THE GROWING CRISIS IN SOUTH SUDAN

HEARING

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS

OF THE

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THE GROWING CRISIS IN SOUTH SUDAN

WEDNESDAY, SEPTEMBER 7, 2016

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2 p.m., in room 2172 Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The subcommittee will come to order and good afternoon, everyone. Thank you for being here.

On April 27 of this year our subcommittee held a hearing on South Sudan's prospects for peace. An accord that appeared to have finally ended the civil war that broke out in December 2013 was reluctantly signed by both the Government of South Sudan and the Sudan People's Liberation Movement-in-Opposition in August 2015.

We were cautioned by Ambassador Booth at the time and I remember your testimony on April 27, Mr. Ambassador, when you said that these are the most significant advancements yet in implementing the peace agreement.

But you also cautioned and said it is only a first step toward lasting peace—the most difficult work still lies ahead and those words were prophetic and certainly very, very true, especially given what happened in July.

Peace was never fully established in South Sudan as a result of the August agreement. In fact, as we all know, fighting spread to areas that had not previously seen armed conflict.

An estimated 50,000 South Sudanese have been killed since December 2013. More than 2.5 million have been displaced and 4.8 million face severe hunger.

According to the U.N. Mission in the Republic of South Sudan, or UNMISS, "gross violations of human rights and serious violations of humanitarian law have occurred on a massive scale."

South Sudanese women have long reported cases of sexual assault by armed forces throughout the country, sometimes in sight of UNMISS bases.

This past July, between 80 to 100 armed soldiers broke into the Terrain compound which houses aid workers and international organizations' staff and for several hours they sexually assaulted women, beat residents, murdered one South Sudanese journalist, and looted the facility.

UNMISS did not respond to the desperate calls for help from residents even though their own personnel lived in the Terrain compound and the U.N. Mission officials say the various components of UNMISS didn't respond to orders to mobilize from within the organization.

U.N. peacekeepers were just minutes away but they refused to intervene despite being asked and having a robust legal mandate to do so.

A contingent of South Sudanese military ultimately rescued the victims from other rampaging troops. The investigation by the South Sudanese Government is scheduled to be completed within days and just over the weekend our U.N. Ambassador, Samantha Power, had asked and has asked that there be an independent panel to look into what happened there.

And there must be consequences for those who are found guilty. The rapidly deteriorating security and the increasingly dire humanitarian situation led me to undertake an emergency mission to South Sudan 2 weeks ago along with staff director Greg Simpkins.

I have known Salva Kiir since he became First Vice President in the Government of Sudan in 2005. As a matter of fact, I met him in Khartoum only weeks after he assumed that office and I hoped my visit might convey to him the outrage over the murder, rape, sexual assault, attack on aid workers, and the precarious situation that his government faces.

South Sudan is at a tipping point. The United Nations will likely take up a measure to impose an arms embargo if they do not see implementation of what looks like was an agreement over the weekend to deploy some 4,000 peacekeepers.

The International Monetary Fund has strongly recommended a mechanism for financial transparency and that meets next month, likely expecting a response from South Sudan.

Meanwhile, the House and Senate both have measures that have an arms embargo embedded in it as well. In Juba, we met with President Kiir, other members of the cabinet and his Defense Minister, Kuol Manyang Juuk, and the top members of his staff including the Chief of General Staff, Paul Malong, considered by many to be a major power behind the scenes.

I emphasized to them that the widespread rape and sexual exploitation and abuse by soldiers must stop now and that perpetrators of these despicable crimes must be prosecuted in a response both President Kiir and Defense Minister Juuk agreed to produce a zero tolerance Presidential decree against rape and sexual exploitation by armed forces.

Such a decree not only informs perpetrators that they will be punished for their actions but it places the government on the line to enforce such a decree.

The U.N. High Commission for Human Rights has previously described the South Sudan's Government to hold perpetrators of abuses accountable as "few and inadequate" and that, of course, must change.

President Kiir also gave us a copy of a Presidential order forming a commission to investigate the incident at the Terrain compound. The results of that are due any day now.

There are, however, four military officers and one civilian in custody for looting the Terrain compound. But no one has been arrested for sexual assaults, beatings or the public murder of a South Sudanese journalist.

One of the victims of sexual assault at Terrain is from my congressional district. After relating horrible details of the assault by two soldiers she gave us the name of the soldier who "rescued her" and who might be able to provide information that could be used to prosecute those who attacked her at the Terrain compound and I conveyed that to Salva Kiir and the Defense Minister.

As you know, Mr. Ambassador, there are about 20,000 humanitarian aid workers in South Sudan, 2,000 of whom are from the United States and other foreign countries.

If there is not greater security of these humanitarian personnel and supplies, vital assistance will diminish at a time that it is needed most. The exploitation of children as child soldiers must stop as well. According to UNICEF, 16,000 child soldiers have been recruited by all sides since the civil war began in December 2013.

Moreover, this year the U.S. State Department Trafficking in Persons report gave South Sudan a failing grade place it on Tier 3, in part because of child soldiers.

South Sudan faces the possibility again of a U.N. arms embargo, again, if they do not implement the deployment of the 4,000 Regional Protection Force.

There is yet time for South Sudan to make its pivot to peace and good governance by faithfully implementing a comprehensive peace accord including and especially the establishment of a hybrid court signed 1 year ago.

But time is running out. It is a very, very fluid and, unfortunately, volatile situation. The governments of the three guarantors of South Sudan's peace—the United States, the UK, and Norway—all have expressed their disgust with the South Sudanese Government and its armed opposition for not adhering to the August 2015 peace agreement and providing to the extent it can for the security and the well-being of its people.

However, expressions of disdain are not enough. This hearing is not only intended to examine culpability for the current situation but also to try to find solutions that will safeguard the future of one of the world's newest nations and its citizens.

As a guarantor of peace, the United States can and should do no less.

I would like to now yield to my friend and colleague, Ms. Bass, the ranking member of the subcommittee.

Ms. BASS. Thank you, Mr. Chair, and thank you for your trip that you and Mr. Simpkins made. I know it was on very short notice but a very important delegation. So I'm glad that you did that and also that we are having this hearing so quickly.

I also want to thank Ambassador Booth and Ambassador Lyman and I'm glad that we will be hearing your testimony today.

I was in South Sudan in November and I went there with a small delegation to look at the U.N. peacekeeping mission at the time and that was before Machar returned and the big concern then was will he return and will the nation hold to the agreement.

And it was shortly after President Kiir had divided up the nation and expanded the provinces and we were very concerned about how you could possibly, since that was done after the peace agreement, how can you hold to the peace—how can you hold to the power sharing that had been agreed to in the peace agreement if you've reconfigured the entire geography of the nation.

At the time, we were concerned about what was happening with UNMISS then. But now, what is going on, how the violence had expanded and encompassed and victimized yet again South Sudanese citizens and especially the ones that are least able to protect themselves—women, girls, and youth.

In response to the crisis, I joined several of my colleagues in a letter to President Obama outlining the severity of the deteriorating situation in South Sudan and calling on the U.S. to lead the way in calling for an arms embargo on South Sudan to stop the needless killing, endless brutality, and unconscionable impunity.

The UNSC August 12th decision to renew UNMISS, the proposed revision of its mandate and inclusion of an additional 4,000 strong Regional Protection Force must be applauded.

But there must also be clarification regarding the specific rules of engagement governing the UNMISS troops.

I understand that the South Sudanese Government agreed to the additional Regional Protection Force as recently as Sunday.

I look to Ambassador Booth to outline the next steps which must be taken to bring an end to the nightmare of violence not only by the long-term suffering citizens of South Sudan but also by the foreign nationals who, with total disregard for their personal welfare, seek to assist these citizens.

Several of the questions that I have we'll get into in the dialogue but I want to propose them in the beginning and, obviously, the central question is what more can we do.

An arms embargo, will it really be effective? It seems as though there needs to be a whole international effort that's beyond UNMISS and I want to know what your thoughts are in terms of the AU and the AU's capacity.

And also, in terms of UNMISS, what will their role be? Will they be able to intervene? Will they be able to be aggressive or are they just going to be in a position where, you know, they will watch something happening.

I just think that this situation has reached—and we all know this—has reached dire proportions. I was in Nigeria a couple of weeks ago and it was a staff member from the State Department actually had just been evacuated from South Sudan and sent to Nigeria.

So I really want to be as specific as possible. It's important to understand the situation but I really want to get down to the brass tacks of okay, now what—what can we do—what can we do as a nation and what should the world do because otherwise I just don't see the situation getting particularly better.

With that, I yield.

Mr. SMITH. Thank you, Ms. Bass.

The chair recognizes Mr. Donovan.

Mr. DONOVAN. Mr. Chairman, thank you very much. I'm going to yield my time so we give the witness some more time to testify. Thank you.

Mr. SMITH. Okay. Mr. Cicilline.

Mr. CICILLINE. Thank you, Mr. Chairman. I want to thank you and Ranking Member Bass for calling this hearing on the growing crisis in South Sudan and thank all of our witnesses and particularly thank Ambassador Booth and Ambassador Lyman for being here today.

I look forward to hearing from you on the deteriorating situation in South Sudan and as Congresswoman Bass said what we can do to be effective in responding.

Like many observers, I was optimistic when South Sudan emerged in 2011 as an independent country. However, the civil war that has ravaged South Sudan since 2013 had escalated alarmingly since the subcommittee's last hearing on South Sudan in April. The impact is devastating and the potential for even deeper crisis is greatly disturbing.

Not only does South Sudan face another post-conflict reconciliation process, massive and chronic humanitarian needs, high-level corruption and widespread displacement of its population, but an increase in human rights abuses including recruiting child soldiers, which is extremely distressing.

U.N. officials have asserted that targeted attacks against civilians, humanitarians and U.N. personnel in South Sudan constitute war crimes or crimes against humanity, and the U.N. Mission in South Sudan reports that civilians have been directly targeted often along ethnic lines.

Forces on both sides have committed widespread violence. There have been more than 260 attacks on humanitarian workers in 2016 alone, including an attack on a residence for aid workers in Juba in July which resulted in assaults on several Americans and the killing of a local journalist.

The dangers faced by foreign aid workers could have a devastating effect on relief efforts. This is a critical time for South Sudan. If the current crisis cannot be brought under control and the violence halted, the situation will likely deteriorate further and could spin into complete chaos.

I hope that the South Sudanese Government's decision earlier this week to allow the Regional Protection Force to deploy will enable the beginning of real improvement in this very dire situation.

I look forward to hearing from our witnesses on what else we can do to support stability in that part of the world and I thank our witnesses again for being here and yield back.

Mr. SMITH. Thank you. We are joined by full committee Chairman Ed Royce of California.

Chairman ROYCE. Mr. Chairman, thank you very much.

I would just start by commending you, Chairman, for your sustained focus on the crisis in South Sudan.

As all of you know, Chairman Smith just traveled to South Sudan to engage with our Embassy there and to engage with our other partners, and this is the fifth, I think, South Sudan-specific hearing that the committee has held since this crisis began.

What's unfortunate and, frankly, maddening is the underlying problems haven't changed in the past 3 years. It is still a man-made crisis. It is still a crisis political in nature.

And what does change every day is the number of innocent South Sudanese killed, the number displaced. Tens of thousands have been killed, millions have now been displaced.

I very much appreciate the recent senior-level engagement of the administration, including Secretary Kerry's trip to the region and Ambassador Samantha Power's leading of a Security Council delegation to South Sudan. I was on the phone a few hours ago with Secretary Susan Rice on this issue. It is really unclear whether this high-level diplomacy can have an impact on the ground.

One of the oddities here is that the anti-American sentiment is growing in Juba as of late. There is reporting today of an incident in which the Presidential guard deliberately opened fire on a U.S. diplomatic convoy traveling through the city. I understand command and control of armed forces in South Sudan is practically nonexistent in this situation—practically nonexistent. But there should never be an instance in which American diplomats are specifically targeted ever.

After lengthy Security Council negotiations, the Security Council approved of the deployment of a Regional Protection Force. I met with the Secretary-General recently of the U.N. on this issue and I shared that we welcome the establishment of a force. But I know how difficult it is going to be moving this from concept to reality. It's going to be far from easy.

Special Envoy Booth, in your prepared testimony you explain that if the Secretary-General reports that the Government of South Sudan is impeding the new force's deployment, the administration would be prepared to support an arms embargo. We've made similar threats in other resolutions and I'm not sure anyone in South Sudan takes that threat of an embargo seriously anymore. I hope that we will be serious in terms of implementation of it.

Interestingly, in your prepared testimony you made no mention of the existing Executive order that would allow the sanction of individuals who threaten peace in South Sudan. I think that is worth contemplating. I look forward to hearing from you why no one had been added to the U.S. sanctions list in over a year. There are, surely, people who deserve to be on that list. If we fail to hold South Sudan's political leaders on both sides accountable for the atrocities committed we cannot expect anything to change.

So I thank you, Mr. Chairman, and I yield back.

Mr. SMITH. Thank you very much, Chairman Royce.

Mr. Rooney.

Mr. ROONEY. Thank you, Mr. Chairman.

Again, thank you for letting me sit in on your hearing.

Mr. Ambassador, since the signing of the peace agreement in August 2015 and since the violence in July, the U.N. Security Council and the U.S. have both failed to implement an arms embargo, as you know, in South Sudan.

The U.N. and the U.S. have both failed to sanction additional individuals that we have proof have been involved in the attacks against civilians and that continue to procure weapons and military equipment.

