

108TH CONGRESS
2D SESSION

S. 2720

To provide assistance for the crisis in Sudan, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2004

Mr. LUGAR (for himself, Mr. ALEXANDER, Mr. BROWNBACK, Mr. HAGEL, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide assistance for the crisis in Sudan, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Comprehensive Peace
5 in Sudan Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term “appropriate congressional com-
10 mittees” means the Committee on Foreign Relations

1 of the Senate and the Committee on International
2 Relations of the House of Representatives.

3 (2) JEM.—The term “JEM” means the Justice
4 and Equality Movement.

5 (3) SPLM.—The term “SPLM” means the
6 Sudan People’s Liberation Movement.

7 (4) SLA.—The term “SLA” means the Suda-
8 nese Liberation Army.

9 **SEC. 3. FINDINGS.**

10 Congress makes the following findings:

11 (1) A comprehensive peace agreement for
12 Sudan, as envisioned in the Sudan Peace Act (50
13 U.S.C. 1701 note), and in the Machakos Protocol of
14 2002, is in grave jeopardy.

15 (2) Since 1989, the Government of Sudan has
16 repeatedly engaged in and sponsored orchestrated
17 campaigns of attacking and dislocating targeted ci-
18 vilian populations, disrupting their ability to sustain
19 themselves, and subsequently restricting assistance
20 to those displaced in a coordinated policy of ethnic
21 cleansing and Arabization that is most recently evi-
22 dent in the Darfur region of Sudan.

23 (3) In response to 2 decades of civil conflict in
24 Sudan, the United States has helped to establish an
25 internationally supported peace process to promote a

1 negotiated settlement to the war that has resulted in
2 a framework peace agreement, the Nairobi Declara-
3 tion on the Final Phase of Peace in the Sudan
4 signed June 5, 2004.

5 (4) At the same time that the Government of
6 Sudan was negotiating for a final countrywide peace,
7 enumerated in the Nairobi Declaration on the Final
8 Phase of Peace in the Sudan, it refused to engage
9 in any discussion with regard to its ongoing cam-
10 paign of ethnic cleansing in the region of Darfur.

11 (5) According to United States and United Na-
12 tions officials, the Government of Sudan has en-
13 gaged in an orchestrated campaign, with the assist-
14 ance of its Arab Sudanese proxy militia, the
15 Janjaweed, to cleanse a significant part of the eth-
16 nically African population from North Darfur, West
17 Darfur, and South Darfur, Sudan.

18 (6) The United Nations High Commissioner for
19 Human Rights identified “massive human rights vio-
20 lations in Darfur perpetrated by the Government of
21 Sudan and the Janjaweed, which may constitute war
22 crimes and/or crimes against humanity”.

23 (7) Evidence collected by international observ-
24 ers in the Darfur region between January 2003 and
25 July 2004 indicate a coordinated effort to target Af-

1 rican Sudanese civilians in a scorched earth policy,
2 from both air and ground, that has destroyed Afri-
3 can Sudanese villages, killing and driving away its
4 people, while Arab Sudanese villages have been left
5 unscathed.

6 (8) As a result of this coordinated campaign
7 that may well constitute genocide, reports indicate
8 tens of thousands of African Sudanese civilians
9 killed, the systematic rape of hundreds of women
10 and girls, the destruction of hundreds of Fur,
11 Masalit, and Zaghawa villages and other ethnically
12 African populations, including the poisoning of their
13 wells and the plunder of crops and cattle upon which
14 they sustain themselves.

15 (9) According to the United Nations High Com-
16 missioner for Refugees, 1,200,000 people have been
17 displaced in the Darfur region of Sudan of whom
18 nearly 200,000 have been forced to flee to Chad as
19 refugees.

20 (10) Even as refugees were fleeing Sudan, the
21 Government of Sudan conducted aerial attack mis-
22 sions and deadly raids across the international bor-
23 der between Sudan and Chad in an illegal effort to
24 pursue Sudanese civilians seeking refuge in Chad.

