

SOUTH SUDAN'S CONFLICT AND FAMINE

HEARING

BEFORE THE

**SUBCOMMITTEE ON AFRICA AND
GLOBAL HEALTH POLICY**

OF THE

**COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE**

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SOUTH SUDAN'S CONFLICT AND FAMINE

WEDNESDAY, JULY 26, 2017

U.S. SENATE,
SUBCOMMITTEE ON AFRICA AND GLOBAL HEALTH POLICY,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:00 a.m. in Room SD-419, Dirksen Senate Office Building, Hon. Jeff Flake, chairman of the subcommittee, presiding.

Present: Senators Flake [presiding], Young, and Booker.

OPENING STATEMENT OF HON. JEFF FLAKE, U.S. SENATOR FROM ARIZONA

Senator FLAKE. This hearing of the Senate Foreign Relations Committee Subcommittee on Africa and Global Health will come to order.

Today we will look into the ongoing crisis in South Sudan, now nearly 4 years long, and assess the policies of the past with the goal of informing the policies of the future.

There is not yet a nominee to serve as Assistant Secretary for the African Affairs Bureau at the State Department, but the conflict in South Sudan has raged on regardless.

It is up to Congress to draw attention to the plight of the South Sudanese people as the warring parties continue to place their interests above their citizens. This conflict has displaced almost 4 million people, making this Africa's worst refugee crisis. Refugees have fled to Uganda—I think almost a million people in Uganda—Ethiopia, Sudan, Kenya, and the DRC, increasing the burdens, of course, on these governments. More than 7 million people are in need of assistance, with 6 million facing severe hunger, and 1.7 million facing famine. That is half of the population that is in a bad way facing severe hunger.

Many South Sudanese fear that they may be targeted by warring parties because of their ethnicity, and all the while, violence between South Sudan's Government and rebel forces continues. This violence includes attacks on American citizens and diplomats. That happened last summer. And it only increases the risk that this conflict will become a regional one, with various neighboring governments looking to secure or advance their own interests.

The U.N. panel of experts on South Sudan has even said that various parties to the government have deliberately obstructed humanitarian access to areas of opposition. The United States, obviously, needs to take a fresh look at this crisis to determine first

and, most importantly, the best way to bring peace to the people of South Sudan.

The United Nations remains deadlocked, with the Security Council at a stalemate regarding additional sanctions and an arms embargo.

The peace agreement from 2015 has also been called into question, all of this after the United States has contributed more than \$11 billion to South Sudan in total since its independence.

I look forward to hearing what our witnesses have to say regarding the conflict and the path forward. I hope the U.S. can soon formulate a policy with regard to South Sudan that can bring an end to this lasting conflict.

I want to compliment and thank ranking minority member Senator Booker for insisting that we hold this hearing and for his interests in finding a solution to the issues that we have there, and with that, I will turn to him for an opening statement.

**STATEMENT OF HON. CORY A. BOOKER,
U.S. SENATOR FROM NEW JERSEY**

Senator BOOKER. Thank you very much. First of all, I want to thank my ranking member for his work on this issue long before I got on the Senate Foreign Relations Committee. His leadership has been critical.

I do not want to repeat the data and statistics that he already mentioned, but we know the gravity of this crisis is something of stunning proportions, the amount of human suffering and misery. The amount of famine and dislocation is agonizing and painful.

One of you all wrote in your testimony in a sense indicating that there is a fatigue almost in Washington about these issues. My assurance is that there is no fatigue on this subcommittee, and it is something that we urgently want to see addressed and addressed in the correct fashion.

I want to try to communicate a sense of urgency to the administration that a failure to put individuals that are focused on this crisis in place is in my opinion a contributing factor to the continuance of this crisis. As was said, at least indicated by more than one of the testimonies that was submitted, the United States has an essential role to play in resolving this conflict. I know there are some differences about the approach. But our global leadership is essential, and our leadership in this crisis is as well.

I think it was important, as was pointed out in one of the testimonies, that this is not just about Sudan either. In some senses, this problem is being aggravated by regional proxy conflicts and tensions that have very much vital U.S. interests in the surrounding nations. And so from our interest in counterterrorism, our interest in greater stability and peace in that region, our interests in energy and economic expansion, all of this holds America's interests.

But most of all—and I know I speak for Senator Flake on this—we cannot sit here in the United States while there is such a moral crisis going on in South Sudan, and the values that I hold as an American urge me to further push and compel the administration to craft a strategy. As we will hear, there are differences in the strategies that are being advocated for, but for us to have a lack

of a strategy right now is wholly unacceptable and, again, contributing to the nightmare that millions of people are experiencing in that region.

And so with that, again I want to thank the leadership of Senator Flake, not just now but over previous years in focusing on this issue and trying to bring light and attention to this moral crisis.

Senator FLAKE. Thank you, Senator Booker.

Do you have any opening statement to make? Senator Young?

**STATEMENT OF HON. TODD YOUNG,
U.S. SENATOR FROM INDIANA**

Senator YOUNG. I just want to commend you, Mr. Chairman and our ranking member, for holding this hearing. I know that South Sudan is plagued with many challenges, most of them of human design and exacerbation. And so hopefully in the course of this hearing, we will learn more about what is going on right now. I think that is part of the intention but also what substantively we can do to make a difference. I know we can continue to shine a light on the situation, but if there are policy initiatives we might embrace, things we might initiate, that will certainly be instructive to me.

So without further delay, I will turn it back to you, Mr. Chairman.

Senator FLAKE. Thank you, Senator Young. It is great to have Senator Young on the subcommittee, given his interest and hard work on Africa.

For our witnesses, Mr. Josh Meservey is Senior Analyst for Africa and the Middle East with the Heritage Foundation; Mr. Payton Knopf, currently a consultant with the United States Institute for Peace, previously served on the U.N. Panel of Experts on South Sudan. I met with both these individuals in my office. I really look forward to their testimony. Also, we are glad to have Mr. Aly Verjee, who is a visiting fellow also with the U.S. Institute of Peace.

I look forward to your testimony. Please try to keep it around 5 minutes. We have a nominations hearing directly following this and then have votes at 11:30. So we have to wrap it up in time for that. But thank you for being here. Mr. Meservey?

STATEMENT OF JOSHUA MESERVEY, SENIOR POLICY ANALYST, AFRICA AND THE MIDDLE EAST, DOUGLAS AND SARAH ALLISON CENTER FOR FOREIGN POLICY, THE HERITAGE FOUNDATION, WASHINGTON, DC

Mr. MESERVEY. Thank you. Chairman Flake, Ranking Member Booker, and members of the committee, thank you for inviting me to testify today. Thank you as well for your strong advocacy for wise and committed U.S. action on what is undoubtedly one of the worst conflicts in the world today.

My name is Joshua Meservey. I am the Senior Policy Analyst for Africa and the Middle East at The Heritage Foundation. The views I express in this testimony are my own and should not be construed as representing any official position of The Heritage Foundation.

Mr. Chairman, we now have nearly 4 years' worth of evidence showing that U.S. policy in South Sudan has failed. The warring parties comprehensively violated, sometimes within days, sometimes within hours, each of the accords they signed during the international negotiations the U.S. supported. The collapse of the negotiations was not due to insufficiently persuasive or determined diplomacy by the international community, including American diplomats. The primary obstacles to peace are the many unresolved grievances inside the country and the leadership on all sides of the conflict exploiting those grievances to attain power. The leaders driving this violence are uninterested in peace. Agreements reached between parties committed to violence will fail.

Unfortunately, U.S. policy did not reflect this reality. Instead, the U.S. remained supportive of the negotiations even after it became clear that the signees of the many agreements did not intend to honor them.

Furthermore, despite the stream of warnings issued, the U.S. did not assertively penalize the warring parties for their repeated flouting of the agreements and the crimes their forces committed. Because of this, South Sudan's leaders almost certainly believed, quite rationally, that they could pursue their war with few penalties. The U.S. must not return to the same failed policy of supporting counterproductive negotiations that also maintain the illusion that the South Sudanese Government, headed by President Salva Kiir, are legitimate and responsible actors.

Fortunately, indications are that the current administration is not invested in trying to resurrect a nearly 2-year-old peace deal that has proven unsustainable and was signed when the situation was dramatically different.

The U.S. should, instead, enact a policy that puts as much pressure as possible on the warring parties so they will see peace as in their best interests. Even if increased pressure does not change their calculations, it could influence the facts on the ground to the point that genuine peace negotiations become possible. Such pressure would also impose a heavy cost on the regime for its deliberate and outrageous attacks on American diplomats and citizens in July 2016.

Holding the warring parties accountable should include cutting all diplomatic ties with the government. Building a painful sanctions regime targeting the directors and perpetrators of the violence. Creating a coalition of the willing for an arms embargo and a range of other measures I outline in my written testimony.

Throughout this effort, the U.S. should engage directly with the people of South Sudan as frequently as possible. Bypassing those that fall for the violence would potentially drain their support and could embolden those seeking peace.

What I am suggesting will be difficult, particularly as many of the regional states have their own interests in South Sudan that will complicate bringing concerted pressure against all sides.

Uganda, for instance, intervened early in the conflict to prop up the Kiir regime. Several senior SPLA generals, including one under U.S. sanctions and one accused of war crimes, purportedly maintain homes in Uganda. Robust diplomacy will be necessary to overcome such obstacles.

We must be mindful as well of the devastating humanitarian crisis in South Sudan. Aid organizations' prompt and determined response to the crisis ameliorated the famine declared in February 2017. However, the overall food situation has deteriorated in the country. As you noted in your opening remarks, Senator, now about 6 million South Sudanese do not have enough access to food. 1.7 million are on the cusp of famine. The U.S. should respond by leading an international effort to help front-line countries care for refugees and to deliver emergency aid inside South Sudan. However, organizations should deliver aid in a way that reasonably ensures it remains out of government's and rebel clutches.

Mr. Chairman, the best chance to end the violence in South Sudan in as short a time as possible is to reorient American policy to pressure the warring parties to the point they believe peace is in their best interests. Failing that, increased pressure could lead to changes inside the country that make genuine peace agreements attainable. Continued negotiations in the current context and the failure to substantively pressure the regime merely embolden those victimizing the people of South Sudan.

Thank you for your kind attention. I look forward to your questions.

[Mr. Meservey's prepared statement follows:]

PREPARED STATEMENT OF JOSHUA MESERVEY

Chairman Flake, Ranking Member Booker, and members of the committee, thank you for inviting me to testify today on this pressing topic. Thank you as well for your strong advocacy for wise and committed U.S. action on what is one of the worst conflicts in the world today. With your permission, I would like to submit my written testimony into the record.

My name is Joshua Meservey. I am the Senior Policy Analyst for Africa and the Middle East at The Heritage Foundation. The views I express in this testimony are my own and should not be construed as representing any official position of The Heritage Foundation.

South Sudanese Independence and the Rapid March to Violence

Mr. Chairman, as you are aware, there is an unfortunate history of violence in South Sudan driven by competition for resources and long-standing political, ethnic, and personal grievances. Even in the midst of fighting successive wars against a brutal common enemy in the north, armed groups in the south frequently turned their guns on each other.

The Comprehensive Peace Agreement signed in 2005 by the Sudanese government and the Sudan People's Liberation Movement/Army (SPLM/A) ended most of the north-south fighting, but did not resolve the many fractures within South Sudanese society, including those within the SPLM/A. Obtaining government power only raised the competitive stakes as governance became a struggle among senior officials for power and the opportunity to distribute looted state resources to their often tribal-based patronage networks.¹

In April 2010, the South Sudanese elected Salva Kiir—a Dinka propelled to the head of the SPLM/A after Garang died in a helicopter crash in 2005—in a landslide as the first president of what was then the semi-autonomous region of South Sudan.² In January 2011, the south voted overwhelmingly to part from Sudan.

Upon independence, Salva Kiir and Vice President Riek Machar, a Nuer, took control of a country in name only. Exacerbating the challenge of unresolved grievances was the legacy of decades of war: more than 2.5 million killed, and 4.5 million displaced.³ South Sudan had virtually no infrastructure, and extreme rates of abject poverty, illiteracy, and child malnutrition. ⁴ It had natural-resource wealth but only effectively exploited oil, on which it was heavily dependent for government revenues. ⁵ Unpacified armed groups still roamed parts of South Sudan, and tensions over contested border regions with Sudan occasionally precipitated armed clashes.

South Sudan did have broad international support, and billions of dollars' worth of aid poured into the country. Yet South Sudan most needed transformational,

principled leadership to overcome the dysfunction at the heart of the country. Unfortunately, its leadership proved to be a key part of the problem.

In 2013, in response to increasing challenges from within the SPLM to his authority,⁶ Kiir fired Vice President Machar and the entire cabinet.⁷ Not long after, on December 15, 2013, fighting within the Presidential Guard unit of the SPLA broke out in the capital, Juba. Kiir claims that Machar attempted a coup, but subsequent investigations by the African Union and the U.S. found no evidence for Kiir's accusations.⁸ Other reports say that Kiir-aligned Dinka elements of the Presidential Guard tried to disarm the Machar-aligned Nuer elements.⁹

Machar escaped and formed the Sudan People's Liberation Movement/Army-In Opposition (SPLM/A-IO). The fighting rapidly spread throughout Juba—where Dinka fighters went door to door executing Nuer civilians¹⁰—and eventually to seven of South Sudan's ten states,¹¹ though the heaviest fighting was in the opposition—stronghold northern states of Jonglei, Unity, and Upper Nile.¹² Neither side gained a decisive advantage, and both routinely committed atrocities, including ethnic-based killings, mass rape, kidnappings, and forced cannibalization.¹³ As many as 20,000 Nuer may have been killed in the first three days of violence alone.¹⁴

The fighting was largely uninterrupted by the various cease-fires that the international community pressured Kiir and Machar into signing. A regional body, the Intergovernmental Authority on Development (IGAD), led the waves of negotiations that resulted in at least 11 agreements committing the parties to peace. All were broken almost immediately.

The presence of the U.N. Mission in South Sudan (UNMISS), a peacekeeping force established in 2011 on the occasion of South Sudan's independence, did little to deter the combatants. The U.N. increased UNMISS's troop strength and refined its mandate in response to the escalating violence in the country,¹⁵ yet it still had little deterrent effect and repeatedly failed in its responsibility to protect civilians.