Secretary Kerry, in February in the State and Foreign Operations Subcommittee, which I sit on and as well as yourself, in April, both told me that the U.S. is committed to holding senior officials accountable for continued cease-fire violations and human rights violations that undermine the terms of the peace agreement in South Sudan.

You both said that the administration would be willing to implement sanctions on such individuals. But Secretary Kerry stopped short of endorsing an arms embargo.

Also in August during a trip to Africa, Secretary Kerry threatened to withhold humanitarian assistance to South Sudan if leaders there continued to violate the peace agreement.

So I'm curious to hear in your testimony why the U.S. is threatening to withhold assistance to the people of South Sudan rather than holding the leaders who perpetuated the violence accountable through sanctions and arms embargo.

I would also like to know who exactly in the administration is preventing additional individuals from being sanctioned and who do not want to implement an arms embargo.

Thank you, Mr. Chairman. I yield back.

Mr. SMITH. Mr. Rooney, thank you very much.

I would like to now welcome Ambassador Booth. Donald Booth was appointed Special Envoy to Sudan and South Sudan on August 28, 2013. He previously served as Ambassador to Ethiopia, Zambia, and Liberia.

Prior to that, he was the director of the Office of Technical and Specialized Agencies in the Department of State's Bureau of International Organization Affairs.

Ambassador Booth also has served as director of the Office of West African Affairs, deputy director of the Office of Southern African Affairs, economic counselor in Athens, and division chief for bilateral trade affairs at the State Department.

Ambassador Booth, the floor is yours.

STATEMENT OF THE HONORABLE DONALD BOOTH, SPECIAL ENVOY TO SUDAN AND SOUTH SUDAN, U.S. DEPARTMENT OF STATE

Ambassador BOOTH. Thank you very much, Chairman Smith, Ranking Member Bass and the members of the committee and subcommittee.

Thank you for the opportunity to speak before you today. I want to discuss some of the tragic events that occurred over the past 2 months.

But without ignoring the bitter reality on the ground, I also want to focus most of my remarks today on the possibilities for the way forward.

Chairman Smith, as you know from your visit, South Sudan is in a dire state. The most recent outbreak of violence in early July created a perilous security situation in many parts of the country.

The humanitarian situation, as many of you have noted, is one of the most extreme in the world, with 4.8 million people, over 40 percent of the population, facing life-threatening hunger, 2.5 million displaced and the economy in free fall.

Serious crime is now a part of daily life for South Sudanese and aid workers and their supplies are targets as well.

The violence in early July came about because neither President Salva Kiir nor First Vice President Riek Machar was willing to work with the other to implement the peace agreement or to set up the security arrangements that were designed to prevent a return to fighting Juba.

We saw the moment of greatest optimism since the signing of the August 2015 peace agreement, the establishment in late April of the transitional government. We saw it shattered by the irresponsibility and ruthlessness of South Sudan's leaders.

Both leaders lost control of their forces during a moment of tremendous political fragility, and government soldiers engaged in sexual violence against civilians including the attacks on both South Sudanese and foreigners at Terrain Camp.

Now, I would be remiss not to pause here and praise the work of Ambassador Molly Phee and her team at Embassy Juba. They have faced enormous hardships and real danger in doing their jobs and their work has been, frankly, extraordinary.

They have, against long odds, preserved the engagement needed to help the people of South Sudan. They have done so despite two events that I know are on your minds.

First, on the night of July 7th, just a few hours after a deadly encounter between government and opposition security forces in the same area, two vehicles carrying several of our diplomats were fired upon by government soldiers.

Fortunately, because they were both armored vehicles, the occupants were not injured. Ambassador Phee confronted President Kiir the following day and received an apology as well as assurances that there would be a thorough investigation.

That day, however, was also the same day that major fighting broke out between the government and opposition. The second event was much more tragic—the attack by scores of uniformed government security forces against the Terrain Camp where 12 Americans and over 30 third country and South Sudanese nationals were located.

The attack involved hours of looting, beatings, rapes and the murder of a prominent South Sudanese journalist, John Gatluak. I would like to express at this point my personal condolences to John's family and to all of the survivors of the attack.

That attack occurred toward the end of 2 days of heavy fighting in Juba which saw government forces drive out Machar's security contingent.

Even as shooting raged near the U.S. Embassy compounds, as soon as the Embassy was alerted to the attack, Ambassador Phee contacted South Sudanese security officials whom she believed still had command of their forces and the convinced them to intervene to rescue those under assault at the camp.

I want to stress that Ambassador Phee did everything within her power and resources in those circumstances to assist those who were under assault at the Terrain Camp.

In the aftermath of the attack, our priority was the care and evacuation of the victims and then to protect their privacy and to demand justice for them.

My written testimony contains a thorough account of what we know about the awful events at Terrain Camp that day as well as what we are doing to ensure safety of our personnel.

Now, I would like to focus the rest of my statement on what I see as the way forward or at least a way forward. First, in the wake of the fighting in Juba in July, a political accommodation to avoid further fighting and suffering remains as important as ever.

But given that neither President Kiir nor former Vice President Riek Machar could prevent their security entourages from fighting, we do not believe it would be wise for Machar to return to his previous position in Juba.

That said, this cannot serve as a justification for President Kiir to monopolize power. What is most urgently needed is creation of a secure space in Juba for an inclusive political process to forestall further violence.

That is why we strongly support the Intergovernmental Authority on Development's call for deployment of a Regional Protection Force to Juba to provide for free and safe movement throughout the capital.

The RPF should proactively contribute to stability and thereby allow for the demilitarization of Juba. But we must be clear that the government will need to allow the RPF to do its job once it is in Juba.

No political process can take place as long as large numbers of armed men and heavy weaponry remain in the capital. Stabilizing the security situation in Juba is only the first step.

Any political process, to be credible and viable, must be inclusive. I believe what is needed is for South Sudan's political and military leaders in and out of government to meet together to figure out how to jointly shoulder responsibility for preventing further bloodshed.

However, this can only succeed if those currently in power are willing to accommodate the legitimate interests of others. The violence in early July drove out significant factions of the SPLM-in-Opposition, of the Former Detainees and other political parties.

These groups must be deterred from supporting any further violence. Thus, they must see a path for peaceful engagement.

South Sudan's leaders must also look ahead to the creation of a professional inclusive national army and other security institutions. They need to be able to articulate an agreed end state of security sector reform.

As any international support for cantonment, or DDR, activities will depend among other things on the credibility of the envisioned security sector end state.

The Transitional Government should then prioritize legislation, establishing an open consultative process for drafting and ratifying a new constitution under which elections will be held at the end of a transitional period.

In addition, the Transitional Government should prioritize legislation regarding the African Union-led Hybrid Court for South Sudan.

A recent opinion survey showed that 93 percent of South Sudanese believe there can be no enduring peace without accountability. We agree.

What I have described is a sequence of interdependent events. I'm describing them as a way forward, not because it will be easy to implement them but because it is difficult to see any other path that does not lead to a future of oppressive one-party rule, renewed conflict or, most likely, both.

I am not naive about the chances of these things happening. Our ability to influence events in South Sudan and steer its leaders to a more constructive behavior is limited.

The Security Council's permanent representatives just returned from a trip to South Sudan. We were pleased that the council was able to come to agreement with the Transitional Government on several key issues including the government's consent to deployment of the Regional Protection Force and to work with the U.N. Mission that's already there.

However, we now need to see those words turned into action. If the Secretary-General's report finds that the government is obstructing deployment of the Regional Protection Force or continuing to prevent UNMISS from fulfilling its mandate we are prepared to support an arms embargo in the Security Council.

Beyond an arms embargo, we stand prepared to impose visa restrictions on individuals involved in public corruption, as official corruption has a long history in South Sudan and has played a direct role in furtherance of conflict in the country.

Mr. Chairman, I would have liked to come before this subcommittee today with better news. Unfortunately, we now face a difficult and uncertain path for South Sudan. It is a frustrating and disheartening situation, particularly, of course, for South Sudanese.

It is their future that grows bleaker by the day. With them in our minds I believe we must continue to press South Sudan's leaders to give peace a chance.

Thank you for inviting me to speak today and I look forward to answering your questions.

[The prepared statement of Ambassador Booth follows:]

Testimony of
Special Envoy for Sudan and South Sudan Donald Booth
before the House Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
"The Growing Crisis in South Sudan"
September 7, 2016, at 2:00 p.m.

Chairman Smith, Ranking Member Bass, and Members of the Subcommittee, thank you for the opportunity to speak before you today. I want to express my appreciation to you, Mr. Chairman, for your recent trip to Juba and your engagement with leaders there on the importance of securing peace and holding accountable government soldiers responsible for sexual assault, murder, looting, and other serious crimes.

Today I want to discuss the alarming events we have seen over the past two months in South Sudan. I want to talk about the enormous efforts and good work of Ambassador Phee and her staff in Juba. Without ignoring the bitter reality on the ground, I want to talk about the possibilities for the way forward, and how we might help South Sudan pick up the pieces in spite of the very understandable skepticism many of us feel. And I want to talk about our current plans with regard to imposing real consequences on those responsible for violence and for derailing the chances for peace in South Sudan, including the possibility of an arms embargo.

Chairman Smith, as you know from your recent visit to Juba, South Sudan is in a dire state. The country and its people are suffering from multiple, converging crises—economic, political, and humanitarian. The most recent flare-up of violence, in early July, created a perilous security situation in many parts of the country; there is now fighting in Central and Western Equatoria, Jonglei, Southern Unity, and parts of Upper Nile. The potential for fighting to spread to other areas is real. The humanitarian situation is one of the most extreme in the world, with 4.8 million people—over 40 percent of the population—facing life-threatening hunger and 2.5 million people displaced by conflict. The economy is in free-fall, with year-on-year inflation soaring past 600 percent, and shortages of basic goods, as well as fuel. Serious crime, particularly a sharp increase in the occurrence of sexual violence, is now a part of daily life for many South Sudanese, and its effects are felt by ordinary citizens as well as the humanitarian agencies whose aid supplies are seen as targets.

I would like to discuss what I see as the way forward, but first I want to share my thoughts on events of the past two months. It has been a complex, consequential, and disheartening time for South Sudan, and for those of us who invested in its future. The violence that erupted in early

July was not inevitable. Unfortunately, neither President Salva Kiir nor then First Vice President Riek Machar were willing to work together to implement the agreement or set up the required security arrangements to prevent a return to fighting in Juba. Moreover, both lost control of their forces during a moment of tremendous political fragility; government soldiers engaged in sexual violence against civilians, including the attacks on both South Sudanese and foreigners at the Terrain Camp; and government forces spent weeks pursuing one of the co-signatories to the peace agreement. We saw the moment of greatest optimism since the signing of the August 2015 peace agreement—the establishment in late April of the Transitional Government of National Unity—shattered, once again, by the irresponsibility, recklessness, and ruthlessness of South Sudan's leaders.

Following the early July violence, the political situation has become even murkier. President Kiir's appointment of Taban Deng Gai as First Vice President, replacing Machar, followed Machar's flight from Juba after several days of heavy fighting in the capital. We are of course concerned about adherence to the terms and the spirit of the peace agreement, but at the same time it is not for us to tell South Sudan who its leaders should be. The United States supported Machar's return to Juba in April of this year not out of support for him personally, but because we supported the peace agreement under which he was returning. Now, given all that has happened, we do not believe it would be wise for Machar to return to his previous position in Juba. But this cannot become a justification for President Kiir to monopolize power and stifle dissenting political voices.

I would be remiss not to pause here and praise the work of Ambassador Molly Phee, Deputy Chief of Mission Jim Donegan, and their staff at Embassy Juba over the past two months. They have faced enormous hardship and real danger in doing their jobs, and their work has been extraordinary. They have maintained lines of communication with the government even during a time of unprecedented hostile rhetoric toward the U.S. government and the United Nations, and the few lines of communication we have for continued engagement are due to their efforts.

Ambassador Phee was instrumental as well in the response to the July 11 attack against foreigners and South Sudanese at the Terrain Camp compound in Juba, and in averting an even worse outcome. I cannot put this more simply: Ambassador Phee did everything within her power and resources to assist those who were under assault at Terrain Camp as soon as she became aware of what was happening. I believe the Members of this Subcommittee are by now familiar with events of that day, but it behooves me to put into the record a clear and complete accounting of those events.

At approximately 1600 local time on July 11, 50 to100 armed men in uniform entered the Terrain Camp residential compound in Juba, where multiple international staff employed by Internews, Management Systems International, and DynCorp resided. Residents included both

third-country nationals and U.S. citizens, and the national staff of the camp. Based on eyewitness accounts shared by the survivors and what we understand to be the geographic disposition of government forces throughout Juba at that time of the day, we assess that government forces were the perpetrators of the heinous crimes at the Terrain Camp.

During the attack, the Internews South Sudanese journalist and USAID implementer John Gatluak, who appears to have been targeted because of his Nuer ethnicity, was killed, and numerous expatriate staff members of both our implementing partners and the UN were robbed, beaten, and sexually assaulted.

