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H. R. 2052

IN THE SENATE OF THE UNITED STATES

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Read twice and referred to the Committee on Foreign Relations

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.

25 (6) Through the manipulation of traditional ri-
26 valries among peoples in areas outside of its full con-

1 trol, the Government of Sudan has used divide-and-
2 conquer techniques effectively to subjugate its popu-
3 lation. However, internationally sponsored reconcili-
4 ation efforts have played a critical role in reducing
5 human suffering and the effectiveness of this tactic.

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

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

19 (9) By regularly banning air transport relief
20 flights by the United Nations relief operation, Oper-
21 ation Lifeline Sudan (OLS), the Government of
22 Sudan has been able to manipulate the receipt of
23 food aid by the Sudanese people from the United
24 States and other donor countries as a devastating
25 weapon of war in the ongoing effort by the Govern-

1 ment of Sudan to starve targeted groups and subdue
2 areas of Sudan outside of the Government's control.

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

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

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

20 (13) The Nuba Mountains and many areas in
21 Bahr al Ghazal and the Upper Nile and the Blue
22 Nile regions have been excluded completely from re-
23 lief distribution by OLS, consequently placing their
24 populations at increased risk of famine.

1 (14) At a cost which has sometimes exceeded
2 \$1,000,000 per day, and with a primary focus on
3 providing only for the immediate food needs of the
4 recipients, the current international relief operations
5 are neither sustainable nor desirable in the long
6 term.

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

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

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

21 (B) the support or creation of viable demo-
22 cratic civil authority and institutions in areas of
23 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 (PDF),
18 and regular Sudanese Army units into orga-
19 nized and coordinated raiding and slaving par-
20 ties in Bahr al Ghazal, the Nuba Mountains,
21 and the Upper Nile and the Blue Nile regions;
22 and

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

1 (2) recognizes that, along with selective bans on
2 air transport relief flights by the Government of
3 Sudan, the use of raiding and slaving parties is a
4 tool for creating food shortages and is used as a sys-
5 tematic means to destroy the societies, culture, and
6 economies of the Dinka, Nuer, and Nuba peoples in
7 a policy of low-intensity ethnic cleansing.

8 **SEC. 5. USE OF APPROPRIATED FUNDS.**

9 The Congress urges the President to promptly make
10 available to the National Democratic Alliance the
11 \$10,000,000 in funds appropriated for assistance to such
12 group under the heading “OTHER BILATERAL ECONOMIC
13 ASSISTANCE, ECONOMIC SUPPORT FUND” in title I of H.R.
14 5526 of the 106th Congress, as enacted into law by section
15 101(a) of Public Law 106–429.

16 **SEC. 6. SUPPORT FOR AN INTERNATIONALLY SANCTIONED**
17 **PEACE PROCESS.**

18 (a) FINDINGS.—The Congress hereby recognizes
19 that—

20 (1) a single viable, internationally and region-
21 ally sanctioned peace process holds the greatest op-
22 portunity to promote a negotiated, peaceful settle-
23 ment to the war in Sudan; and

24 (2) resolution of the conflict in Sudan is best
25 made through a peace process based on the Declara-

1 tion of Principles reached in Nairobi, Kenya, on July
2 20, 1994.

3 (b) UNITED STATES DIPLOMATIC SUPPORT.—The
4 Secretary of State is authorized to utilize the personnel
5 of the Department of State for the support of—

6 (1) the ongoing negotiations between the Gov-
7 ernment of Sudan and opposition forces;

8 (2) any necessary peace settlement planning or
9 implementation; and

10 (3) other United States diplomatic efforts sup-
11 porting a peace process in Sudan.

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

13 It is the sense of the Congress that—

14 (1) the United Nations should be used as a tool
15 to facilitate peace and recovery in Sudan; and

16 (2) the President, acting through the United
17 States Permanent Representative to the United Na-
18 tions, should seek to—

19 (A) revise the terms of OLS to end the
20 veto power of the Government of Sudan over
21 the plans by OLS for air transport relief flights
22 and, by doing so, to end the manipulation of
23 the delivery of relief supplies to the advantage
24 of the Government of Sudan on the battlefield;

1 (B) investigate the practice of slavery in
2 Sudan and provide mechanisms for its elimi-
3 nation; and

4 (C) sponsor a condemnation of the Govern-
5 ment of Sudan each time it subjects civilians to
6 aerial bombardment.