In August 2015, again under intense international pressure, the two sides agreed to form a transitional government¹⁶ that quickly fell apart. In July 2016, Machar's and Kiir's forces in Juba clashed. Kiir re-fired Machar, who is now in exile in South Africa. Kiir then stocked most of the government positions reserved by the peace agreement for the SPLM/A-IO with loyalists, effectively cutting off any hope that non-Dinkas had of political representation.¹⁷

During the July violence, the Presidential Guard that answers directly to Kiir¹⁸ attacked Westerners and Americans specifically, including shooting at a convoy carrying, among others, the U.S.'s second-highest-ranking diplomat in South Sudan. Fortunately, the Americans escaped unharmed.¹⁹

Other Americans were not as fortunate four days later when a group of South Sudanese soldiers, including from the Presidential Guard, attacked the Terrain Hotel compound that housed international workers. In what a later U.N. investigation characterized as an orchestrated assault,²⁰ the soldiers sought out Americans, beating those they found. They gang-raped several Western women, and murdered a South Sudanese journalist before the onslaught ended four hours later.²¹

The war revealed the dizzying number of divisions in the country. An estimated 70 percent of the SPLA's formal forces deserted or defected after the conflict began.²² Some Nuer remain loyal to Kiir,²³ but many high-ranking Nuer soldiers and officers joined Machar.²⁴ Other opposition forces include militias loyal to different opposition leaders, tribal self-defense militias, and groups preoccupied with local issues that sometimes align with SPLM/A-IO goals.²⁵

The chaos has driven the country into even deeper misery. The fighting has spread south into the equatorial region around Juba.²⁶ As of July 20, 2017, nearly 2 million South Sudanese had fled to neighboring countries. As of June 2017, another 1.9 million were internally displaced.²⁷ Fifty percent of South Sudanese have insufficient food, with 1.7 million on the cusp of famine.²⁸

A U.N. fact-finding mission determined that ethnic cleansing via killing, starvation, and rape is occurring in parts of the country, and warned of the potential for genocide. Ethnic hate speech is on the rise as well,²⁹ and refugees fleeing the violence tell stories of ethnically based killing by all sides of the conflict.³⁰

A Failed U.S. Policy

The U.S.'s policy towards South Sudan has been to support diplomatically and financially the IGAD-led negotiation process. Since the opening days of the conflict, some of the U.S.'s most senior officials engaged with the South Sudanese in an attempt to bring peace.³¹ Part of the engagement was a stream of lamentations—at least 76 official statements from the White House and State Department between December 2013 and January 2017—over the worsening conflict, pleas to the combatants to stop the violence, and public warnings about the consequences of not doing so.³²

Yet the various agreements that IGAD and the rest of the international community arm-twisted the sides into signing were all broken almost immediately, and the U.S. response to the repeated scorning of its admonitions was tepid and inconsistent. Even after the South Sudanese army attacked American diplomats and civilians, the U.S. continued to cooperate with the government on peace negotiations and in providing technical assistance.³³ This likely affirmed the South Sudanese elites' belief that there is little to personally fear from the U.S. for their behavior.

The U.S. did suspend direct military assistance to the SPLA after the war broke out in December 2013,³⁴ and later sanctioned six military leaders from both sides of the conflict. Yet the U.S. sanctions do not include many of those most responsible for the violence, such as Salva Kiir or Riek Machar. In December 2016, American diplomats tried to extend the U.N. sanctions regime to Machar and several SPLM/A officials. The motion that also included an arms embargo—which the U.S. had threatened for more than two years—failed, to the delight of the South Sudanese government.³⁵

The U.S. also failed to capitalize on moments when galvanizing the international community for action against the South Sudanese regime would likely have been easier. In August 2014, unidentified militants shot down an UNMISS helicopter, killing three Russian crew members.³⁶ In February 2016, uniformed SPLA soldiers participated in the slaughter of civilians sheltering in a Protection of Civilians (POC) site in Malakal, with little American response beyond a joint statement with Norway and the United Kingdom three days later.³⁷ After the attacks on the American diplomatic convoy and the Terrain Hotel compound in July 2016, the U.S. also failed to use its self-evident right to penalize such provocations.

The rest of the international community has done little better. IGAD has not substantively punished either side for violating the 11 agreements, or for their repeated attacks against U.N. and IGAD personnel and facilities.³⁸ The U.S.-backed U.N. motion extending sanctions and imposing an arms embargo failed because nine countries abstained.³⁹ The South Sudanese government frequently impedes UNMISS movements despite its U.N. authorization to move freely,⁴⁰ and for months resisted a U.N.-authorized Regional Protection Force before acquiescing. It reneged after the arms embargo failed at the U.N.⁴¹

South Sudan's Leadership: Inadequate for Peace

The South Sudanese leaders' long history of promptly breaching agreements suggests they are determined to use violence to achieve their goals, and are cynically manipulating peace talks for their own ends.⁴² The overtly ethnic nature of many of the government's policies, and the frequent war crimes their forces commit⁴³—which are so systematic and widespread an African Union Commission report found they are likely part of state policy⁴⁴—further demonstrate the leadership's disinterest in peace.

Both sides victimize civilians in other ways. Since December 2013, 84 aid workers have been killed in South Sudan, and on hundreds of occasions have been assaulted and intimidated.⁴⁵ South Sudanese security services frequently block humanitarian convoys and loot supplies from aid groups and civic organizations, such as hospitals and schools.⁴⁶ During the July 2016 violence in Juba, government forces pillaged 4,500 tons of food and about 20,000 gallons of diesel, causing nearly \$30 million in damages, from a World Food Programme warehouse. The looted food would have fed 220,000 people for a month.⁴⁷

In the midst of the suffering in South Sudan, the elites' extreme corruption is all the more grotesque. Kiir and various relatives hold stakes in nearly two dozen companies operating in South Sudan, one of which was involved in a scheme that embezzled hundreds of millions of dollars from the state.⁴⁸ Kiir supposedly owns tens of thousands of cows worth millions of dollars,⁴⁹ and the family has a mansion in Kenya and a massive ranch outside Juba that Kiir built in the midst of the war.⁵⁰

The government has little to show for the billions of dollars the international community has poured into the country, something the government's own first vice president has criticized.⁵¹ It has also jailed and tortured an unknown number of political prisoners, and the country is ranked fifth-worst in the world for journalists being murdered with impunity.⁵²

Kiir and other senior government officials for years have also whipped up anti-U.S. and anti-U.N. anger in the country.⁵³ It is in this context that the South Sudanese armed forces attacked the American diplomatic convoy and the Terrain Hotel compound.

Finally, Kiir's control over his forces is tenuous. He appealed to his troops to stop fighting during the Juba violence in July, but they ignored him for several days.⁵⁴ The government is in financial crisis and cannot pay many of its soldiers, leading to restlessness and defections. Opposition forces are perhaps even more fractured,

as they are motivated by a broad range of interests and loyalties.⁵⁵ If Kiir cannot control his men, and as there is no unifying opposition leader, there is little reason to believe the elites can deliver peace to the country.

The Difficult Geopolitical Context

Many of South Sudan's neighbors have their own interests inside the country that makes concerted action against all culpable South Sudanese parties difficult. Uganda, for instance, has a long history of supporting the SPLA, and intervened early in the conflict to protect Salva Kiir's government.⁵⁶

A broader unified international response will also be challenging. China has extensive investments in South Sudan that it wants to protect,⁵⁷ and is generally wary of American foreign policy goals, as is Russia. The American-supported U.N. resolution on sanctions and an arms embargo that failed in December 2015 are examples of how difficult it is to get international consensus for action.

Similarly, hopes of assembling and deploying a military force large enough and competent enough to stop the violence are unrealistic. South Sudan is nearly the size of Texas, and there is a collage of armed groups scattered throughout the country. Only a few countries in the world have sufficient military resources to impose peace on South Sudan, and they are unlikely to shoulder on their own the burden of a costly and open-ended military intervention in a strategically unimportant country. UNMISS does not have the mandate, or, given how flawed the mission is,⁵⁸ the capabilities for such a task either.

The Case for Accountability

The failure to bring peace to South Sudan is not due to insufficiently persuasive or determined diplomacy, nor to the absence of a perfectly worded cease-fire to which all sides would agree. The primary obstacles to peace are the many unresolved grievances inside the country, and the leadership on all sides of the conflict exploiting those grievances to attain power.⁵⁹ The increasingly prominent ethnic component to the fighting means it is increasingly existential as well, hardening combatants' determination to fight.

Because the IGAD process relies on good faith negotiations, it cannot succeed in the current environment. Believing peace negotiations could work long after it was clear the combatants were committed to violence has already hurt the effort to bring peace to South Sudan. The international community's pursuit of the chimera of a sustainable peace deal allowed the combatants to evade responsibility, and delayed the formulation of alternative policies.

Returning to the same failed negotiations would be a grievous mistake with real consequences. It would further drain whatever influence and credibility the U.S. has left with the South Sudanese leadership, weaken the efficacy of any future negotiations when the atmosphere is conducive to meaningful talks, and continue to give the chief purveyors of the violence the cover of meaningless dialogs.

It is time for a new approach that has a better chance of ending the violence than continuing with, or marginally enhancing, a failed policy. The only way to move the South Sudanese leadership now is through coercive engagement. The U.S. should pursue an accountability-based policy in South Sudan that would include cutting all diplomatic contact with the perpetrators of the violence, working with international partners to isolate and punish them, and refusing to support any talks that include them, unless there is dramatic change in their behavior.

This approach would demonstrate to the South Sudanese government that it no longer has the world's most powerful country as a friend, and that the U.S. is finally serious about imposing penalties for criminal conduct on both sides. It would strip the combatants of the fig leaf of legitimacy they receive from negotiations, and would remove the temptation for the U.S. to continue wasting time, energy, and resources pursuing a meaningful agreement that is impossible to attain in the current context. It would be a chance to re-orient American engagement toward demanding substantive progress from the South Sudanese government in return for the reward of American engagement. It would as well rebuild U.S. credibility until the time is right to use it.

An accountability-based policy may also serve to build unity of purpose within the international community, particularly among regional states with the most to lose. All are anxious to avoid the profoundly destabilizing effects of a South Sudanese collapse. If the U.S. isolates the perpetrators of the violence, other countries will face the possibility that they will primarily bear the burden of South Sudan if they do not participate. It could lend urgency and purpose to their efforts.

Isolating the regime could also empower those South Sudanese who are genuinely interested in peace. Some of the regime's power likely derives from its position as the primary interlocutor with the international community. If the South Sudanese

see that the regime and other culpable elites no longer enjoy the international community's good will, it will weaken the malign actors and provide an opportunity for any South Sudanese committed to peace.

In the meantime, the U.S. will need to put as much pressure on the combatants as possible. The purpose will be two-fold: to punish those who targeted Americans, and to pressure the combatants until their calculus changes to where they see peace as being in their interest. If that fails, the U.S. will have to wait until the facts on the ground change enough that the U.S. can re-engage with a reasonable hope of making a positive difference.

Demanding accountability by disengaging from those causing the violence is not abandoning South Sudan. It would be the continuation of a decades-long U.S. effort to bring stability and protect innocent lives in that country. Cutting off engagement with the violent leadership has the best chance of bringing an end to the conflict in the shortest amount of time.

Accountability in Practice

In order to hold the South Sudanese regime accountable for attacking Americans, and encourage peace in South Sudan, the U.S. should:

- **Cut diplomatic ties with the government of South Sudan and others behind the violence.** This will include shuttering the U.S. embassy in Juba, evacuating all American diplomatic personnel, and ceasing all formal dialogue with the government of South Sudan and with the opposition. The U.S. should explicitly identify those government entities in South Sudan with which U.S.-funded organizations may engage, as some local government offices might be sufficiently distant in operations from the central government, and sufficiently interested in peace, to be worth engaging.
- **Build a comprehensive sanctions regime targeting anyone involved in fomenting violence,** including Salva Kiir and Riek Machar. South Sudanese leadership will respond only to pressure that affects them directly. It will take time and active diplomacy with neighboring countries to gain their support, and some countries will likely refuse or cheat anyway. The U.S. will have to focus on building a coalition of the willing, and must be prepared to monitor the sanctions closely and enforce them vigorously. The U.S. can also build a painful regime unilaterally if necessary.
- **Expel back to South Sudan, and freeze and seize the assets of, any relatives of the South Sudanese leadership who have benefited from the pillaging of South Sudan.** At least one was attending an American university in 2016. Others drive luxury vehicles, jet about the globe in first class, and live in luxurious villas in foreign countries.⁶⁰ The U.S. should pressure the countries harboring those relatives to expel them and freeze their assets. There is recent precedent for this with Teodoro Nguema Obiang Mangué, the son of the president of Equatorial Guinea.⁶¹
- **Build a coalition of the willing for an arms embargo, and name the entities that violate it.** A comprehensive arms embargo is unlikely since a U.S.-backed U.N. proposal for one has already failed. South Sudan is also awash in weapons, so an embargo will not have an immediate effect. However, over the long term, even a partial embargo would make it more difficult for the combatants to replenish their weapons stocks. A partial embargo would also expose uncooperative countries to the reputational damage associated with funneling weapons into a disastrous conflict.
- **Expel the South Sudanese ambassador and all South Sudanese embassy personnel from the United States.** This will demonstrate to the regime that it has missed its many opportunities to engage in good faith with the U.S., and that the U.S. is serious about holding it accountable.
- **Restrict the movement of South Sudanese officials attending U.N. activities in New York City.** The U.S. is obliged to allow officials, even those under a travel ban, to attend United Nations' meetings in New York City. However, the U.S. government does not have to allow them free access to the rest of the country. The U.S. should impose a 25-mile movement limit on any South Sudanese official attending a U.N. meeting in New York City, and on any South Sudanese U.N. staff with links to those behind the violence.⁶²
- **Outline a path to re-engagement based on measurable benchmarks of progress.** Benchmarks should include concrete demonstrations of the combatants' commitment to peace, such as a cease-fire that is respected, the establishment of a framework for an inclusive reconciliation process, and facilitating the delivery of emergency aid to needy populations.
- **Determine which developments would trigger spontaneous U.S. diplomatic re-engagement.** The situation in South Sudan could change sufficiently

that the U.S. should diplomatically re-engage. The new context could include the rise of leaders genuinely committed to peace, the formation of an inclusive political movement with broad grassroots support, or a successful organic reconciliation process with a reasonable chance of further success.