Upon receiving word of the attack on Terrain Camp, Ambassador Phee immediately contacted South Sudanese government officials, including the heads of the Presidential Guard and the National Security Service (NSS)—two officials who she rightly assessed had personnel still under their personal control who could respond effectively—and demanded their intervention. As a result, the NSS sent personnel to the site. However, they had to move through the city in the midst of ongoing clashes occurring in multiple areas, and arrived around 1830 local time and put a stop to the attacks on the civilians at Terrain and removed most of those affected from the site, transferring them to an NSS facility and then to a hotel in a secure section of Juba. There were three expatriates who were hiding on the compound when the NSS arrived, and because of that they were not moved to a secure location. Terrain's local security company located them the next day and transferred them out of harm's way. Presidential Guard forces also went to the scene, but arrived after the NSS personnel had moved the survivors to safety.

Following the attack, and amid ongoing fighting throughout Juba—including in the immediate vicinity of the Embassy's residential compound—the U.S. Embassy worked to ensure that U.S. citizens and foreign nationals affected by the attack were moved to safety and received emergency medical treatment. The U.S. Embassy also provided for the rapid departure of those affected by the attack on an air ambulance, contracted by the Department of State, and U.S. MILAIR the following day, July 12.

During the time of the attack on Terrain Camp, the UN Mission in South Sudan (UNMISS) received distress calls, and requests for Quick Reaction Force (QRF) assistance. It remains unclear why a QRF was not sent, but the UNMISS camp itself was in the midst of the firefights between government and opposition troops at that time. We remain deeply concerned that UNMISS did not respond to the Terrain Camp attack. We strongly support the Secretary-General's establishment of a special, independent investigation into the UNMISS response to these terrible events, including the extent to which government obstruction played a role. If peacekeepers are deemed unwilling or incapable to carry out their mandate, which includes the protection of civilians, we will demand swift corrective action. We have asked to receive a full

and detailed briefing when the report is complete. We will continue to press the UN to improve security for all UNMISS personnel, NGO workers, and civilians.

On August 16, the Government of South Sudan set up a commission, chaired by the Deputy Minister of Justice, Martison Oturomoi, to investigate the incident at the Terrain Camp.

The South Sudanese government arrested and charged five Sudan People's Liberation Army (SPLA) soldiers with looting at Terrain Camp and an additional 14 for looting in general. It is unclear if there will be further arrests in connection with the attack on Terrain Camp. The government has not charged anyone with more serious crimes, such as rape, assault, and murder. We believe this is unacceptable, and we are demanding that the government to fully investigate and hold accountable all those involved in the attacks, including thorough criminal prosecutions.

The State Department publicly condemned the outbreak of violence and the reports of government soldiers raping women, and called for an end to attacks on civilians, UN peacekeepers, and humanitarian workers, as well as criminal accountability for those determined to be responsible for any crimes against humanity. The government must hold accountable those responsible for this violence and other violence in early July that killed and displaced thousands.

In sum, our principal concern in this case was ending the attack and getting the survivors to safety, ensuring that their immediate needs were met, and then protecting their privacy. Ambassador Phee urgently responded as soon as we were made aware of the attack.

Moving forward, USAID and the Embassy have been meeting regularly with our implementing partners in Juba and with their headquarters here in Washington, and are providing guidance to partners in light of the new security situation in Juba. Through these engagements we have held an open dialogue with our partners on the latest conditions in South Sudan and staff security, and steps taken by the U.S. Government to improve partners' safety.

Given the persistent fragility of the security situation in Juba, the safety of our personnel at the Embassy remains a top concern. The additional military and Diplomatic Security personnel who deployed to Juba on July 12, following the outbreak of violence, remain in place, with some personnel having been replaced in routine rotations. The U.S. military remains positioned outside South Sudan as well to assist in the event of renewed violence and a need to evacuate additional Embassy personnel or U.S. citizens. The U.S. Government is appreciative of Djibouti and Uganda's flexibility in supporting U.S. response forces during these uncertain times. The Department of State and the Embassy's Emergency Action Committee are regularly reviewing this security posture. In the event of another rapid deterioration in the security environment, the Department of State again will do everything it can to assist U.S. citizens in South Sudan, in addition to ensuring the safety of our own personnel. The State Department's July 10 press statement stressed that "the Embassy's ability to provide emergency services to

U.S. citizens in Juba is extremely limited," echoing previous Travel Warnings and security messages to U.S. citizens in South Sudan.

Now I would like to turn to what I see as the way forward. South Sudan presents a bleak picture at the moment. But I believe there are steps that South Sudan can take to implement key elements of the peace agreement. I believe it is more useful to speak in terms of the agreement's key reform elements, which allows us to home in on the most important steps that the Transitional Government can take to pull back from the precipice.

First, we continue to press all sides to adhere to the ceasefire. We have been clear in our message that there is no military solution to this conflict, and that we expect all sides to stop military operations. We will use the tools available to us to increase pressure on those who seek a return to fighting.

One particularly upsetting aspect of the current crisis is the conduct of South Sudanese government forces. We continue to receive reports of civilians being targeted, including with brutal sexual violence. Recent reports indicate a new campaign by government commanders to recruit child soldiers. The State Department released a statement on August 31 underscoring our alarm at the new reports of child soldier recruitment. I want to make clear that the United States has provided no direct military assistance to the Sudan People's Liberation Army since the outbreak of conflict in December 2013. Prior to that, our engagement did not involve the provision of any lethal material assistance.

We are also insisting that the government end obstruction of aid and instead adhere consistently to commitments to create an enabling environment for the delivery of humanitarian assistance and civilian protection. Humanitarian access cannot be sporadic and conditional, but should entail the unhindered ability to reach all populations by all means necessary, as well as freedom of movement for civilians accessing aid or endeavoring to return to their daily lives.

What is most urgently needed is the restoration of stability in Juba. Without a stable security situation, there can be no hope for an inclusive political process. That is why we strongly support the Intergovernmental Authority on Development's call for a Regional Protection Force (RPF) to deploy to Juba as part of UNMISS and help provide for free and safe movement throughout the capital, so that political actors can engage without fear of intimidation or worse.

The RPF should proactively contribute to stability and thereby allow for the demilitarization of Juba as called for in the peace agreement, helping to reduce tensions overall. But we must be clear that the government will need to allow the RPF to do its job once it is in Juba. No political process can take place as long as Juba is home to large numbers of armed men and heavy weaponry that are closely aligned with specific political actors. The peace agreement called for

SPLA forces to redeploy outside Juba, and that must happen. Elements of the government-controlled National Security Service must be firmly under civilian control and monitored closely to ensure that they do not contribute to instability. Any informal militia elements outside of the formal chain of command in and around Juba must be immediately disarmed. If these measures happen, the RPF would function to fill any security vacuum. The UN Security Council, in authorizing the renewal of the UNMISS mandate, included language calling for a security arrangements workshop to determine the number of forces that should remain in Juba; with deployment of the RPF, we believe this number should be the absolute minimum.

But South Sudan's leaders must also think beyond the most immediate security needs, and look ahead to the creation of a professional, inclusive South Sudanese national army – which is the only way to prevent further atrocious violence in the future. We are pushing South Sudan's leaders, as the agreement requires them, to contemplate the end state of security sector reform: what is the size and composition of a professional, inclusive national army? How will they disarm and control informal armed elements outside the formal military chain of command? South Sudan's leaders need to be able to articulate what that end state looks like, and any international support for cantonment or DDR activities will depend on, among other things, the credibility of their envisioned end state.

Stabilizing the security situation is only the first piece, and ultimately its importance is that it will allow a political process to resume. Any political process, to be credible and viable, must be more inclusive than it has been to date. Once the security situation somewhat normalizes, I believe what is needed is an all-parties conference to reconstruct the power-sharing provisions of Chapter I of the peace agreement. However, such a conference and new power-sharing arrangements can only succeed if those currently in power are willing to effectively share control of the state and its resources. We have seen time and again in both Sudan and South Sudan that implementing effective power-sharing arrangements is difficult. Without broad, inclusive access to resources and representation in government for all of South Sudan's groups, violence will continue, as many will continue to see violence as the only path to political relevance. The violence in early July drove out of Juba significant factions of the Sudan People's Liberation Movement-in-Opposition, the Former Detainees, and other political parties. They must be deterred from supporting any further violence. Thus they must see a means of peaceful engagement to rebuild South Sudan.

President Kiir and those around him bear much of the responsibility for the extent to which the Transitional Government has failed to become the representative body it needs to be, both before and after the recent return to conflict. In addition to the egregious action of militarily pursuing his First Vice President out of South Sudan, President Kiir has continued unilateral implementation of his 28 states decree from December 2015, stoking grievances in many parts of the country and among various tribes for the way it privileges his own Dinka ethnic group; he

has reconfigured the Cabinet following his elevation of Taban Deng Gai into Machar's previous position and demoted Nuer politicians loyal to Machar; and he has facilitated a zero-tolerance policy toward dissent both within the government, from fellow politicians, and without, from civil society and the media. His recent call for early elections is an apparent attempt to circumvent the timeline laid out in the peace agreement, which calls for elections after a constitution has been drafted and ratified through an inclusive, consultative process.

Only once the transitional government arrangements are reconstructed based on discussion among an inclusive and nationally representative group of South Sudanese leaders, and state resources are more equitably distributed, can South Sudan plausibly expect to escape further conflict.

Accountability is also key to achieving peace. We believe the Transitional Government should prioritize passage of legislation regarding the African Union-led Hybrid Court for South Sudan; in the meantime, the African Union should take steps towards setting up the Hybrid Court by laying the administrative and technical groundwork. A nationwide survey by the UN Development Program and a South Sudanese NGO indicated that 93 percent of respondents supported holding individuals accountable in court for war crimes and crimes against humanity and 83 percent supported the involvement of international justice mechanisms. We strongly support the establishment of the Hybrid Court, which will have jurisdiction over any criminal acts committed during the current transitional period. The Transitional Government should also prioritize legislation establishing an open, consultative process for drafting and ratifying a new constitution, under which new elections will be held at the end of the transitional period.

What I have described is a sequence of interdependent events: beginning the process of drafting a constitution cannot happen until an inclusive process reconstructs the peace agreement's power-sharing arrangements; and such an inclusive process cannot happen until the government undertakes to demilitarize Juba and allow different political actors to move around without fear for their safety; and the demilitarization of Juba cannot happen until the Regional Protection Force deploys with the robust mandate described in UN Security Council Resolution 2304.

I am describing this as the way forward not because it will be easy or simple, but because it is almost impossible to see any other path that does not lead to a future of oppressive one-party rule, renewed conflict, or—most likely—both at once. I am not naïve about the chances of all these things happening. As we have seen in the past two months, and the year before that, our ability to influence events in South Sudan, and to steer its leaders toward more constructive behavior, is limited. President Kiir and his inner circle may well not see an inclusive political process as being in their interests, but without such a process it is hard to have much hope for South Sudan. This is why we are continuing to work to preserve regional and international unity in pressing the government on the need for fundamental reform. As I have said before to this

Subcommittee, South Sudan has no greater friend than the United States, and here I mean the people of South Sudan. It is their future that grows bleaker by the day, and on their behalf that we must continue, even against long odds, to push their leaders to act responsibly and put the interests of their people above their own.

We have had extensive discussions with the African Union on their efforts to establish the Hybrid Court for South Sudan, and continue to urge AU officials to move expeditiously to establish the court. While there are numerous difficult technical questions to address regarding the court's location, procedures, and personnel, we have suggested that they demonstrate concrete progress by establishing an office of the prosecutor and hiring key administrative staff. We have also had productive discussions about providing initial financial support, and anticipate being able to finalize a grant – fulfilling Secretary Kerry's pledge to support justice and accountability in South Sudan – by the end of this fiscal year.

We have made clear to government officials our expectations that they cooperate fully with the Hybrid Court. We have also made it clear that we expect South Sudanese officials to hold accountable their security forces—both formal and informal—who are responsible for violations of international humanitarian law and the law of armed conflict, including those responsible for the unconscionable targeting of civilians and sexual violence.

The UN Security Council just returned from a trip to South Sudan, where they urged implementation of UNSCR 2304 and the deployment of the Regional Protection Force. We were pleased that the Council was able to come to agreement with the Transitional Government on several key issues, including granting consent to the deployment of the RPF and to work with UNMISS. However, we now need to see these words turned into action. Should the South Sudanese government obstruct deployment of the Regional Protection Force, or otherwise place impediments in its way, then it must face consequences as envisioned by UN Security Council Resolution 2304. The August 12 authorization of the mandate for the UN Mission in South Sudan included a stipulation that the Security Council would consider other measures should the Government of South Sudan obstruct operationalization of the Regional Protection Force or UNMISS operations generally.

If the Government of South Sudan obstructs deployment of the Regional Protection Force, we will be forced to interpret this as a signal that the government is not serious about working with the UN Security Council and its IGAD neighbors in restoring security in Juba and allowing an inclusive political process to resume.

If the Secretary General's report after 30 days finds that the government is obstructing deployment of the Regional Protection Force or continuing to prevent UNMISS from fulfilling

its mandate, or there is other clear evidence of such obstruction or impediment, we are prepared to support the imposition of an arms embargo on South Sudan in the UN Security Council.

Beyond an arms embargo, we stand prepared to impose visa restrictions on individuals involved in public corruption. As has been exhaustively discussed, including with Members of this Subcommittee, official corruption has a long history in South Sudan, and it has played a direct role in the furtherance of conflict in the country.

