuba—was for serving as a "safe haven" for international terror groups, including hosting al-Qaeda founder Osama bin Laden. Inclusion on the SST list has led to a ban on the US export of military equipment or dual-use items to Sudan, a hold on most economic assistance—including support for desperately needed debt relief—to the country, and increased scrutiny on a wide variety of Sudanese financial transactions.

Despite its designation, Sudan has cooperated with US efforts to combat terrorism in East Africa and beyond: in May 1996, Sudan expelled bin Laden at US request; more recently, US and Sudanese security services shared intelligence on Somalia and ISIS. This cooperation is a marked turnaround from Sudan's involvement with and hosting of international terror groups in the early 1990s. As the State Department Country Report on Terrorism noted as far back as 2013, Sudan "remained a generally cooperative counterterrorism partner and continued to take action to address threats to US interests and personnel in Sudan."<sup>2</sup>

When released in January 2017, EO 13761 specifically noted Sudan's "cooperation with the United States on addressing regional conflicts and the threat of terrorism," though the most recent executive order did not alter the SST designation. It appears that Sudan's inclusion on the SST list led to Executive Orders 13769 and 13780, which temporarily restrict foreign nationals from six countries, including Sudan, from traveling to the United States.<sup>3</sup>

Sudan's designation is a legacy from a different era, before September 11, 2001 prompted a focus on US capabilities to find and eliminate international terrorism sponsors and financiers. The two other designated countries—Iran and Syria—pose a far greater threat to the United States than Sudan. Even North Korea was removed from the list in 2008 despite its aggressive nuclear weapons development program—and remains off despite indications that it continues to orchestrate terrorist acts abroad, including the assassination of dictator Kim Jong-Un's half-brother in 2017—preceding Cuba's 2015 removal after President Obama's policy reassessment with the country the year before. Acknowledging that there are very real US domestic political consequences to changing Sudan's SST designation, for many years the designation has been used to punish Sudan for reasons other than sponsoring terrorism. Continuing to maintain the SST designation without any evidence of sponsoring terrorism—and, in fact, with plentiful evidence of Sudan's cooperation in countering terrorism as well as various commendations from members of the intelligence and diplomatic communities<sup>4</sup>—undermines US credibility and leverage in Sudan, the region, and on wider US counterterrorism efforts.

The SST designation requires that certain criteria are met and continue to be accurate so long as the designation stands. The designation can be reviewed at the president's request. Over a period of six months, a review constitutes an inter-agency process that includes the intelligence, defense, and diplomatic communities. The results of this review inform the president's notification to Congress on the future of the designation, after which Congress has forty-five days to act if it chooses to prevent a change.

- 1 US Department of State, "State Sponsors of Terrorism," https://www.state.gov/j/ct/list/c14151.htm.
- 2 US Department of State Bureau of Counterterrorism, "Sudan," Country Reports on Terrorism 2013, https://www.state.gov/documents/organization/225050.pdf, 21. See also John Kirby, "The United States Welcomes Cooperation with Sudan on Counterterrorism," September 20, 2016, https://www.state.gov/r/pa/prs/ps/2016/09/262184.htm; US Department of State Bureau of Counterterrorism, "Sudan," Country Reports on Terrorism 2014, https://www.state.gov/documents/organization/239631.pdf.
- 3 See footnote 2 of main report for more on President Trump's executive orders.
- 4 "Full Transcript of Al Arabiya's Interview with CIA Director John Brennan," Al Arabiya, June 12, 2016, https://english.alarabiya.net/en/perspective/features/2016/06/12/Full-transcript-of-Al-Arabiya-s-interview-with-CIA-chief-John-Brennan.html.

sanctions to change negative behavior—in Darfur and the Two Areas, for example—has demonstrated only limited if not negligible utility; despite decades of US-led sanctions, some of the most egregious abuses singled out by the United States continue.

If sanctions were intended to force a leadership change in Sudan—something that the United States has explicitly denied—then they have failed. However unpleasant for the United States, President Bashir continues to rule the country—including its National Dialogue process and resulting reforms.

# **General Licenses**

With the goal of limiting harm to the Sudanese people from the country's economic isolation, the United States set up some carve outs to its sanctions program, known commonly as "general licenses."24 These licenses are overseen by the Treasury Department's Office of Foreign Assets Control (OFAC), and general sectoral licenses include, among others: remittances, medical equipment, and select cultural and academic programs.<sup>25</sup> The January 2017 executive order created a new and wide-ranging general license, which authorized nearly all business with Sudan. Insofar as the new executive order eases the burden of doing business particularly in public good sectors like healthcare or agriculture—it was a positive development for the people of Sudan.<sup>26</sup>

# **Financial Realities**

Even with the modest relief offered to legitimate Sudanese businesses, citizens, and nongovernmental organizations as part of EO 13761, a strong reluctance to promote and facilitate such business remains among international financial institutions and private enterprise.

The ramifications of being a sanctioned country do more to damage Sudan's ability to interact with the West and the United States, especially in commerce, than any other restrictive measure. International banks are reluctant to carry out transactions related to Sudan, even those for which a general license exists, and thus, noncontroversial sectors including health, agriculture, and education have suffered greatly. As a result, the Sudanese people have become collateral damage in the fallout from this bumpy bilateral relationship.

US sanctions have a global ripple effect, particularly in their implementation and enforcement, which compound the isolating effect of the restrictive measures on their own. A combination of US antiterrorism financing laws, expensive civil penalties, risk to reputation, and divestment campaigns have made investment and business in Sudan—broadly speaking—unattractive, prompting most global financial institutions, including those that are not technically barred from transacting with Sudan by US sanctions, to dump their Sudan accounts to lower their portfolio risk.

Sanctions are meant to make doing business difficult, but the effects in Sudan have dampened even activities that benefit the public. In a landmark 2014 case, the French bank BNP Paribas was fined nearly \$9 billion after processing a series of transactions primarily involving Sudan, as well as Iran and Cuba.<sup>27</sup> While theirs was an egregious case of sanctions violation, the BNP settlement is repeatedly referenced as the turning point for reluctance to process Sudan-related transactions and a worldwide move to de-risk portfolios of Sudanese accounts.<sup>28</sup> Now, Sudanese and foreigners in Sudan, including humanitarian aid organizations, are forced to conduct their legitimate business using dangerously large amounts of US dollars in cash, as credit card companies cannot operate in the country and funds cannot be easily wired into accounts in Sudan. This reality has effectively shut out western companies from doing business in Sudan, but it has not excluded other players like China, Russia, or Gulf countries.

The status quo also allows corruption to thrive and deepen in Sudan. Because the country is so closed off, the Sudanese people have turned to arduous,

<sup>24</sup> US Department of Treasury Office of Foreign Asset Control (OFAC) definition: "A license is an authorization from OFAC to engage in a transaction that otherwise would be prohibited. There are two types of licenses: general licenses and specific licenses. A general license authorizes a particular type of transaction for a class of persons without the need to apply for a license. A specific license is a written document issued by OFAC to a particular person or entity, authorizing a particular transaction in response to a written license application." US Department of the Treasury, "Basic Information on OFAC and Sanctions," last updated March 14, 2017, https://www.treasury.gov/resource-center/faqs/Sanctions/Pages/faq\_general.aspx.

<sup>25</sup> While these licenses are intended to offer specific sectors a way to lawfully transact business with Sudan, they are widely considered ineffective due to the broader reputational and operational effects of sanctions, which force businesses and individuals to engage in a lengthy, expensive, and labor-intensive process to have individual transactions approved or to seek clarifying guidance from OFAC.

<sup>26</sup> There remain serious differences of opinions on the efficacy of any sanctions relief, particularly among those who believe that US action was premature considering the continued restriction of civil liberties and political rights in Sudan and the danger that the benefits of sanctions relief could go overwhelmingly to the elite.

<sup>27</sup> Tiffany Kary, Del Quentin Wilber, and Patricia Hurtado, "BNP to Pay Almost \$9 Billion Over US Sanctions Case," *Bloomberg*, June 30, 2014, https://www.bloomberg.com/news/articles/2014-06-30/bnp-paribas-charged-in-sanctions-violation-probe-in-new-york.

<sup>28</sup> Observations following author meetings in Sudan, May and October 2016.



Following the secession of South Sudan in 2011 (and with it more than 75 percent of Sudan's oil production), the country lost a key source of revenue and hard currency. *Photo credit:* Christopher Michel.

expensive, and opaque ways to conduct business. The same circumstances are a breeding ground for unscrupulous individuals-including many closely aligned with the ruling party—to profit handsomely. Bringing these actors in from the shadows will persist as a challenge if Sudan continues to open itself up to foreign investment and related scrutiny. But renewed access to the global financial system is a "win-win" for Sudan and the United States: it invites a degree of scrutiny and transparency to the financial system and lessens the opportunity for financial malfeasance; and a more sustained opening reassures US businesses that their investments in Sudan will be respected, while proving to Sudanese businesses that it is worthwhile to initiate new or expanded business with the United States.

The January 2017 executive order allowed some relief to Sudanese citizens and government officials to access the US and international banking system, though interim anecdotal evidence suggests that reputational risk and fear of running afoul of US

anti-terrorism financing laws continue to negatively affect the ability of ordinary Sudanese citizens to access international banking or credit services. No multinational bank has entered the Sudanese market since the sanctions relief, which points to a broader hesitance to allow transactions involving Sudan until the US policy review (select companies have dispatched scoping missions to assess investment opportunities). While the broad scope of the executive order was initially met with great optimism from the Sudanese business community, great uncertainty remains.

