

111TH CONGRESS
2^D SESSION

H. RES. 1588

Expressing the sense of the House of Representatives on the importance of the full implementation of the Comprehensive Peace Agreement to help ensure peace and stability in Sudan during and after mandated referenda.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2010

Mr. CAPUANO (for himself, Mr. McCAUL, Mr. PAYNE, Mr. SMITH of New Jersey, and Mr. WOLF) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Expressing the sense of the House of Representatives on the importance of the full implementation of the Comprehensive Peace Agreement to help ensure peace and stability in Sudan during and after mandated referenda.

Whereas Sudan stands at a crossroads, in the final phase of what could be a historic transition from civil war to peace, and Sudan's full implementation of the Comprehensive Peace Agreement (CPA) in this next year will determine the future of this centrally important country in Africa and the stability of the region;

Whereas January 2010 marked the fifth anniversary of the signing of the CPA which ended more than 20 years of civil war between northern and southern Sudan, fueled by

northern persecution of populations in the south, that resulted in the deaths of more than 2,000,000 people and the displacement of over 4,000,000 people in southern Sudan;

Whereas the CPA committed the northern-dominated National Congress Party (NCP) and the southern-dominated Sudan People's Liberation Movement/Army (SPLM/A), to assume joint governing responsibility during a six-year Interim Period ending in July 2011;

Whereas Sudan's April 2010 elections did not meet international standards due to widespread and continuing violations of political rights, irregularities in voter registration, significant logistical and procedural shortcomings, intimidation and violence in some localities, and the continuing conflict in Darfur which prevented full campaigning and voter participation;

Whereas the conflict in Darfur remains unresolved, with over 300,000 people killed and over 2,000,000 people still displaced in a highly unstable security situation perpetrated largely by the government in Khartoum;

Whereas since 1999, the United States Department of State has designated Sudan as a "country of particular concern" for its systematic, ongoing, and egregious violations of religious freedom or belief and related human rights, as recommended by the United States Commission on International Religious Freedom;

Whereas at the end of the Interim Period in January 2011, the CPA requires referenda on self-determination for southern Sudan and on whether Abyei will remain in the north or join the south;

Whereas following the Interim Period, popular consultations in Southern Kordofan State and Blue Nile State are to be held to determine the governance arrangements in those two states;

Whereas it is essential that the referenda and accompanying popular consultations are held on time, that they are free, fair, and credible, and that if the outcome of the southern Sudan referendum is independence, two stable and viable democratic states result;

Whereas the Government of Southern Sudan faces post-conflict reconstruction challenges including establishing democratic, responsive, and transparent governance, addressing human resources and capacity-building needs, strengthening and reforming the judiciary and security forces to address communal and inter-ethnic violence, professionalizing the police and security forces, developing basic infrastructure, natural resources and the economy; providing basic services including water, education, health care and social services, and establishing cooperative and transparent wealth-sharing mechanisms;

Whereas in August 2009, the NCP and SPLM signed a bilateral agreement to address and implement many of the CPA's outstanding provisions, but since that time the NCP has consistently delayed and reneged on its CPA commitments, thereby increasing tension and distrust between northern and southern Sudan and endangering the CPA by infringing on the freedom of speech, assembly, and association of candidates, political party activists, and journalists during and after the election process, including censoring the media and arresting political party leaders;

Whereas the NCP continues to restrict and disrupt United Nations peacekeeping, humanitarian operations, and human rights organizations in Darfur;

Whereas the United States played a central role in negotiations that led to the CPA, is a guarantor of that peace agreement, and continues to play a leading role bilaterally and multilaterally to bring about a just and lasting peace in Sudan;

Whereas Secretary of State Hillary Rodham Clinton stated in October 2009 that “the Comprehensive Peace Agreement between the North and South will be a flashpoint for renewed conflict if not fully implemented through viable national elections, a referendum on self-determination for the South, resolution of the border disputes, and the willingness of the respective parties to live up to their agreements”; and

Whereas sustained pressure and engagement from the international community in support of the CPA, including the upcoming referenda, is essential to bring about sustainable peace in Sudan: Now, therefore, be it

1 *Resolved*, That it is the sense of the House of Rep-

2 resentatives that the United States Government should—

3 (1) work with Sudanese parties and regional

4 and international partners to build consensus on the

5 steps needed to implement the Comprehensive Peace

6 Agreement (CPA), including the upcoming

7 referenda, and promote stability throughout Sudan;

8 (2) engage Sudanese and international partners

9 to correct serious and systemic problems in the elec-

1 tion process to ensure that they do not reoccur dur-
2 ing the referenda campaign and voting processes, in-
3 cluding irregularities in voter registration, logistical
4 and procedural challenges, poor voter education,
5 human rights infringements, intimidation, and vio-
6 lence;

7 (3) work with Sudanese and international part-
8 ners to ensure that the National Congress Party
9 (NCP) and the Sudan People’s Liberation Movement
10 (SPLM) implement procedures whereby the
11 referenda occur as scheduled, including appointing
12 competent and credible members to the referenda
13 commissions and providing technical assistance to
14 and funding for the commissions;