I would have liked to come before this Subcommittee today with better news. When I was last here, in April of this year, it seemed we might be on the verge of the first real progress since the peace agreement was signed. Now, as we contemplate events of the past two months, we face an ever-narrowing set of options to pull South Sudan back from the brink. It is a frustrating and disheartening situation, particularly, of course, for South Sudanese. With them in our minds, I believe we must remain engaged and continue to press South Sudan's leaders to give peace a chance, to allow deployment of the Regional Protection Force, demilitarize Juba, broaden political participation in the government so that it can effect reform of the security sector, stabilize the economy, pursue accountability, and prepare a new constitution that will guide South Sudan's future.

Thank you for inviting me to speak today, and I look forward to your questions.

Mr. SMITH. Mr. Ambassador, thank you so very much for your statement and your fine work. Without objection, your full statement will be made a part of the record.

Just a few opening questions, and I do want to add my congratulations and thanks to Ambassador—the U.S. Ambassador to South Sudan, Molly Phee, and her staff who, under unbelievably trying circumstances, have been working around the clock to try to secure the peace, provide for access of humanitarian aid workers, which is one of the biggest impediments and why so many people are dying of malnutrition and why so many young people, especially children and babies, are succumbing to starvation. They are working hard and I want to thank her for her leadership as well.

Let me ask you about the zero tolerance policy that the Defense Minister, when I asked him said they would do against rape and sexual assault.

He made it very clear that he was going to call the President to try to get him to do it as well. We did meet with Salva Kiir and I raised it with him and he too said he would do it.

We have called back since then, a little over a week. It hasn't been promulgated yet and, of course, the mere issuance of a statement without implementation is not worth the paper it is printed on.

So we are hoping that the two will go hand in hand. Good strong statement—hold these service members, these armed forces to account, and police, and put them behind bars when they sexually assault and rape and kill and maim. Your thoughts on that.

Secondly, Ambassador Lyman, who as you know will be testifying on the second panel, who performed your job admirably and with great distinction when he was the Special Envoy, makes the point in his testimony that the new rapid protection force should not be under UNMISS, the U.N. Mission there.

Greg Simpkins and I met with Ellen Loj, who's the head of the United Nations Mission and she said they tried to get commanders to make the trip which is only or less than a mile away to try to save people who were under assault at Terrain and they wouldn't go, and this isn't the first time.

It's happened several times. They have the right rules of engagement. This isn't Sarajevo all over again or UNPROFOR in the former Yugoslavia and elsewhere. They have robust rules of engagement in Chapter 7 powers.

He suggested it be under a separate authority and mission. Your thoughts on that, whether or not that would be improvement and provide some additional help.

And then the access issue—it seems to me that if, as I said, people will die if there is not humanitarian access. The huge majority of humanitarian workers are South Sudanese who, in a way are in a special category of risk—your thoughts on what we could do there.

And then security sector reform—when you testified last time you put the agreement under four basic baskets which are mutually inclusive of each other—governance and constitutional reform, macroeconomic reform and transparency, security sector reform, and justice and reconciliation.

And I think as you pointed out and as pointed out by others, the Hybrid Court ought to be set up. It ought to be done yesterday to hold people to account for acts of impunity and crimes against humanity. But the security sector reform seems like the most daunting challenge.

With all the militias and the lack of chain of command that appears to be the situation there, your thoughts on the prospects of meaningful systemic reform of the military.

Ambassador BOOTH. Thank you very much, Mr. Chairman.

Let me go through those. First of all, I want to thank you for being such a strong advocate for the zero tolerance policy on gender-based violence and for rape other such crimes and for raising that at the highest levels during your visit in Juba.

It's certainly something that we are following up on. Unfortunately, like many commitments that are made when we meet with senior officials in South Sudan, the promises are not always turned into reality.

But it is something that, certainly, is important and we will continue to push on that. We will let you know what success or lack of success we may have in that regard.

Secondly, as regards to the Regional Protection Force, there are a number of reasons why IGAD proposed and we have supported putting the Regional Protection Force as part of the U.N. Mission in South Sudan.

First of all, there is the issue of funding it, and a separate standalone force under an African Union or an IGAD flag would have faced problems of being funded and would have severely delayed its ability to be deployed.

Doing it under the U.N. may not be always the fastest but that's one of the things that I've been engaging on in my many trips to the region and talking with chiefs of defense and foreign ministry officials as well as other senior leaders to ensure that the three countries that have pledged troops to this Regional Protection Force—Ethiopia, Kenya, and Rwanda—would be, indeed, prepared to move their forces very quickly and we would be prepared to help them to move them quickly to do that.

Also, this force was designed in a way that it would be under one commander and that commander would report to the force commander of UNMISS but would have the authority and the mandate from the troop-contributing countries to use that force for the very specific tasks of the mandate in U.N. Security Council Resolution 2304, which is to ensure the free movement of people in Juba, to protect critical infrastructure including the airport and keeping it open, and in intervening should anyone be planning or engaging in attacks on the U.N., on civilians, on IDPs—a very broad mandate.

And, again, in our discussions with the troop-contributing countries, they have assured us that the troops they would deploy to do this mission would have the political backing in their capitals to, indeed, enforce those tasks.

So I understand the skepticism that many may have, having looked at other U.N. Missions. But this seemed to be the most practical and expedient way of getting troops on the ground who could actually provide a security umbrella in Juba.

But as I said in my testimony, just putting those forces on the ground will not solve the problem. They need the cooperation of the South Sudanese Government and in the peace agreement and particularly in the security arrangements that followed it that were negotiated after the signing of the agreement in August 2015.

There was a limitation on the number of forces that both Salva Kiir, the government, and Riek Machar, the opposition, could have in Juba and all other forces were to be at least 25 kilometers outside of the city.

So that is at least a starting point for taking the heavy weapons and many of the security forces that are currently in Juba and getting them out and we would hope that the government would cooperate in further reducing the military footprint so that the citizens of Juba can feel more secure and so that there is the room for the political dialogue that I talked about.

On humanitarian assistance, this is indeed a terrible situation. Since the outbreak of this conflict, 59 humanitarian aid workers have been killed, making South Sudan the most dangerous place for humanitarian aid workers, more dangerous than Syria, I am told.

And so this is a serious problem. It is something we have engaged repeatedly on. In my many visits to Juba I have engaged with President Kiir, Defense Minister Kuol Manyang and others on this.

We keep receiving assurances that this issue will be addressed, that orders are issued, that they simply need to have a specific example so they can go after individuals who might have been harassing aid workers or stealing aid.

But, frankly, this has become a systemic problem. Shortly after the fighting in July, there was looting of many different stores in Juba. One was the World Food Programme warehouse, and it was very organized.

A truck came with a crane, not only to loot the food but to take the generator from the WFP compound.

So this, indeed, does need to investigated and people need to be held accountable. I think that is the only way that the message will get out that the government is truly serious that humanitarian aid workers and their supplies are meant for the people of South Sudan and should not be interfered with.

But this is going to be a continued engagement and a hard slog, I am sure, with the government in Juba.

On security sector reform, the peace agreement and in particular the security arrangements negotiated after it called for a security and defense sector review board to outline sort of the end state of the security arrangements of South Sudan—what the army would look like, the security services, the police, et cetera.

That board had just begun meeting when things fell apart in July this year. But even under the peace agreement it was foreseen that it would not come to conclusions for about 18 months into the transitional period whereas the idea of cantoning forces and beginning a DDR process was to start prior to that.

What I'm proposing, and I've said in my testimony, is that we really need to have an idea of what the end state is. South Sudan has suffered for too long as a heavily militarized state, probably

understandable in that it was the product of a long liberation struggle—Anyanya I and Anyanya II against the government in Khartoum—so almost 50 years of struggle.

But it is time that South Sudan, in order to be able to be at peace and to prosper needs to be a less demilitarized state. So can we get South Sudanese to agree on what the end state is and if we agree that that's a sustainable and reasonable end state that's something that then we can look to support.

So, really, our leverage on getting a meaningful security sector reform is that we will not fund things if it isn't a reasonable outcome that we are driving toward.

And then on the Hybrid Court, again, we share frustration that this is moving more slowly than we would like. I have engaged numerous times and we had our legal experts engage with the African Union.

We are at the verge of giving them $3.3 million to actually begin some of the work. We have encouraged them to move forward on at least establishing an office for the prosecutor so that testimonies and evidence can begin to be collected even before the court is established and judges can decide on who would be indicted or who would be looked at by the court.

So that's something we want to push forward. I discussed that also with the African Union High Representative for South Sudan, the Honorable President Konare, former President of Mali, who has been deeply engaged for the past year as well in trying to sort out the problems of South Sudan.

Thank you.

Mr. SMITH. Ms. Bass.

Ms. BASS. Thank you again, Mr. Ambassador.

I wanted to know if you could tell me the status of the former President of Botswana, Festus Mogae, and if you could, one, review the role he is playing and then the status of that.

We've talked about humanitarian aid and I know no one wants to see that end, but how can humanitarian aid get to the population?

You mentioned the World Food Programme and the theft—the organized theft that took place and I wanted to know if that was the government or the opposition.

We have talked about an arms embargo and I mentioned that in my opening and I wanted to know, one, what is the position of the administration on an arms embargo and where are the South Sudanese getting their arms from now?

I also wanted to mention a couple other items.

Ambassador BOOTH. Thank you, Congresswoman.

Let me start with question about the Joint Monitoring and Evaluation Commission, which is headed by Botswana former President, Festus Mogae.

He was appointed by IGAD to fulfill the role as chair of JMEC. Now, JMEC is a committee that is made up of South Sudanese parties as well as of the members of IGAD Plus, who are both guarantors and in our case a witness of the peace agreement.

We're not a guarantor of the peace agreement. And he chairs monthly meetings of that group, and his function is to oversee the implementation of the agreement and where the parties get stuck

in implementing he is to recommend ways forward. And if the parties are blocking implementation his recourse is to report to IGAD, to the African Union Peace and Security Council and to the U.N. Security Council, and he had done a number of reports to those various bodies.

He has tackled issues such as the problem of the 28 states, the impasse in the seating of members of the transitional legislature and other elements of the agreement that the parties were unable to actually find a way to implement because they were not working in good faith with each other.

After the events of July 8 to 11, JMEC temporarily moved its operations to Addis Ababa. They have now gone back to Juba, and one of the tasks that the Security Council asked JMEC to undertake is to hold a security workshop to determine the level and arming of forces that should remain in Juba, and I understand that President Mogae has convened a meeting which will be held on the 22nd and 23rd of this month to look at that.

So those are the types of activities that JMEC is doing. We are one of the major supporters of JMEC. We have contributed over $3 million to the operation of the JMEC and we believe it is a critical component for successful implementation of any part of the peace agreement.

It has been criticized by the government in particular for usurping government authorities.

We do not see it that way at all. We see it as the neutral—President Mogae in particular as the chairman, as the neutral arbiter of implementation of the agreement.

On humanitarian access, I just really would like to clarify one thing on what Secretary Kerry was expressing in the press conference in Nairobi.

I really think what he was expressing there was not a plan to cut off humanitarian assistance from the United States but, rather, a frustration with the continued interference with the humanitarian assistance that we are providing and really trying to put South Sudan's leaders on notice that they have to get serious about dealing with this. That was the message——

Ms. BASS. I wasn't referencing Secretary Kerry, really. I know that there is concern about that here.

Ambassador BOOTH. Yes. So, again, how do we get the humanitarian assistance delivered? It is a systemic problem and it is partly related to the criminality.

The WFP warehouse incident, for example, occurred after opposition forces were driven from the capital so it would have to have been government forces that were doing that looting.

And, again, that is the type of thing that needs to be investigated and some examples need to be made of people who were involved in that type of activity.

Of the people that the government claims it has arrested for looting in the aftermath of the fighting in July it is not clear to us that any individuals—of those individuals particularly involved are being looked at for involvement in this attack.

And then the arms embargo—what we have tried to do with the arms embargo, as it is a major tool, is to achieve progress toward peace by threatening it and we have used that on a number of oc-

casions and we think it is one of the reasons that the government is seriously looking at allowing the deployment of the Regional Protection Force because they know that if there is impediments to that—that the United States and I know that many other members of the Security Council are already on record of supporting the arms embargo.

But I think most importantly what they heard when the Security Council permanent representatives went to Juba this past weekend was a unanimous Security Council that was saying when we pass a resolution, even though some may have abstained on it, it is the Security Council that is speaking and so you have to take that seriously.

And as I mentioned in my testimony, if the Secretary-General reports that there is continued obstruction of this force we are prepared to move ahead and, as we said in Security Council Resolution 2304, which we have the pen on, that there is an appended resolution to be voted on, which is an arms embargo resolution, and we are also prepared to look at other tools such as sanctions.

I must say, though, our record in getting additional people sanctioned in the Security Council has not been good. We had what we thought was a very good case back about a year ago when fighting flared up in the Malakal area right after the signing of the peace agreement and the two generals who were responsible for this—Paul Malong on the government side and Johnson Olony on the opposition side—we put their names forward for sanctioning and the Council—several members of the Council blocked that effort.

So it is not—even when you think you have a very clear case it is not easy to get the Council to agree on that and it is—to be effective travel and financial sanctions really do need to have the backing of a broader community than just the United States.

Ms. BASS. Did you mention who's the primary or where's the primary place that they get their arms from? Who is selling them the arms?

Ambassador BOOTH. They seem to have mainly come from the former Soviet Union area but I think most of them come in through the gray or black market arms market.

I don't have specific countries that I can attach to specific arms platforms because obviously, the government goes to some lengths to keep that information to itself.

