

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5531

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IN THE SENATE OF THE UNITED STATES

OCTOBER 8, 2002

Received

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## AN ACT

To facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

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 “Sudan Peace Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) The Government of Sudan has intensified  
4 its prosecution of the war against areas outside of  
5 its control, which has already cost more than  
6 2,000,000 lives and has displaced more than  
7 4,000,000 people.

8 (2) A viable, comprehensive, and internationally  
9 sponsored peace process, protected from manipula-  
10 tion, presents the best chance for a permanent reso-  
11 lution of the war, protection of human rights, and  
12 a self-sustaining Sudan.

13 (3) Continued strengthening and reform of hu-  
14 manitarian relief operations in Sudan is an essential  
15 element in the effort to bring an end to the war.

16 (4) Continued leadership by the United States  
17 is critical.

18 (5) Regardless of the future political status of  
19 the areas of Sudan outside of the control of the Gov-  
20 ernment of Sudan, the absence of credible civil au-  
21 thority and institutions is a major impediment to  
22 achieving self-sustenance by the Sudanese people  
23 and to meaningful progress toward a viable peace  
24 process. It is critical that credible civil authority and  
25 institutions play an important role in the reconstruc-  
26 tion of post-war Sudan.

1           (6) Through the manipulation of traditional ri-  
2           valries among peoples in areas outside of its full con-  
3           trol, the Government of Sudan has used divide-and-  
4           conquer techniques effectively to subjugate its popu-  
5           lation. However, internationally sponsored reconcili-  
6           ation efforts have played a critical role in reducing  
7           human suffering and the effectiveness of this tactic.

8           (7) The Government of Sudan utilizes and or-  
9           ganizes militias, Popular Defense Forces, and other  
10          irregular units for raiding and enslaving parties in  
11          areas outside of the control of the Government of  
12          Sudan in an effort to disrupt severely the ability of  
13          the populations in those areas to sustain themselves.  
14          The tactic helps minimize the Government of Su-  
15          dan's accountability internationally.

16          (8) The Government of Sudan has repeatedly  
17          stated that it intends to use the expected proceeds  
18          from future oil sales to increase the tempo and  
19          lethality of the war against the areas outside of its  
20          control.

21          (9) By regularly banning air transport relief  
22          flights by the United Nations relief operation OLS,  
23          the Government of Sudan has been able to manipu-  
24          late the receipt of food aid by the Sudanese people  
25          from the United States and other donor countries as

1 a devastating weapon of war in the ongoing effort by  
2 the Government of Sudan to starve targeted groups  
3 and subdue areas of Sudan outside of the Govern-  
4 ment's control.

5 (10) The acts of the Government of Sudan, in-  
6 cluding the acts described in this section, constitute  
7 genocide as defined by the Convention on the Pre-  
8 vention and Punishment of the Crime of Genocide  
9 (78 U.N.T.S. 277).

10 (11) The efforts of the United States and other  
11 donors in delivering relief and assistance through  
12 means outside of OLS have played a critical role in  
13 addressing the deficiencies in OLS and offset the  
14 Government of Sudan's manipulation of food dona-  
15 tions to advantage in the civil war in Sudan.

16 (12) While the immediate needs of selected  
17 areas in Sudan facing starvation have been ad-  
18 dressed in the near term, the population in areas of  
19 Sudan outside of the control of the Government of  
20 Sudan are still in danger of extreme disruption of  
21 their ability to sustain themselves.

22 (13) The Nuba Mountains and many areas in  
23 Bahr al Ghazal and the Upper Nile and the Blue  
24 Nile regions have been excluded completely from re-

1 relief distribution by OLS, consequently placing their  
2 populations at increased risk of famine.

3 (14) At a cost which has sometimes exceeded  
4 \$1,000,000 per day, and with a primary focus on  
5 providing only for the immediate food needs of the  
6 recipients, the current international relief operations  
7 are neither sustainable nor desirable in the long  
8 term.

9 (15) The ability of populations to defend them-  
10 selves against attack in areas outside of the control  
11 of the Government of Sudan has been severely com-  
12 promised by the disengagement of the front-line  
13 states of Ethiopia, Eritrea, and Uganda, fostering  
14 the belief among officials of the Government of  
15 Sudan that success on the battlefield can be  
16 achieved.