## **Economic Realities**

In addition to the pressure imposed by US sanctions, there are other issues exacerbating Sudan's overall weak economy, including corruption, undue bureaucratic hurdles, and currency manipulation.<sup>29</sup> The country's economy boomed after the start of oil production in the 1990s, but then contracted steeply following South Sudan's secession and the

<sup>29</sup> Sudan is ranked 164 out of 180 on the Heritage Foundation's 2017 Index of Economic Freedom, which cites "poor governance and inefficient regulations," as well as high levels of corruption as impediments to economic growth. The Heritage Foundation, "Sudan," 2017 Index of Economic Freedom, http://www.heritage.org/index/country/sudan. Sudan is also near the bottom of the World Bank's Doing Business index, which ranks countries based on a series of business-related indicators. World Bank. "Sudan."

loss of more than 75 percent of Sudan's lucrative oil production, a key source of hard currency. 30 The World Bank estimates that after South Sudan's secession, Sudan lost nearly all—95 percent—of its exports and more than half of its government revenues.<sup>31</sup> While Sudan has worked to supplement petroleum production, in part with gold,<sup>32</sup> depressed global oil prices continue to negatively impact revenues. Recent analysis suggests that the economy is in dire straits (according to some estimates, Sudan has no more than two months of hard currency reserves available for imports) and is having trouble finding creditors for its debt (estimates suggest \$35 to \$50 billion), the vast majority of which is in arrears.33 Moreover, the existence of a thriving black market for exchanging currency, at some points eclipsing a 250 percent markup from the official rate set by Sudan's Central Bank, dampens investor interest.

Debt relief for Sudan, which acquired all debt prior to southern Sudan's secession—has been a high priority for the government over the years, though the topic was not included in EO 13761. There has been little progress in negotiations with the international financial institutions, and the ability of such institutions to discuss debt relief with Sudan is at least partially dependent on the country's designation by the United States as a state sponsor of terrorism. Sudan's unsustainable debt burden is a clear impediment to sustained and inclusive economic growth that might benefit its forty million people, and debt relief is high on the Sudanese government's agenda. While the issue was excluded from recent US-Sudan negotiations, future bilateral discussions should consider tackling this issue.

Some of Sudan's other economic woes are self-inflicted. Even in times of plenty, the country did not invest in its people or put accountable and transparent business practices into place. Recent

estimates suggest that funding allotted for security-related expenditures dwarfs both Sudan's health and education budgets, in the latter case at a rate of 35:1.<sup>34</sup> Furthermore, concerns about the poor state of Sudan's business climate, including major concerns around corruption and currency manipulation, depress investor interest in the country.<sup>35</sup> These challenges were exacerbated by the loss of South Sudan and its massive petroleum reserves.

Despite its current economic weaknesses, Sudan holds potential for investors. Its geostrategic position—bridging the Arab and African worlds—offers access to both the Nile River and the Red Sea, the latter being a key transit area for global commerce. Sudan also has a varied climate and vast unutilized arable land (some 19 million hectares)<sup>36</sup> that could support profitable agriculture products. Lastly, if managed well, the country's oil and mineral wealth could contribute to sustained economic growth.

The country has no shortage of entrepreneurs: Sudanese businesspeople have demonstrated that they are especially creative and tenacious to succeed in such a challenging economic and political environment. Sudan is home to a number of massive conglomerates, which sell everything from cars to food and provide professional, telecommunications, and educational services. Some of these corporations boast laudable corporate social responsibility programs that offer scholarships to promising Sudanese students. Foreign companies also operate in Sudan, though none of them are American. Instead, Chinese, Russian, Indian, Malaysian, Turkish, and Indonesian companies have increased their presence despite sanctions—particularly in infrastructure, petroleum, and service industries.

Doing Business 2017, http://www.doingbusiness.org/data/exploreeconomies/sudan. See also World Bank, "Sudan," April 19, 2017, http://www.worldbank.org/en/country/sudan/overview.

<sup>30</sup> World Bank Group, "Sudan: Realizing the Potential for Diversified Development," September 30, 2015, http://documents. worldbank.org/curated/en/771411474649783837/pdf/103352-REVISED-SudanCountryEconomicMemorandumRealizingthePotentialforDiversifiedDevelopmentTheWorldBankWashingtonDC.pdf, xi.

<sup>31</sup> The World Bank, "Sudan: Overview," April 19, 2017, http://www.worldbank.org/en/country/sudan/overview.

<sup>32</sup> Reliable data on Sudan's economy are difficult to come by, but estimates suggest that the export of gold has significantly ramped up since South Sudan's secession. "Sudan Made \$2.2 Billion from Gold Exports in 2012," Reuters, April 1, 2013, http://www.reuters.com/article/sudan-gold-idUSL5NOCOOVX20130401.

<sup>33 &</sup>quot;Money and the Military," Africa Confidential, January 6, 2017, https://www.africa-confidential.com/article-preview/id/11872/Money\_and\_the\_military; The World Bank, "Sudan: Overview," June 1, 2017, http://www.worldbank.org/en/country/sudan/overview. See also Suliman Baldo, "Khartoum's Economic Achilles' Heel," Enough Project, August 2016, http://www.enoughproject.org/files/report\_Khartoum AchillesHeel\_Suliman\_August2016.pdf.

<sup>34 &</sup>quot;Money and the Military," Africa Confidential.

<sup>35</sup> Corruption is considered a "very high risk" by the GAN Business Anti-Corruption Portal, which derides Sudan's "system of patronage and cronyism and [distortion of] market competition to the disadvantage of foreign firm[s] without political connections," as well as widespread impunity for this corruption. See "Sudan Corruption Report," GAN Business Anti-Corruption Portal, May 2016, http://www.business-anti-corruption.com/country-profiles/sudan#. See also The Enough Project, "Sudan's Deep State," April 2017, http://enoughproject.org/wp-content/uploads/2017/05/SudansDeepState\_Final\_Enough.pdf. Chapter 2, "Economic Snapshot," provides additional details on both the potential and pitfalls of Sudan's economy.

<sup>36</sup> World Bank, "Sudan: Arable land (hectares)," 2014, http://data.worldbank.org/indicator/AG.LND.ARBL.HA?locations=SD.

# THE PEOPLE OF SUDAN: HUMANITARIAN CHALLENGES AND OPPORTUNITIES

udan's people have borne the brunt of their government's actions, so US policy should continue to prioritize them—both because doing so aligns with US values and because supporting the average Sudanese will advance US interests in the long run. Critical elements of this platform include bringing peace and security to all of Sudan's people, reducing suffering via sustained humanitarian and development assistance, addressing refugee and migrant flows, and empowering the next generation.

Historically, the US-Sudan relationship has included large amounts of humanitarian aid to relieve the ongoing suffering of the Sudanese people. Traditional USAID programs in health, education, economic development, and democracy promotion, as well as people-to-people programs and academic exchanges that bring young Africans to the United States for leadership training, have ebbed and flowed with political crises. Prior to 2011, most US aid to Sudan went to southern Sudan, which then seceded to form the Republic of South Sudan. At present, great need continues to exist in both countries, and the United States has always responded generously to such crises.

Today, US development posture in Sudan is limited, though this is predominately due to difficult conditions, including instability and government intransigence, on the ground. Most assistance is humanitarian in nature and does not offer long-term development programming or assistance in human security, protection issues, or other contentious sectors, but is allocated to emergency food supplies via the UN's World Food Program.<sup>37</sup> In 2016, the United States spent just over \$100 million in Sudan, and in fiscal year 2017, USAID has planned more than \$110 million worth of aid—a small fraction of the aid allocated for other countries in the region.<sup>38</sup> However, Sudan's restrictions on independent press

and political opposition—including the arbitrary detention of political activists like Dr. Mudawi Ibrahim Adam or the seizure of newspapers—inhibits the United States' ability to work with non-state actors like civil society.<sup>39</sup>

Ongoing conflicts in Sudan's hinterlands and continued difficulties in accessing parts of Sudan for delivering assistance or conducting needs assessments continue to present obstacles. Moreover, a pervasive lack of trust between humanitarian organizations and the Sudanese government has impeded aid delivery in some areas.

# Ongoing Conflicts, Human Insecurity, and Humanitarian Access

Perhaps the largest obstacles in the US-Sudan bilateral relationship are the ongoing hostilities against civilians in marginalized areas of Sudan including Darfur, South Kordofan, and Blue Nile (see appendix 3 for more on these conflicts); the historic denial of humanitarian access to areas affected by conflict; and broader concerns about the state of human rights and civil liberties in Sudan. Nongovernmental organizations (NGOs) report that the Sudanese government's intransigence—and often its outright hostility—toward these organizations and their staff is a roadblock to delivering lifesaving food and medical assistance to some of Sudan's most at-risk people.

Hostilities continue between government and armed opposition elements in various parts of the country. More than a decade after the United States declared that the conflict in Darfur was genocide, millions remain internally displaced.<sup>40</sup> The Sudanese government called a unilateral ceasefire in June 2016 for the Two Areas and eventually extended it to Darfur; despite sporadic clashes, particularly around Jebel Marra in Darfur,<sup>41</sup> that agreement reportedly holds. There has been little movement

<sup>37</sup> US Agency for International Development, "Sudan Fact Sheet #2," January 27, 2017, https://www.usaid.gov/sites/default/files/documents/1866/sudan\_ce\_fs02\_01-27-2017.pdf.

<sup>38 &</sup>quot;United States Announces Nearly \$138 Million in Additional Humanitarian Assistance for South Sudan," US Agency for International Development, August 22, 2016, https://www.usaid.gov/news-information/press-releases/aug-22-2016-us-announces-nearly-138-million-additional-humanitarian-assistance-south-sudan.

<sup>39 &</sup>quot;UN Expert Says Concerned Over Detentions and Press Freedom in Sudan," *Sudan Tribune*, May 22, 2017, http://www.sudantribune.com/spip.php?article62515.

<sup>40</sup> Estimates by the Internal Displacement Monitoring Centre, "Global Report on Internal Displacement," http://www.internal-displacement.org/assets/publications/2017/20170522-GRID.pdf, 24.