- **Articulate U.S. strategy to the public and to partners.** An accountability-based approach might be misinterpreted as abandoning South Sudan. The U.S. should clearly and consistently communicate that it is, in fact, designed to bring stability to South Sudan and stop the suffering there as quickly as possible.
- **Engage directly with the South Sudanese public where possible.** Bypassing those at fault for the violence to engage directly with South Sudanese citizens could embolden those seeking peace and drain support from perpetrators. Such engagement could include radio programs promoting reconciliation and describing American support for the South Sudanese people, and supporting grassroots South Sudanese organizations and movements working to bring peace.
- **Determine whether the proposed African Union-run hybrid court to try South Sudanese war criminals can be effective, and, if so, support it.** The August 2015 peace agreement provided for the African Union to establish the Hybrid Court for South Sudan to try any South Sudanese implicated in war crimes. The U.S. should wait to see if the African Union creates the framework for an effective court. If it does, the U.S. should support it, as the court would be another means for holding those fomenting the violence accountable.
- **Urge all American citizens to leave South Sudan.** The government and the opposition may retaliate against any Americans still inside the country. Investigate South Sudanese elites' corruption. Private organizations have already exposed some corruption, but the U.S. government should use its resources and expertise, or sponsor a competent organization, to document the corruption as comprehensively as possible. The results should then be released publicly.
- **Engage with neighboring countries to build consensus for unified action.** Bringing a measure of peace to South Sudan will require the international community to behave in as unified a manner as possible. The U.S. should focus on building a coalition that can act when the moment is right in South Sudan.
- **Lead an international effort to deliver emergency aid, but only in a way that reasonably ensures that it remains out of government and rebel clutches.** There is a long history of South Sudanese armed groups seizing humanitarian aid and manipulating it to punish enemies.⁶³ Delivering emergency aid without armed groups benefiting will require creative delivery methods and tough decisions that will likely mean that sometimes aid will not reach people who need it, but over the long term will save more lives by not buttressing the groups fighting the war.
- **Require any U.S.-funded organizations still operating in South Sudan to reasonably ensure that their operations do not benefit any of the warring groups.** Donor aid in South Sudan has at times inadvertently fueled corruption and conflict, and empowered warring groups.⁶⁴ Not only does the U.S. government have a responsibility to American taxpayers to ensure that their money is not wasted, it also has a responsibility to ensure that the same money does not exacerbate the problem it is meant to mitigate.
- **Mobilize the international community to help front line countries with refugees.** Nearly two million South Sudanese have already fled their country, and receiving states will need further help to house and feed them.
- **Document the crimes inside South Sudan for use in any future trials and reconciliation processes.** A U.S. withdrawal will make this more difficult, but there are still ways to gather information on what is happening, such as interviewing refugees, analyzing satellite imagery, and consulting with organizations still operating in South Sudan and neighboring countries that have strong intelligence on South Sudan.
- **Request that Congress commission a study on what went wrong with U.S. engagement in South Sudan.** The U.S. invested a great deal of energy, time, and money into South Sudan, only to have the country fail quickly and spectacularly. The U.S. government needs to determine what went wrong with its South Sudan policy to ensure it does not repeat the mistakes, and to be accountable to taxpayers for the billions of dollars it spent with no return. An unclassified version of the report should be publicly released.

None of these recommendations is a silver bullet. Many of them have flaws, loopholes, and work-arounds. Collectively, however, they can demonstrate to the South Sudanese leadership the costs of abusing American citizens and manipulating the U.S. government, and could precipitate change inside the country to the point where the U.S. can diplomatically re-engage with the hope of making a difference.

A Difficult and Painful Road Ahead

The short history of South Sudan is one of the most disappointing stories on Earth. At independence it had immense international goodwill and support, yet the rivalries and cleavages that led to so much violence in the past quickly led the new country into ruin. The IGAD-led process that the combatants repeatedly manipulated and flouted is stalled with no prospects for success in the future without a dramatic change in the situation inside the country. U.S. credibility is gone, leeched away by consistent failure to follow through on its many threats and entreaties.

The U.S. has few options left. Its best hope for protecting its interests is to reorient to an accountability-based strategy and to punish the regime for its continuous malfeasance that included attacks on Americans. The accountability approach may also inspire any elements of the South Sudanese regime or society that are genuinely interested in peace. Continued pointless negotiations and the failure to substantively pressure the South Sudanese regime merely emboldens those responsible for the violence, and ensures the continued victimization of the people of South Sudan.

Thank you again for this opportunity to testify, and I look forward to any questions you may have.

References

1. Magali Mores, "Overview of Corruption and Anti-Corruption in South Sudan," Transparency International, March 4, 2013.
2. Skye Wheeler, "South Sudan Swears in First Elected President," Reuters, May 21, 2010.
3. Lauren Ploch Blanchard, "Conflict in South Sudan and the Challenges Ahead," Congressional Research Service, September 22, 2017.
4. Daniel Maxwell, Kirsten Gelsdorf, and Martina Santschi Livliehoods, "Basic Services and Social Protection in South Sudan," Secure Livelihoods Research Consortium Working Paper No. 1, July 2012.
5. CIA World Factbook, "Africa: South Sudan," January 12, 2017.
6. "Conflicts in South Sudan," Enough Project, October 1, 2014.
7. UNICEF, "South Sudan Sitrep," No. 1 16-20, December 2013.
8. John Tanza, "South Sudan Government Still Insists Coup Bid Started Conflict," Voice of America, October 28, 2015; and Nicole Gaouette, "U.S. Asks South Sudan to Free Prisoners, Sees No Coup Effort," Bloomberg, January 9, 2014.
9. Amnesty International, "Nowhere Safe: Civilians Under Attack in South Sudan," May 8, 2014.
10. Ibid
11. UNMISS, "United Nations Mission in South Sudan: Background."
12. "Peace Elusive as South Sudan Marks Three Years of War," Daily Mail, December 15, 2016, and Casie Copeland, "De-escalating South Sudan's New Flare Up," International Crisis Group, July 12, 2016.
13. African Union, "Final Report of the African Union Commission of Inquiry on South Sudan," October 15, 2014, p. 112.
14. Ibid, p. 114.
15. United Nations Security Council, "Resolution 1996 (2011)," July 8, 2011, and UNMISS, "United Nations Mission in South Sudan: Background."
16. Marc Santora, "Salva Kiir, South Sudan's President, Signs Peace Deal with Rebels," The New York Times, August 26, 2015.
17. United Nations Security Council, "Interim Report of the Panel of Experts on South Sudan Established Pursuant to Security Council Resolution 2206 (2015)," November 15, 2016.
18. International Crisis Group, "South Sudan: A Civil War by Any Other Name," Africa Report No.217, April 10, 2014.
19. This was not the first time that South Sudanese forces shot at Western diplomats. A soldier fired at the U.S. ambassador's armored vehicle in November 2014. In June 2016, a month before the attack on the U.S. convoy, South Su-

- danese soldiers fired at a Norwegian delegation. Colum Lynch, "Dinner, Drinks, and a Near Fatal Ambush for U.S. Diplomats," *Foreign Policy*, September 6, 2016.
20. Matina Stevis, "South Sudanese Violence Engulfs Aid Workers, Pushes Nation Closer to the Brink," *The Wall Street Journal*, September 20, 2016.
 21. Jason Patinkin, "Rampaging South Sudan Troops Raped Foreigners, Killed Local," *Associated Press*, August 1, 2015, and Michelle Nichols, "U.N. Peacekeepers Failed to Respond to South Sudan Hotel Attack: Inquiry," *Reuters*, November 2, 2016, and United Nations, "Executive Summary of the Independent Special Investigation into the Violence Which Occurred in Juba in 2016 and UNMISS Response," November 1, 2016.
 22. International Crisis Group, "South Sudan: A Civil War by Any Other Name," p. 8.
 23. "Kiir Promises to Retain Loyal Nuer in Transitional Govt," *Radio Tamazuj*, October 28, 2014.
 24. Amnesty International, "Nowhere Safe: Civilians Under Attack in South Sudan."
 25. International Crisis Group, "South Sudan: A Civil War by Any Other Name."
 26. "Peace Elusive as South Sudan Marks Three Years of War," *Daily Nation*, December 15, 2016, and Copeland, "De-escalating South Sudan's New Flare Up."
 27. United Nations Refugee Agency, "South Sudan Situation," July 20, 2017.
 28. Deepmala Mahla, "The Four Famines': Root Causes and a Multilateral Action Plan," testimony before the Subcommittee on Multilateral International Development, Multilateral Institutions, and International Economic, Energy, and Environmental Policy, Committee on Foreign Relations, U.S. Senate, July 18, 2017.
 29. United Nations Human Rights Office of the High Commissioner, "South Sudan: Dangerous Rise in Ethnic Hate Speech Must Be Reined in—Zeid," October 25, 2016.
 30. Elias Biryabarema, "Hatred Spills Beyond South Sudan Along With Refugees," *Reuters*, December 15, 2016.
 31. Including, among others, Secretary of State John Kerry, National Security Advisor Susan Rice, and Assistant Secretary of State for African Affairs Linda Thomas-Greenfield. Linda Thomas-Greenfield, "South Sudan's Broken Promises," testimony before the Committee on Foreign Affairs, U.S. House of Representatives, January 15, 2014.
 32. For some of the many pleas, condemnations, and regrets the U.S. has issued, see news releases, U.S. Department of State.
 33. Stevis, "South Sudanese Violence Engulfs Aid Workers, Pushes Nation Closer to the Brink."
 34. U.S. Embassy in South Sudan, "Clarification regarding U.S. Assistance to South Sudan," *Africa Newsroom*, October 13, 2016.
 35. Colum Lynch, "U.S. Push to Halt Genocide in South Sudan Unravels at United Nations," *Foreign Policy*, November 30, 2016 and "S. Sudan Lauds UN Security Councils Failure to Impose Sanctions, Arms Embargo," *Sudan Tribune*, December 25, 2016.
 36. "South Sudan: Preliminary UN Probe Shows Helicopter Was Shot Down," U.N. News Centre, September 9, 2014).
 37. News release, "Statement: Troika Condemns Violence at Malakal, South Sudan POC Site," February 20, 2016.
 38. In 2014, the U.N. summed up the violence it and IGAD had suffered to that point: "the attacks by Government and opposition forces and other groups on United Nations and IGAD personnel and facilities, including the December 2012 downing of a United Nations helicopter by the SPLA, the April 2013 attack on a United Nations convoy, the December 2013 attack on the UNMISS camp in Akobo, the August 2014 shooting down of a UN helicopter by unidentified armed groups, the August 2014 arrest and detention of an IGAD monitoring and verification team, the detentions and kidnappings of UN and asso-

- ciated personnel, and the 2014 attacks on the UNMISS camps in Bor and Bentiu.” News release, “Security Council Keeps in Place Peace Mission in South Sudan Until 30 May 2015 as it Calls for Immediate Implementation of Cessation of Hostilities Accord,” United Nations, November 25, 2014.
39. Lynch, “U.S. Push to Halt Genocide in South Sudan Unravels at United Nations.”
 40. U.S. Embassy in South Sudan, “U.S. Permanent Representative to the United Nations, on a Draft Security Council Resolution on South Sudan,” December 23, 2016.
 41. “South Sudan Rejects More UN Peacekeepers,” South Sudan News Agency, January 11, 2017.
 42. The U.S. Special Envoy for Sudan and South Sudan stated plainly in October 2014: “[B]oth the government and the opposition have failed to engage the process in good faith or to fully honor their commitments.” Donald Booth, “U.S. Policy on Sudan and South Sudan: The Way Forward,” remarks to the Atlantic Council, October 9, 2014.
 43. UNICEF, “Hundreds of Children Recruited by Armed Groups in South Sudan, as Violations Against Women and Children Increase-UNICEF,” August 19, 2016, and Justin Lynch, “Wave of Ethnic Killings Engulfs Town in South Sudan” Associated Press, November 17, 2016, and African Union, “Final Report of the African Union Commission of Inquiry on South Sudan.”
 44. African Union, “Final Report of the African Union Commission of Inquiry on South Sudan.”
 45. United Nations Office for the Coordination of Humanitarian Affairs, “Aid Worker Killed in Eastern Equatoria,” Humanitarian Bulletin No. 16, October 20, 2016, and Mahla, “The Four Famines: Root Causes and a Multilateral Action Plan.”
 46. Ibid.; Denis Dumo, “Aid Convoys Blocked in South Sudan, U.N. Says,” Reuters, December 1, 2016); and Andrew Katz, “South Sudanese Troops Steal Backpacks Meant for Children,” Time, February 4, 2014.
 47. United Nations, “Executive Summary of the Independent Special Investigation into the Violence Which Occurred in Juba in 2016 and UNMISS Response,” and Stevis, “South Sudanese Violence Engulfs Aid Workers, Pushes Nation Closer to the Brink.”
 48. “War Crimes Shouldn’t Pay, Stopping the Looting and Destruction in South Sudan,” The Sentry, September 2016.
 49. Simon Allison, “Following the Herd: How Cows Fuelled the War in South Sudan, and How They Can Consolidate the Peace,” Daily Maverick, October 27, 2016.
 50. “War Crimes Shouldn’t Pay, Stopping the Looting and Destruction in South Sudan,” The Sentry.
 51. “Taban Deng Gai Says the Current Government Is a ‘Hand-to Mouth’ System that Is Not Providing Any Services,” Nyamilepedia, October 21, 2016.
 52. Elisabeth Witchel, “Getting Away with Murder,” Committee to Protect Journalists, October 27, 2016.
 53. Lynch, “Dinner, Drinks, and a Near Fatal Ambush for U.S. Diplomats,” and John Tanza, “South Sudan President Kiir in Washington for US-Africa Leaders Summit,” Voice of America, August 4, 2014.
 54. “South Sudan Clashes: Salva Kiir and Riek Machar order Ceasefire,” BBC, July 11, 2016.
 55. United Nations, “Interim Report of the Panel of Experts on South Sudan Established Pursuant to Security Council Resolution 2206 (2015).”
 56. Fanny Nicolaisen, Tove Heggli Sagmo, and Oystein Rolandsen, “South Sudan Uganda Relations: The Cost of Peace,” African Center for the Constructive Resolution of Disputes, December 23, 2015.
 57. “China Controls 75% of Oil Investments in Sudan: Minister,” Sudan Tribune, August 3, 2016.