But, clearly, it has access still to arms and——

Ms. BASS. Which is why I wonder about the effectiveness of an arms embargo. But anyway——

Ambassador BOOTH. Well, that's why if an arms embargo is voted it has to be something that is done by the Security Council so that it will have the imprimatur of that body and the weight of the international community behind it.

Ms. BASS. So, Mr. Chair, before I yield I just wanted to bring attention to someone who's in the audience who was a former intern with me, David Acuoth, who was part of the Lost Boys and Lost Girls that have been living very successfully in the United States and is leading an effort with other Lost Boys and Lost Girls—I should say Lost Men and Lost Women because they are all grown.

But we actually plan to next week introduce legislation calling for a program that would be run by us, by the State Department,

to allow some of the former Lost Boys and Lost Girls to return to South Sudan.

Those individuals who have come here, who have gotten their education, who have been successful and want to go back and give back to their country, obviously, no one would suggest that they go back right now.

But given the length of time it takes to do legislation we certainly would hope if a program like that is instituted it was one that had been suggested before many years ago by one of your former colleagues that it is something that we might consider.

So I just want to mention that and I will save my other questions for the next witness.

Mr. SMITH. Mr. Donovan.

Mr. DONOVAN. Thank you, Mr. Chairman, and Mr. Ambassador, thank you for your service to our country. Many of the things that you spoke about are troubling.

Two things I would like for you to address, if you could for us, is one, is the recruitment of children to fight in these battles and the other is the U.N. Mission and South Sudan's inability to protect the workers that are going there on humanitarian missions.

And the last thing, if you have a moment, is you spoke about the path of peaceful engagement. I was just curious about how you think we get there.

Ambassador BOOTH. Thank you, Congressman.

On child soldiers, I think the number was already read out of about 16,000 supposedly have been recruited during the course of this conflict since December 2013.

Child soldiers had been a problem in South Sudan before this current conflict. It's something that we had actually engaged very robustly with the Ministry of Defense prior to December 2013 on and which we were making actually some real progress in getting child soldiers out of the SPLA and even addressing those who were in many of the militias throughout the country.

Mr. DONOVAN. Ambassador, what ages are we speaking about, if you know?

Ambassador BOOTH. I have heard of children as young as 10 and 12 being involved. It could be even younger, in some cases. But this is something that we have been constantly engaging them on.

Now, during the height of the conflict they were recruiting both sides, opposition and government, and they were utilizing militias and many of these militias are traditional youth organizations that go on traditional cattle raids and there is sort of no distinction there in terms of age of majority, if you will.

And so they ended up being, I think, swept into the fighting. So that's part of the problem.

But, clearly, as we look—and I talked about a security sector end state. Clearly, we would want to see a security sector end state that the government would support. They would have no place at all for child soldiers and we will continue to engage on that.

The State Department last week, I think, issued a very direct statement condemning the use of child soldiers in South Sudan and the continued practice of that there.

On UNMISS and its problems in protecting humanitarian workers, I would just like to give a little bit of context. The U.N. Mis-

sion in South Sudan on December 14, 2013, the day after the trouble started in Juba, they had camps in Juba and in other towns.

Their own bases had become the sanctuary of tens of thousands of South Sudanese who were fleeing ethnically-based killing and this was a new move, if you will, for the U.N. to actually let people onto their bases in such numbers. But we think it was the right thing to do at the time and that it saved thousands of lives to have that happen.

But what has resulted is the U.N. is now saddled with somewhere between 150,000 or so people that are actually now in, if you will, their own facilities—their own camps—that they have to provide static protection to and in many instances they don't control much of a perimeter around where their camps were and so it takes a fair number of troops to be able to provide that static protection.

So this means that there are fewer troops available for moving out into the city and to the countryside. But we have had numerous successes.

For example, back in April of this year Ambassador Phee worked very diligently with the government in Juba, the regional governor in then Unity State and the U.N. Mission to put in a forward base in Leer, which is in Unity State.

So it was a hot spot for humanitarian needs and the humanitarian community was demanding protection there.

And so the U.N. did go and establish a forward base there and that enabled humanitarians to access an area that they had not been able to get to for almost 2 years of the conflict.

So we have had successes like that in some specific cases. But the ability of the U.N. to be able to move about the country as well as in Juba has been restricted by the government.

UNMISS has had two helicopters shot down by government forces over the years—one before the conflict and one since—and when they need to fly they need to get government permission to fly to make sure that it is safe and the government does not always give that.

So, again, I would go back to the problem is perhaps partly UNMISS but it is also mainly the government which has not allowed UNMISS to do all that it could do to facilitate humanitarian assistance delivery and that function—humanitarian assistance delivery and supporting that—is one of the four key functions that the Security Council has given to UNMISS. So they, clearly, understand that as part of their mandate.

Mr. DONOVAN. And if you could just spend a moment, because my time had expired, just about your vision on how we get to this path of peaceful engagement.

Ambassador BOOTH. Well, I think the first step is, as I said, getting Juba secured so that there is some space for a political engagement.

Now, why would those that are sitting in Juba now who feel that they can implement the agreement where they are—why would they go forward on that.

I think the answer to that is that they have to ensure that these people that have been driven out over the past 2 months and others that felt already excluded from the peace process, if they are

not given a peaceful path forward, a political path forward, it is going to result in more widespread fighting throughout the country.

And can this government afford that? Is that what it wants its legacy to be, a South Sudan that goes down with more and more fighting in more and more parts of the country?

So there is going to have to be pressure on the leaders for sure. But, frankly, it is the only way forward that's going to lead to peace, is to have this open up some political space and have this discussion with others.

Mr. DONOVAN. Thank you very much, sir.

Mr. SMITH. Mr. Meadows.

Mr. MEADOWS. Thank you, Mr. Chairman.

Mr. Ambassador, let me come back to a question that my colleague, Ms. Bass, asked you, because your response was a little troubling with regards to arms and where they're coming from and where they are not coming from.

Are you suggesting in your testimony that we don't know? Because you said it was a gray market. But we have unbelievable intelligence even in that region. So are you suggesting we don't know or that you can't say?

Ambassador BOOTH. Congressman, what we do know I would have to address in a different setting than this.

Mr. MEADOWS. All right. That's fair enough. I just wanted to make sure we clarified because here's my concern, Ambassador.

I have followed Sudan and South Sudan before there was a South Sudan and it has been a passion for my family from a humanitarian standpoint.

The true stories that have been told will break anyone's heart on what so much has not only been done but has not been done.

And so I appreciate you being the Special Envoy and your work there in a very complex and difficult situation. But what I've also come to find out is that from both sides—those who would be supportive of Sudan and those who would be supportive of South Sudan in a particular position—they believe that the United States has failed to live up to the promises that we've made and that we make threats that we don't follow through on.

And even some of your testimony here today would seem to underscore that, that when we talk about arms embargo or sanctions does it not have a chilling effect if we ask for sanctions and they don't get passed by the U.N. that there is no consequences—that life is going to be like it always has been?

Ambassador BOOTH. Well, first of all, on the threats and particularly the example that I gave of the two generals, even then, while we were trying to get them on the list we were using that as leverage to get them to stop the fighting and they were both told directly that we were going to sanction them.

We were proceeding in New York to do so and the only way they could get out of this would be if they stopped the fighting.

Well, while the sanctions committee did not approve that into the list, it also did have the beneficial effect of the fighting dying down in the same time frame.

So cause or effect, I can't prove it. But I think it——

Mr. MEADOWS. I think the results speak for themselves. But here's the concern I have. If we make too many idle threats that

are not backed up by action then ultimately what happens is the threat becomes irrelevant and, Ambassador, do you believe that our country, indeed, the State Department is using all its leverage points to accomplish the task at hand on dealing with the issue in South Sudan? Are we using every leverage point that we have?

Ambassador BOOTH. Congressman, I think—I think we are using all the leverage points that we have. Some take some time to develop. Sanctions cannot be imposed even bilaterally under U.S. law without a rather extensive package that could hold up in a court of law.

Mr. MEADOWS. Right. Right.

Ambassador BOOTH. And so sometimes, you know, when you think you need to move against someone you find that the actual evidentiary requirements are not there.

This is, as you mentioned, the idea of idle threats. This is one reason we don't just take names up to the Security Council if we don't think we can get them through.

It is also why, for example, we often, as we have done with the arms embargo, we will say this will—we will move on this and we will put the full weight of the United States behind trying to achieve this if you don't do X or Y.

Mr. MEADOWS. Well, the reason I ask is because it sounds like you walked back a little bit Secretary Kerry's comments here today and I guess why would you walk those back?

Ambassador BOOTH. Well, I'm certainly not trying to walk back what the Secretary said. But our humanitarian assistance——

Mr. MEADOWS. That is what it sounded but anyway, you go ahead and clarify. That's why I am asking.

Ambassador BOOTH. Humanitarian assistance is something that we provide on the basis of need. It's not something we provide on the basis of political——

Mr. MEADOWS. But it is something that we must prioritize. And so if some groups are using it inappropriately there is more need than there is ability, even for a very prosperous nation like the United States.

And so do they understand that there is a priority for humanitarian relief?

Ambassador BOOTH. That is something that I think——

Mr. MEADOWS. But if they don't understand it please let them understand it based on this hearing.

Ambassador BOOTH. I think it came across from what the Secretary said. It certainly is something that I've made very directly to them, that they are not the only place in the world that needs humanitarian assistance, that there are many other——

Mr. MEADOWS. And this comes from someone who is—my kids collected money in tennis cans to give to them to support. So, I mean, it is not out of a noncompassionate heart.

Let me ask you one other question. I think there is a new law about NGOs and 80 percent of those NGOs have been having to be South Sudanese citizens in order—is that correct? Are my notes correct on that?

Ambassador BOOTH. Yes.

Mr. MEADOWS. So tell me about the implications. If that is indeed correct would that not have a chilling effect on some of the work that the NGOs have done and could do in the future?

Ambassador BOOTH. This NGO law has been something that's been in the making for a long time, something that I've engaged on several occasions directly with President Kiir on.

Yes, there is a provision that says the percentage of workers of NGOs need to be South Sudanese. This is something that many countries do to try to ensure that aid workers or aid organizations are also hiring local staff.

There are a number of problems with the bill that we've pointed out. A lot of them have to do, frankly, with things like excessive registration requirements and also very vague references to what is allowed and what is not allowed that allows the government to interpret whether an NGO is doing the right thing or not.

Mr. MEADOWS. All right. So let me ask, and be specific then—this new law do you see it having the potential of providing less humanitarian relief to some of the most needy in the country—the potential?

Ambassador BOOTH. We certainly see this law as having a potential impact on the ability of NGOs, both international and local, to operate.

Mr. MEADOWS. So does the President—their President not see that?

Ambassador BOOTH. Well, I'm sure that they do see that.

Mr. MEADOWS. But they think that we are just going to go ahead and just go along and fund it and create a jobs program?

Ambassador BOOTH. Well, I wouldn't see this as a jobs program. I think most NGOs probably do hire more than 80 percent of their staff being local. I don't think that's——

Mr. MEADOWS. So why the need for the law then?

Ambassador BOOTH. Well, that's a good question and these are some of the issues that we have raised repeatedly over 3 years when this has been under consideration.

Mr. MEADOWS. Well, if you could——

Ambassador BOOTH. It is a problematic law and we have made that very clear.

Mr. MEADOWS. Okay. If you could, as the Special Envoy, take to their very highest government officials a sincere concern from Members of Congress on this new law that potentially the humanitarian relief that needs to get to needy families and citizens could be stopped because of the unintended consequences of a new law and that we would ask them to reconsider.

And with that, I yield back, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Meadows.

Mr. Rooney.

Mr. ROONEY. Thank you, Mr. Chairman.

Ambassador, you paint a very bleak picture and what we have talked about here today and the testimony you've given—we talk about a government that has lost control of its military from time to time, an opposition that's gone—a government that has raided humanitarian and food aid from this country of which I sit on the committee which helps appropriate that money, which is why it is concerning to me.

But as a Catholic, it is also concerning to me that this would happen in this day and age that we, as Americans, wouldn't be able to do anything about it.

And the only thing it seems like you've said that we have leverage to use is this arms embargo and we keep threatening to use it but we never really get there.

And then I just noticed that maybe it might be a political thing to say if we use an arms embargo then we are admitting some kind of failure as a government.

I hope that is not the case. I hope that it is a sincere ploy or a sincere intention of this government to use an arms embargo because guess what? What can it hurt if we actually do it?

If this guy controls the government there is no opposition. He's used the term over-militarization—you used that term. If that is true, then the only thing that we can control is how much militarization is in that country. Then what can it hurt if the United States does take the lead to say that enough is enough?

We've got diplomatic envoys being shot at. We have got all kinds of crimes that we have talked about against its own citizenry. We have got humanitarian aid and food being seized upon. We have got the opposition has fled.

We have got a government that has lost control of its own military and we keep threatening to use this arms embargo as if it is something that well, maybe if we say this one more time we will put this security force in there of 4,000 people, which I got to be quite honest with you—I don't think they are going to do anything.

I think that this is just going to keep going on and on and we are going to be right back here again at the next hearing talking about how this has failed but we might use an arms embargo again.

I just want to know what will it hurt if we do it. Is it an admission by the administration that we failed in South Sudan? Is that the problem?

Ambassador BOOTH. Well, Congressman, as I've said the—it is a major tool and to be effective it has to be done multilaterally, not by——

Mr. ROONEY. Why? Just do it. Just use the United States as the leader of the free world and do it and other people will follow.