<sup>41 &</sup>quot;African Union delegation says security situation in Jebel Marra prevents IDPs return," Sudan Tribune, May 18, 2017, http://www.sudantribune.com/spip.php?article62501. In January 2016, renewed clashes between the Sudanese Armed Forces and Sudan



Troops from the hybrid African Union-United Nations Mission in Darfur (UNAMID) on patrol in 2014. The region was the scene of sporadic clashes, particularly around Jebel Marra, in early 2016. *Photo credit*: Albert González Farran, UNAMID.

on bringing the last armed elements in Darfur into a comprehensive peace agreement, and negotiations between the Sudan People's Liberation Movement-North (SPLM-North) and the government in the Two Areas remain deadlocked. Unresolved political issues clearly remain, and they continue to drive conflict in all three areas.

The government of Sudan's responsibility is to protect its people and as a sovereign government, it is accountable for everything that happens in its territory. But much to the government's chagrin, it does not control all its territory—key portions of the Two Areas are occupied by the SPLM-North, adding a complication to negotiations for humanitarian access to conflict-affected areas. There is also the issue of verification. The inability

of diplomats and NGOs to reach remote sites where violence has reportedly occurred complicates current assessments of Darfur and the Two Areas. Without access to the site to gather evidence, it is exceedingly difficult to prove the extent to which conflict continues.

Lastly, it is important to remark on Sudanese federalism. It is sometimes difficult to know at which level—federal, regional, or local—resistance to implement a policy change occurs. Despite the appearance of a strong and highly centralized state, the perception of federal power as linear and disciplined is not necessarily accurate.

Activists have long documented the Sudanese government's use or withholding of humanitarian assistance as a coercive tool, which is explicitly

Liberation Army - Abdul Wahid faction displaced nearly 200,000 people from Jebel Marra. See United Nations Office for the Coordination of Humanitarian Affairs, "Fact Sheet: Jebel Marra Crisis," September 1, 2016, http://reliefweb.int/sites/reliefweb.int/files/resources/Jebel\_Marra\_Crisis\_Fact\_Sheet\_Issue\_7\_31\_Jul\_2016.pdf.

# "For decades, both national and international NGOs have had difficulty accessing remote or conflict-affected parts of Sudan. . ."

forbidden by international humanitarian law.<sup>42</sup> Violence against aid workers—which often goes unpunished—exacerbates the lack of trust between NGOs and the Sudanese government, which reached an all-time low following the International Criminal Court's indictment of President Bashir for war crimes, crimes against humanity, and genocide related to Darfur in 2009.43 For decades, both national and international NGOs have had difficulty accessing remote or conflict-affected parts of Sudan—though they both maintain that there is a vital need to deliver life-saving assistance to Sudan's most vulnerable and marginalized regions. At times, this is due to the government's intransigence—refusal to grant visas and travel permits, for example—and at other times, attributable to the rebel groups holding territory in slivers of Blue Nile and South Kordofan. 44 The United States has worked to address these obstacles to humanitarian aid, which impede development and worsen ongoing suffering.

The facilitation of sustained and unfettered humanitarian access to all conflict areas in Sudan has been a key part of all US-Sudan negotiations for years, and it was one of the five areas of negotiation cited by the State Department in the recent EO. In the announcement of EO 13761, the United States noted modest improvements in this area, including revisions to the Sudanese national regulations that govern aid groups.<sup>45</sup> Delivery of real change in this

area remains tenuous and should stay a key element of continued bilateral negotiations.

Adding to the desperate situation of hundreds of thousands of civilians in Darfur and the Two Areas. who have either been displaced from their homes or otherwise affected by the ongoing violence, has been the difficulty of assuring full and continued humanitarian assistance into these conflict-affected areas, particularly those that are not controlled by the Sudanese government. High-level mediation via the African Union, and more recently by former US Special Envoy for Sudan and South Sudan Donald Booth, has largely failed to negotiate humanitarian access into rebel-held territory in the Two Areas.<sup>46</sup> At the time of writing, the SPLM-North, which controls a small amount of territory in the Two Areas, had not accepted US guarantees to facilitate humanitarian aid into rebel-held areas.<sup>47</sup>

There has, however, been a limited breakthrough in the government's acceptance of cross-border humanitarian assistance to South Sudan.<sup>48</sup> Sudan's approval of a humanitarian corridor into South Sudan, which is concurrently suffering from a civil war and famine in some counties, is a positive expansion of humanitarian access. Next, the challenge will be to extend that same access to marginalized areas inside Sudan.

# **Augmenting Diplomatic Efforts**

Diplomacy is one of the strongest national security tools available to the United States. When properly resourced and executed, diplomacy provides the United States with an opportunity to understand, influence, persuade, or cajole other nations to partner on vital US and international policies. Moving the US ambassador to a residence outside of Sudan in 1996 sent a strong signal of disapproval to the

<sup>42 &</sup>quot;Customary International Humanitarian Law, Rule 55: Access for Humanitarian Relief to Civilians," International Committee of the Red Cross, https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1 rul rule55.

<sup>43 &</sup>quot;Sudan Expels Aid Groups in Response to Warrant," NBC News, March 4, 2009, http://www.nbcnews.com/id/29492637/ns/world\_news-africa/t/sudan-expels-aid-groups-response-warrant/#WSIuFevyuM8. This trust reached an all-time low in 2009 when Sudan expelled thirteen NGOs working in Darfur. The Sudanese government primarily blamed international aid organizations working in Darfur, which had provided testimony about the crimes occurring in that region, prior to the ICC's indictment of Bashir.

<sup>44</sup> Lesley Wroughton, "US Envoy Warns Against Being Too Trusting of Sudan's Armed Opposition," Reuters, January 18, 2017, http://news.trust.org/item/20170118221018-xm1z8/?source=reTheWire.

<sup>45</sup> In its announcement of EO 13761, the State Department specifically noted Sudan's "revised national regulations that govern humanitarian access," as well as recent humanitarian air access allowed to Golo, Darfur as part of the rationale for improving relations. Initial reactions from the humanitarian community expressed skepticism about the sustainability of progress on this front, as sanctions relief was predicated on a commitment to improve aid delivery, rather than confirmed implementation of a change. Unfortunately, until unfettered access is granted to conflict-affected areas of Sudan, it will be impossible to independently verify and monitor any changes, particularly if humanitarian aid organizations fear that they are risking their operations by speaking out.

<sup>46 &</sup>quot;African Mediation Suspends Talks Over Humanitarian Access to Southern Sudanese States," Sudan Tribune, July 28, 2012, http://www.sudantribune.com/African-mediation-suspends-talks,43385; Wroughton, "US Envoy Warns Against Being Too Trusting of Sudan's Armed Opposition."

<sup>47 &</sup>quot;Envoys Fail to Convince SPLM-N to Accept US Humanitarian Proposition," *Sudan Tribune*, January 18, 2017, http://www.sudantribune.com/spip.php?article61419.

<sup>48</sup> Office of the Spokesperson, "Troika Statement on the Opening of a Humanitarian Corridor from Sudan to South Sudan," US Department of State, April 6, 2017, https://www.state.gov/r/pa/prs/ps/2017/04/269520.htm.

# **US Special Envoys to Sudan**

The geopolitical importance of the US-Sudan relationship throughout Republican and Democratic administrations is underscored by nearly two decades of continuous presidential special envoys. Particularly after the US ambassador left Khartoum in 1996, special envoys have worked tirelessly and made significant progress in brokering peace and in bettering relations between northern and southern Sudan, and between each and the United States.

- Senator John Danforth (September 2001–June 2004)
- Deputy Secretary of State Robert Zoellick (February 2005-May 2006)
- USAID Administrator (ret.) Andrew Natsios (September 2006-December 2007)
- Ambassador Richard Williamson (January 2008–January 2009)
- Maj. Gen. Scott Gration, USAF (Ret.) (March 2009-April 2011)
- Ambassador Princeton Lyman (March 2011-March 2013)
- Ambassador Donald Booth (August 2013-January 2017)

Sudanese, but the continued absence of a high-level diplomat based in Khartoum has proven to be an impediment to advancing US interests—particularly after the last administration ended an informal but symbolic policy to post former ambassadors in the chargé d'affaires position. Without the highest level of diplomatic representation (a Senate-confirmed ambassador), as has been the case in Sudan since late 1997, the United States continues to miss key opportunities to advance in-country objectives. A change in this policy is not a "gift" to Khartoum, as critics suggest; it expands the US diplomatic toolbox.

In recent times, the special envoy and the Embassy's chargé d'affaires have taken on the duties of an ambassador together. The posture of withholding ambassadorial accreditation to Sudan has outlived

its usefulness and restricts the US ability to project diplomatic influence in Khartoum. Particularly as the new administration tries to assess progress on EO 13761, a well-resourced Embassy led by a Senate-confirmed ambassador would be best positioned to identify and implement US goals in Sudan.

Intensive bilateral diplomatic discussions between Sudan and the United States at the end of the last administration resulted in EO 13761. It was not the first attempt to negotiate an opening with Sudan: past failures started with US promises of sanctions relief if certain benchmarks were met. In two prior attempts, mitigating circumstances—the outbreak of hostilities in Darfur and then in the Two Areas—scuttled negotiations, leading to the frequent Sudanese complaint that the United States "moved the goalposts" on what constituted progress in negotiations.

The successful conclusion of the CPA negotiations in 2005 was promised as the key to end punitive measures on Sudan—and to provide a peace dividend to Sudan and South Sudan. But as the agreement was being signed, violence in Darfur escalated and public pressure mounted on the US government to respond. When Barack Obama assumed office in 2009, the administration attempted a review of its Sudan policy, offering an opportunity for sanctions relief predicated on upholding the CPA's stipulations—allowing a referendum and then secession for southern Sudan—and ending the genocide in Darfur. But at the same time, Sudan reignited war in the Two Areas, negatively affecting progress on all bilateral issues.

These critical moments were inflection points in the bilateral relationship where the United States was seen as failing to deliver on its promises to Sudan. This perception of the United States as an unreliable and unserious partner—and similarly, a view that the Sudanese were not genuine in their negotiations—reverberated through the US-Sudan relationship during the last administration. Efforts by both sides to be open and transparent about progress will go a long way in rebuilding the trust necessary to sustain progress in the bilateral relationship.