58. Simona Foltyn, "UN Bases in South Sudan Are a 'Blessing and a Curse,'" *The Guardian*, April 26, 2016, and Medecins Sans Frontieres, "MSF Internal Review of the February 2016 Attack on the Malakal Protection of Civilians Site, and the PostEvent Situation," June 2016 and Merrit Kennedy, "Witnesses: U.N. Peacekeepers Did Nothing as South Sudanese Soldiers Raped Women," *National Public Radio*, July 27, 2016, and United Nations, "Executive Summary of the Independent Special Investigation into the Violence Which Occurred in Juba in 2016 and UNMISS Response" and United Nations Secretary-General, "Note to Correspondents on the Special Investigation and UNHQ Board of Inquiry into the UNMISS Protection of Civilians Site in February 2016," June 21, 2016.
59. On multiple occasions, senior U.S. government officials explicitly identified the South Sudanese leadership's failures as the reason for the conflict. As just one example, see U.S. Department of State, "Update on Efforts to Implement the 2015 Agreement on the Resolution of the Conflict in South Sudan," September 22, 2016.
60. "War Crimes Shouldn't Pay: Stopping the Looting and Destruction in South Sudan," *The Sentry*.
61. Martin de Bourmont, "Accused of Looting Millions, Son of African Leader Stalls Trial," *The New York Times*, January 4, 2017.
62. The U.S. has in the past applied such restrictions on diplomats from Afghanistan, Bulgaria, Cuba, Czechoslovakia, Iran, Libya, Romania, Russia, Sudan, and Vietnam, among others. For an articulation of the U.S. policy, see United Nations, "Travel Regulations, Immigration, Entry Visa Dominate Proceedings in Meeting of Host Country Committee," July 9, 2007. For a partial list of countries that have come under the restriction, see Marvine Howe, "U.N. Panel on U.S. Ties Faces Weightier Issues," *The New York Times*, October 17, 1988. For an example of the U.S. restricting the movement of U.N. staff members from a specific country, see United Nations, "Report of the Committee on Relations with the Host Country," 2006.
63. Deborah Scroggins, *Emma's War* (New York: Vintage Books, 2004), pp. 256 and 257, and Claire Metelits, "Back to the Drawing Board: What the Recent Peace Agreement Means for South Sudan," *Carnegie Council for Ethics in International Affairs*, October 22, 2015.
64. Daniel van Oudenaren, "Politicised Humanitarian Aid Is Fueling South Sudan's Civil War," *IRIN*, February 27, 2017; Lindsay Hamsik, "A Thousand Papercuts: The Impact of NGO Regulation in South Sudan," *Humanitarian Practice Network*, January 2017; and "The Taxmen: How Donors Lost Millions in South Sudan's Forex Market," *Radio Tamazuj*, undated.

Senator FLAKE. Thank you, Mr. Meservey.
Mr. Knopf?

STATEMENT OF PAYTON KNOPF, COORDINATOR OF THE SOUTH SUDAN SENIOR WORKING GROUP, UNITED STATES INSTITUTE OF PEACE, WASHINGTON, D.C.

Mr. KNOPF. Good morning. Chairman Flake, Ranking Member Booker, and members of the committee, thank you for the opportunity to testify here before you today. The views I express are my own and do not represent those of the U.S. Institute of Peace.

Three years after the outbreak of civil war in South Sudan, the state and the 2015 peace agreement designed to end that war have unquestionably failed and catastrophically so. As the committee is well aware of the horrific impact of these failures continue to have on the people of South Sudan, I will confine my testimony to another part of the story, the increasingly dire consequences for U.S. security interests in the region posed by South Sudan's dissolution and how the U.S. might respond.

South Sudan sits at the nexus of intensifying competition among five of the United States' core counterterrorism partners, Egypt,

Ethiopia, Kenya, Sudan, and Uganda, and is a sinkhole that is exacerbating competing regional rivalries that risk escalating into a broader war with grave implications for U.S. security interests.

Egypt and Ethiopia are locked in what they perceive as a zero-sum conflict over the use of the Nile. With South Sudan having lined up behind Ethiopia on this issue, South Sudan's President Salva Kiir has sided with Egypt against Addis Ababa. In addition, Uganda and Ethiopia's competition for regional hegemony, Uganda and Sudan's longstanding competition over South Sudan, and the demonstrated willingness of all four states to engage militarily across their borders compounds the volatile regional puzzle.

Meanwhile, two other U.S. partners, Saudi Arabia and the UAE, have increased their commitments in the Horn of Africa, including a burgeoning relationship with Ethiopia's archrival Eritrea, and Qatar has had deep political and financial investments in Sudan for at least the last decade.

The result is that a war fueled by South Sudan's deterioration is in fact part of a broader Red Sea security challenge, the implications of which have come into sharp relief with the recent GCC confrontation with Doha.

The United States, therefore, has not only a clear moral reason to invest in ending South Sudan's war, but a compelling security interest in doing so.

Fortunately, South Sudan's civil war is not as intractable as Syria's, and we should not be overwhelmed by its complexity, the dizzying regional Rubik's cube I just outlined notwithstanding. This war can be ended diplomatically, but doing so will require leadership and commitment from the United States and recognition of some fundamental truths about the conflict, which I will discuss briefly here but have expounded upon in my testimony for the record.

First, there is not a humanitarian or a peacekeeping solution to the war in South Sudan, which is fundamentally a political problem.

Second, to paraphrase Tolstoy, every failed state fails in its own way. Despite the very real risk of the war escalating into genocide, South Sudan is not Rwanda, and 1 million may not be killed in the span of 100 days. That does not, however, absolve the United States or the rest of the international community from the responsibility and interest in taking urgent action to end the war, given the magnitude of the security and humanitarian crisis, as several folks have outlined today.

Third, while there is no shortage of bad actors in South Sudan, President Salva Kiir and his allies bear the preponderance of responsibility for the largest scale violence happening now. However, the international diplomatic approach to date, as Joshua alluded to, including the failure to impose any meaningful consequences for the countless violations of the agreement, have ceded military dominance on the ground to Kiir and his regime, perpetuating a belief in Juba that military victory is possible and leaving little incentive to compromise. Creating the conditions for a negotiated settlement will, therefore, require either a degradation of the Kiir regime's capacities or an enhancement of the opposition's.

Fourth, the United States possesses the leverage and a number of diplomatic tools to shift the power dynamic vis-a-vis Kiir and underscore the unviability of a military solution. For example, while a resolution to the civil war is not possible without the constructive engagement of South Sudan's neighbors, the United States has unique influence over each of them. Uganda is a case in point. Donors recently pledged over \$350 million to support Uganda in dealing with refugee flows from South Sudan. Yet, weapons transfers to Kiir's regime, documented by the U.N. Panel of Experts, that have either been facilitated through or by Uganda in the last 3 years suggest that the price of these sales may equal or even exceed the amount of these pledges. The contradiction whereby Uganda continues to protect Kiir's regime on the one hand and then receives international praise and financial assistance for managing the humanitarian fallout of that regime's actions must be resolved.

The United States could also exert direct leverage on Kiir and his cronies by applying financial pressures that do not require the U.N. Security Council. The Enough Project has done important work to describe at least 15 different options for doing so.

The United States can further play a dispositive role in fighting the international legitimacy or lack thereof of Kiir's regime. The legal legitimacy of the government is, in fact, questionable and that ambiguity provides the United States with ample rationale to de-recognize the Kiir regime and/or downgrade its diplomatic relationship, which would contribute to altering the calculations of the regional governments and of Kiir himself, not least because it would call into question his privileges and immunities as a sitting head of state.

Fifth and finally, the humanitarian operation is under siege. The Kiir regime is not a willing partner for the delivery of humanitarian assistance, is in fact the primary impediment, and in many ways benefits from the operation's reliance on the capital, Juba, and government-controlled infrastructure. New modalities for the delivery of humanitarian aid need to be considered in recognition of these facts.

To conclude, Mr. Chairman, South Sudan's civil war is like a rapidly metastasizing cancer that is weakening one of the vulnerable seams of the world order. The United States has both an abiding interest and the assets necessary to lead a new and productive diplomatic initiative to curtail the violence and ultimately negotiate a credible political transition. In order for such an initiative to succeed, however, the administration must immediately designate and empower a senior level official with primary responsibility for South Sudan policy who can deal directly and effectively with the regional heads of state to chart a course out of the abyss.

Thank you again for the committee's consistent and sustained attention to South Sudan and for convening this hearing today. I look forward to your questions.

[Mr. Knopf's prepared statement follows:]

PREPARED STATEMENT OF PAYTON KNOPF

Chairman Flake, Ranking Member Booker, and members of the subcommittee, thank you for convening this hearing on South Sudan and for the opportunity to testify today. The views I express here are my own and do not represent those of

the U.S. Institute of Peace or the U.N. Panel of Experts on South Sudan, of which I was the coordinator from its inception in May 2015 until April 2017.

Three and a half years after an elite power struggle precipitated the outbreak of civil war, conflict has engulfed every part of South Sudan. Both the state itself and a 2015 peace agreement have failed—and catastrophically so: South Sudan is the world's fastest growing refugee crisis, at least one third of the population is displaced internally or in neighboring states, and 6 million people—more than 60 percent of the population that remains—are severely food insecure.

The war has mutated into an existential struggle between tribes and, increasingly, among sub-clans within tribes as the centrifugal forces tearing the country apart accelerate, with no end in sight. In a study conducted by the South Sudan Law Society using the Harvard Trauma Questionnaire, 41 percent of South Sudanese exhibited symptoms consistent with post-traumatic stress disorder (PTSD)—rates comparable to those of post-genocide Rwanda and post-genocide Cambodia. That was two years ago.

But the human cost of the war is just one part of the story. More fundamental to U.S. interests are the increasingly dire consequences for regional security posed by South Sudan's dissolution. South Sudan sits at the nexus of intensifying competition among five of the United States' core counter-terrorism partners in the region—Egypt, Ethiopia, Kenya, Sudan, and Uganda—and left unresolved, the conflict there risks provoking a larger regional war.

Construction of the Great Ethiopian Renaissance Dam (GERD)—the largest infrastructure project in the country's history on which Ethiopia's ruling elite has staked considerable prestige—will likely be completed within the next year. A core narrative of President Abdel Fattah Al Sisi's government, however, is that Ethiopia exploited Egypt's weakness during the rule of Mohammed Morsi to secure the acquiescence of the regions' other states to the GERD project, isolate Egypt, and violate long-standing agreements on the use of the Nile water that date to British colonial rule.

With Sudan having backed Ethiopia on the GERD, South Sudan's president, Salva Kiir, has deflected pressure from Addis Ababa, which has to date led the regional mediation effort to negotiate an end to the war, by playing his advantage with Cairo. In exchange for aligning with Egypt on the Nile dispute, Kiir has secured Egyptian support in the U.N. Security Council—where Ethiopia and Egypt both currently hold seats—and in the African Union. Sudanese President Omar Al Bashir has publicly accused Egypt of providing arms to Kiir's regime, and the U.N. Panel of Experts on South Sudan has documented sales of equipment from Egypt to Kiir's military. Despite signing two protocols with Ethiopian prime minister Hailemariam Desalegn pledging not to support armed groups in each other's territories, there are multiple reports that Kiir has allowed Egypt to train Ethiopian armed opposition groups within South Sudan, possibly with Eritrean collusion, while several prominent South Sudanese opposition leaders move freely in and out of Addis Ababa. Ethiopia has also blamed Eritrea for orchestrating an attempted attack on the dam in March.

In addition, Uganda and Ethiopia's competition for regional hegemony, Uganda and Sudan's competition over South Sudan, and the demonstrated willingness of all four states to engage militarily across their borders compounds the volatile regional puzzle. In 2012, Sudan and South Sudan engaged in a military confrontation along the border that nearly escalated into a full-scale war, and both provide support to rebel groups operating in each other's territories. Uganda deployed several battalions into South Sudan at the beginning of the civil war in 2013 to protect the government from the armed opposition. The Ethiopian Defense Forces (EDF) have undertaken operations into South Sudan in response to raids into western Ethiopia by South Sudanese tribal militia.

The escalation of Egyptian-Ethiopian and Egyptian-Sudanese competition in South Sudan, inevitably drawing Uganda, and potentially Kenya, into the fray, will compromise the regional counter-terrorism architecture in which the United States has invested so heavily. U.S. security assistance to Egypt exceeds that of every other country in the world except Israel, and in the last three fiscal years, the United States has also provided over \$223 million to Uganda and over \$92 million to Ethiopia.

In 2002, former Ethiopian prime minister, Meles Zenawi, in fact predicted a “nightmare scenario” for the Horn of Africa involving an unstable South Sudan and

Egyptian-Ethiopian competition.¹ Yet the current geopolitical dynamics are more complicated than Meles even predicted given the increasing political and financial commitments in the region by two other U.S. partners—Saudi Arabia and the United Arab Emirates—including with Eritrea in exchange for assistance in prosecuting the war in Yemen; with Sudan in exchange for its shift away from Iran; and with Egypt to shore up Sisi’s regime against the Muslim Brotherhood and ISIS. Qatar has also invested substantial political and financial capital in Sudan over the last decade. The result is that a war sparked by South Sudan’s deterioration is in fact part of a broader “Red Sea security challenge,” the implications of which have come into sharp relief with the recent Egyptian, Saudi, Emirati, and Bahraini confrontation with Qatar.

The humanitarian emergency in South Sudan and consequent refugee flows have further exacerbated these security challenges in a region whose population is projected to increase by 40 percent in the next 15 years and by at least 105 percent by 2050.² Given these expected demographic trends, it is not hard to imagine an exponential increase in refugee flows out of the Horn of Africa should a regional war erupt out of South Sudan’s civil war. One need only look to the lesson of the Rwandan genocide to see how a horrific humanitarian crisis resulted in a mass exodus of the population and sparked a broader war in Congo in which nine African governments ultimately became involved. There are no perfect historical analogies. But as the adage holds, history may not repeat itself, but it often does rhyme.