Who cares if it is unilateral? That doesn't make any sense. We build coalitions all the time and people follow us because we are the number-one country in the world. We are the sole superpower.

Ambassador BOOTH. Right. And because it is such an important tool we have used it effectively and we think we are using it effectively now to leverage a way forward for South Sudan to get it back to a path of peace and political dialogue.

Mr. ROONEY. Do you believe that? Do you believe that we are going to create this space in Juba like you say and there is going to be elections and a political process and a constitution and all that? Do you believe that—unless we do something affirmative?

Ambassador BOOTH. Well, something affirmative we are trying to do is we are trying to get this force on the ground and get Juba to be demilitarized and this is the leverage we are using to try to get there.

Now, the South Sudanese may very well not cooperate with this, in which case, as I have said, we are prepared to move forward on that as well as potentially other sanctions. So——

Mr. ROONEY. Okay. I hope you do.

Ambassador BOOTH [continuing]. Our frustration level is—we share it.

Mr. ROONEY. Yes. Hey, you are on the front lines so, I mean, I appreciate your service. I just don't believe that any of this stuff is going to work anymore. I don't think that the security force is going to work.

I think that we need to move forward with an arms embargo now and stop as much bloodshed and killing as we can and protect the food and humanitarian aid that Mr. Meadows talked about getting in there by however means we need to figure out how to do that because I think that's the only thing that's left to do is to help the people that are starving and being oppressed.

But, trying to talk about elections and that kind of stuff, I don't buy it.

I yield back.

Mr. SMITH. Thank you, Mr. Rooney.

Mr. ROONEY. Mr. Cicilline.

Mr. CICILLINE. Thank you, Mr. Chairman. Thank you, Mr. Ambassador.

Mr. Ambassador, what is your best assessment of the anticipated timeline for the Regional Protection Forces, both troop generation and deployment, and how long do you expect that negotiations with the government will continue on the composition of the RPF?

How long will that delay the deployment? Have any countries outside the immediate subregion besides Rwanda indicated that they might consider providing troops to the RPF?

Ambassador BOOTH. Okay. On the time line—what I have been told by the military leaders in the region is that they are prepared to deploy the troops very quickly, within a matter of weeks, after there is permission from the government to go in.

They have made it clear they are not fighting their way into Juba. The U.N. does not send missions to fight their way into countries.

But if the government in Juba accepts this force and provides land for it to be bivouacked on, what I have been told is they are prepared to move the troops very quickly.

Moving the equipment will take a little bit longer and that is something that they have indicated that they might need some help with.

Mr. CICILLINE. Maybe I wasn't clear, because I recognize that the troops are prepared to—I guess my question is what's the length of time the government is likely to engage in negotiations. That is really the unknown piece of it.

Ambassador BOOTH. Well, yes. I mean, there's also questions about how fast sometimes countries can actually mobilize their troops.

Mr. CICILLINE. Right.

Ambassador BOOTH. In terms of that—this is what the Secretary-General's report, which should come out and will be discussed next week in the Council and will be about is the government really

moving forward to accept this force and the message that was given by the Security Council visit, that Secretary Kerry gave with regional leaders including to the South Sudanese when we met in Nairobi on the 22nd of August, was a very clear message that we expect that this force is going to be deployed.

It is going to be deployed as envisioned by IGAD, which is with the troops from those three countries who are committed to this mission of actually ensuring freedom of movement around Juba, protecting the critical infrastructure including the airport and preventing violent actions. So protecting civilians in a more robust, not a static, manner.

Those troop-contributing countries have agreed to that mission. So we don't want to enter into a negotiation with South Sudan on who the troop contributors will be, what arms they will need, how many of them can deploy. That is foreseen and what their mission will be—that is all in the resolution.

And so that is where we get to this idea of using the threat of the moving on an arms embargo and potentially other sanctions if, indeed, the government tries to delay this.

So far their actions have been on the one day to say yes, the next day to say maybe, the next day to say no and then to say well, probably yes again. So this is something that we are not going to have patience with to drag on.

Mr. CICILLINE. So that leads to my second question, Mr. Ambassador. What influence does the United States have with the Government of South Sudan to encourage them to develop a more inclusive, transparent, and accountable approach to governance and what other things might we do to accelerate that process?

Ambassador BOOTH. When I was here in April and we were actually looking at trying to help a Transitional Government to succeed, one of the pillars of the peace agreement that I mentioned was this idea of the economic reform and in particular strengthening the transparency of public financial management and that's something that we believe needs to happen in South Sudan.

The kleptocracy of the past must end. As I mentioned in my testimony, we are continuing to look and utilize information to utilize sanctions that are available, particularly travel sanctions, for corrupt practices—to send the signal that being in charge in South Sudan it's not about just enriching yourself—trying to change a little bit of the mentality of those who might lead the country going forward.

So a very important component—how do we get them to do it—again, I think our main leverage is, you know, what is it they want from us.

At that point, they were clearly looking for support for their budget, for their economy, and they have recently come out again and said to the international community we need $300 million from you this year. That's not going to be forthcoming unless these types of reforms occur.

Mr. CICILLINE. And my final question, Mr. Ambassador, is the director of the African Center for Strategic Studies has suggested that it may be time to put South Sudan on life support by establishing executive mandate for the U.N. and the AU to administer

the country until institutions exist to manage politics nonviolently and to break up patronage networks underlying the conflict.

If such an initiative were to be considered how do you think it would be executed given the sensitivity of the current government to foreign intervention and parent reticence of some of the Security Council toward U.N. actions perceived to threaten South Sudan's sovereignty?

It seems like that would be a very difficult initiative to move forward on. But I would love your assessment of it.

Ambassador BOOTH. I have seen that proposal. We have looked at that idea. Frankly, the U.N. cannot impose this on a member state.

The African Union I think certainly has absolutely no appetite for putting one of its member countries under an international trusteeship or guardianship, whatever you want to dress it up and call it.

That is something that I don't see that we would have any support for—impractical—and I don't see how the South Sudanese would ever accept it.

The visceral reaction they have had even to this—to the role of JMEC in overseeing implementation of the agreement as an extra sovereign force, the reaction that they've had, where the initial reaction to the joint—the Regional Protection Force was not one more foreign soldier—we will fight them—this is a matter of sovereignty.

I think you get the idea of how that would be received in South Sudan.

Mr. CICILLINE. Thank you. I thank you, Mr. Chairman. I yield back.

Mr. SMITH. Thank you. Before we go to our next panel, I would like to just say, I make it a point to always meet with the bishops, the faith community, the Protestants, whatever the denominations might be in every country.

Greg Simpkins and I met with Archbishop Paulino Lukudu Loro, had a very, very good exchange on the reconciliation aspects of what the church can provide and also the humanitarian assistance. Are we fully utilizing the faith community in South Sudan?

Secondly, there is a Foreign Policy article, September 6th—very disturbing. I was briefed on it when I was in South Sudan about the gunning and the bullets that were sent into two of our vehicles as they passed by Salva Kiir's compound by his troops.

Thank God nobody was hurt but the State Department says we do not believe our vehicles and personnel were especially targeted.

But the article's author, Colum Lynch, points out that 50 to 100 rounds were pumped into those two vehicles. The SUV—armored SUVs held laminated cards with the American flag on it and also the diplomatic plate number 11.

Are we investigating this? Do we believe it was by design or by mistake? Even by mistake is bad enough but it was by design?

And finally, on the sanctions, we have had sanctions for 2 years—OFAC sanctions—the Office of Foreign Assets Control.

They are well laid out—child soldering sanctions against persons contributing to the conflict in South Sudan. There are only six people on it and I wonder if you are looking at that to expand it and

make it more robust in terms of those who meet the criteria so well laid out 2 years ago in this sanctions regime.

Ambassador BOOTH. Well, Mr. Chairman, on your question about engaging with the faith-based community, yes, we do engage with them both within South Sudan and also the Vatican.

We have been in touch with them on numerous occasions and comparing notes on South Sudan and they have also engaged.

I think one of the senior cardinals recently went there as an emissary for the Pope and a number of the religious leaders spoke out during the visit of the U.N. Security Council permanent representatives this past weekend in favor of the Regional Protection Force being deployed and moving forward on a political process.

So I think the faith-based community is finding its voice. We have also, through USAID, given a $6 million grant to the South Sudan Council of Churches to work on community-based reconciliation efforts. So we are engaging the faith-based community.

I think in the many meetings that I have had with religious leaders in South Sudan after the outbreak of fighting in December 2013 they showed a lot of frustration and that the leaders seemed to have turned a deaf ear to them.

I think they are beginning now to, as I say, find their voice in unison and it may become harder going forward.

On the July 7th firing on two U.S. vehicles that contained several U.S. diplomats, this occurred, as I mentioned, very shortly after similar looking vehicles that were driven by the opposition forces who had come into town on some mission and they were going back to Riek Machar's compound area and they were driving in this—it is always a tense area because it's right by the President's compound and they tried to stop that vehicle. The opposition people refused to get out of the vehicles and they sped off and the soldiers fired at those vehicles.

The opposition security officials in the vehicles fired back and killed, I believe, five government soldiers right in that very vicinity.

So it was a very tense environment. There were a lot more soldiers out on the street after that incident and our cars came along and they were—it wasn't a formal checkpoint.

It was a lot of soldiers on the street waving them down. It was very dark and our vehicles have tinted glass.

So even though for the brief time that they stopped and tried to show identification it is not at all clear that these soldiers would have been able to see it or, frankly, even understand the license plates.

You are dealing, don't forget, with an army that is primarily illiterate and so when our vehicles—according to standard operating procedures when they tried to open the doors of our cars—also sped off the soldiers opened fire, just as they had when it had happened with opposition vehicles and, again, shortly, again, in the same area shortly after that incident the country representative for UNESCO, an Egyptian national, was driving in the area and encountered a similar problem and because he was not in an armored vehicle he was actually seriously wounded.

So, again, to say this was targeting Americans, we did not deduce that from the circumstances and the regional security officer working with diplomatic security back here in Washington con-

ducted an internal investigation of the events and the review of that report is still ongoing and we were very thankful, of course, that our people had the resources, that we had the fully armored vehicles there for them to ride around Juba.

That is why our security protocols call for them to be riding in armored vehicles in most parts of town and particularly after dark. And in response to that incident the Embassy's emergency action committee met the next morning and changed the curfew to a dawn to dusk so took appropriate actions to try to mitigate that.

In terms of sanctions, let me just say yes, we share the frustration. I mentioned some of the difficulties of actually putting together packages that meet all the legal criteria. But we certainly will look at taking actions against those who continue to impede the peace process or hindering humanitarian delivery and the like.

Ms. BASS. Yes. I just wanted to take a moment to acknowledge that there are several people here from Gabon who are expressing their concern about the elections that took place.

I just want you to know that we see you. We read your posters. I know you were asked to put them down but we did see what they said and we also are concerned and I just wanted to acknowledge that your presence has not gone unnoticed.

Mr. SMITH. And I fully concur with the ranking member and thank you for being here.

I would like to now yield to Mr. Meadows.

Mr. MEADOWS. Ambassador, let me come back with two very quick points. I mentioned the NGOs and technology is a great thing so I got some information that would suggest that even within the last few hours or few days that there has been potentially the shutdown of 40 NGOs and the threat, if not the reality, of seizing their assets. Are you aware of that report?

Ambassador BOOTH. We have received reports over the past several hours of harassment of a number of NGOs, civil society organizations.

Mr. MEADOWS. So you would say that that report could be accurate? You're getting the same——

Ambassador BOOTH. It could be. We have to look into that and try to verify it.

Mr. MEADOWS. All right. So will you get back to this subcommittee right away on whether that is accurate or not? And I guess the second follow-up question to that is if it is accurate will you be resolute in your condemnation of saying and that we will not tolerate that kind of behavior if our humanitarian aid is going to continue?

Ambassador BOOTH. I can assure you, Congressman, that we will be very direct and very strong in a condemnation of any harassment of——

Mr. MEADOWS. But seizing of assets and it is more than just harassment and so that's my concern. And so will you commit to get back to this subcommittee within the next 7 business days to let us know what is happening on that?

Ambassador BOOTH. Well, let me say that we will get back to you as soon as we can confirm——

Mr. MEADOWS. All right. Well, what is a reasonable time? If 7 days is not reasonable what is a reasonable time?

Ambassador BOOTH. Again——
Mr. MEADOWS. 14 days?
Ambassador BOOTH. I am not on the ground.
Mr. MEADOWS. I mean—I mean, it——
Ambassador BOOTH. 14 days—give us 14 days, yes.
[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE DONALD BOOTH TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE MARK MEADOWS

UPDATE ON HARASSMENT OF CIVIL SOCIETY IN SOUTH SUDAN

There has been an uptick in reported harassment, threats, and violence toward South Sudanese civil society organizations (CSOs) in recent weeks and specifically following the September 3 meeting in Juba between CSOs and the UN Security Council (UNSC). The U.S. government is deeply concerned and U.S. Embassy officials have met with multiple activists to discuss this trend, and continue to follow up.