# **Prioritizing the Sudanese People**

In a review of US opportunities to build partnerships with the Sudanese people, several factors deserve consideration. Sudan is still a developing nation, and its health and education statistics are particularly

<sup>49</sup> Instead of easing punitive measures, the United States tightened them in 2006, adding a slate of new Darfur-related sanctions to Sudan

<sup>50</sup> Hillary Rodham Clinton, "Remarks on the Sudan Strategy," October 19, 2009, https://2009-2017.state.gov/secretary/20092013clinton/rm/2009a/10/130686.htm.

<sup>51</sup> Rather than "moving the goalposts," as the Sudanese said, former Special Envoy Donald Booth suggested that in resuming war in the Two Areas, "Sudan shift[ed] the playing field." See "US Special Envoy Speaks on Sudan and South Sudan," US Institute of Peace, January 18, 2017, https://www.usip.org/events/us-special-envoy-speaks-sudan-and-south-sudan.



Sudanese students travel to school in North Darfur. Sudan is demographically dominated by its youth: twenty-two million Sudanese are under the age of twenty-four. *Photo credit*: Albert González Farran, UNAMID.

poor: gross domestic product per capita is \$2,081, and the country is ranked near the bottom—165 out of 188 countries and territories rated—of the UN Human Development Index.<sup>52</sup> Nearly a quarter of the population is illiterate, and life expectancy is just sixty-three years of age.<sup>53</sup> A shortage of Sudanese doctors exacerbates the health sector's chronic underfunding, and the doctors that have not fled the country are barely paid a living wage. Basic medicine and healthcare equipment are nonexistent, broken, or too expensive for the average Sudanese to afford. The situation was so dire in October 2016 that medical workers from more than one hundred hospitals went on strike over low wages and poor working conditions.<sup>54</sup>

Sudan is also demographically dominated by its youth: twenty-two million Sudanese are under

the age of twenty-four. Some 16 percent of all Sudanese enroll in higher education (compared to 39 percent in China and 87 percent in the United States), but the percentage of unemployed college graduates remains disproportionally high.55 Unlike earlier generations of Sudanese who pursued higher education in the United States at their government's urging, today's youth have had little to no interaction with the United States or Americans. Rhetoric depicting US sanctions as responsible for Sudan's economic woes has created a palpable frustration toward the United States among Sudanese youth. Given Sudan's poor economy and its political restrictions, many Sudanese youth are also receptive to the idea of a dangerous journey across the Mediterranean if it means they will have better access to employment. A combination of

<sup>52</sup> World Bank, "Sudan: Life Expectancy at Birth, Total (Years)," http://data.worldbank.org/indicator/SP.DYN.LE00.IN?locations=SD; UN Development Program, *Human Development Report 2016*, http://hdr.undp.org/sites/default/files/2016\_human\_development\_report.pdf, 200.

<sup>53</sup> UN Development Program, "Sudan: Human Development Indicators," http://hdr.undp.org/en/countries/profiles/SDN.

<sup>54 &</sup>quot;'Concerns for 14 Doctors Held Incommunicado in Sudan': ACJPS," Radio Dabanga, November 13, 2016, https://www.dabangasudan.org/en/all-news/article/concerns-for-14-doctors-held-incommunicado-in-sudan-acjps.

<sup>55</sup> World Bank, "Gross Enrolment Ratio, Tertiary, Both Sexes (%),"http://data.worldbank.org/indicator/SE.TER.ENRR.

isolation, repression, and poverty threatens to steal this generation's potential from Sudan.<sup>56</sup>

Much like their peers in other African countries, Sudanese youth are not immune to radicalism. In 2015, for example, nearly two dozen medical students studying at a Khartoum university were recruited to travel to Turkey to join ISIS.<sup>57</sup> To its credit, the Sudanese government acted quickly to disrupt the group's campus recruiting network.<sup>58</sup> While isolation and poverty are not the only factors in an individual's radicalization process (a point reinforced by the students' attendance at a private medical college in Sudan), they do make youth particularly vulnerable to terrorist recruiters who offer money, glory, or comradery to join.<sup>59</sup>

Like their African and global peers, Sudanese youth seek economic prosperity, good governance, and personal freedoms. Some have started their own nonprofits or have trained as lawyers, doctors, journalists, and activists. They cite corruption, divisive ethnic politics, a poorly run economy, sanctions-related isolation, political repression, and ongoing violence and conflict in Sudan's environs as impediments to their country's progress.60 In conversations, they say that they desire more accurate information about events happening within their borders, as well as externally, which includes both unrestricted access to information and adequate communications infrastructure to freely access the internet. Sudan's youth also express their desire for more widespread civic education on how to implement the constitutional rights that exist.

The US government has historically offered wideranging cultural and educational engagement programs to both citizens of democratic nations and authoritarian regimes, though only select programming is available to Sudanese youth—both officially and due to financial and visa restrictions. Looming budget cuts proposed by the new administration will likely restrict flexibility for this kind of programming further, though there are low-cost options that take advantage of new technologies to connect young people across the globe. For each

# **Why Africa's Youth Matter**

The necessity of investing in the next generation has never been so urgent as in Africa, where 60 percent of the continent's population is under the age of twenty-five. By 2035, sub-Saharan Africa will have a larger potential workforce than the combined rest of the world, but to employ them all, African countries must create some 18 million jobs annually.<sup>1</sup>

The United States has much to gain from educating young people around the world about its values, governance system, and culture of entrepreneurship; youth-focused programs shape Africa's next leaders. But fewer young Africans—and only a handful of Sudanese—attain firsthand exposure to the United States, as it remains time-consuming, expensive, and confusing to bypass US regulations to travel, study, or live in the United States.

To address this deficit, the US Department of State runs various youth-focused programs. The newest is the Young African Leader's Initiative (YALI), which began in 2010 and for which applications have skyrocketed—64,000 people applied for one thousand positions in 2017—in a matter of years.<sup>2</sup> Of the thousands of young Africans who have participated in the program since its inception, only thirty-seven are Sudanese.<sup>3</sup>

- 1 International Monetary Fund, "How Can Sub-Saharan Africa Harness the Demographic Dividend?" Regional Economic Outlook: Sub-Saharan Africa, April 2015, 25-26.
- 2 Young African Leaders Initiative, "I Wasn't Selected to be a Mandela Washington Fellow. What Now?" https://yali.state.gov/i-wasnt-selected-to-be-a-mandela-washington-fellow-what-now/.
- 3 IREX, "Our Fellows," 2017, https://www.irex.org/our-fellows.

Sudanese student who participates in a US-led exchange program, there are easily thousands more who would benefit from a similar opportunity to be

<sup>56</sup> Members of the Task Force were fortunate to meet with select groups of Sudanese youth during their May and October visits; opinions expressed over those meetings are included here.

<sup>57</sup> Geneive Abdo, "This Sudanese School's Students are Rapidly Joining ISIS," The Brookings Institution, August 13, 2015, https://www.brookings.edu/opinions/this-sudanese-schools-students-are-rapidly-joining-isis/; Conor Gaffey, "22 British Medical Students Travel From Sudan University to Join ISIS," Newsweek, February 6, 3017, http://www.newsweek.com/22-british-medical-students-travel-sudan-university-join-isis-syria-553020. Students who left the University of Medical Sciences and Technology (UMST) to join ISIS were either British or British-Sudanese citizens. In all, more than two dozen students—most of them British citizens—are thought to have left UMST to join ISIS. Many students served as medics, and some were confirmed killed in Syria and Irad.

<sup>58</sup> Mark Townsend, "We've Cleared ISIS from Our Campus, Says Sudan University After Britons are Killed," *Guardian*, March 4, 2017, https://www.theguardian.com/world/2017/mar/04/sudanese-university-calms-parents-two-more-british-medical-students-killed-with-isis.

<sup>59</sup> Ömer Taşpınar, "Fighting Radicalism, Not 'Terrorism': Root Causes of an International Actor Redefined," *SAIS Review* XXIX, no. 2, (2009), https://www.brookings.edu/wp-content/uploads/2016/06/summer\_fall\_radicalism\_taspinar.pdf.

<sup>60</sup> Delegation discussions with youth in Sudan, May and October 2016.

exposed to the United States. The most unanimously positive feedback on US-administered programs in Sudan is on youth engagement, and Sudanese universities plead for more American exposure for their students—some 90 percent of whom would opt to study abroad if possible. Sudanese universities decry abandoned US textbook programs and inability to access US legal and medical trade journals because of financial restrictions.

Sanctions and Sudan's isolation from the global financial sector have largely forced Sudanese seeking higher education (and particularly those looking for technical degrees) to turn eastward instead. University students take scholarships in China, Russia, and the Persian Gulf because of American inaccessibility. Historically, nearly all of Sudan's leadership had studied in the United States, but at present, the United States risks losing the battle to educate Sudanese hearts and minds.

A potential bright spot is the re-vamping of State Department-facilitated educational exchanges between Sudan and the United States. In January, for example, thirteen Sudanese university vice chancellors visited the United States for two weeks to meet with US university officials; the visit materialized at the urging of a Sudanese Education Ministry official, who himself was also an alumnus of the State Department's International Visitor Leadership Program (IVLP).

Attempts to bridge existing gaps, including via "distance learning" between American and Sudanese universities online-made difficult by Sudanese government restrictions on the internet and insufficient internet infrastructure in Sudan, as well as hesitancy from US universities—are an important first step to reinvigorating educational exchanges and broadening Sudanese exposure to US values and standards. An important access point to these broader soft power objectives is through the English language, which is in high demand but for which there are few options to access highquality and affordable English instruction. Language instruction, through formal lessons or informal mechanisms like screening American films or TV shows, is an entrée to Sudan's next generation. Without it. Sudanese youth will move further away from the United States and closer to Sudan's other international allies, not all of whom are friendly to the United States, its values, or its wider interests.