The United States therefore has not only a clear moral reason to invest in ending South Sudan’s war but a compelling security interest in doing so. The United States remains the largest donor to humanitarian relief efforts as well as, through its treaty obligations, to the U.N. peacekeeping force in the country. But neither humanitarian aid nor peacekeeping is going to solve what is fundamentally a political problem requiring a political solution.

While the Intergovernmental Authority on Development (IGAD) is attempting to revitalize the collapsed 2015 peace agreement, the myriad challenges to the success of this effort—not least the lack of any discernible desire by the belligerents to end the war—warrants consideration of a new and more productive diplomatic strategy. The July 20 statement by the United States, the United Kingdom, Norway, and the European Union indicating a “wait and see” approach to the revitalization effort before committing further resources to support implementation of the agreement underscores the urgency of laying the foundation for such a strategy.

Fortunately, South Sudan’s civil war is not as intractable as Syria’s. There are no great power politics at play. There is no competition between the United States and another external actor such as Iran or Russia. There is no evidence of the presence of jihadi elements. South Sudan’s brutal conflict can be ended, but doing so will require robust leadership and commitment from the United States and recognition of six fundamental truths about the war.

First, to paraphrase Tolstoy, every failed state fails in its own way. Despite the very real risk of the war escalating into genocide, South Sudan is not Rwanda, and one million people may not be killed in the span of 100 days, as tragically occurred there. That does not, however, absolve the United States or the rest of the international community—including the United Nations, the African Union, IGAD collectively, South Sudan’s neighbors individually, or our European partners—from the responsibility of taking urgent action to end the war. The fact is that the South Sudanese nation is abandoning their state—the one million South Sudanese who have fled into Uganda alone, most in just the last twelve months, is a clear illustration. The country is slipping away, perhaps irreparably, and the time to act is now.

Second, we cannot be overwhelmed by the complexity of the war and claim that as an excuse for an ineffectual response. Notwithstanding the regional Rubik’s cube outlined above and the fact that the conflict is no longer a binary one between two warring parties, it is possible to take stock of the various drivers of conflict, identify the determinative actors on the ground, and conceptualize and execute a strategy for defusing the crisis.

There are five civil wars unfolding within the country’s broader conflict: a war of resistance against Kiir’s regime in Juba by the population of the surrounding Greater Equatoria region; a land contest between the Dinka and the Shilluk in Upper Nile; an intra-Nuer war in Unity; a drive to establish Dinka primacy in Greater Bahr el Ghazal; and diversionary “crises of convenience” in Lakes and Jonglei that have been exploited by Kiir and his allies. Utilizing the insight and expertise of a number of South Sudan scholars, the U.S. Institute of Peace (USIP) is mapping

¹Alex de Waal, “Africa’s \$700 Billion Problem Waiting to Happen,” *Foreign Policy*, March 17, 2016.

²2016 World Population Data Sheet (Washington, DC: Population Reference Bureau, 2016)

these conflict theaters and the individuals who are decisive in each. Smart diplomacy that accounts for specific interests and is backed by the credible threat of punitive consequences can leverage these individuals into drastically reducing the violence.

Third, while there is no shortage of bad actors in South Sudan, the U.N. Panel of Experts and other international investigations have provided extensive evidence indicating that President Salva Kiir and his allies now bear the preponderance of responsibility for the largest scale violence, for instigating mass displacements, for inciting tribal hatred, and for the obstruction of humanitarian assistance. History suggests that successful negotiated settlements to other civil wars have depended on a stalemate when the parties no longer believe in the prospect of military victory.³ However, the absence of an arms embargo; the ill-conceived isolation of the main opposition signatory to the 2015 agreement, Riek Machar, and by extension his faction of the Sudan People's Liberation Movement in Opposition (SPLM/IO); and the failure by the guarantors and witnesses of the peace agreement, including the United States, to impose any meaningful consequence for violations of the agreement, including its reform and security provisions, have ceded military dominance on the ground to Kiir and his regime, leaving little incentive to compromise.

We have seen the devastating consequences of this failed approach as the regime has continued large-scale military operations throughout the country, even during the current rainy season and despite its declaration of a unilateral ceasefire. Creating the conditions for a negotiated settlement will therefore require either a degradation of the Kiir regime's capacities or an enhancement of the opposition's.

Fourth, external actors—and the United States in particular—possess multiple leverage points to shift the power dynamic vis-à-vis Kiir and Juba and underscore the unviability of a military solution. A resolution to the civil war is not possible without the constructive engagement of Uganda, Sudan, Ethiopia, and Kenya—four states upon whom the United States has unique influence.

The U.N. Security Council and the AU Peace and Security Council must impose an arms embargo on South Sudan, and the United States must bring its leverage to bear to enforce that embargo, particularly upon Uganda, the main transit point for arms and ammunition to Kiir's regime. At the recent Solidarity Summit on Refugees co-hosted in Kampala by Ugandan President Yoweri Museveni and U.N. Secretary-General Antonio Guterres, donors pledged over \$350 million dollars to support Uganda in dealing with the refugee flows. Yet weapons transfers to South Sudan documented by the U.N. Panel of Experts that have either been facilitated through or by Uganda in the last three years suggest the price of these sales may equal or even exceed these donor pledges.

The contradiction whereby Uganda continues to empower and embolden Kiir's regime on the one hand and then receives international assistance for managing the humanitarian fall-out of the regime's actions must be resolved. Uganda is the largest recipient of U.S. military assistance in sub-Saharan Africa, and the United States can and should make clear that that assistance is contingent on Uganda ending its support for Kiir's brutal regime and using its influence on Kiir to support a new diplomatic strategy to end the war.

The United States also has significant leverage over Khartoum as a result of the three-month extension of the decision on sanctions relief announced by the Trump administration earlier this month. Cooperation with the United States on South Sudan was one of the benchmarks for sanctions relief under the agreement that the Obama administration concluded with Sudan shortly before it left office. Unfortunately, that cooperation was defined by the outgoing administration primarily as isolating Machar, which, as described above, has proven counterproductive and a waste of the political capital that the sanctions relief discussion generated. Sudan has taken important steps to allow vital cross-border humanitarian access into South Sudan, but there is not a humanitarian solution to the war. The United States can and should use the next 90 days to illicit Sudan's cooperation on a new political initiative to end the conflict.⁴

Ethiopia is a vital political and security partner of the United States, and any new strategy must build on this important relationship. As the chair of IGAD, Ethiopia has led the mediation efforts to end the war. With that effort having failed as

³ Kenneth Pollack and Barbara F. Walter, "Escaping the Civil War Trap in the Middle East," *Washington Quarterly* 38, no. 2 (Summer 2015): 34; see also I. William Zartman, "Ripe for Resolution: Conflict and Intervention in Africa" (New York: Oxford University Press, 1989).

⁴ Cooperation on South Sudan was one of five "tracks" that constituted the agreement between the Obama administration and the Sudanese government. The focus in this testimony on the South Sudan track is not intended to elevate that above the other four but rather to concentrate on the topic of this hearing.

a result of the parties' lack of goodwill, the United States must work closely with Addis Ababa in developing a new way forward, including in managing the often-fraught dynamics within IGAD.

Kenya has played a fairly muted role in South Sudan in recent years, despite its deep involvement in negotiating the end to the Sudanese civil war that ultimately resulted in South Sudan's secession from the north. However, much of the ill-gotten wealth of the South Sudanese elite responsible for instigating and prosecuting the war is held in Kenyan banks, and the U.S. Treasury Department has the capacity both to investigate the disposition of these funds and to increase the reputational risk to these institutions for complicity in financing the conflict. At the very least, Washington could better prioritize South Sudan in its bilateral discussions with Nairobi so that Kenya plays a more productive role as a partner in U.S. diplomatic efforts.

The United States can also exert direct leverage on Kiir's regime by applying financial pressures that do not require the U.N. Security Council, have gone unutilized, and in many cases have not even been thoroughly considered in the policy debate. In addition to targeted asset freezes on specific individuals, these include modernized sanctions, direct anti-money laundering measures, multilateral anti-money laundering measures, and diplomatic pressure on corporations and financial institutions doing business with the regime. The Enough Project has done important work to describe at least 15 different options for operationalizing these measures, any combination of which would be a watershed in terms of international pressure on the regime.⁵ The United States can also block the regime's access to support from international financial institutions such as the World Bank and the International Monetary Fund (IMF).

The United States can further play an important role in defining the international legitimacy—or lack thereof—of Kiir's regime, which would be instrumental in re-balancing the power dynamics to create an environment more conducive to political negotiation. The legal legitimacy of the government is in fact questionable for a number of reasons. The legitimacy of the government derives from the 2015 agreement and the transitional government of national unity envisioned in that agreement. The government has not, however, implemented any of the meaningful elements of that transition and, particularly after Machar was expelled from Juba by force and subsequently removed from the government, it is neither nationally unifying nor inclusive of any elements of the armed opposition. As a result, the government in practice satisfies none of the characteristics stipulated for that government in the agreement.

In addition, Kiir's term as president as well as the terms of the members of the national assembly—which were set to expire in July 2015—were extended in spring 2015 by a parliament that did not include members of the opposition, who had been expelled at the outbreak of the war. However, because the agreement has not in fact been incorporated into the constitution, as the agreement itself required, the transitional government of national unity has never actually existed as a legal entity. Therefore, is the current regime the government whose term expired in 2015, the government whose mandate was extended in 2015, or the government allegedly established by the peace agreement in 2016?

It is also noteworthy that there are numerous precedents in international law for deeming a government illegitimate if it has engaged in international crimes in violation of major treaties such as the Geneva Conventions, to which South Sudan acceded in 2012. The AU Commission of Inquiry on South Sudan led by former Nigerian President Olusegun Obasanjo in fact found that war crimes and crimes against humanity “were committed pursuant to or in furtherance of a State policy.”⁶ As the head of state at that time, Kiir would bear responsibility for these crimes.

The ambiguity over the government's legitimacy provides the United States ample rationale to de-recognize the Kiir regime and/or downgrade its diplomatic relationship with it, by for example, choosing to no longer accredit an ambassador to South Sudan, as has been the case in Sudan since the mid-1990s. The political consequence of the United States even considering de-recognition of Kiir and his regime, alone or in tandem with partner governments, could be impactful in altering Kiir's calculations, not least because it would call into question his privileges and immunities as a sitting head of state.

⁵ Brad Brooks-Rubin, “Yes, We Have Leverage: A Playbook for Immediate and Long-Term Financial Pressures to Address Violent Kleptocracies in East and Central Africa,” The Enough Project, June 2017.

⁶ “Final Report of the African Union Commission of Inquiry on South Sudan,” October 15, 2014.

As a former U.S. diplomat who believes firmly in the value of robust American diplomatic engagement around the world, I do not propose the withdrawal of our ambassador lightly. Nor am I suggesting that the U.S. entirely draw down its diplomatic presence in South Sudan. However, recognition that the Kiir regime is not a government in any real sense could in fact reinforce diplomatic efforts to bring the war to an end and salvage South Sudan's sovereignty.

Fifth, the 2015 agreement provides for the establishment of a hybrid court to prosecute those responsible for crimes and human rights abuses conducted during the war. The African Union is mandated to establish the court, and the chairperson of the African Union is mandated to select and appoint the judges, prosecutors, defense counsel, and the registrar. While the agreement stipulates that the transitional government of national unity should adopt legislation to establish the court, the African Union is not constrained by this provision and can appoint judges and prosecutors at any time. Furthermore, there are a number of legal bases for the hybrid court outside of the agreement, meaning that the hybrid court can proceed even if there is international recognition that the agreement has collapsed.⁷ There are some signs suggesting that the African Union is starting to operationalize the court, and these should be both encouraged and expedited.

Importantly, the often-debated tension between peace and justice is not relevant in the South Sudan context, where they are uniquely reinforcing. As the lack of justice is in fact one of the drivers of the war, concrete progress in establishing the court could not only have a meaningful impact on the calculations of Kiir and others in the regime who fear prosecution but would provide a non-violent mechanism for addressing the grievances of a traumatized and victimized society where the line between unarmed civilians and armed groups is blurred.

Sixth and finally, as the largest donor in South Sudan—having contributed at least \$12 billion in humanitarian, peacekeeping/security sector, and transition and reconstruction assistance since 2005—the United States can play a determinative role in re-assessing the current humanitarian operation. Despite the valiant efforts of the U.S. Agency for International Development (USAID) and humanitarian organizations, all humanitarian indicators continue to worsen dramatically throughout country. The humanitarian operation is in fact under siege, and the U.N. Office for the Coordination of Humanitarian Assistance has reported that the highest number of humanitarian access incidents so far in 2017 occurred just last month.

As noted above, the Kiir regime is not a willing partner for the delivery of humanitarian assistance, is in fact the primary impediment, and benefits from the operation's reliance on Juba and government-controlled infrastructure. The famine conditions in South Sudan are a result not of environmental stresses but of the insecurity, forced displacement, and destruction of livelihoods caused by the regime's policies and its prosecution of the war. New modalities for the delivery of humanitarian aid need to be considered in recognition of these facts, both to mitigate the benefits that accrue to the government under the current approach and to better reach the millions of South Sudanese in desperate need of assistance.

With the requisite political will, the United States has both an interest and the assets necessary to lead the international community in a new diplomatic initiative to curtail the violence and, ultimately, negotiate a credible political transition. Given the degree of extreme state failure, any viable transition will likely need to draw extensively on temporary external administration—akin to that of Bosnia-Herzegovina, Kosovo, Cambodia, East Timor, and Liberia when those wars were ended—following a negotiated exit for Kiir, Machar, and their inner circles from the

⁷Kate Almqvist Knopf, "A Path to Justice in South Sudan," Africa Center for Strategic Studies, July 1, 2017. There are four separate legal bases for the hybrid court outside of the 2015 agreement: First, the African Union Commission of Inquiry, operating under the mandate of the African Union Peace and Security Council, recommended its creation. Second, the IGAD heads of state, including Kiir, signed a protocol in August 2014 containing guidance that individuals found by the African Union Commission of Inquiry to have committed human rights violations would be prohibited from participating in the transitional government of national unity. Third, Article 4(h) of the Constitutive Act of the African Union lists as one of its principles "the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity." This provision is often interpreted as a justification for military intervention. However, Article 4(h) also provides a legal anchor for a wider range of interventions, including the creation of a judicial body to prosecute those that commit these crimes. Fourth, IGAD as a sub-regional intergovernmental body exercises "delegated" functions in relation to regional peace and security. Within the African Union's Peace and Security Architecture, regional organizations such as IGAD are integral to conflict resolution but occupy a rung lower than the African Union, which itself sits in a subordinate relationship to the U.N. Security Council. Having delegated the peacebuilding responsibilities to IGAD, the African Union is well within its authority to take up the entire process itself, if it deems warranted.