1 (11) In addition to the thousands of violent
2 deaths directly caused by ongoing Sudanese military
3 and government sponsored Janjaweed attacks in the
4 Darfur region, the Government of Sudan has re-
5 stricted humanitarian and human rights workers'
6 access to the Darfur area, primarily through bureau-
7 cratic and administrative obstruction and delays in
8 an attempt to inflict the most devastating harm on
9 those displaced from their villages and homes with-
10 out any means of sustenance or shelter.

11 (12) The Government of Sudan's continued
12 support for the Janjaweed and their obstruction of
13 the delivery of food, shelter, and medical care to the
14 Darfur region—

15 (A) is estimated to be causing 500 deaths
16 each day; and

17 (B) is projected to escalate to 1,200 deaths
18 each day by August 2004, and 2,400 deaths
19 each day by December 2004, so that even a
20 best-case scenario will likely result in the death
21 of more than 320,000 people between April 1,
22 2004 and December 31, 2004.

23 (13) The Government of Chad in N'Djamena
24 served an important role in facilitating the Darfur
25 Humanitarian Cease-fire dated April 8, 2004 for the

1 Darfur region between the Government of Sudan
 2 and the 2 opposition rebel groups in Darfur (the
 3 JEM and the SLA) although both sides have vio-
 4 lated it repeatedly.

5 (14) The Government and people of Chad have
 6 allowed the entry of 200,000 refugees from the
 7 Darfur region of Sudan and have generally facili-
 8 tated the delivery of international humanitarian as-
 9 sistance, although logistical obstacles remain a chal-
 10 lenge in a crisis that is taxing the people of eastern
 11 Chad and the refugees.

12 (15) The cooperation and mediation of the
 13 SPLM is critical to bringing about a political settle-
 14 ment between the Government of Sudan, the SLA,
 15 and the JEM.

16 **SEC. 4. SENSE OF CONGRESS REGARDING THE CONFLICT**
 17 **IN DARFUR, SUDAN.**

18 (a) SUDAN PEACE ACT.—It is the sense of Congress
 19 that the Sudan Peace Act (50 U.S.C. 1701 note) remains
 20 relevant and should be extended to include the Darfur re-
 21 gion of Sudan.

22 (b) ACTIONS TO ADDRESS THE CONFLICT.—It is the
 23 sense of Congress that—

24 (1) a legitimate countrywide peace in Sudan
 25 will only be possible if the principles and purpose of

1 the Machakos Protocol of 2002 and the Nairobi
2 Declaration on the Final Phase of Peace in the
3 Sudan signed June 5, 2004, negotiated with the
4 SPLM, should apply to all of Sudan and to all of
5 the people of Sudan, including the Darfur region;

6 (2) the parties to the Darfur Humanitarian
7 Cease-fire dated April 8, 2004 (the Government of
8 Sudan, the SLA, and the JEM) must meet their ob-
9 ligations under that agreement to allow safe and im-
10 mediate access of all humanitarian assistance
11 throughout the Darfur region and must expedite the
12 conclusion of a political agreement to end the con-
13 flict in Darfur;

14 (3) the United States should continue to pro-
15 vide humanitarian assistance to the areas of Sudan
16 to which the United States has access and, at the
17 same time, develop a plan similar to that described
18 in section 10 of the Sudan Peace Act to provide as-
19 sistance to the areas of Sudan to which United
20 States access has been obstructed or denied;

21 (4) the international community, including Afri-
22 can, Arab, and Muslim nations, should immediately
23 provide logistical, financial, in-kind, and personnel
24 resources necessary to save the lives of hundreds of
25 thousands of individuals in the Darfur crisis;

1 (5) the United States Ambassador-at-Large for
2 War Crimes should travel to Chad and the Darfur
3 region immediately to investigate war crimes and
4 crimes against humanity, to develop a more accurate
5 portrayal of the situation on the ground and best in-
6 form the report required in section 11(b) of the
7 Sudan Peace Act;

8 (6) the United States and the international
9 community should use all necessary means to assist
10 in the immediate deployment of the full mandated
11 African Union contingent of 100 monitors and a se-
12 curity force of 300, and work to increase the author-
13 ized level to that which properly addresses the grav-
14 ity and scope of the problem in a region the size of
15 France;