There is also potential in people-to-people exchanges and engaging more directly with Sudanese youth. In 2016 and after two decades of

61 Fulbright Scholar Program, "2017-2018 Core Fulbright U.S. Scholar Program Competition Opens," http://www.cies.org/article/2017-2018-core-fulbright-us-scholar-program-competition-opens.

suspension, the Fulbright Scholar Program restarted in Sudan, allowing US scholars to apply for a yearlong fellowship to teach at partner universities in Sudan.<sup>61</sup> Between 2014 and 2016, there were twenty-one Sudanese participants in the State Department's Young African Leader's Initiative, for

# Sanctions Case Study: Ahfad University for Women

The United States has key opportunities to support Sudanese individuals and institutions that are already helping themselves. At Ahfad University for Women (AUW) in Khartoum, for example, nearly eight thousand primarily female students from twenty-six African countries are enrolled.

As the University's President Dr. Gasim Badri noted:

"Ahfad University for Women is not only an institution for higher education, but it is also a life experience for many females who come with their dreams, aspirations, demand for knowledge, and strive for gaining new skills that will make them leaders in the future, change agents, and influential women in their regions and countries. This is what AUW is about."

But AUW is not immune from some of the sanctions-related headaches facing other nonprofits in Sudan: their students are unable to take graduate tests, like the graduate record examination and certified accountant exam, in Sudan and must travel as far away as Dubai or Cairo to do so. The university has also been unable to provide online opportunities—including e-courses and English-language journals—to students due to difficulties in acquiring the relevant software (alternate software options are available, but are unaffordable at double to triple the US price). AUW efforts to fundraise, particularly from the Sudanese diaspora, have been complicated by the international reluctance to process Sudanrelated financial transactions.

As universities like AUW become increasingly frustrated by their inability to cooperate and partner with US institutions, the United States risks losing out to other countries seeking to influence young Sudanese graduates. As an AUW professor stated, "China is the real winner of US sanctions."<sup>2</sup>

1 Ahfad University brochure, October 2016. 2 Delegation meeting in October 2016.



Students from Ahfad University for Women in Khartoum participate in science classes. The university has nearly eight thousand students from twenty-six African countries. *Photo credit*: Ahfad University.

which the number of applications has increased every year.<sup>62</sup> Less formalized exchange programs, such as IVLP, have in the past allowed Sudanese educators to travel to the United States and learn from peer institutions. A similar exchange program

would be particularly useful for bridging medical, agricultural, and nutritional knowledge in the United States and Sudan.

<sup>62</sup> International Research and Exchanges Board, "Our Fellows," https://www.irex.org/our-fellows?field\_project=92#filter; meetings with US Department of State officials.

# **CONCLUSION AND RECOMMENDATIONS**

he new administration has taken over a complicated relationship with Sudan, but it does not have to be a fruitless one. Considering Sudan's strategic position, as well as its complex historical relationship with the United States, this report concludes that sustained, well-resourced, and thoughtful US engagement with Sudan has the potential to deliver more progress for the bilateral relationship between our nations and for the people of Sudan—than does isolation. While punitive measures-including sanctionsare an important tool, they are only part of a comprehensive US strategy. Despite a checkered diplomatic history with the United States, the Obama administration's policy shift on Sudan may be the first step to recalibrating what could be a constructive relationship in a critical part of the world that ultimately benefits average Sudanese citizens, who have borne the brunt of both harsh internal policies and international isolation. While the progress that led to the recent opening was limited and must be deepened and sustained, it provides the Trump administration with a rare opportunity to nurture and broaden that progress to serve US interests—and support the Sudanese people.

This report offers a series of recommendations to US policy makers on how to most effectively move bilateral relations with Sudan forward in 2017 and beyond. These recommendations are not given—nor should they be taken—in isolation, but as part of a broader US strategy.

# **Augmenting Diplomatic Efforts**

Diplomacy is one of the strongest national security tools available to the United States. When properly resourced and executed, diplomacy allows the United States an opportunity to influence, persuade, or cajole other nations to partner on vital US policies. In Sudan, the United States faces an opportunity—but also a challenge—to sustain and broaden progress on the five tracks of negotiation that predicated sanctions relief in January. Identifying the next focus of the bilateral relationship—including on difficult issues like the country's peace process and its repressive political climate—is vital.

There has not been a Senate-confirmed US ambassador to Sudan since 1997, a policy which has proven unsuccessful in advancing US interests. The new administration should move swiftly to nominate and appoint a new Senate-confirmed ambassador, which should be

part of a broader move to further empower US diplomatic missions to Sudan and South Sudan in-country. The United States should make clear that the appointment of an ambassador does not connote acceptance of Sudanese government policies but instead is intended to facilitate an elevated and sustained bilateral dialogue to advance US interests.

- Despite their "divorce," the fates of both Sudan and South Sudan remain, in many ways, intertwined. With the appointment and confirmation of an experienced senior-level US ambassador in Khartoum (in parallel to the existing US ambassador in Juba, South Sudan), the Trump administration should reconfigure the Washington-based special envoy's responsibilities to focus exclusively on South Sudan to work to end its disastrous civil war. The envoy's responsibility is by nature a regional one, and having ambassadors in both Juba and Khartoum could magnify an envoy's impact in the region.
- To be successful, these efforts must be appropriately resourced. This means providing experienced and qualified diplomats to staff Embassy Khartoum, as well as budgeting sufficient sums for the Embassy and relevant departments at the State Department and USAID to execute their missions in Sudan.

## **Sanctions and Restrictive Measures**

The new administration has a chance to build on this nascent opening with Sudan in ways that advance US interests and support commonsense reforms in Sudan. Following the required interagency review, the new administration should consider the remaining restrictive measures in light of their purposes, and with an eye on what future progress would necessitate the removal of some, if any, remaining restrictions. For the Sudanese government, removing the state sponsor of terrorism designation and accessing international financing for debt relief are priorities. These same items provide the United States with continued leverage to encourage progress on both the original five tracks and new ones.

The United States and its partners should very closely assess conditions in Sudan, including whether Sudan has continued to make progress on the five items that led to sanctions relief and whether the relaxation of sanctions benefits

the Sudanese population at large. Scrutiny of progress should be carefully monitored and include input from the humanitarian community and NGOs working in Sudan. Their sources often provide on-the-ground information that could benefit the review process.

- Three congressional acts and two pieces of appropriations regulations that impose various economic restrictions on Sudan remain; the SST designation was also not altered by January's executive order. Moving forward, the new administration should carefully review these remaining restrictive measures considering their original intentions and assess whether those tools are still effective.
- Removal from the SST list can only be considered by the new administration after a formal sixmonth review process and congressional notification. It is impossible to assess whether Sudan is a state sponsor of terrorism from public reports alone, as the classified assessment is a critical element of the review. The president should direct this review to begin immediately, then thoughtfully consider its findings before making any congressional notification. If Sudan does not meet the criteria, it should be removed from the SST list.
- 7 The recent appearance of Sudan on the travel ban list appears to be because of its SST designation. If true, Sudan's inclusion in the travel ban should be reconsidered in tandem with any results that emerge from an SST review.

# **Economic Realities**

If Sudan continues to meet the required benchmarks to make sanctions relief permanent, then the United States should support policies that regularize, stabilize, and grow Sudan's fragile economy—which will in turn cement the progress of US-Sudan negotiations.

The US government can play an important role in effectively communicating the effect of sanctions relief to American and Sudanese businesses. This can be done by convening events that bring together a variety of private sector stakeholders, releasing timely "frequently asked questions" sheets, and remaining available for inquiries by US businesses seeking to expand into Sudan. This could build off three previous conferences—including in New York, London, and Khartoum—that brought together American and Sudanese officials and private sector representatives to explain US sanctions.

Given the complications of US companies investing in Sudan, as well as the difficulties for Sudanese companies interested in purchasing American goods and services, there are great advantages to preparing the relevant US government entities—State, Commerce, and Treasury—to facilitate private sector efforts.

- As clarity on the future of Sudan sanctions emerges, the country will need assistance reforming its economy to be more transparent and accountable for legal financial transactions. US pressure that urges the Sudanese government to end institutionalized distortions (including currency manipulation and tackling endemic corruption) in a timely manner will be instrumental to establishing confidence in Sudan's financial system, which in turn is necessary to convince international banks and US companies that business in or from Sudan is worthwhile.
- A key part of stabilizing Sudan's economy must include addressing its unsustainable debt burden. Again, assuming that progress on relevant bilateral items continues and that restrictions are lifted on US options to explore possibilities with the international financial institutions to assess options for debt relief—which are linked to the future of Sudan's status on the SST list—the United States should do so.
- 11 The United States is home to approximately 44,000 members of the Sudanese diaspora, many of whom maintain familial or business ties back to Sudan.<sup>63</sup> US policies aimed at helping US companies trade with Sudan should capitalize on these ties and expertise in facilitating American business interests in Sudan.

# **Prioritizing the Sudanese People**

Sudan's political and humanitarian issues are inextricably linked. Without political solutions, there will be no sustainable peace in Sudan. The next round of US diplomacy toward this end, in coordination with international partners and the African Union, should go hand in hand with US willingness to use leverage to achieve peace. Additionally, the American people have a long history of generous support to the Sudanese people to address the country's developmental and humanitarian challenges. Continuing such support in a strategic and fiscally responsible way is a vital piece of the puzzle.

(12) Inherent in plans to support Sudan's most vulnerable people is a diplomatic road map

<sup>63</sup> Pew Research Center, "Country of Birth: 2015," Statistical Portrait of the Foreign-Born Population in the United States, April 11, 2017, http://www.pewhispanic.org/2017/05/03/statistical-portrait-of-the-foreign-born-population-in-the-united-states-2015/ph\_stat-portraits\_foreign-born-2015\_current-05/.

to a political solution in Darfur and in the Two Areas. Without one, successes on items like a ceasefire have little long-term meaning. Armed opposition groups remain active in Darfur and the Two Areas, and the Sudanese armed forces have often done more harm than good. Sudan is required to make continued progress on this element, including through maintaining a unilateral cessation of hostilities in the Two Areas. The United States should closely monitor the ceasefire, publicize any violations of it (which in theory could trigger punitive action), and use pressure on both the Sudanese government and rebel factions to ensure the truce continues. In parallel to this effort, the United States should also lead a renewed multilateral diplomatic push—combining efforts with the African Union High-Level Implementation Panel's process where appropriate—for all parties to reach an inclusive political agreement.