17 (16) The United States should use all means of  
18 pressure available to facilitate a comprehensive solu-  
19 tion to the war in Sudan, including—

20 (A) the multilateralization of economic and  
21 diplomatic tools to compel the Government of  
22 Sudan to enter into a good faith peace process;

23 (B) the support or creation of viable demo-  
24 cratic civil authority and institutions in areas of  
25 Sudan outside of government control;

1 (C) continued active support of people-to-  
2 people reconciliation mechanisms and efforts in  
3 areas outside of government control;

4 (D) the strengthening of the mechanisms  
5 to provide humanitarian relief to those areas;  
6 and

7 (E) cooperation among the trading part-  
8 ners of the United States and within multilat-  
9 eral institutions toward those ends.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**  
13 **TEES.**—The term “appropriate congressional com-  
14 mittees” means the Committee on International Re-  
15 lations of the House of Representatives and the  
16 Committee on Foreign Relations of the Senate.

17 (2) **GOVERNMENT OF SUDAN.**—The term “Gov-  
18 ernment of Sudan” means the National Islamic  
19 Front government in Khartoum, Sudan.

20 (3) **OLS.**—The term “OLS” means the United  
21 Nations relief operation carried out by UNICEF, the  
22 World Food Program, and participating relief orga-  
23 nizations known as “Operation Lifeline Sudan”.

1 **SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN**  
2 **RIGHTS ABUSES, AND TACTICS OF THE GOV-**  
3 **ERNMENT OF SUDAN.**

4 The Congress hereby—

5 (1) condemns—

6 (A) violations of human rights on all sides  
7 of the conflict in Sudan;

8 (B) the Government of Sudan’s overall  
9 human rights record, with regard to both the  
10 prosecution of the war and the denial of basic  
11 human and political rights to all Sudanese;

12 (C) the ongoing slave trade in Sudan and  
13 the role of the Government of Sudan in abet-  
14 ting and tolerating the practice;

15 (D) the Government of Sudan’s use and  
16 organization of “murahallin” or  
17 “mujahadeen”, Popular Defense Forces, and  
18 regular Sudanese Army units into organized  
19 and coordinated raiding and slaving parties in  
20 Bahr al Ghazal, the Nuba Mountains, and the  
21 Upper Nile and the Blue Nile regions; and

22 (E) aerial bombardment of civilian targets  
23 that is sponsored by the Government of Sudan;  
24 and

25 (2) recognizes that, along with selective bans on  
26 air transport relief flights by the Government of

1 Sudan, the use of raiding and slaving parties is a  
2 tool for creating food shortages and is used as a sys-  
3 tematic means to destroy the societies, culture, and  
4 economies of the Dinka, Nuer, and Nuba peoples in  
5 a policy of low-intensity ethnic cleansing.

6 **SEC. 5. ASSISTANCE FOR PEACE AND DEMOCRATIC GOV-**  
7 **ERNANCE.**

8 (a) ASSISTANCE TO SUDAN.—The President is au-  
9 thorized to provide increased assistance to the areas of  
10 Sudan that are not controlled by the Government of  
11 Sudan to prepare the population for peace and democratic  
12 governance, including support for civil administration,  
13 communications infrastructure, education, health, and ag-  
14 riculture.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—There are authorized to be  
17 appropriated to the President to carry out the activi-  
18 ties described in subsection (a) of this section  
19 \$100,000,000 for each of the fiscal years 2003,  
20 2004, and 2005.

21 (2) AVAILABILITY.— Amounts appropriated  
22 pursuant to the authorization of appropriations  
23 under paragraph (1) of this subsection are author-  
24 ized to remain available until expended.



1 **SEC. 6. SUPPORT FOR AN INTERNATIONALLY SANCTIONED**  
2 **PEACE PROCESS.**

3 (a) FINDINGS.—Congress hereby—

4 (1) recognizes that—

5 (A) a single, viable internationally and re-  
6 gionally sanctioned peace process holds the  
7 greatest opportunity to promote a negotiated,  
8 peaceful settlement to the war in Sudan; and

9 (B) resolution to the conflict in Sudan is  
10 best made through a peace process based on the  
11 Declaration of Principles reached in Nairobi,  
12 Kenya, on July 20, 1994, and on the Machakos  
13 Protocol in July 2002; and

14 (2) commends the efforts of Special Presi-  
15 dential Envoy, Senator Danforth and his team in  
16 working to assist the parties to the conflict in Sudan  
17 in finding a just, permanent peace to the conflict in  
18 Sudan.

19 (b) MEASURES OF CERTAIN CONDITIONS NOT  
20 MET.—

21 (1) PRESIDENTIAL DETERMINATION.—

22 (A) The President shall make a determina-  
23 tion and certify in writing to the appropriate  
24 congressional committees within 6 months after  
25 the date of enactment of this Act, and each 6  
26 months thereafter, that the Government of

1 Sudan and the Sudan People's Liberation  
2 Movement are negotiating in good faith and  
3 that negotiations should continue.