15 (4) work with the United Nations Mission in
16 Sudan to ensure security during and after the
17 referenda campaign and voting processes, which will
18 require a robust monitoring and protection presence
19 in areas prone to conflict;

20 (5) take concrete steps through the contribution
21 of resources, technical expertise, and direct engage-
22 ment with the parties to the peace agreement to en-
23 sure—

24 (A) international monitoring and observa-
25 tion of registration and polling to guarantee a

1 secure environment for individual registration
2 and voting, and to prevent voter intimidation or
3 fraud occurring during these critical phases of
4 the referenda;

5 (B) that the Government of National
6 Unity (GNU), as required by the CPA, provides
7 adequate funding at predetermined levels and
8 timelines for the registration and polling peri-
9 ods, given the need to ensure that those who
10 register are able to access polling stations on
11 voting day; and

12 (C) that members of the international com-
13 munity commit adequate resources and tech-
14 nical expertise to carry out the referenda and
15 voter education programs in southern Sudan,
16 Abyei, and other areas where people will vote in
17 the referenda to promote understanding of the
18 nature, importance of participation, and con-
19 sequences of the referenda process;

20 (6) work with international and Sudanese part-
21 ners to ensure—

22 (A) the right of return of Sudanese refu-
23 gees and displaced persons, including Darfuris
24 and southerners, by providing assistance and
25 safe passage to all such persons; and

1 (B) that the citizenship rights of south-
2 erners in the north and northerners in the
3 south are respected and are in accordance with
4 international standards should the south vote
5 for independence;

6 (7) work with international partners to ensure
7 a stable north-south border and a permanent peace
8 in Sudan, utilizing policy options if parties fail to
9 honor the CPA, especially as it relates to border de-
10 marcation pre-referenda;

11 (8) utilize diplomats and experts to support the
12 African Union and United Nations-led negotiations
13 over the post-referendum issues, including working
14 with international partners to engage the NCP and
15 SPLM to make necessary arrangements for a post-
16 2011 peaceful transition, with specific focus on oil
17 and revenue sharing, citizenship, return of refugees
18 and displaced persons, security arrangements along
19 the border, and protection of the rights of minori-
20 ties, particularly the religious and ethnic minorities
21 historically marginalized;

22 (9) take concrete steps through the contribution
23 of resources, technical expertise, and direct engage-
24 ment with the NCP and SPLM to support the pop-
25 ular consultation processes in Southern Kordofan

1 State and Blue Nile State, including through provi-
2 sion of technical assistance and support for public
3 education;

4 (10) utilize diplomats and experts to revitalize
5 the Darfur Peace Process and press the NCP,
6 northern political parties, armed rebel movements,
7 and civil society representatives to address human
8 rights abuses (including gender-based violence) and
9 the ongoing atrocities and displacement in Darfur;

10 (11) undertake renewed efforts to implement
11 the Administration's stated Sudan policy of October
12 2009, including publicly articulating the benchmarks
13 and related incentives and pressures used by the Ad-
14 ministration to gauge progress or backsliding on key
15 provisions of the CPA, including the holding of a
16 free and fair referendum in southern Sudan;

17 (12) hold the NCP accountable for its actions
18 given the NCP's human rights violations and efforts
19 to impede CPA implementation since the announce-
20 ment of the United States Sudan policy, and the
21 need for the United States to both balance incentives
22 with pressures, by—

23 (A) identifying NCP government agencies
24 and officials responsible for particularly severe
25 human rights and religious freedom violations

1 as required under section 402b(2) of the Inter-
2 national Religious Freedom Act of 1998
3 (IRFA), and prohibit those individuals identi-
4 fied under section 402b(2) of IRFA from entry
5 into the United States;

6 (B) encouraging multilateral asset freezes
7 on NCP government agencies and travel bans
8 on officials responsible for particularly severe
9 human rights and religious freedom violations;

10 (C) continuing to encourage greater multi-
11 lateral enforcement of the arms embargo set
12 out in the 2004 United Nations Security Coun-
13 cil Resolution 1556 and strengthened in the
14 2005 United Nations Security Council Resolu-
15 tion 1591;

16 (D) continuing to encourage multilateral
17 support of the International Criminal Court
18 case against President Bashir and other Suda-
19 nese officials accused of genocide, war crimes,
20 or crimes against humanity, recognizing that
21 justice is essential for there to be lasting peace;
22 and

23 (E) vigorously advocating for any humani-
24 tarian organizations that come under pressure
25 from Khartoum or are at any point expelled

1 from the country, thereby compromising their
2 ability to provide vital services;

3 (13) provide technical assistance and expertise
4 to the Government of Southern Sudan to develop its
5 economic, rule of law, and social service and edu-
6 cational infrastructures, improve democratic ac-
7 countability and human rights, and strengthen rec-
8 onciliation efforts; and

9 (14) unequivocally stand, during this period of
10 preparation and possible transition, with those peo-
11 ple of southern Sudan who share aspirations for a
12 peaceful, prosperous and democratic future.

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