- 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. More important than any one process is an agreement on the end goal: where do Sudanese citizens want their country to be in five, ten, or twenty-five years? What reforms are necessary to get there?
- Current bilateral humanitarian and development aid should be reviewed, continued, and potentially increased—should fiscal conditions to do so allow. Millions of people in Sudan—including refugees from South Sudan, throughout sub-Saharan Africa, and as far away as Syria, as well as those living in Darfur or the Two Areas who have been affected by ongoing insecurity—continue to require emergency assistance. Modest current levels of support feed some two and a half million people annually.<sup>64</sup> The cost of continuing these programs is miniscule compared to larger counterterrorism ones.
- Sudan's facilitation of a humanitarian corridor into South Sudan in April 2017 was an important benchmark that deserves acknowledgement. But the government's openness in facilitating life-saving humanitarian support to South Sudan does not track with the implementation of humanitarian access inside Sudan, where key parts of Darfur and the Two Areas lack sustained and unfettered aid delivery. The policy review at

the end of the last administration was a useful tool for keeping pressure on the Sudanese government to allow this access, and it resulted in some nascent successes—primarily on paper. But more needs to change on the ground, rather than just in policy, to signal to the United States and national and international NGOs that Sudan has created a hospitable environment for those delivering assistance. Any US policy on this issue should work closely with US and international aid agencies as well as relevant NGOs, all of whom have a better sense of whether policy changes at the macro level are filtering down to local implementation. They can also ensure that assistance gets to beneficiaries outside of Khartoum.

- (16) Given the poor state of Sudan's development and economy, and the disproportionate effect those conditions have on Sudanese youth, Sudan risks "losing" an entire generation of young people. Education and cultural programming is a boon to the United States and for Sudan. It is advantageous for the United States, for example, that more Sudanese youth-many of whom could play leadership roles in the country—are educated in the United States. It is in the best interest of the United States to reach out with creative and technology-heavy programs to the successor generation in Sudan and to make them aware of American values, rather than allowing US rivals to offer their own education and influence. Similarly, people-topeople programs and other methods of soft diplomacy are an important avenue to reach these young Sudanese. The US should review, regularize, and potentially augment professional and leadership exchanges including the Young African Leaders Initiative, International Visitor Leadership Program, Fulbright Scholarship Program, and other academic and professional exchanges in which Sudanese youth currently face limitations.
- An entire spectrum of US public diplomacy initiatives exists, spanning from established initiatives to twenty-first century innovations, which could be utilized. Traditional avenues of cultural engagement, including screening American films, could reach a broad Sudanese audience for a very small cost. These programs are a win-win for US business as well; should the sanctions repeal become permanent, American companies could purchase the rights to screen US films abroad. The United States can also consider more futuristic avenues—online learning, for example—that could engage Americans and Sudanese alike. All engagement

<sup>64</sup> US Agency for International Development, "Food Assistance Fact Sheet - Sudan," March 24, 2017.

options should prioritize the elevation of English language education, which has diminished over the past two decades, and which could be advantageous to both American businesses and US policy makers.

Sudan has traditionally received only a small amount of long-term development aid; the enabling environment to do so has simply not existed in some decades. With the lifting of sanctions, however, key opportunities present themselves for the United States to prioritize longer term development programs that could assist tens of thousands of Sudanese in noncontroversial sectors like health, education,

agriculture, and nutrition. As the United States continues reviewing Sudan's progress on key tracks, the new administration should direct USAID to develop a strategic plan for US development assistance to Sudan; this approach could combine the efforts of corporate social responsibility programs run by Sudanese businesses as well as opportunities to partner with interested American businesses to keep programming costs down. The US ambassador should also be empowered with a healthy "self-help" discretionary fund of \$100,000-\$200,000 to use on projects that he or she sees as useful in improving the lives of Sudanese citizens.

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# **APPENDIX 1**

# **Sudan Timeline**

January 1, 1956: Sudan gains independence from Britain and Egypt

January 1, 1956: The United States recognizes Sudan's independence

June 30, 1989: Colonel Omar al-Bashir leads coup against Prime Minister Sadiq al-Mahdi

August 12, 1993: The United States designates Sudan a "state sponsor of terrorism"

May 1996: Sudan expels Osama bin Laden at US request

October 1997: The United States imposes comprehensive economic and trade sanctions against Sudan

**February 2003:** Conflict in Darfur begins

July 2004: The United Nations imposes an arms embargo against belligerents in Darfur conflict

September 2004: US Secretary of State Colin Powell condemns Sudanese government for genocide in Darfur

January 9, 2005: Government of Sudan and rebel Sudan People's Liberation Movement sign the Comprehensive Peace Agreement

April 26, 2006: The United States imposes additional congressional sanctions against Sudan in response to genocide in Darfur

July 31, 2007: Authorization of hybrid African Union-UN peacekeeping mission for Darfur

March 4, 2009: International Criminal Court issues indictment of President Bashir for war crimes, crimes against humanity, and genocide relating to Darfur

January 9, 2011: South Sudanese independence referendum votes overwhelmingly for independence

**June 2011:** Hostilities begin in South Kordofan state

July 9, 2011: South Sudan becomes independent

September 2011: Hostilities begin in Blue Nile state

December 15, 2013: Conflict begins in South Sudan, and the country spirals into civil war

January 13, 2017: Obama administration issues wide-ranging but time-bound executive order to roll back Sudan sanctions

# **US-Sudan Relations**

In 1956, modern-day Sudan, the largest nation in Africa by area, gained its independence from Britain and Egypt, at a time of great regional instability. The United States was one of the first countries to recognize Sudan's independence, beginning a productive, if not always effortless, bilateral relationship.<sup>65</sup> Over the next two decades, the relationship between Khartoum and Washington ebbed and flowed as broader geopolitical events, including the 1967 Arab-Israeli War, influenced the bilateral relationship. In 1973, the murder of two American and one Belgian diplomats by Palestinian terrorists in Khartoum plunged the

<sup>65</sup> Sudan's independence came at a time of great instability in the region. See Veronice Nmoma, "The Shift in United States-Sudan Relations: A Troubled Relationship and the Need for Mutual Cooperation," *Journal of Conflict Studies* (2006), Vol 26 (2).

relationship to a new nadir.<sup>66</sup> Following a period of warmer relations in the mid-1970s, the United States and Sudan developed a mutually beneficial military relationship amid Soviet interest and meddling in Africa. In the mid-1980s, the United States provided nearly \$200 million in humanitarian support to the devastated regions of Darfur and Kordofan hit by severe drought and near-famine conditions.<sup>67</sup> Also during this time, Sudan's government provided vital but covert support to a massive Israeli- and US-led effort to evacuate some 8,000 Falasha Jews from Ethiopia to Israel via Sudan.

In 1985, US concerns about the country's instability mounted: the increasing presence of Libyan terrorists in Khartoum was followed by a military coup. Despite this growing unease, humanitarian coordination remained intact, and USAID worked with Sudanese authorities to carry out 1989's Operation Lifeline Sudan.<sup>68</sup>

In 1989, then-Colonel Omar al-Bashir led a coup against the democratically elected prime minister, triggering the US termination of all military and economic development assistance to Sudan, as required by US law.<sup>69</sup> In April 1991, believing that political Islam was on a roll, Sudan held the first Popular Arab and Islamic Conference,<sup>70</sup> drawing representatives from Hezbollah, Hamas, and Algerian and Tunisian factions. The conference represented a hardening of the anti-Western bent of the Sudanese government. By 1993, relations with the United States had deteriorated to a near-breaking point. In August, the United States designated Sudan a state sponsor of terror, citing specifically its protection of an alphabet soup of Middle Eastern terror groups as a threat to the United States. By 1996, the United States added concern about Saudi national Osama bin Laden, who lived and worked in Sudan from 1991 until 1996. Ultimately responding to US concern, Sudan expelled bin Laden in April 1996; he fled to Afghanistan shortly thereafter.

In February 1996, the United States substantially reduced the size of its embassy, citing security concerns. The next year, it imposed comprehensive economic and trade sanctions against Sudan, calling the government's policies and actions "an unusual and extraordinary threat to the national security and foreign policy of the United States." There has been no US ambassador accredited in Khartoum since November 1997, although regular embassy operations have been carried out by a series of ambassadorial ranked senior officers.

In the wake of the al-Qaeda-directed bombings of the US embassies in Kenya and Tanzania in 1998, the United States responded swiftly to what it viewed as regional threats: with a cruise missile strike against a Sudanese pharmaceutical plant—initially alleged to be a chemical weapons factory—in Khartoum.<sup>73</sup>

In 2001, President Bush appointed Senator John Danforth as special envoy to Sudan, to catalyze the peace process between the Sudanese authorities and the insurgent Southern movement.<sup>74</sup>

In 2003, internal conflict broke out in Darfur and quickly spiraled out of control. In September 2004, Secretary of State Colin Powell declared that genocide was occurring in Darfur;<sup>75</sup> Congress acted quickly to strengthen the economic and political isolation of Khartoum through additional sanctions.<sup>76</sup> From 2001 to the present, the US was involved in or led intensive diplomatic efforts to end the renewed north-south civil war.

<sup>66</sup> United States Department of State, Office of the Historian, "Foreign Relations of the United States, 1969–1976, Volume E-6, Documents on Africa, 1973–1976," June 1973, https://history.state.gov/historicaldocuments/frus1969-76ve06/d217, 217.