Both before the UNSC arrived and immediately after they departed Juba, several CSOs reported receiving anonymous phone calls ordering them to shut down and saying their assets would be seized because of the "anti-government" messages they had been spreading. On the night of September 4, one activist received text messages from an unknown number asking for her present location. The following day, while she was at work, her home was visited by unidentified armed men who asked after her whereabouts and told neighbors that they wanted to talk to her because she had "talked ill of the government" in the September 3 UNSC–CSO meeting. Some CSOs believe that the Sudan People's Liberation Army (SPLA) Military Intelligence is responsible for the harassment, while others have blamed the National Security Service (NSS). Activists have reported that the government has made considerable effort to infiltrate civil society, including the placement of NSS officers into CSOs, which has severely undermined the trust networks activists rely upon to function in South Sudan.

Some activists who were in the September 3 meeting have fled South Sudan out of fear for their safety. One civil society actor who participated in the September 3 meeting was detained and interrogated by NSS when, on September 5, he attempted to depart Juba International Airport en route to Uganda; he was eventually allowed to leave.

One activist, who did not take part in the September 3 meeting, reported that another, who also seems not to have taken part, was killed by NSS officers after a political argument at a cafe later on September 3. This is an unverified report from a single source who claims second- or third-hand knowledge of the incident. The individual who was allegedly killed was not known to the U.S. Embassy or to its contacts in Juba. It has not been possible to verify this report, as many details, including the location of the body, remain unknown or unconfirmed. The State Department continues to seek information about this case.

Particularly concerning is the government's use of the Non-Governmental Organizations (NGO) Act and the Relief and Rehabilitation Commission (RRC) Act as tools to close down CSOs. Some groups were warned verbally that they would have to "answer" for "pro-West, anti-government" views, which they were told constituted banned political activity under the Acts, and as a result, the RRC would suspend their registrations.

There have been reports of threats by the Government of South Sudan (GOSS) to freeze CSO bank assets following the September 3 meeting, although no CSO has reported any assets actually being frozen or seized since then. The CSO actors who reported harassment before and after the September 3 meeting work in advocacy areas, not in humanitarian assistance. However, humanitarian actors face numerous physical obstructions to access those in need of assistance, as well as taxes, fees, and other bureaucratic impediments imposed at multiple levels by the GOSS. While the reported harassment since September 3 has affected CSOs engaged in advocacy work, some humanitarian organizations have reported harassment by the RRC based on the language of the NGO and RRC Acts.

Some CSOs report that they are working "within their own networks" in an effort to persuade the GOSS to relax its harassment and refrain from de-registration, and some fear that intervention on their behalf by the U.S. government or other foreign countries could make their security situation more precarious. Other CSOs have requested U.S. government engagement with the GOSS on opening the political space.

Unfortunately, the closing of political space in South Sudan is a long-term trend. The State Department has registered its concern on multiple occasions in public, most recently in a press statement on September 10. Ambassador Samantha Power expressed her concerns in an official statement issued the same day. State Department officials at the highest levels previously raised concerns about the closing political space directly with the GOSS, including with President Kiir, and will continue to do so in light of this recent and troubling trend.

Mr. MEADOWS. Okay. All right. Fourteen days—we will do that. And the last thing is this is you talked about a political environment which is open and inclusive and yet we are hearing reports that potentially someone took a letter to the U.N. Security Council and might have been murdered after that. Would you care to comment on what's happening since the U.N. Security Council's visit?

Ambassador BOOTH. Well, some of this harassment of civil society that——

Mr. MEADOWS. Well, murder is more than harassment.

Ambassador BOOTH [continuing]. That we have been hearing about has been subsequent to the visit by the Security Council. But is something that has gone on in the past as well. We have long been——

Mr. MEADOWS. So how much of that are we going to tolerate——

Ambassador BOOTH [continuing]. Press freedom and freedom of movement for NGOs and the like.

Mr. MEADOWS. So how much of that are we going to tolerate?

Ambassador BOOTH. Well, it's a matter what can we actually do to affect that behavior.

Mr. MEADOWS. I will yield back. We have many leverage points. Thank you, Mr. Chairman, for your flexibility.

Mr. SMITH. Thank you, Ambassador Booth, for your leadership and for spending your time today with us at the subcommittee. Thank you.

I would like to now invite to the witness table Ambassador Princeton Lyman, who is senior advisor to the President of the United States Institute for Peace. Ambassador Lyman served as U.S. Special Envoy for Sudan and South Sudan from March 2011 to March 2013.

As Special Envoy, he led U.S. policy in helping in the implementation of the 2005 Comprehensive Peace Agreement. Ambassador Lyman's career in government included assignments as Deputy Assistant Secretary of State for African affairs, U.S. Ambassador to both Nigeria and South Africa and Assistant Secretary of State for international organizations. He also was a member of the African Advisory Committee to the U.S. Trade Representative. He began his career with USAID and served as its director in Ethiopia.

We will then hear from Mr. Brian Adeba, who is a journalist by training and was previously an associate of the Security Governance Group, a think tank that focused on security sector reform in fragile countries.

Over the last 3 years, his research interests have focused on inter linkages of media, conflict, human rights, and security.

He supervised the coverage of the conflict zones in Darfur, South Kordofan, Blue Nile, and eastern Sudan for the Boston-based Education Development Center's Sudan Radio Service Project in Nairobi, Kenya.

Prior to this he served as project and publications coordinator at the think tank the Center for International Governance Innovation in Waterloo, Canada. Again, he is representing the Enough Project.

Ambassador, please proceed.

STATEMENT OF THE HONORABLE PRINCETON N. LYMAN, SENIOR ADVISOR TO THE PRESIDENT, U.S. INSTITUTE OF PEACE

Ambassador LYMAN. Thank you very much, Mr. Chairman, and let me begin by thanking you personally for all the support you and the committee provided when I was Special Envoy, and you and Congresswoman Bass and the members of the committee continue to focus attention on this set of issues. It is very important and it is very much appreciated.

I am not going to go over the background of the situation. I want to address some of the key questions that you have raised and have been raised in the previous exchange.

Let me start with the peace plan itself around which all the various activities are organized. The IGAD peace plan, which was signed in 2015, on paper is a very comprehensive agreement.

But it has a fatal flaw to it and that is it rests very largely on the willingness, ability, and commitment of the very antagonists who brought the country into civil war to carry out a fundamental political transformation. It is not in their interest to do so and what we have seen over the last year or so is that instead of carrying that forward they fell back into conflict. Now Riek Machar has been driven out of the country. Without a strong international oversight and administrative oversight of this program, it was not likely to succeed.

The second problem that we now face is that it would be a mistake to assume that, with the accession of Taban Deng Gai to the Vice Presidency, we have a government of national unity.

Taban Deng does not command the loyalty of all the various forces that were fighting this government and to assume that it is capable of carrying out a comprehensive and being inclusive would be wrong. It is not.

Now we have the humanitarian crisis which the people have addressed. It is an outrageous situation that the international community, and the United States alone is spending over $1 billion a year—that over 60 aid workers have been killed trying to carry out a humanitarian program—that they have been attacked and, again, most recently in the Terrain hotel.

And both sides have impeded this activity—that the international community seems to care more for the people of South Sudan than the leaders on both sides. That is an outrageous situation. And what it does is call into question whether the government has the—can claim to the rights and responsibility of sovereignty which goes with the claim of sovereignty.

Recently Kate Almquist, as Congressman Cicilline mentioned, and myself, did an op-ed saying that there should be an international oversight administration of South Sudan. Without that, we did not see how this peace plan could go forward. Ambassador Booth has described the role of JMEC under the peace plan and the role of Festus Mogae. The fact is that that mechanism has no real authority over the parties and Festus Mogae himself has, on

several reports, said that almost no progress has been made on implementing the peace process.

Now, the proposal we made, of course, it would be extraordinarily difficult to do and Ambassador Booth indicated that. But here is the fundamental question and the fundamental challenge.

The peace process is in the hands of IGAD and the African Union, primarily, and if they are not prepared to amend the current peace process and create a true oversight authority, which they will back up politically, back up by enforcing an arms embargo, by taking other measures, then that peace plan won't work.

Now, if they are prepared to do that, then no one needs trusteeship or anything else. But the problem is that IGAD is badly divided. They are not in agreement. They have threatened an arms embargo many times but never followed through.

And as for the U.N. Security Council, we have an adage that guides, you know, practicality. When the Africans are divided, the Security Council is divided. You are not going to get sanctions past Russia and China unless the Africans are united and say this is what they want. But the Africans are divided. IGAD is divided.

So even if the U.N. Security Council wanted to pass an arms embargo, those surrounding countries would have to implement it and make sure that arms weren't sneaking through.

So the primary attention and effort seems to me, for the African Union and for IGAD to decide exactly if they are in control of this process, how to strengthen it.

Now, let me address this question of the 4,000 troops that are being added. As you pointed out, it is a question of putting these under UNMISS and whether they will act differently.

It is very difficult to contemplate a U.N. peacekeeping force confronting in an armed way the forces of the host government. I do not think very many U.N. peacekeeping forces are prepared for that. I am not sure the Security Council is even prepared for it.

So the question is, is this force really going to have the mandate to confront not just outliers but an attack like the Terrain hotel complex and go up against government forces?

That is a very difficult thing to do and it has to be backed solidly by the troop-contributing countries, and by IGAD, and by the U.N. and if they are not prepared for that, then this force may secure the airport but they won't be able to protect civilians.

Now, the other question is the political context. Putting more forces into Juba without changing the nature of the peace process and the way it is enforced seems to me is going to have a continuation of the situation we now have.

So I think it is critical that the U.S., the international community, and the United Nations call upon the African Union and IGAD to strengthen that process so there is real oversight and enforcement of the peace process with sanctions and punishment for those who get in the way of it. Otherwise, we won't get the transformation we need and I think that is the great dilemma that we now face in South Sudan.

Thank you very much.

[The prepared statement of Ambassador Lyman follows:]

United States Institute of Peace

The Growing Crisis in South Sudan

Testimony before the House Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations

Ambassador (rtd) Princeton N. Lyman
Senior Advisor
United States Institute of Peace

September 7, 2016

Chairman Smith, Ranking Member Bass, members of the Subcommittee, I appreciate the opportunity to testify today on the situation in South Sudan. The views I express are my own and not those of the U.S. Institute of Peace, where I am a Senior Advisor.

I would like to take this opportunity to thank you, Mr. Chairman, for the attention, support and counsel you provided during my time as the President's Special Envoy for Sudan and South Sudan, and am pleased to see that this Subcommittee continues to give this situation the attention and focus it deserves. Mr. Chairman, Congresswoman Bass and members of the Subcommittee and of the Congressional Sudan & South Sudan Caucus, all of us concerned with the terrible conflict now under way in South Sudan are grateful for your work to help find a way out of it and for the people of South Sudan to enjoy the fruits of the independence for which they fought and sacrificed for so long.

I will not take much time to go over the background or current situation in South Sudan. You have recently visited there, and have earlier today had the benefit of hearing from Ambassador Donald Booth. I would like to concentrate therefore on what steps might be taken not only to end the conflict, but to bring about a proper degree of accountability and substantial political transformation.

The peace plan negotiated by the Intergovernmental Authority for Development, (IGAD), is on paper a thorough and far-reaching approach to bring about not only peace but basic political transformation toward a democratic and responsible government. It includes a Hybrid Court to address gross violations of human rights, and a reconciliation process to deal with underlying tensions that have wracked South Sudan. The problem is that it depends on the cooperation of the very antagonists who brought about the current civil war and the terrible suffering in the country. It is understandable that IGAD would feel it necessary to bring about an agreement of the "guys with the guns," the ones who were carrying out the conflict. But without a more intensive and authoritative international oversight of the peace process, the likelihood that these same antagonists would carry out a true political transformation was minimal. Instead they continued to carry out their rivalry, including violations of the supposed cease-fire, until once again the two sides were at war with each other.

It would similarly be an illusion to think that with the exile of former Vice President Riek Machar, and his replacement by Taban Deng Gai, we now have a true government of national unity that can unite the country. Taban Deng does not command the loyalty of all those forces that have been fighting the government of Salva Kiir. Without broad-based participation in a transitional government, conflict will surely continue. Indeed conflict continues now in several parts of the country.

Further we have the deeply disturbing phenomenon of both government and opposition forces perpetuating the terrible humanitarian crisis in the country, in part by forcibly blocking humanitarian programs. Even worse, more than fifty aid workers have been killed by these forces, others attacked, and obstacles put in the way of transporting food, medicines, and other help to the millions facing terrible conditions. I find it particularly outrageous that the international community is spending more than a billion dollars a year, and losing the lives of its aid workers, to help the South Sudanese people while their leaders not only block those efforts

but kill and attack aid workers. On both sides, moreover, as documented by the Africa Union's Commission of Inquiry and in more recent reports, horrendous human rights violations have been perpetrated, most recently at the Terrain Compound. There is no more convincing evidence that the current leadership on both sides lacks the sense of responsibility and the commitment to its citizens that goes with the rights of sovereignty.

Recently Kate Almquist, Director of the Africa Center for Security Studies, and I published an op-ed calling for an international administration to be placed over South Sudan. It would require an agreement of the United Nations and the African Union that such administration was necessary and that the two organizations would jointly administer it. We made that proposal because the current oversight mechanism called for in the IGAD-negotiated peace process, the Joint Monitoring and Evaluation Committee (JMEC), headed by former president of Botswana Festus Moghae, lacks the authority and sufficient backing from IGAD to hold the leaders to their commitments. President Moghae himself has reported that the so-called transitional government of national unity had carried out almost none of the required steps under the peace process. But IGAD has not responded with tougher measures on the parties. Divided, in competition for influence and advantage in the situation, IGAD members have not called for an arms embargo or other telling pressures on the parties. Moghae has almost no real influence over the process as a result.