16 (7) the President should immediately name a
17 new Special Envoy to Sudan to further efforts begun
18 by John Danforth and to allow the United States to
19 continue to lead the peace effort toward a com-
20 prehensive and sustainable peace in Sudan;

21 (8) the President should use all means to facili-
22 tate a comprehensive solution to the conflict in
23 Sudan, including by directing the United States Per-
24 manent Representative to the United Nations to

1 pursue a resolution of the United Nations Security
2 Council that—

3 (A) condemns the actions of the Govern-
4 ment of Sudan in engaging in an orchestrated
5 campaign of ethnic cleansing in Darfur;

6 (B) calls on the Government of Sudan to
7 cease support of ethnic cleansing and the killing
8 of innocent civilians, disarm the Janjaweed mi-
9 litias, prevent such militias from harassing and
10 killing civilians, and ensure immediate access
11 for all humanitarian assistance to all areas of
12 Darfur;

13 (C) calls on all parties to the conflict in
14 the Darfur region to permit unimpeded delivery
15 of humanitarian assistance directly to Darfur
16 and to allow such assistance to cross directly
17 from countries that border Sudan, and abide by
18 the Darfur Humanitarian Cease-fire dated
19 April 8, 2004;

20 (D) calls on the Government of Sudan to
21 provide all assistance possible, including release
22 of its strategic food reserves to respond to the
23 Darfur crisis;

24 (E) calls on the international community,
25 particularly those countries with strong eco-

1 nomic ties to Sudan, to expedite the provision
2 of humanitarian assistance to Darfur;

3 (F) endorses the African Union Observer
4 and Protection Force now deploying to the
5 Darfur region of Sudan;

6 (G) establishes an international commis-
7 sion of inquiry to examine the actions and ac-
8 countability of those responsible for war crimes
9 and crimes against humanity that have precip-
10 itated and perpetuated the humanitarian crisis
11 in the Darfur region; and

12 (H) confirms the right of all displaced Su-
13 danese to return to their land under safe and
14 secure conditions;

15 (9) the United Nations should immediately de-
16 ploy a United Nations force to Sudan to ensure an
17 appropriate international humanitarian response to
18 the catastrophe in the Darfur region;

19 (10) sanctions should be imposed on the assets
20 and activities of those Sudanese government officials
21 and other individuals that are involved in carrying
22 out the policy of ethnic cleansing in the Darfur re-
23 gion; and

24 (11) the Government of the United States
25 should not normalize relations with Sudan, including

1 through the lifting of any sanctions, until the Gov-
2 ernment of Sudan agrees to and implements a com-
3 prehensive peace agreement for all areas of Sudan,
4 including Darfur.

5 **SEC. 5. AMENDMENTS TO THE SUDAN PEACE ACT.**

6 (a) ASSISTANCE FOR THE CRISIS IN DARFUR AND
7 FOR COMPREHENSIVE PEACE IN SUDAN.—

8 (1) IN GENERAL.—The Sudan Peace Act (50
9 U.S.C. 1701 note) is amended by adding at the end
10 the following new section:

11 **“SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND**
12 **FOR COMPREHENSIVE PEACE IN SUDAN.**

13 “(a) ASSISTANCE TO SUPPORT A COMPREHENSIVE
14 FINAL PEACE AGREEMENT AND TO RESPOND TO THE
15 HUMANITARIAN CRISIS IN DARFUR.—

16 “(1) AUTHORITY.—Subject to the requirements
17 of this section, the President is authorized to provide
18 assistance for Sudan to support the implementation
19 of a comprehensive peace agreement that applies to
20 all regions of Sudan, including the Darfur region,
21 and to address the humanitarian and human rights
22 crisis in the Darfur region and its impact on eastern
23 Chad.