4 (B) If, under subparagraph (A) the Presi-  
5 dent determines and certifies in writing to the  
6 appropriate congressional committees that the  
7 Government of Sudan has not engaged in good  
8 faith negotiations to achieve a permanent, just,  
9 and equitable peace agreement, or has unrea-  
10 sonably interfered with humanitarian efforts,  
11 then the President, after consultation with the  
12 Congress, shall implement the measures set  
13 forth in paragraph (2).

14 (C) If, under paragraph (A) the President  
15 determines and certifies in writing to the appro-  
16 priate congressional committees that the Sudan  
17 People's Liberation Movement has not engaged  
18 in good faith negotiations to achieve a perma-  
19 nent, just, and equitable peace agreement, then  
20 paragraph (2) shall not apply to the Govern-  
21 ment of Sudan.

22 (D) If the President certifies to the appro-  
23 priate congressional committees that the Gov-  
24 ernment of Sudan is not in compliance with the  
25 terms of a permanent peace agreement between

1 the Government of Sudan and the Sudan Peo-  
2 ple's Liberation Movement, then the President,  
3 after consultation with the Congress, shall im-  
4 plement the measures set forth in paragraph  
5 (2).

6 (E) If, at any time after the President has  
7 made a certification under subparagraph (B),  
8 the President makes a determination and cer-  
9 tifies in writing to the appropriate congressional  
10 committees that the Government of Sudan has  
11 resumed good faith negotiations, or makes a de-  
12 termination and certifies in writing to the ap-  
13 propriate congressional committees that the  
14 Government of Sudan is in compliance with a  
15 peace agreement, then paragraph (2) shall not  
16 apply to the Government of Sudan.

17 (2) MEASURES IN SUPPORT OF THE PEACE  
18 PROCESS.—Subject to the provisions of paragraph  
19 (1), the President—

20 (A) shall, through the Secretary of the  
21 Treasury, instruct the United States executive  
22 directors to each international financial institu-  
23 tion to continue to vote against and actively op-  
24 pose any extension by the respective institution

1 of any loan, credit, or guarantee to the Govern-  
2 ment of Sudan;

3 (B) should consider downgrading or sus-  
4 pending diplomatic relations between the  
5 United States and the Government of Sudan;

6 (C) shall take all necessary and appro-  
7 priate steps, including through multilateral ef-  
8 forts, to deny the Government of Sudan access  
9 to oil revenues to ensure that the Government  
10 of Sudan neither directly nor indirectly utilizes  
11 any oil revenues to purchase or acquire military  
12 equipment or to finance any military activities;  
13 and

14 (D) shall seek a United Nations Security  
15 Council Resolution to impose an arms embargo  
16 on the Government of Sudan.

17 (c) REPORT ON THE STATUS OF NEGOTIATIONS.—

18 If, at any time after the President has made a certification  
19 under subsection (b)(1)(A), the Government of Sudan dis-  
20 continues negotiations with the Sudan People's Liberation  
21 Movement for a 14-day period, then the President shall  
22 submit a quarterly report to the appropriate congressional  
23 committees on the status of the peace process until nego-  
24 tiations resume.

1 (d) REPORT ON UNITED STATES OPPOSITION TO FI-  
2 NANCING BY INTERNATIONAL FINANCIAL INSTITU-  
3 TIONS.—The Secretary of the Treasury shall submit a  
4 semiannual report to the appropriate congressional com-  
5 mittees describing the steps taken by the United States  
6 to oppose the extension of a loan, credit, or guarantee if,  
7 after the Secretary of the Treasury gives the instructions  
8 described in subsection (b)(2)(A), such financing is ex-  
9 tended.

10 (e) REPORT ON EFFORTS TO DENY OIL REVE-  
11 NUES.—Not later than 45 days after the President takes  
12 an action under subsection (b)(2)(C), the President shall  
13 submit to the appropriate congressional committees a  
14 comprehensive plan for implementing the actions de-  
15 scribed in such subsection.

16 (f) DEFINITION.—In this section, the term “inter-  
17 national financial institution” means the International  
18 Bank for Reconstruction and Development, the Inter-  
19 national Development Association, the International Mon-  
20 etary Fund, the African Development Bank, and the Afri-  
21 can Development Fund.