<sup>67</sup> United States Agency for International Development, "Sudan-Drought/Famine," November 29, 1984, http://pdf.usaid.gov/pdf\_docs/pbaab327.pdf, 9.

<sup>68</sup> US Agency for International Development, "South Sudan: History," April 26, 2017, https://www.usaid.gov/south-sudan/history.

<sup>69 &</sup>quot;Profile: Sudan's Islamist Leader," BBC News, January 15, 2009, http://news.bbc.co.uk/2/hi/africa/3190770.stm. See also Timothy Carney, "The Sudan: Political Islam and Terrorism" in Robert Rotberg, *Battling Terrorism in the Horn of Africa,* Brookings Institution, 2005, 4.

<sup>70 &</sup>quot;Hassan al-Turabi," Sudan Tribune, http://www.sudantribune.com/+-Hassan-al-Turabi,467-+.

<sup>71</sup> US Department of The Treasury Office of Foreign Assets Control, "Sudan Sanctions Program," November 5, 2013, https://www.treasury.gov/resource-center/sanctions/Programs/Documents/sudan.pdf, 3.

<sup>72</sup> US Department of State, "Sudan," January 20, 2009, https://2001-2009.state.gov/r/pa/ho/po/com/11280.htm.

<sup>73</sup> Seymour M. Hersh, "The Missiles of August," *New Yorker*, last updated on October 12, 1998, http://www.newyorker.com/magazine/1998/10/12/the-missiles-of-august.

<sup>74</sup> United Nations, "Security Council Lifts Sanctions Against Sudan," September 28, 2001, http://www.un.org/press/en/2001/sc7157. doc.htm.

<sup>75</sup> Secretary Colin L. Powell, "The Crisis in Darfur," US Department of State, January 20, 2009, https://2001-2009.state.gov/secretary/former/powell/remarks/36042.htm.

<sup>76 &</sup>quot;H.Con.Res.467 - Declaring genocide in Darfur, Sudan," Congress.gov, (2004), https://www.congress.gov/bill/108th-congress/house-concurrent-resolution/467.

On January 9, 2005, the government of Sudan and the rebel Sudan People's Liberation Movement/Army signed the Comprehensive Peace Agreement (CPA). The agreement laid the groundwork for South Sudan's 2011 secession after an interim period of six years in which Khartoum failed to make unity attractive to the south.<sup>77</sup> In July 2011, the Republic of South Sudan was officially born—taking with it nearly 75 percent of Sudan's oil production, the basis of its economy.

During the period of CPA realization, other complications arose, including the International Criminal Court's issuance of an arrest warrant for President Bashir in 2009, which cited charges of war crimes, crimes against humanity, and genocide, all relating to the conflict in Darfur. US government officials have not met with Bashir directly since prior to his indictment.

The Obama administration—which oversaw South Sudan's independence referendum and secession, as well as its more recent descent into civil war—worked first to mitigate the tensions between South Sudan and Sudan, including some of the border tensions that resulted from the two countries' separation. As such, the Republic of South Sudan and the Republic of Sudan entered a complex and difficult period marked by support of insurgents in each other's territory and disagreement over the sovereignty of some territory.

At the same time that the United States was attempting to broker peace between the two countries and inside South Sudan itself, Washington also began to reevaluate its bilateral relationship with Khartoum, resulting in EO 13761 of January 2017.

# **APPENDIX 2**

# **Sanctions and Restrictive Measures**

#### Executive Sanctions<sup>78</sup>

#### EO 13067 (November 5, 1997)

- Signed by President Bill Clinton after finding that Sudan's policies and actions "constitute an unusual and extraordinary threat to the national security and foreign policy of the United States"
- Comprehensive trade embargo and blockage of government of Sudan assets that are housed in the United States or controlled by US citizens or entities
- Prohibited loans from US persons to the government of Sudan and the execution of any contract that would benefit a Sudanese government project
- Humanitarian donations are excepted

## EO 13400 (April 26, 2006)<sup>79</sup>

- Signed by President George W. Bush due to the "existence 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"
- Included targeted individual sanctions to block the assets of four individuals; later amended to include 157 Sudanese entities

<sup>77</sup> Mollie Zapata, "Sudan: Comprehensive Peace Agreement and South Sudan Independence," Enough Project, December 20, 2011, http://www.enoughproject.org/blogs/sudan-comprehensive-peace-agreement-and-south-sudan-independence.

<sup>78</sup> These sanctions are imposed via Executive Order by the President of the United States. Rescindment happens the same way.

<sup>79</sup> US Department of The Treasury, "Executive Order 13400 of April 26, 2006--Blocking Property of Persons in Connection with the Conflict in Sudan's Darfur Region," May 1, 2006, https://www.treasury.gov/resource-center/sanctions/Documents/13400.pdf.

# EO 13412 (October 17, 2006)80

- Signed by President George W. Bush as a companion to the Darfur Peace and Accountability Act, also passed in October 2006 by Congress, due to "certain policies and actions of the Government of Sudan that violate human rights, in particular with respect to the conflict in Darfur"
- · Prohibits US persons from any transactions related to Sudan's petroleum sector
- As the CPA enshrined a path toward autonomy—if not independence—for southern Sudan, EO 13412
  also moved to exclude the regional government of southern Sudan from such prohibitions, effectively
  offering an economic lifeline to the fledgling southern government
- Offered an exemption for trade and humanitarian assistance to Sudan's most marginalized areas (South Kordofan, Blue Nile, Abyei, Darfur, and internally displaced persons (IDP) camps outside Khartoum) as long as that assistance did not include the petroleum sector or any business interests of the government of Sudan

#### EO 13761 (January 13, 2017)81

- Signed by President Barack Obama after finding that the situation requiring previous executive orders has "been altered by Sudan's positive actions over the past 6 months"
- Revokes portions of EO 13067 concerning the trade embargo and asset blocks and the entirety of EO 13412 if, after a review in July 2017, an interagency team certifies that the "Government of Sudan has sustained the positive actions that gave rise to this order"

# **Congressional Sanctions**<sup>82</sup>

# Sudan Peace Act (October 21, 2002) [P.L. 107-245]83

- Passed the House of Representatives 359-8 and the Senate unanimously to "[seek] to facilitate a comprehensive solution to the war in Sudan"
- Requires presidential certification of Sudan's willingness to engage in "a good faith peace process," and
  if found lacking, instructs the United States to downgrade diplomatic relations, oppose the extension
  of any loans or credit to the government of Sudan (including from international financial institutions),
  and seek a United Nations arms embargo

# Comprehensive Peace in Sudan Act<sup>84</sup> (December 23, 2004) [P.L. 108-497]

- Finds that the "Government of Sudan and militias supported by the Government of Sudan, known as the Janjaweed, bear responsibility for the genocide [in Darfur]"
- Directs the president to impose targeted sanctions, a travel ban, and asset freezes on government officials and other individuals involved in the Darfur conflict
- Declares that the United States should not normalize relations with Sudan until the government "agrees to, and takes demonstrable steps to implement, peace agreements for all areas of Sudan, including the Darfur region"

<sup>80</sup> Federal Register, "Executive Order 13412—Blocking Property and Prohibiting Transactions With the Government of Sudan," October 17, 2006, https://www.treasury.gov/resource-center/sanctions/Documents/13412.pdf.

<sup>81</sup> The White House, "Executive Order -- Recognizing Positive Actions by the Government of Sudan and Providing for the Revocation of Certain Sudan-Related Sanctions," January 13, 2017, https://www.whitehouse.gov/the-press-office/2017/01/13/executive-order-recognizing-positive-actions-government-sudan-and.

<sup>82</sup> These sanctions are imposed by Congress, signed by the President, and usually need certification—whether by the Secretary of State or the executive branch—before amendment or rescindment is possible.

<sup>83</sup> US Department of State, "Sudan Peace Act," January 20, 2009, https://2001-2009.state.gov/r/pa/prs/ps/2002/14531.htm.

<sup>84 &</sup>quot;S. 2781 — 108th Congress: Comprehensive Peace in Sudan Act of 2004," GovTrack.us, (2004), https://www.govtrack.us/congress/bills/108/s2781.

# Darfur Peace and Accountability Act<sup>85</sup> (October 13, 2006) [P.L. 109-344]

- Reinforces the Comprehensive Peace in Sudan Act's instructions to implement asset freezes and travel bans
- Advises the president to deny the government of Sudan access to oil revenues by blocking access to US ports for those involved in Sudan's petroleum sector
- Directs lifting of restrictions to occur only after the president certifies to Congress that Sudan has "act[ed] in good faith" to end the conflict in Darfur and fully implement the CPA

## Other Restrictive Measures

## State Sponsor of Terrorism Designation<sup>86</sup> (August 12, 1993)

- When designated, Sudan joined Iran, Syria, and Cuba on the SST list
- Inclusion for serving as a "safe haven" for international terror groups, including hosting al-Qaeda founder Osama bin Laden (who was expelled from Sudan in 1996)
- Designation bans US export of military equipment or dual-use items to Sudan, a hold on most economic assistance—including support for desperately needed debt relief
- Removal from SST list can occur only at the president's request and after a six-month review and Congressional notification period

#### Foreign Assistance Act of 1961, Sec. 620(q)87 (Amended May 5, 2017) [P.L. 87-195]

- Denies foreign assistance to countries in default for more than six months on repaying loans to the United States
- In effect "unless such country meets its obligations under the loan or unless the President determines that assistance to such country is in the national interest"

## Consolidated Appropriations Resolution, 200388 (February 20, 2003) [P.L. 208-7]

- Prohibits assistance to the "government of any country whose duly elected head of government is deposed by decree or military coup"
- Assistance can be resumed if the president certifies to Congress a democratically elected government has taken office

<sup>85 &</sup>quot;H.R. 3127 — 109th Congress: Darfur Peace and Accountability Act of 2006," GovTrack.us, (2005), https://www.govtrack.us/congress/bills/109/hr3127.