7 **SEC. 8. DISCLOSURE OF BUSINESS ACTIVITIES IN SUDAN.**

8 (a) DISCLOSURE REQUIREMENTS.—No entity that is
9 engaged in any commercial activity in Sudan may trade
10 any of its securities (or depository receipts with respect
11 to its securities) in any capital market in the United
12 States unless that entity has disclosed, in such form as
13 the Securities and Exchange Commission shall prescribe—

14 (1) the nature and extent of that commercial
15 activity in Sudan, including any plans for expansion
16 or diversification;

17 (2) the identity of all agencies of the Sudanese
18 Government with which the entity is doing business;

19 (3) the relationship of the commercial activity
20 to any violations of religious freedom and other
21 human rights in Sudan; and

22 (4) the contribution that the proceeds raised in
23 the capital markets in the United States will make
24 to the entity's commercial activity in Sudan.

1 (b) DISCLOSURE TO THE PUBLIC.—The Securities
2 and Exchange Commission shall take the necessary steps
3 to ensure that disclosures under subsection (a) are pub-
4 lished or otherwise made available to the public.

5 (c) ENFORCEMENT AUTHORITY.—The President may
6 exercise the authorities he has under the International
7 Emergency Economic Powers Act to assist the Securities
8 and Exchange Commission in carrying out this section.

9 **SEC. 9. PROHIBITION ON TRADING IN UNITED STATES CAP-**
10 **ITAL MARKETS.**

11 (a) PROHIBITION.—The President shall exercise the
12 authorities he has under the International Emergency
13 Economic Powers Act to prohibit any entity engaged in
14 the development of oil or gas in Sudan—

- 15 (1) from raising capital in the United States; or
16 (2) from trading its securities (or depository re-
17 cepts with respect to its securities) in any capital
18 market in the United States.

19 (b) DEFINITION.—For purposes of this section, an
20 entity is “engaged in the development of oil or gas in
21 Sudan” if that entity is directly engaged in the explo-
22 ration, production, transportation (by pipeline or other-
23 wise), or refining of petroleum, natural gas, or petroleum
24 products in Sudan.

1 **SEC. 10. REPORTING REQUIREMENT.**

2 Not later than six months after the date of the enact-
3 ment of this Act, and annually thereafter, the Secretary
4 of State shall prepare and submit to the appropriate con-
5 gressional committees a report regarding the conflict in
6 Sudan. Such report shall include—

7 (1) a description of the sources and current sta-
8 tus of Sudan’s financing and construction of infra-
9 structure and pipelines for oil exploitation, the ef-
10 fects of such financing and construction on the in-
11 habitants of the regions in which the oil fields are
12 located, and the ability of the Government of Sudan
13 to finance the war in Sudan with the proceeds of the
14 oil exploitation;

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

18 (3) the best estimates of the extent of aerial
19 bombardment by the Government of Sudan, includ-
20 ing targets, frequency, and best estimates of dam-
21 age; and

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

1 **SEC. 11. CONTINUED USE OF NON-OLS ORGANIZATIONS**
2 **FOR RELIEF EFFORTS.**

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

7 (b) REPORT.—Not later than 90 days after the date
8 of enactment of this Act, the President shall submit to
9 the appropriate congressional committees a detailed report
10 describing the progress made toward carrying out sub-
11 section (a).

12 **SEC. 12. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANS-**
13 **PORT RELIEF FLIGHTS.**

14 (a) PLAN.—The President shall develop a contin-
15 gency plan to provide, outside the auspices of the United
16 Nations if necessary, the greatest possible amount of
17 United States Government and privately donated relief to
18 all affected areas in Sudan, including the Nuba Mountains
19 and the Upper Nile and the Blue Nile regions, in the event
20 that the Government of Sudan imposes a total, partial,
21 or incremental ban on OLS air transport relief flights.

22 (b) REPROGRAMMING AUTHORITY.—Notwith-
23 standing any other provision of law, in carrying out the
24 plan developed under subsection (a), the President may
25 reprogram up to 100 percent of the funds available for

1 support of OLS operations (but for this subsection) for
2 the purposes of the plan.

3 **SEC. 13. INVESTIGATION OF WAR CRIMES.**

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

10 (b) REPORT.—Not later than six months after the
11 date of the enactment of this Act and annually thereafter,
12 the Secretary of State shall prepare and submit to the ap-
13 propriate congressional committees a detailed report on
14 the information that the Secretary of State has collected
15 under subsection (a) and any findings or determinations
16 made by the Secretary on the basis of that information.
17 The report under this subsection may be submitted as part
18 of the report required under section 9.

19 (c) CONSULTATIONS WITH OTHER DEPARTMENTS.—
20 In preparing the report required by this section, the Sec-
21 retary of State shall consult and coordinate with all other
22 Government officials who have information necessary to
23 complete the report. Nothing contained in this section
24 shall require the disclosure, on a classified or unclassified
25 basis, of information that would jeopardize sensitive