24 “(2) REQUIREMENT FOR CERTIFICATION.—
25 Notwithstanding section 501(a) of the Assistance for

1 International Malaria Control Act (Public Law 106–
2 570; 50 U.S.C. 1701 note), assistance authorized
3 under this section may be provided to the Govern-
4 ment of Sudan only if the President submits the cer-
5 tification described in paragraph (3).

6 “(3) CERTIFICATION FOR THE GOVERNMENT
7 OF SUDAN.—The certification referred to in para-
8 graph (2) is a certification submitted by the Presi-
9 dent to the appropriate congressional committees
10 that the Government of Sudan has taken demon-
11 strable steps to—

12 “(A) ensure that the armed forces of
13 Sudan and any associated militias are not com-
14 mitting atrocities or obstructing human rights
15 monitors or the provision of humanitarian as-
16 sistance or human rights monitors;

17 “(B) demobilize and disarm militias sup-
18 ported or created by the Government of Sudan;

19 “(C) allow full and unfettered humani-
20 tarian assistance to all regions of Sudan, in-
21 cluding Darfur;

22 “(D) allow an international commission of
23 inquiry to conduct its investigation of atrocities
24 in the Darfur region and Khartoum, preserve
25 evidence of atrocities and prosecute those re-

1 sponsible for war crimes and crimes against hu-
2 manity; and

3 “(E) cooperate fully with the African
4 Union and all other observer and monitoring
5 missions mandated to operate in Sudan.

6 “(4) SUSPENSION OF ASSISTANCE.—If, on a
7 date after the President submits the certification de-
8 scribed in paragraph (3), the President determines
9 that the Government of Sudan has ceased taking the
10 actions described in such paragraph, the President
11 shall immediately suspend the provision of any as-
12 sistance to such Government until the date on which
13 the President certifies that the Government of
14 Sudan has resumed taking such actions.

15 “(5) AUTHORIZATION OF APPROPRIATIONS.—

16 “(A) IN GENERAL.—There are authorized
17 to be appropriated to the President to provide
18 the assistance described in paragraph (1),
19 \$300,000,000 for fiscal year 2005, in addition
20 to any other funds otherwise available for such
21 purpose. Of such amount, \$200,000,000 may be
22 made available for humanitarian assistance in
23 the Darfur region of Sudan and eastern Chad
24 in response to the ongoing crisis, notwith-

1 standing any provision of law other than the
2 provisions of this section.

3 “(B) AVAILABILITY.—Amounts appro-
4 priated pursuant to the authorization of appro-
5 priations under subparagraph (A) are author-
6 ized to remain available until expended.

7 “(b) GOVERNMENT OF SUDAN DEFINED.—In this
8 section, the term ‘Government of Sudan’ shall have the
9 same meaning as such term had immediately prior to the
10 conclusion of Darfur Humanitarian Cease-fire dated April
11 8, 2004.”.

12 (2) CONFORMING AMENDMENT.—Section 3(2)
13 of such Act is amended by striking “The” and in-
14 serting “Except as provided in section 12, the”.

15 (b) REPORTING REQUIREMENT.—Section 8 of the
16 Sudan Peace Act (50 U.S.C. 1701 note) is amended in
17 the first sentence by striking “Sudan.” and inserting
18 “Sudan, including the conflict in the Darfur region.”.

19 **SEC. 6. REQUIREMENT FOR REPORT.**

20 (a) REQUIREMENT.—Not later than 60 days after the
21 date of enactment of this Act, the President shall submit
22 to the appropriate congressional committees a report on
23 the planned United States response to a comprehensive
24 peace agreement for Sudan.

1 (b) CONTENT.—The report required by subsection

2 (a) shall include—

3 (1) a description of the planned United States
4 response to a modified peace process between the
5 Government of Sudan and the SPLM that would ac-
6 count for the implementation of a peace in all re-
7 gions of Sudan, in particular Darfur; and

8 (2) a contingency plan for extraordinary hu-
9 manitarian assistance should the Government of
10 Sudan continue to obstruct or delay the inter-
11 national humanitarian response to the crisis in
12 Darfur, Sudan.

13 (c) FORM OF REPORT.—The report required by sub-
14 section (a) may be submitted in classified form.

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