South Sudanese political landscape.⁸ In order to lead a new diplomatic effort, however, the administration needs to designate and empower a senior-level political appointee immediately with primary responsibility for South Sudan policy. Such an individual must have the stature to deal directly and effectively with the regional heads of state.

U.S. leadership alone will not be sufficient, however, nor is it an alibi for inaction by the United Nations and the African Union, which have a moral imperative and an obligation under their respective charters to act decisively in South Sudan. U.S. Ambassador to the United Nations Nikki Haley rightly demanded an “operational plan of active engagement for peace in South Sudan” from both institutions in April. The limited prospects that the IGAD revitalization effort will succeed makes the development of such a plan by the U.N. and African Union all the more urgent. In assuming their positions earlier this year, both U.N. Secretary-General Guterres and AU Chairperson Moussa Faki have prioritized conflict management, and South Sudan—by far the most heinous war on the African continent—is a critical test for them to deliver on these pledges.

Let me conclude by again thanking the subcommittee for its consistent and sustained attention to South Sudan and for convening this hearing today. I look forward to your questions.

The views expressed in this testimony are those of the author and not the U.S. Institute of Peace.

Senator FLAKE. Thank you so much.
Mr. Verjee?

STATEMENT OF ALY VERJEE, VISITING EXPERT, UNITED STATES INSTITUTE OF PEACE, WASHINGTON, DC

Mr. VERJEE. Chairman Flake, Ranking Member Booker, Senator Young, thank you for the opportunity to testify. The views I express are my own and not those of the U.S. Institute of Peace.

I would like to share a firsthand personal experience. In June 2017, IGAD convened a heads of state summit on South Sudan, at least the 10th meeting of its kind since the crisis began. Historically the United States played, through its Special Envoy, a key role at such events, driving the region to work together to pursue common objectives and meaningful outcomes.

On this occasion, the U.S. was represented by locally resident diplomats who had, unfortunately, received little direction from Washington and were not empowered to offer a strategy. The diplomats present were confined to reporting on events rather than shaping them towards a better outcome.

There is no substitute for a dedicated representative to conduct the relentless shuttle diplomacy in the region and within South Sudan; leverage, cajole, and threaten intransigents where necessary; and speak authoritatively for the U.S. administration.

The consequences of a lack of U.S. leadership at the present time are acute: a proliferation of competing regional initiatives by Uganda, by Kenya, by other actors; insufficient urgency in mitigating the worst of the violence; and a regime which continues to prosecute the war and fears no consequences for recklessness and intransigence.

There is understandable fatigue and dismay within South Sudan. But recommendations such as closing the U.S. embassy or ceasing all formal diplomacy and dialogue with the government and the opposition would be counterproductive. Such actions would not prevent further harm by South Sudanese elites.

⁸Kate Almqvist Knopf, “Ending South Sudan’s Civil War,” Council on Foreign Relations Report No. 77, November 2016.

And while the conditions for conflict resolution in South Sudan might seem unpropitious, this is precisely why efforts must continue. To wait for a purportedly better time only will allow further crisis. The last peace process may have failed, but it did partially constrain the conflict. Mediation efforts matter. Consider as evidence this crude measure: how many people vote with their feet. From June 2014 to June 2016, by which point the IGAD mediation had largely concluded, the total number of persons displaced within and outside the country remained roughly the same. Today, a year later, as Senator Flake you have mentioned already, there are 4 million IDPs and refugees, basically double the situation of a year ago.

So I am not suggesting the picture a year ago was rosy. However, in hindsight, the constraining value of even a troubled mediation process can be seen. If there is no avenue for genuine dialogue, violence will be pursued.

At its June summit, IGAD created a new initiative, the Revitalization Forum, to restore a ceasefire and implement the peace agreement. These are laudable goals, but if present deficiencies in the forum's design are unaddressed, this effort will fail and the violence will continue.

U.S. and international support for the forum should be conditional on three parameters. First, that the process be inclusive. A durable peace cannot be made with only some of the players. Second, talks must reconsider provisions of the agreement that are no longer fit for purpose. Third, the talks must have a very focused and defined time frame.

The current peace agreement provides a calendar for the life of the government, concluding with elections. Credible elections are impossible if the war continues, if half the population is displaced or in need of assistance. Flawed polls will make things worse. Nor should the president's term of office be indefinitely extended. So a negotiated leadership transition ought to be considered.

While some sanctions have been imposed on those allegedly responsible for atrocities, the measures to date have been essentially symbolic. More serious action, such as the seizure of assets looted from public resources, the construction of a systematic sanctions regime against those with command responsibility for violence, and the imposition of an arms embargo remain urgently necessary. However, if sanctions are to be meaningful, they must serve a broader political strategy, not the ends in themselves.

There is a moral case for demonstrating there are consequences to committing mass atrocities and deliberately obstructing the peace and deliberately obstructing peacekeepers. But without concurrent political efforts, sanctions will not compel the changes necessary to bring peace.

In conclusion, there is no way to describe the situation in South Sudan as positive. This is all the more reason to support a serious and comprehensive political process. Frustrated withdrawal will not end the conflict, nor will it offer hope to the millions who are living today in crisis and uncertainty.

Thank you, Senators, for your continued attention on South Sudan. I look forward to your questions.

[Mr. Verjee's prepared statement follows:]

PREPARED STATEMENT OF ALY VERJEE

Chairman Flake, Ranking Member Booker, and members of the subcommittee, thank you for the opportunity to testify today on South Sudan. I am currently a visiting expert at the U.S. Institute of Peace (USIP), although the views I express are my own.

The Need to Reassert U.S. Leadership on South Sudan

I would like to share a recent anecdote, my observation as a former advisor to the Intergovernmental Authority on Development (IGAD) mediation, which brokered the now essentially defunct 2015 Agreement on the Resolution of the Conflict in South Sudan (ARCSS).

In June 2017, IGAD convened a heads of state and government summit on the crisis in South Sudan. This was at least the tenth high-level meeting of its kind since the conflict began in 2013, in an attempt to find a way forward. IGAD remains a crucial forum. Historically, the United States, through its Special Envoy, played a key role at such meetings; specifically, in driving the region to work together and pursue common objectives and meaningful outcomes.

On this occasion in Addis Ababa, while the United States was represented by competent, resident diplomats, they had unfortunately received little direction from Washington, were not empowered to offer a strategy or undertake most of the critical, necessary tasks of high stakes diplomacy. The U.S. diplomats present were confined to reporting on events, rather than shaping them towards a clear plan to address the crisis.

There is no substitute for a single, dedicated, prominent U.S. representative that can conduct the required, relentless shuttle diplomacy to regional capitals and within South Sudan; leverage, cajole and threaten intransigents where necessary; and speak authoritatively for the administration.

The consequences of a lack of U.S. leadership today, after many years of American political and financial investment in South Sudan, are acute: a proliferation of competing regional initiatives, insufficient urgency in mitigating the worst of the violence, and a regime in South Sudan which continues to prosecute a war and fears no consequences for its recklessness and intransigence.

There is understandable fatigue and dismay with South Sudan in Washington and elsewhere. Radical recommendations, such as closing the U.S. embassy and ceasing all formal diplomatic ties and dialogue with the government of South Sudan and the opposition, or expelling the South Sudanese ambassador and other South Sudanese diplomatic personnel in the United States, would, if implemented, be counter-productive.

Such actions would not prevent further harm by South Sudanese elites and would hamper efforts to end the ongoing conflict and therefore damage, rather than advance, U.S. foreign policy objectives. Cutting diplomatic ties is easy to do, but ceasing contact now will make any effort to mitigate the worst excesses even more difficult.

The United States has by far the largest diplomatic footprint in South Sudan. The complete withdrawal of all American diplomats would set back the aid effort, and leave Washington two steps behind contemporary developments. Nor is a withdrawal of personnel presently warranted by the security situation.

Being an American diplomat in South Sudan today is a thankless and frustrating task; it is also a necessary one, to demonstrate, amongst other objectives, that the United States has not abandoned the people of South Sudan. It is the embassy, and its staff, who are best placed to evaluate the prevailing context and political dynamics. If the United States wishes to directly engage with the South Sudanese public, promote reconciliation and support grassroots South Sudanese organizations and movements working to bring peace, it is embassy and USAID staff who play an important role in such efforts.

The High-Level Revitalization Forum and the Importance of Talks

At the June IGAD summit, the leaders of Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda endorsed a new initiative, the High Level Revitalization Forum. The Forum has the goals of restoring a permanent ceasefire; implementing the ARCSS and revising the ARCSS implementation timetable. In principle, these are laudable objectives. But if the present deficiencies of the Forum's design are unaddressed, these limitations could be fatal to the effort. South Sudan's context is dynamic, and if the Forum is deeply flawed, it may make things worse, by further exacerbating the conflict if, for example, opposition movements left out of the process are alienated, or if their grievances are left unconsidered.

Therefore, international political and financial support for the Forum, including that of the United States, should be conditional on three parameters being imple-

mented by the Forum's regional facilitators: inclusive participation; a defined and limited agenda; and adherence to the timetable.

Firstly, the Forum risks being an exclusionary initiative. A durable peace cannot be made with only some of the players. Amidst a proliferation of armed actors and multiple levels of conflict today, relative to the previously, principally bilateral conflict between the government and the SPLM/A (In Opposition), it is unclear that the Forum process will account for these changes in the conflict.

While there have been some efforts to work towards unification of the now fragmented armed opposition, this is not imminent, cannot be externally forced, and may be unsustainable in the long term. Nor is it certain the Forum will include key South Sudanese civilian constituencies, beyond the men with guns. An inclusive process is essential.

It is worth noting that we have been here before. With the support of the U.S. and other partners, IGAD tried to organize an inclusive, multi-stakeholder political process in the 2013 to 2015 talks that led to the ARCSS. The ambition for an inclusive dialogue was never realized. The inclusive format was resisted by the government and the armed opposition and poorly and inconsistently implemented by the mediators. With my participation, USIP is presently conducting a study to determine the lessons to be learned from this mediation process, in terms of process design, inclusivity, sequencing and execution. The objective of the study is to provide to IGAD, the African Union, the United States Government and other interested actors guidance for any future mediation process in South Sudan, and beyond.

To negotiate peace in South Sudan today requires, in part, the slow and deliberate engagement at the level of individual commanders, to work towards local ceasefires that can be durable despite the national circumstances, and in time, perhaps, serve as confidence building measures for broader initiatives. Such ceasefire arrangements may be independent of the bilateral permanent ceasefire arrangements of the security arrangements chapter of the ARCSS. Local conflict mitigation efforts are not, however, a panacea. They cannot be considered as independent from the national political context, and there are overlapping and interwoven features in the different levels of these conflicts. Sadly, such efforts result in more failures than successes in South Sudan, but when they do work, they can make a meaningful difference on the ground.

Secondly, as key features of the 2015 peace agreement, including many security and governance provisions, have been overtaken by events and are no longer fit for purpose, calling for full implementation of ARCSS is neither realistic nor desirable. Some armed groups have been incentivized to emerge by certain provisions of the Agreement, such as on military cantonment. These parts of the Agreement clearly need amendment.

The Forum's agenda should be defined and limited, while maintaining the essential set of reform and transitional justice commitments specified in the ARCSS. The government should not be allowed to escape its legal and political obligations to implement these commitments. Economic, humanitarian and transitional justice reforms remain vitally important, and if abandoned will set the stage for further poor governance, an even broader economic collapse, and continued impunity and a lack of accountability for years to come.

Thirdly, the timetable for the Forum should be maintained, to prevent it from becoming a protracted attempt to frustrate peace by intransigent parties. If there are no consequences to delay and the Forum continues indefinitely, there will be little incentive to participate constructively. Political and financial support for this process cannot be indefinite.

While it may appear that conditions for conflict resolution in South Sudan are presently unpropitious, this is precisely why efforts must continue. To wait for a better, purportedly riper time to attempt a new conflict resolution effort would only allow the humanitarian, economic and security situation to further deteriorate. Waiting for a new political movement or a new class of leaders may be years, if not a generation away. Neighbouring states, unconstrained by a collective mediation effort, would only further pursue their individual bilateral interests. The last peace process may have failed, but it did at least partially constrain the escalation of the conflict. Mediation efforts matter. Not succeeding on the first attempt does not mean there should be no attempt to try again.

Consider as evidence an admittedly crude measure: the number of people voting with their feet, and fleeing their homes. In June 2014, there were a total of 2.35 million displaced persons in South Sudan and neighbouring countries. By June 2016, at which point the majority of the IGAD-mediation had occurred, the total number of displaced persons remained roughly the same.

Today, just over a year after the peace agreement's implosion, there are almost 4 million IDPs and refugees. Absent a change of course, the projections are the numbers will only continue to rapidly climb.

I do not suggest the picture was by any means rosy in South Sudan one year ago, or that the link between political dialogue and displacement is entirely causal. However, the situation is indisputably, undeniably, now far worse.

In the absence of a political process, mere statements of condemnation from international or regional institutions are insufficient to inhibit those committed to fight. In hindsight, the constraining value of even a troubled regional mediation process can clearly be seen - for as long as there is no avenue for genuine political dialogue, violence will be pursued. This argument alone is sufficient to call for a new or renewed process of political mediation, albeit with conditions of the kind outlined above.

In the event the Forum produces a meaningful result, reform to the peace agreement's supreme oversight body, the Joint Monitoring and Evaluation Commission (JMEC), where I served as deputy and subsequently acting chief of staff until my expulsion by the Government of South Sudan in April 2016, must be contemplated.

While the principal responsibility for continued conflict and systematic misgovernance rests on the South Sudanese political elites, JMEC has failed to live up to expectations. It has not moved quickly enough to take corrective action at moments of acute crisis, and not held the parties to account when they dishonored their obligations. There has been insufficient backing for JMEC from the IGAD member states and the African Union when the South Sudanese failed to comply with the terms of the agreement. When JMEC itself came under attack, with its key personnel expelled from the country, JMEC's regional and international backers did not protest.