22 **SEC. 7. MULTILATERAL PRESSURE ON COMBATANTS.**

23 It is the sense of Congress that—

24 (1) the United Nations should help facilitate  
25 peace and recovery in Sudan;

1           (2) the President, acting through the United  
2 States Permanent Representative to the United Na-  
3 tions, should seek to end the veto power of the Gov-  
4 ernment of Sudan over the plans by OLS for air  
5 transport relief flights and, by doing so, to end the  
6 manipulation of the delivery of relief supplies to the  
7 advantage of the Government of Sudan on the bat-  
8 tlefield; and

9           (3) the President should take appropriate meas-  
10 ures, including the implementation of recommenda-  
11 tions of the International Eminent Persons Commis-  
12 sion contained in the report issued on May 22,  
13 2002, to end slavery and aerial bombardment of ci-  
14 vilians by the Government of Sudan.

15 **SEC. 8. REPORTING REQUIREMENT.**

16       Not later than 6 months after the date of the enact-  
17 ment of this Act, and annually thereafter, the Secretary  
18 of State shall prepare and submit to the appropriate con-  
19 gressional committees a report regarding the conflict in  
20 Sudan. Such report shall include—

21           (1) a description of the sources and current sta-  
22 tus of Sudan's financing and construction of infra-  
23 structure and pipelines for oil exploitation, the ef-  
24 fects of such financing and construction on the in-  
25 habitants of the regions in which the oil fields are

1 located, and the ability of the Government of Sudan  
2 to finance the war in Sudan with the proceeds of the  
3 oil exploitation;

4 (2) a description of the extent to which that fi-  
5 nancing was secured in the United States or with in-  
6 volvement of United States citizens;

7 (3) the best estimates of the extent of aerial  
8 bombardment by the Government of Sudan, includ-  
9 ing targets, frequency, and best estimates of dam-  
10 age; and

11 (4) a description of the extent to which humani-  
12 tarian relief has been obstructed or manipulated by  
13 the Government of Sudan or other forces.

14 **SEC. 9. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR**  
15 **RELIEF EFFORTS.**

16 (a) SENSE OF CONGRESS.—It is the sense of the Con-  
17 gress that the President should continue to increase the  
18 use of non-OLS agencies in the distribution of relief sup-  
19 plies in southern Sudan.

20 (b) REPORT.—Not later than 90 days after the date  
21 of enactment of this Act, the President shall submit to  
22 the appropriate congressional committees a detailed report  
23 describing the progress made toward carrying out sub-  
24 section (a).

1 **SEC. 10. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANS-**  
2 **PORT RELIEF FLIGHTS.**

3 (a) PLAN.—The President shall develop a contin-  
4 gency plan to provide, outside the auspices of the United  
5 Nations if necessary, the greatest possible amount of  
6 United States Government and privately donated relief to  
7 all affected areas in Sudan, including the Nuba Mountains  
8 and the Upper Nile and the Blue Nile regions, in the event  
9 that the Government of Sudan imposes a total, partial,  
10 or incremental ban on OLS air transport relief flights.

11 (b) REPROGRAMMING AUTHORITY.—Notwith-  
12 standing any other provision of law, in carrying out the  
13 plan developed under subsection (a), the President may  
14 reprogram up to 100 percent of the funds available for  
15 support of OLS operations for the purposes of the plan.

16 **SEC. 11. INVESTIGATION OF WAR CRIMES.**

17 (a) IN GENERAL.—The Secretary of State shall col-  
18 lect information about incidents which may constitute  
19 crimes against humanity, genocide, war crimes, and other  
20 violations of international humanitarian law by all parties  
21 to the conflict in Sudan, including slavery, rape, and aerial  
22 bombardment of civilian targets.

23 (b) REPORT.—Not later than 6 months after the date  
24 of the enactment of this Act and annually thereafter, the  
25 Secretary of State shall prepare and submit to the appro-  
26 priate congressional committees a detailed report on the



1 information that the Secretary of State has collected  
2 under subsection (a) and any findings or determinations  
3 made by the Secretary on the basis of that information.  
4 The report under this subsection may be submitted as part  
5 of the report required under section 8.

6 (c) CONSULTATIONS WITH OTHER DEPARTMENTS.—  
7 In preparing the report required by this section, the Sec-  
8 retary of State shall consult and coordinate with all other  
9 Government officials who have information necessary to  
10 complete the report. Nothing contained in this section  
11 shall require the disclosure, on a classified or unclassified  
12 basis, of information that would jeopardize sensitive  
13 sources and methods or other vital national security inter-  
14 ests.

Passed the House of Representatives October 7,  
2002.

Attest:

JEFF TRANDAHL,

*Clerk.*