<sup>86</sup> US Department of State, "State Sponsors of Terrorism," https://www.state.gov/j/ct/list/c14151.htm.

<sup>87</sup> Foreign Assistance Act of 1961, (P.L. 97-195), (Amended Through P.L. 115-31, Enacted May 05, 2017), https://legcounsel.house.gov/Comps/Foreign%20Assistance%20Act%20Of%201961.pdf, 219.

<sup>88 &</sup>quot;Consolidated Appropriations Resolution, 2003," Pub. L. 108-7, February 20, 2003, https://www.congress.gov/108/plaws/publ7/PLAW-108publ7.pdf, 171.

# **APPENDIX 3**

#### **Darfur**

In 2003, violence erupted in Sudan's western Darfur region as a group of rebels—the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM)—rebelled against Khartoum. In response, the Sudanese government enabled rival tribal militias, called the "Janjaweed," to battle the insurgents, aided by Sudanese bombing campaigns. The US and international policy response was a series of damning Congressional resolutions in 2004 and 2006, as well as UN Security Council resolutions 1556 and 1591. The death toll from government and rebel offensives against civilians, driven higher by government-directed bombing campaigns, is estimated to be around 300,000, with nearly three million people displaced since 2003.<sup>89</sup>

Only one rebel faction ever signed a 2006 peace agreement with the Sudanese government. This US-backed Darfur Peace Agreement (DPA) stipulated that a regional referendum be held by 2010 to determine the administrative status of Darfur,<sup>90</sup> but unlike the CPA with which the United States had extensive buy-in and diplomatic largesse, the United States did not have the same conviction to comprehensively implement the DPA. To bring stability to Darfur amid the peace talks, the United Nations together with the African Union agreed to bolster the African Union Mission in Sudan (AMIS). The joint African Union-United Nations Mission in Darfur (UNAMID) was deployed in 2008 with an authorized strength of more than 16,000 personnel, but has been largely unable to protect civilians outside of the region's sprawling IDP camps.<sup>91</sup> Another ceasefire signed in Doha, Qatar in 2010 amid US pressure brought a second rebel group into peace talks with the government. Darfur was already one of the poorest regions in Sudan prior to the outbreak of this conflict. Today, 300,000 Darfuris remain in refugee camps in eastern Chad with another two million in displaced persons' camps across the region.<sup>92</sup> In recent years, violence in Darfur has spiked again. Inter-tribal conflicts over land and resources have exacerbated an already-tense situation between the government and various militias; nearly 400,000 people were displaced during a new surge in fighting between 2013 and 2014.<sup>93</sup>

Amid the fighting, civilians continue to be the most vulnerable: a UN report estimated that the Sudanese government carried out some 191 bombing runs in Darfur between 2012 and 2013, defying a 2005 UN ban on offensive military flights over Darfur. In 2016, a violent flare up around Jebel Marra between Sudanese armed forces and the Sudan Liberation Army-Abdul Wahid (SLA-AW) displaced another 73,000 Darfuris. Over the years, Khartoum has successfully instilled a culture of fear into both UNAMID and international organizations with operations in Darfur. As a result, it is nearly impossible to accurately assess the current situation because government verification is not credible, and Sudan has made independent verification impossible. Even in cases where the Sudanese government claims exaggerated or fabricated reports of violence, Khartoum has done itself no favors by refusing to allow independent verification to prove or disprove its own claims.

<sup>89 &</sup>quot;Q&A: Sudan's Darfur conflict," BBC News, February 23, 2010, http://news.bbc.co.uk/2/hi/africa/3496731.stm. See also Meghan Higginbotham, "Darfur Conflict Timeline," Enough Project, March 5, 2013, http://www.enoughproject.org/blogs/darfur-conflict-timeline; "Darfur Rising: Sudan's New Crisis," International Crisis Group, March 25, 2004, https://www.crisisgroup.org/africa/horn-africa/sudan/darfur-rising-sudans-new-crisis.

<sup>90</sup> United Nations, "Darfur Peace Agreement," http://peacemaker.un.org/sites/peacemaker.un.org/files/SD\_050505\_ DarfurPeaceAgreement.pdf.

<sup>91</sup> Khalid Abdelaziz, "Sudan concludes Darfur referendum amid opposition boycott," Reuters, April 13, 2016, http://www.reuters.com/article/us-sudan-darfur-idUSKCNOXA279. See also Colum Lynch, "They Just Stood Watching," *Foreign Policy*, April 7, 2014, http://foreignpolicy.com/2014/04/07/they-just-stood-watching-2/.

<sup>92 &</sup>quot;Sudan's Humanitarian Response Plan: January - December 2016," ReliefWeb, July 12, 2016, http://reliefweb.int/report/sudan/sudan-humanitarian-response-plan-january-december-2016-enar.

<sup>93</sup> Human Security Baseline Assessment for Sudan And South Sudan, "Darfur," August 2014, http://www.smallarmssurveysudan.org/facts-figures/sudan/darfur.html.

<sup>94</sup> Lynch, "They Just Stood Watching," Foreign Policy.

<sup>95</sup> US Department of State, "Sudan: United States Calls for End of Violence in Jebel Marra, Darfur," February 18, 2016, https://2009-2017.state.gov/r/pa/prs/ps/2016/02/252619.htm.

<sup>96</sup> This was the case with Amnesty International's September 2016 report alleging that the Sudanese government repeatedly used

# Two Areas<sup>97</sup>

The "Two Areas" of South Kordofan and Blue Nile states in southern Sudan were for many years the epicenter of the civil war raging between Khartoum and southern insurgents seeking autonomy and, eventually, independence. The CPA's signing—which paved the way for South Sudan's eventual secession—temporarily halted fighting in the region, which was led primarily by the armed opposition movement the Sudan People's Liberation Movement/Army-North (SPLM/A-North). As fighting between government forces and the SPLM/A-North escalated in 2011, the Sudanese government began aerial bombardments of supposedly rebel-held areas in the Nuba Mountains of South Kordofan. Civilians were forced to flee to caves or makeshift foxholes dug in the ground, and key civilian targets including schools and hospitals were repeatedly hit by Sudanese bombers. The Sudanese government used similar tactics in the strategic Blue Nile state, where territory held by the SPLM-North and Sudanese Armed Forces has changed hands repeatedly. Both states usually witness an uptick in fighting during the dry season (December to May), though a tenuous ceasefire, declared unilaterally by the Sudanese government in June 2016, continues to hold. 99

The resulting humanitarian crisis has been massive. Civilians repeatedly displaced from their lands have been unable to cultivate their farms, setting up a cycle of deep food insecurity for at least 230,000 people in the Two Areas.<sup>100</sup> A December 2015 estimate by armed groups operating in both states cited more than half a million people who have been displaced.<sup>101</sup> To exacerbate the situation, southern Sudan has also received more than 375,000 refugees fleeing new violence in South Sudan since 2013, complicating the already-complex delivery of humanitarian aid in this part of Sudan.<sup>102</sup>

chemical weapons against civilians in Darfur's Jebel Marra. While Khartoum rejected the report, it also refused to allow access to the region for independent experts to either verify or disprove the claims.

<sup>97</sup> For more, see "Sudan's Spreading Conflict (II): War in Blue Nile," International Crisis Group, June 18, 2013, https://www.crisisgroup.org/africa/horn-africa/sudan/sudan-s-spreading-conflict-ii-war-blue-nile. See also "Sudan's Spreading Conflict (I): War in South Kordofan," International Crisis Group, February 14, 2013, https://www.crisisgroup.org/africa/horn-africa/sudan/sudan-s-spreading-conflict-i-war-south-kordofan.

<sup>98</sup> Nicholas Kristof, "A Rain of Bombs in the Nuba Mountains," *New York Times*, June 20, 2015, https://www.nytimes.com/2015/06/21/opinion/sunday/nicholas-kristof-a-rain-of-bombs-in-the-nuba-mountains.html.

<sup>99 &</sup>quot;Sudan's Bashir Announces One-Month Ceasefire Extension," Reuters, January 1, 2017, http://www.reuters.com/article/us-sudan-ceasefire-idUSKBN14LOVT. See also Nuba Reports, "Al-Hilu Accepts Leadership Role Amidst SPLM-N Rift," June 7, 2017, https://nubareports.org/the-sixth-anniversary-to-the-nuba-mountains-conflict/.

<sup>100</sup> United Nations, "2016 Humanitarian Needs Review--Sudan," December 2015, http://reliefweb.int/sites/reliefweb.int/files/resources/Sudan\_2016\_Humanitarian\_Needs\_Overview.pdf.

<sup>101</sup> lbic

<sup>102</sup> UN High Commissioner for Refugees, "South Sudan Situation - Information Sharing Portal," May 15, 2017, http://data.unhcr.org/SouthSudan/regional.php.

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Ambassador (Ret.) Mary Carlin Yates was interim chargé d'affaires to Sudan (2011 to 2012), appointed by President Barack Obama. Since retirement, she also worked for the US Department of State as senior inspector/team leader for the Office of Inspector General. Her current board work includes the Atlantic Council, Oregon State University (OSU) Foundation, OSU Honors College Board of Regents, and trustee at the Oregon World Affairs Council.

Yates, a career member of the Senior Foreign Service, also served as special assistant to the president and senior director for African affairs at the National Security Council (NSC) of the White House. She joined the National Security Council as senior adviser for strategic planning and special assistant to the president in June 2009. She came to the NSC directly from serving as deputy to the commander for civil-military activities (DCMA) of United States Africa Command, October 2007 to May 2009.

Yates served as US ambassador to the Republic of Ghana from 2002 until 2005. While US ambassador to the Republic of Burundi from 1999 until 2002, Yates worked extensively to bring peace and stability through the Burundian peace process in Arusha, Tanzania, led by former South African President Nelson Mandela. She also served in Kinshasa, Zaïre (now Democratic Republic of the Congo), as a political officer and then public affairs counselor from 1991 to 1995 during the genocide in neighboring Rwanda.

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