Elections and the End of the Agreement on the Resolution of the Conflict in South Sudan (ARCSS)

Even if implementation of the ARCSS had been fully pursued in good faith, it would at best have been an interim, transitional solution. The ARCSS foresaw a process of constitutional reform, before national elections. South Sudan achieved independence through a largely democratically legitimate exercise, the 2011 independence referendum.

The ARCSS remains relevant because the present government's legitimacy is largely derived from the terms of the Agreement. This explains why the government professes its continuing adherence to the agreement while routinely violating its terms. ARCSS provides a timetable for the life of the government, concluding with elections 60 days before the end of the Transitional Government of National Unity, now due in August 2018.

Yet, credible elections are not possible for as long as the civil war continues, when half the population is displaced or in need of humanitarian assistance and with the spectre of famine continuing to loom, even if the technical definition of famine is no longer being met.

South Sudan is an increasingly repressive place. Freedom of the press and freedom of assembly have been severely restricted. Domestic and international journalists have been intimidated, harassed, arrested, or expelled. Many media houses have been closed or operate under unreasonable limitations. The security services have blocked access to prominent South Sudanese online media from inside the country. Under present conditions, there can be no freely expressed plurality of political views, particularly from minority parties and candidates. Given the conflict and humanitarian crisis in many areas, there is no environment to credibly hold an election campaign.

The door should not be left open to premature, flawed elections. While elections cannot be held as scheduled, nor should the incumbent president's term of office be extended indefinitely. A negotiated leadership transition ought to be considered. Any decision to delay polls should be transparent and inclusive of a wide spectrum of South Sudanese actors, both civilian and armed, to avoid a further, electorally precipitated crisis, which could contribute further to crisis and conflict.

The United States, United Kingdom, Norway and the European Union recently issued a joint statement declaring "discussion of elections in the foreseeable future as an unnecessary diversion from the primary goals of achieving peace and reconciliation." Other donor nations must be encouraged to adopt the same positions, as should the African Union, IGAD, East Africa Community (EAC) and International Conference of the Great Lakes Region (ICGLR), all organizations of which South Sudan is a member.

It must also be clear that the United Nations, which was instrumental in organizing and supporting both the last national elections in 2010 and the 2011 inde-

pendence referendum will not provide any technical assistance to any ill-conceived electoral process, whether through the United Nations Mission in South Sudan (UNMISS) or the United Nations Development Programme (UNDP).

The United Nations, African Union and Sanctions

As bad as things are in South Sudan, the humanitarian situation can always worsen: more can go hungry, more can flee their homes, more children can lose the chance at an education. The United Nations Mission in South Sudan (UNMISS) plays a vital role in the protection of the more than 200,000 South Sudanese civilians taking shelter at UNMISS bases across the country. But UNMISS can and should do more. While it is not the only relevant intervenor, UNMISS could engage more substantively in local mediation and ceasefire efforts, as a facilitator, convener and mediator, given it is the only international actor with a significant presence throughout the country, and noting the long history of instability and conflict at a local level.

In the event that the Revitalization Forum fails, IGAD has indicated it plans to hand over the South Sudan file to the African Union (AU). Although this change of forum may seem to overcome existing regional interests and differences, at this stage, the AU has no operative plans to organise a credible mediation effort, and the national interests of neighbouring states in South Sudan will not dissipate, even if the AU were to play a leading mediation role. However, consideration could be given to support work now to assist the African Union Peace and Security Division with planning for a new political approach in South Sudan, should the Forum effort be unfruitful. Such an approach could include a robustly empowered mediator, without competing responsibilities or obligations, supported by a team of dedicated and competent political support staff, drawing on expertise from the continent and beyond.

While it is essential that the AU play a more active and prominent role in brokering peace, to date it has been slow to act on the sole responsibility placed on it by the ARCSS, to establish the critically important Hybrid Court for South Sudan. The AU can and should do more to put in place both a political and technical strategy for the Court's establishment, to ensure this commitment to accountability is not lost, and the United States should continue to forcefully advocate for this commitment.

Should the AU assume responsibility for a future peace process, a strong partnership with the United Nations will be vital. U.N. resources assigned to South Sudan, whether UNMISS, the U.N. Office to the African Union, or other agencies, should be coordinated and integrated into a single peace strategy. This would maintain oversight, monitoring, and supportive action by the United Nations Security Council, as an ongoing threat to international peace and security.

While some individual sanctions have been imposed on South Sudanese allegedly responsible for atrocities by the United States and the European Union, these measures have to date been essentially symbolic. More serious action, such as the seizure of assets looted from South Sudan's public resources, the construction of a more systematic sanctions regime against those who organise and direct violence, and the imposition of an international arms embargo, for its preventive value, remain urgently necessary. If sanctions are to be meaningful, they must be internationally coordinated, and be in service of a broader political strategy rather than ends in themselves.

While the U.S. can and should impose sanctions unilaterally, with the moral case for demonstrating that there are consequences for mass atrocities and deliberate and sustained obstruction of the peace process, without concurrent efforts to reinforce a political process, sanctions are not likely to compel the changes necessary to bring peace.

In conclusion, there is no way to describe the situation in South Sudan as positive, which is all the more reason to support a serious, comprehensive, sustained political process, as imperfect as such an endeavour may be. There are many steps the United States can still take to bolster its diplomacy and political engagement to address this crisis, in concert with the region, the continent and other international partners. A policy of frustrated withdrawal will not address the underlying dynamics of conflict in South Sudan. Nor will it offer hope to the millions of South Sudanese who live today in crisis and uncertainty.

Thank you for your continued focus and attention on South Sudan. I look forward to answering your questions.

The views expressed in this testimony are those of the author and not the U.S. Institute of Peace.

Senator FLAKE. I thank all of you for your testimony. I appreciate it. I think all of us have benefited from it, and we will start a round of questions now.

Mr. Meservey, you mentioned agreements reached with parties that are committed to violence will simply fail. That seems to be the case particularly with the government there. But you also mentioned that we have to punish, and we have not punished those who have not upheld their agreement. What are effective punishments that we can do? What leverage do we have? Is it asset seizures? What will be effective in your view?

Mr. MESERVEY. Yes, I think asset seizures are part of that. I think we all mentioned that actually in our testimony as one thing that the U.S. can do.

In my written testimony, I advocate for symbolic gestures like shuttering the South Sudanese embassy here in Washington, D.C., expelling all the South Sudanese diplomats. That would send a message that the Kiir government no longer has the favor of the world's most powerful government.

I think that we can bypass the central government and speak directly to the South Sudanese people, as I mentioned in my oral testimony.

The Kiir regime, every time it sits across the table from a diplomat from the United States or from Europe or wherever, derives a certain amount of legitimacy. The optics of it send a message that the international community believes that this man, Salva Kiir, is a legitimate and honest interlocutor. No matter the statements we put out to the contrary, the mere fact that we speak with him and treat him as if he is part of the solution suggests that we believe he is part of the solution. He is not. He is a profound part of the problem. So continuing to talk with him in the belief that he is going to see the light or change course, when he has shown over and over again he has no intention of doing so, is a mistake.

And there are costs to having those sorts of negotiations. It is not simply a net neutral to talk, to engage in pointless negotiations. It drains U.S. credibility to engage in a process that has no chance of success, and that is particularly important because there might be a time down the road where the context is right for a solution, and the U.S. will need all the credibility it has to achieve that solution.

Senator FLAKE. Thank you.

Mr. Knopf, what is your thought about our continued recognition of the government? Are we lending an undeserved credibility? And if we were to cut that recognition, would others seek to fill the void? China, Russia, and others? Give your assessment of that type of punishment.

Mr. KNOPF. Thank you, Senator.

I think it is unquestionably an illegitimate regime, and I think it is incumbent on the United States, given the magnitude of the crimes that the regime has committed and continues to commit, to not undertake a business-as-usual approach to its diplomatic engagement.

As a former U.S. diplomat, I believe very strongly in robust U.S. diplomatic engagement around the world. I think there is tremendous value in having a U.S. diplomatic presence in South Sudan

if for no other reason than having as many eyes on the situation on the ground as possible is to our benefit and to the benefit of the people of South Sudan, as well as our ability to engage with those who are trying to build a better future for their country as much as possible. But there are ways of doing that without conferring undue legitimacy as Joshua suggested, on a government that fundamentally, both legally and politically, has delegitimized itself. And while Salva Kiir's calculation—or Salva Kiir himself is quite intransigent, as Aly pointed out. The United States as a world power can send a very significant signal to neighboring governments, to our European partners and other donors by recognizing this government for what it is, which is a brutal regime that continues to murder and plunder its people. And perhaps more importantly, it is not just for cathartic purposes that we should do that. It creates a political context, as I suggested in my testimony, that I think will be more conducive to the kind of negotiated settlement that we all believe is so urgently necessary for South Sudan.

Senator FLAKE. Thank you.

Mr. Verjee, with regard to an arms embargo, it is not just those that you would expect who have opposed an armaments embargo, but countries like Japan have also. What is the reason for that? Why are we not able to get an arms embargo, an effective one, with regard to South Sudan?

Mr. VERJEE. Essentially the question comes down to the regional support for an arms embargo. The lead of the region is followed by then other members of the Security Council, and those would be the Chinese and the Russians. Without the support of the region—and there is still great preventative value in having an arms embargo there. There are plenty of arms in South Sudan. But the government continues to acquire arms. It continues to spend money on arms. It continues to get more sophisticated arms. And so there is a real need. And that is not something which has been very well accepted by the regional powers. The Russians have lost helicopters, shot down by arms in South Sudan under peacekeeping flags and yet are not willing to move.

I think there are arguments that can be made. I think the argument has to be attempted again. The effort that was made in December to pass that resolution at the Security Council did not succeed, but that is not a reason to abandon the effort.

Senator FLAKE. Thank you.

Mr. Knopf, you talk a lot in your testimony about the potential of regional conflict coming. How likely is that, and where is that likely to start? I mean, Uganda and others have not been shy about sending troops across borders. Is that where it is likely to start, or where is the biggest flashpoint?

Mr. KNOFF. Thank you for the question, Senator.

It is always hard to predict these sorts of things with a 100 percent degree of uncertainty. I think as I sort of outlined in my testimony, you have a number of dynamics that are coming into play. I think one of the most worrisome by far is the deepening confrontation between Ethiopia and Egypt, which has led both to consider and sometimes, in some instances, engage sort of proxy forces to hedge their bets against each other. And that force is drawing others, layered on top of a number of historical competitive issues

and trends. That deepens the volatility and multiplies the potential fuses that could spark this conflict.

And on top of that, you have a situation where, as has been mentioned on a number of occasions today, the sheer number of refugee flows out of South Sudan are astounding. And those flows are going into some of the most volatile regions of South Sudan's neighbors, northern Uganda, western Ethiopia, eastern DRC, parts of the Central African Republic, and the southern part of Sudan. These are not stable regions, and they have their own very deep-seated tribal fissures and stresses. And so those will only be exacerbated the more that the South Sudanese essentially abandon their state.

So there is any number of potential sparks. I think the point that I am trying to convey is that while South Sudan may appear as sort of a global backwater amidst, sadly, a number of very tragic conflicts, the potential for it precipitating a much more devastating war is quite high because of all of these dynamics that we have just discussed.

Senator FLAKE. Thank you.

Thank you for your indulgence. Senator Booker?

Senator BOOKER. I am happy to defer to you if you have to go. I know there are multiple hearings at the same time, Senator Young.

Senator YOUNG. I am good. Thank you.

Senator BOOKER. Thank you very much.

Gentlemen, I just want to start with the larger issue. There is wisdom to my colleague who I always see as a peer, but he is a grandfather. So I now think of him as a lot older than me. But there is wisdom in not having administration representatives here in the sense that there is really nobody within the administration that is focused on this issue. And it is my perspective—and you can disabuse me of that—that every month that we wait for this administration to craft a policy and a strategy to deal with this issue is an absence of American leadership and is the allowance of the crisis to fester even more.

And so I just want have maybe get you each to weigh in for me on is my sense of alarm justified and the urgency that I am trying to communicate to the Secretary of State, to the President of the United States about getting their focus on this issue. Maybe we can go, starting with Aly, Mr. Verjee. Just would you please let me know am I right to be seriously concerned that the United States of America has not appointed a Special Envoy that is not focused, does not have a strategy on this issue, and that is a factor that is allowing the crisis, the humanitarian crisis, even just the attacks? This is the number one place on the planet where aid workers are being attacked. Is my concern merited?

Mr. VERJEE. Absolutely, Senator Booker, it is. And most importantly, this is the signal that the South Sudanese Government, those who are fighting, see. This is the signal that the region sees. So right now, the U.S. Ambassador in Juba is the senior official, and everybody knows that whatever she says does not come with any support of this administration or the State Department because of the vacancies and absences and so on. And so she can say the United States does not accept this ceasefire violation, and she can say that you must implement the peace agreements. But every-

body in South Sudan knows that there is nothing that backs her up.

The region knows as well that there is nobody to speak with a clear voice for the U.S. The partners of the United States, beyond the region internationally, who have been so instrumental in South Sudan, also know that. There are envoys meetings that happen, and the U.S. does not have the representation requisite at those meetings. I mentioned the summit and what happened there.

So definitely, the fact that there is an absence of U.S. political and diplomatic leadership is a serious problem and it is a serious signal to South Sudan that, yes, we will continue to feed you, we will continue to provide humanitarian assistance, but in terms of a political strategy, you will just have to keep waiting.

Senator BOOKER. Mr. Knopf?

Mr. KNOPF. Your alarm is very much warranted, Senator. And let me just make one point.

I understand there is a very live discussion here in the Senate about the role of special envoys. I think it is a very important discussion. I do not think we have time in South Sudan for that discussion to delay the designation, as I suggested in my testimony and as Aly is suggesting, of a senior level official in the administration to take up this issue who has the stature to engage in the region in a manner that can move the ball. And that involves being able to have some difficult conversations with the Prime Minister of Ethiopia, with the President of Uganda, with the Sudanese, with the Kenyans, et cetera.

And there are various models over the last two administrations for doing that, including sitting officials who are designated as the point persons for a particular file, including on the Sudans, without being a special envoy. So I would just encourage all of us to consider how to address the urgency that you so passionately spoke about, Senator, in a meaningful way.

Senator BOOKER. And before I go on to Mr. Meservey, could you please just put a little more color on the consequences in terms of humanitarian efforts, the consequences in terms of violence, the consequences in terms of ethnic conflict, the consequences—especially your testimony was really enlightening to me when I read it because I just did not think of the larger regional conflicts that are going on and brewing—the consequences potentially of the regional conflicts, and the consequences on the destabilization of those regional—could you just help me understand?

Let us imagine that it takes—or we may have an August recess coming up. That is questionable. September, October, if we do not get somebody in place by 2018, just a little bit more, can you tell me what your expert perspective is on the consequences of the absence of American leadership going into 2018?

Mr. KNOPF. Look, the costs of this war to the people of Sudan are appalling. I think one of the things that has long been missing in South Sudan is that there has not actually been a serious effort to count the number of civilians who have died in the last three and a half years. The few efforts or sort of proofs of concept to that actually suggest that because the vast majority of deaths in South Sudan are civilians, where in contrast to Syria, many of the deaths are combatants, we may be looking at a civilian death toll that is

akin to the war in Syria; but among the population that is half its size. So as you see the depopulation of the state, as you see death and destruction on this level, there is no way there are not lasting consequences in the region and for the neighboring states, as I suggested, in terms of exacerbating some of the innate weaknesses of those states or portions of those states.

Again, I am hesitant to make too many analogies to Rwanda because they are very different circumstances. But we do only need to look at that example where a mass exodus of people ultimately contributed to precipitating a war in Congo that drew in nine other African governments. And again, the history is not—it rhymes rather than repeating itself. Right? But it may be rhyming in this sense.

And more broadly, the population of the Horn of Africa is set to increase by 40 percent in the next 15 years and by 100 percent by 2050. That is an enormous population increase that many of the states, probably all of the states, do not really have the capacity to manage. So layer on top of that this sinkhole in South Sudan, other conflicts in the region, Somalia, with the Kenya elections coming up. We have some of the intersections of regional interests, I suggested, around the war in Yemen just across the sea. This is, in some ways, an under-appreciated world hotspot with grave consequences for U.S. interests.

Senator BOOKER. I appreciate that.

And with the indulgence of my colleagues, I would like to get an answer to my question from Mr. Meservey. I just want you to know, sir, I made the mistake of reading your testimony when I was in a particularly pugnacious mood, and you got me fired up. You call for incredibly just aggressive actions, but the whole time I am reading about it, if you are right—and I have some concerns and questions and we may not have the time to get into them, my questions about your testimony. To execute that kind of aggressive strategy that you articulate, you got to have some kind of leadership guts and courage here in the United States, which we lack. So what is your perspective on the lack of an envoy or particularly American leadership that is focused even on this area of crisis?

Mr. MESERVEY. Well, thank you. I was in a bit of a pugnacious mood when I wrote the report, as you probably picked up, after reading too much about what was going on there.

Yes, it is a very aggressive policy, strategy that I have laid out. I think we need an aggressive, profound shift in what we have been doing, given the scale of this disaster that we are facing, given the scale of the crimes, the breadth of the humanitarian crisis. I do not see anything other than very bold action helping us at all here. I do not want to say “solve” because I think South Sudan is many, many years away, unfortunately, from anything we could call a solution.

So I think my colleagues covered sort of the breadth of the crisis very well. I will add just two points, one being that criminality is increasing in the country dramatically. They have had a complete breakdown of the rule of law, unsurprising. So it is not just armed forces victimizing civilian populations. You again have criminality throughout the country.

And then a second point is Kenya, Ethiopia, and Uganda are all heavily engaged in the U.N. peacekeeping mission or the U.N.-sponsored mission in Somalia. And they are fighting a very committed terrorist organization.

Senator BOOKER. If I can interrupt before Senator Young regrets that he did not take my offer to go before me. [Laughter.]

Senator BOOKER. But just the question—I just ask if you could do it in one or two sentences. If we do not have a special envoy or someone focused on crafting the strategy by 2018, that is a serious—I do not want to use the word malfeasance,” but a serious lack of American leadership. Do you agree with me on that?

Mr. MESERVEY. I think we need a strategy with people in power to execute it. Yes.

Senator BOOKER. I do not want to press upon you the special envoy. But you just basically said to me, yes, we need a strategy and people in power to execute it. If we wait until next year, we are losing opportunity and people will suffer as a result.

Mr. MESERVEY. Yes. And I think that has been the case for years, unfortunately. I think we have been adrift.

Senator BOOKER. Thank you, sir.

Thank you, Mr. Chairman, for your indulgence.

Senator YOUNG. My turn. Well, thank you.

Senator FLAKE. Mr. Young, yes.

Senator YOUNG. I thank all our witnesses for your really informative testimony.

In your prepared statement, Mr. Meservey, you note that a U.N. fact finding mission has determined ethnic cleansing by killing, starvation, and rape is occurring in parts of South Sudan and warned of the potential for genocide. Is that what you said? Potential for genocide.

We had a subcommittee hearing, a distinct subcommittee hearing that I chaired on July 18, related to the four major famines, this being one of them, occurring around the world and related threats to U.S. national security, broader regional security, and so forth. And Executive Director Beasley of the World Food Programme there echoed your point, Mr. Meservey, indicating that atrocities are occurring on a daily basis in South Sudan, perhaps bordering on genocide.

So my question for all witnesses is in your professional judgment, do you believe the Government of South Sudan has committed or is committing, is carrying out genocide?

Mr. MESERVEY. I will start on that one.

So as you noted, I was quoting a U.N. official who made those remarks. The designation of genocide is actually a legal question. As you know, there is a very specific definition, and I am not a lawyer so I really hesitate to wade in, particularly given how fraught that term is and the implications that it carries. I think it is very possible that in retrospect, people might look back and say there was a genocide. But I think more work needs to be done, more documentation, and the lawyers need to look at it before anyone can say, yes, this is a genocide.

Senator YOUNG. For better or for worse, I am a lawyer. I do not specialize in this area, never did. I was a country lawyer. I worked on contracts and people with leaky roofs and stuff like that.

But, nonetheless, I do understand this notion of intent, and that is required for genocide under Article 2 of the Convention on the Prevention and Punishment on the Crime of Genocide, dating back to 1948. Any of the follows acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group. And some of these acts we know have occurred: killing members of the group. So there. The action has occurred. So the question is one of intent, and so evidence would have to be forthcoming that there was an intent to destroy, in whole or in part, a national ethnic, racial, or religious group.

So you are right. This would have to be litigated to reach any level of finality. I am asking for your professional judgment, informed by readings, visits, and consultations with other experts as to whether or not there is evidence of intent. Mr. Knopf?

Mr. KNOPF. Thank you, Senator. That is a very important question. And I think I would answer it two ways.

One, I think unquestionably there has been an intent by the government, which is dominated by a single tribe, the Dinka, to change the demographic landscape in certain parts of the country. And one of the underlying drivers of this conflict are a number of land disputes I allude to a little bit in my written testimony. So that has resulted in ethnic cleansing in order for one tribe to take territory from another. So there is very clear intent in that regard.

The second thing, however, that I think complicates a clear-cut answer to your question, unfortunately, is that as the centrifugal forces continue to accelerate that are tearing the country apart, you are starting to see deepening fissures within tribes. So the President, Salva Kiir, for example, is a Dinka from one part of South Sudan. Even just in the last couple of months, there has been an intensification of rivalry and competition with another subset of the Dinka tribe, both from two different parts of the country. And that sort of power struggle, as it plays out—each has tried to play off then other tribes against each other for their own advantage. So it is not a binary context, say, in the way that—a contest, rather, say, in the way that Rwanda was where you had the Hutus and the Tutsis on one hand. So it is a slightly more complex landscape which makes that judgment a bit harder to arrive at.

I hope that somewhat helps fill out the picture for you.

Senator YOUNG. For a panel of non-lawyers, it actually sounded quite lawyerly. Right? You qualified everything.

So, Mr. Verjee?

Mr. VERJEE. Thank you, Senator. I am not a lawyer either, but what I would say is that there have certainly been crimes against the laws of war. There have been war crimes, most probably being crimes against humanity of some kind or another. There have certainly been mass atrocities.

I will not comment on the intent question of genocide. What I would say is that there has been very specific ethnic mobilization of armed actors by a number of different sides. There has been a very strong character to the war, which has become increasingly polarizing amongst many, many communities so that people do not consider themselves South Sudanese first but whatever ethnic group they come from. If genocide is to occur, it is going to be on

ethnic grounds rather than on religious or nationality grounds. It is going to be on the ethnic dimension of it.

So as bad as things are in South Sudan, it can always get worse, and this is really the problem that in terms of 4 million IDPs and refugees to date, it could be 5 million by the end of the year, et cetera.

Senator YOUNG. So I am going to turn to the issue, with the chairman's indulgence, of sanctions, seeing as I will run over my time here.

But, Mr. Meservey, again in your prepared remarks, you write, "the only way to move the South Sudanese leadership now is through coercive engagement." You recommend building a comprehensive sanctions regime.

Mr. Knopf, your statement—in it you suggest that modernized sanctions are needed.

And, Mr. Verjee, you were very clear in indicating that if a new sanctions regime is imposed, in parallel you have to have a political effort that is really ramped up. So you indicate that current sanctions have been essentially symbolic.

And so what specific new sanctions—I do not believe anyone has spoken to this—for each of the panelists, do you believe that the U.S. should impose on the South Sudanese regime?

Mr. VERJEE. Let me give you a specific example of what I am thinking about. Right now, if there is a violation of the ceasefire—and we know there are violations of the ceasefire—the response from the United States and from other international actors is a statement basically. What I am suggesting is that every time there is a violation, we have got to actually demonstrate a specific consequence. Now, there could be a range of things. It could be designation under Treasury rules to say, well, this ceasefire monitor report has determined so and so is responsible, and therefore, we are going to go after their assets.

What I think the problem with sanctions has been has been—you know, they have been intended as a demonstration of signals of saying, okay, well, we are not happy with you. And then there is sort of nothing else to it. What has to happen for sanctions to be effective is that they have to graduate. They have to be incremental. They have to go further. They should target people who are involved and connected with. They should go after, in consultation with the region, the assets, for example, that are held in regional banks that are mostly held in U.S. dollars. So there are things that the U.S. can specifically do both in the financial sector and in terms of national legislation here.

Senator YOUNG. So the general strategy is they need to be imposed in response to particular actions or initiatives on an ongoing basis and then ratchet it up. Or in response to good behavior, perhaps then they are pulled away.

Mr. VERJEE. I mean, for example, if today—

Senator YOUNG. Which is symptomatic, if I can interject, of what Senator Booker was discussing, is we do not have someone intently focused on this.

Mr. VERJEE. I mean, if today the U.S. were to sanction one minister or senior official in the government, the basic effect of that is to weaken him vis-a-vis his peers who are still a whole bunch of

bad guys. It has got to be clear that we are not just going to target one person and then that is it. There is a whole group of people who are responsible, and a strategy is why it is very important. So sanctions are a tool to that strategy.

Mr. KNOPF. If I could, Senator, just add very briefly. I completely agree with what Aly has said in that regard. Sanctions are not a silver bullet.

I would add, however, that the, frankly, shameful absence of any consequence from the United States or anybody else in the international community in the last 3 and a half years means that we should not underestimate the impact that even minor consequences can have at this moment. There is a lot of low-hanging fruit out there that can send a significant signal I think meaningfully as part of a political process either to the belligerents within South Sudan or to the region. And as Aly alluded to, the United States has a unique capacity to create great reputational risk on the banks in the region who are holding ill-gotten gains of this war that are also being used to continue to finance and prosecute that war, and we should deploy that capacity far more effectively, obviously in the context of a broader strategy.

But to date, the sum total of international consequence was the Security Council's designation almost 2 years ago, more than 2 years ago, of six mid-ranking commanders on both sides of the war. Given the magnitude of the crisis we are discussing today, that seems not commensurate with the challenge, to say the least.

Senator YOUNG. So I will just close, going over 4 minutes over my time—I am grateful to the chairman for allowing me to do so—and indicating that this committee collectively has signed onto a letter received by our State Department calling for a diplomatic surge. Just about every member of this committee signed onto that letter, have passed a resolution out of this committee—it has not yet made it to the floor—calling for a diplomatic surge not just in South Sudan but also in Nigeria, in Somalia, and Yemen. So I could not agree more with some of the comments that have been made here today, that there needs to be a focused strategic effort on each of these situations because it is undermining—it is not just an affront to our values. It is not just something that could lead to broader regional conflict and human tragedy. It also undermines our national security as we continue to see failing or failed states in that region. So I would hope that we act boldly as you are encouraging us to do so.

Senator FLAKE. Well, thank you. Thank you, all of you. I wish we could spend more time on this. Unfortunately, we have got the nominations hearing that we have got to do before votes start in half an hour. But just on behalf of the committee, thank you for your expertise. This certainly has given us information.

I hope that the administration is watching. I hope that they understand the urgency of taking bold action, as all of you have advocated. I think, Mr. Verjee, you said something telling. You said as bad as things are, they can always get worse. And I think that, obviously, we have to look closely at the regional implications of this conflict, if the in-country consequences are not dire enough.

So thank you for your testimony.

Senator Booker?

Senator BOOKER. I would just ask to have a few seconds to just echo the sentiments already expressed. And thank you all for your expertise. But it was clear in reading all of your testimony, even the testosterone-laden testimony of Mr. Meservey, that this is very personal to you all. You all care about these issues, and you have a lot of compassion and heart.

I just want to reaffirm the bipartisan commitment you see on this committee not to let this issue slip. We will be pressing very hard that this administration lean on the wisdom that is being expressed by people like yourselves to institute a policy. This is an anguish and tragedy of global proportions. The suffering here should alert all people of good conscience and humanitarian concern, and it should compel us to act, not just to bear witness to tragedy, but to act. And I am just grateful that you all passionately feel the same. And I commit to you that this committee, in a bipartisan fashion, will press to try to find some end to the suffering and greater justice for that region.

Thank you.

Senator FLAKE. Well said.

On behalf of the committee, thank you for your testimony.

This hearing stands adjourned.

[Whereupon, at 10:55 a.m., the hearing was adjourned.]