The UN Security Council (UNSC) is hamstrung by the divisions within IGAD and the African Union. There is a useful adage that applies here: when the Africans are divided, the UNSC will be divided. Without a strong call from IGAD or the African Union for an arms embargo or further pressures on the leaders of South Sudan, the UNSC will divide. Moreover, any arms embargo or other sanctions would have to be implemented by these same neighboring countries. If they are not so committed, even if the UNSC passed such measures, they would not be implemented.

The reaction to our op-ed has been mixed. The primary argument against it is that South Sudan is an independent sovereign country. For the African Union in particular, it would be a dangerous precedent to take away a country's sovereignty. It would be hard as well to convince the country's leaders to agree. If those are real obstacles, there is another way. IGAD should amend the current peace agreement, giving the JMEC real oversight authority. Such authority would include being able to act when the parties cannot agree or refuse to go forward, e.g., to make key appointments, start the constitution-making process, etc. JMEC's authority would have to be backed up by strong pressure from the IGAD members. These would include an arms embargo, trade restrictions, and other measures. If IGAD and the African Union want to keep the lead in the peace and avoid the precedent of a UN-type trusteeship, these are the steps needed to be taken. So far, however, the divisions within IGAD are so deep, and the lack of firmness with the parties so ingrained, that I do not see movement in this direction.

That brings me to the security situation on the ground. The terrible events at the Terrain Compound, after similar events in Malakal and elsewhere, expose the weakness of the United Nations Mission in South Sudan (UNMISS) in carrying out its mandate for civilian protection. There are problems here that go to the structure and mandates of UN peacekeeping missions in general that I will not try to address here. But particularly in South Sudan, while the mandate

itself is sufficient, there is an almost built-in resistance to taking up arms against forces of the host government, particularly a government that has been consistently hostile to its mission as the Kiir government has been. UNMISS is not prepared, nor is the UNSC necessarily ready to manage the possible fall-out from that. Troop contributing countries did not sign up for such a confrontation. The partial solution now proposed, to add 4,000 troops to UNMISS, seems to me to be only a partial answer. Importantly, if an additional 4,000 troops are to serve as an enforcement mission, ready to forcibly prevent attacks on civilians, they should ideally not be part of UNMISS, but rather authorized separately by the UNSC with a more forceful mandate and understanding among the countries contributing troops.

But more of concern, any peacekeeping or peace enforcement mission should be part of a political strategy. If the additional 4,000 troops are to be sent without any changes in the way the peace process is organized and enforced politically, there is little it will likely accomplish. It will run into the same opposition and resistance from the Kiir government, face the same dilemma of whether and what backing it will get from the international community if it has to confront government forces, and while stationed only in Juba will have no influence over the continuing violence in the rest of the country.

In sum, the answer to the violence, the terrible violation of human rights, the tremendous humanitarian crisis among the population, is to recognize that the current leadership and its major opponents have already violated the principles of sovereignty and have forfeited the right to claim it as a basis for resisting more international intervention. The process however has to start with IGAD, and with the African Union. They are now in charge, and they will have the greatest responsibility to enforce any firm oversight arrangement. If they are prepared to strengthen the current peace process accordingly, then that would make sense as the way forward. If not, it would be wise to ask the UN and the African Union to take on a much greater international role.

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

Mr. SMITH. Ambassador Lyman, thank you so very much and, again, thank you for your prior service as Special Envoy.

Mr. Adeba.

STATEMENT OF MR. BRIAN ADEBA, ASSOCIATE DIRECTOR OF POLICY, ENOUGH PROJECT

Mr. ADEBA. Chairman Smith, Ranking Member Bass, members of the subcommittee, I want to thank you for your continued focus on South Sudan and for inviting me to testify.

Impunity is entrenched in the system of rule in South Sudan. The horrific Terrain hotel incident is an example of that impunity.

The country's leaders commit horrific crimes and treat state resources like their personal property. The country's money is captured by a few and used to wage war.

With financial leverage on these leaders and your continued leadership and support it is possible to counter this system and the perverse inclinations of its leaders.

It is possible to disrupt access to the proceeds of corruption that fund war and to shift the incentives of South Sudan's leaders toward peace.

Congress can do the following four things to have an immediate impact on the perpetrators of the crisis in South Sudan.

First, Congress can make sure that the U.S. Treasury Department has the staff and the funds it needs to use more anti-money laundering measures. The measures can be used to target and freeze the assets of elite politicians and leaders in South Sudan who perpetuate violence, loot public coffers, and use the international financial system, including U.S. institutions, to launder deposits of their ill-gotten wealth.

Second, you can ensure the administration imposes targeted sanctions and asset freezes on top leaders and support others who take these measures.

We have had discussion about how the threat of sanctions alone is not inducing the change that is needed in South Sudan. So when we look at the recommendation, this is a call to action.

Third, you can push for stronger enforcement of existing sanctions and asset freezes in the United States and internationally on the South Sudanese political elite.

Fourth, you can pass the Global Magnitsky Human Rights Accountability Act. This act authorizes the U.S. President to impose sanctions on government officials like those in South Sudan who misappropriate state assets and attack anti-corruption crusaders.

I believe these four steps can strike directly at the wallets of the people responsible for the suffering in South Sudan, the people who commit crimes and enrich themselves because they believe they will not face consequences for their actions.

These leaders are more likely to support peace when they pay a price for war. The institutional challenges in South Sudan require your long-term support as well.

I travelled to Juba this past April to analyse this very issue. April was a month full of hope and the past Vice President and main opposition leader, Riek Machar, had returned to town.

People believed that the fighting would stop and the two leaders would work together to govern. There was hope that the critical governance institutions could begin to function properly as well.

I focused my research on three key institutions—the Anti-Corruption Commission, the National Audit Chamber, and the Public Accounts Committee in the National Legislative Assembly.

I found that all three were severely undercut intentionally. Top-level politicians deprived them of the money they need to function. Conflicting laws prevent prosecutions of officials that have been investigated. And cronyism undermines the effort to fight graft.

The mechanisms and institutions that could promote accountability do not have what they need to be effective. But there are several things Congress can do to help South Sudanese people address their institutional and systemic challenges.

First, continue to support the people in South Sudan who fight for transparency and accountability. Listen to them. Stand with them and help them raise their voices.

Second, ensure there is strict budget oversight for assistance to South Sudan. Those who command or commit atrocities and seek personal enrichment should not be able to misappropriate public funds, especially those given by Americans to support the South Sudanese people.

Third, support and strengthen the institutions in South Sudan that can build an open and accountable government. These institutions could work much more effectively than they do today. But they need political, technical, and financial support.

Most of all, they need the space to operate without undue political interference.

A fourth institution that needs these same things is the Hybrid Court of South Sudan that was established in the August 2015 peace agreement to ensure accountability for war crimes.

Next week, on September 12, the Sentry, an initiative of the Enough Project, will publicly present the results of a 2-year investigation into corruption in South Sudan.

The Sentry has documented the connection between high-level grand corruption and violence in South Sudan and we encourage U.S. policymakers to take immediate action on the findings we release.

Your support is critical. The stakes are very high in South Sudan. If South Sudanese leaders face no price, no deterrent for their crimes from anyone, South Sudan will disintegrate.

With your help, that can be prevented. Thank you very much for your efforts on South Sudan and for your tireless commitment to the South Sudanese people.

[The prepared statement of Mr. Adeba follows:]

Testimony of Brian Adeba
Associate Director of Policy, The Enough Project
House Foreign Affairs Committee
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
September 7, 2016

"The Growing Crisis in South Sudan"

Chairman Smith, Ranking Member Bass, and members of the Subcommittee, thank you very much for inviting me here today. I also want to thank this committee for its continued support and focus on helping to address the crisis in South Sudan.

Countering the violent kleptocracy in South Sudan that rewards top leaders for their horrific ongoing abuses of people and public resources requires your continued leadership and support for a combination of actions that can have immediate and long-term impact. To briefly summarize what I will describe in more detail shortly in the context of my own recent field research on institutional corruption in South Sudan, I recommend the following steps:

For immediate impact on the crisis in South Sudan, Congress should:

1. Ensure that the Treasury Department has the human and financial resources it needs to expand and escalate the use of anti-money laundering measures targeting politically exposed persons who use the international financial system, including U.S. financial institutions, to accumulate, move, and store assets believed to be the proceeds of corruption in South Sudan.

2. Work to impose or support the imposition by others of sanctions and asset freezes that target the high-level South Sudanese officials who orchestrate violence and divert public resources to private accounts.

3. Directly and robustly support efforts to strengthen the enforcement in the United States and elsewhere of existing sanctions and asset freezes on South Sudanese individuals and entities—and their international enablers.

4. Pass the Global Magnitsky Human Rights Accountability Act that authorizes the president to impose sanctions on government officials who misappropriate state assets and who attack the journalists and human rights defenders who expose corruption in government and seek to counter it.

For long-term impact on South Sudan's institutional and systemic challenges, Congress should:

1. Elevate and amplify independent civil society voices from South Sudan that fight for transparency and accountability. Continue as it has done to provide strong and steadfast oversight in the use of U.S. public funding for governance support and technical capacity-building in South Sudan.

2. Support efforts to tie further assistance for South Sudan to strict budget oversight to ensure that those who orchestrate atrocities and seek personal enrichment do not misappropriate these funds.

3. Support institutions of good governance in South Sudan that are critical to the existence of an open and accountable government.

The system of rule in South Sudan is what the Enough Project calls a violent kleptocracy. It is a system in which the state and its institutions have been coerced to work for the interests of elite politicians. In April this year, I traveled to Juba and spent about a month trying to better understand this system and researching the challenges faced by three of South Sudan's key governance institutions: the Anti-Corruption Commission, the National Audit Chamber, and the Public Accounts Committee in the National Legislative Assembly. These three institutions are designed to provide oversight and accountability on government spending and to prevent the abuse and overreach of power, particularly by the executive branch of government.

In researching these three institutions, I found that accountability mechanisms that lacked real leverage were built into the governance structure in South Sudan. Institutions of governance were in several intentional ways limited by elite politicians and the ability of these institutions to operate effectively was severely undercut. First, top-level politicians deprive these institutions of the money needed for their functions. Secondly, their legislative mandates to implement accountability are undermined through the legal system through the creation of conflicting legislation that prevents the prosecution of officials. Thirdly, elite politicians appoint cronies to lead these institutions in order to enforce control on their activities, and ultimately to undermine and counter the fight against graft.

In hijacking institutions like these, South Sudan's violent kleptocracy promotes, rewards, and enriches those who ruthlessly commit atrocities and those who abuse public resources with impunity.

There is much that we can do together, however, to change the motivations of the elite politicians at the helm of this violent kleptocracy and to ensure that peace prevails in South Sudan.

Congress can help make an immediate impact by supporting, encouraging, and enabling the use of policy tools that combine anti-money laundering measures with a robust enforcement of asset freezes on a wide set of South Sudan's leaders and their international

collaborators. The long-term course of action should focus on strengthening the governance and judicial institutions that provide oversight and accountability, including the three that were the focus of my research and also the Hybrid Court for South Sudan that was created with the August 2015 peace agreement. Providing the technical expertise and partnership needed for the hybrid court to support local actors in investigating and prosecuting human rights abuses and economic crimes can serve a critical need.

During my time in Juba, April 2016 was a month full of hope. After several false starts, the armed opposition, led by Riek Machar, arrived in town to form—together with the government—a transitional government of national unity as stipulated in the August 2015 peace agreement. Finally, it seemed, South Sudanese leaders were willing to stop fighting each other and work together to address the country's most urgent problems.

Unfortunately, this hope dissipated on July 10 when troops loyal to both sides began to fight each other once again and kill civilians on the streets of South Sudan's capital city. First Vice President and opposition leader Riek Machar fled Juba following an attack on his residence, and with his exit, the security arrangements of the peace deal collapsed entirely. Hundreds of people, most of them civilians, were killed in this fighting. Government troops went on a rampage in Juba, looting and brazenly committing horrific attacks, like those at the Terrain hotel, with a sense of utter impunity.

As we speak, fighting rages in various parts of the country and humanitarian needs grow increasingly urgent. Serious fighting has been reported in the states of Eastern Equatoria and Central Equatoria, where clinics, hospitals, and schools have been looted and destroyed. Nation-wide, more than 2.3 million people have been displaced—nearly one in every five South Sudanese is currently homeless. Horrific atrocities against civilians continue unabated. As these atrocities unfold, the need to protect civilians has never been so urgent. That is why the proposed peacekeeping force authorized by the UN Security Council is a welcome idea because it not only holds the potential to protect innocent civilians but also to put the peace process back on track. Left to their own devices, the protagonists in South Sudan's conflict are reluctant to implement the August 2015 peace agreement and establish rule of law and good governance.

Meanwhile, the government has placed restrictions on the movement of aid workers. It has also clamped down on free expression. Journalists are arrested and detained without trial and newspapers have been forced to close. The orchestrators and perpetrators assume their acts will go unpunished and they will be able to maintain and gain more power and evade accountability with the leverage of their force and financial strength.

Countering these issues in the long term requires much greater support for the South Sudanese actors fighting for good governance and transparency. Countering these issues in the short term requires a concerted effort across the U.S. government and with international partners to create leverage through heavy financial pressure that targets the individuals and entities who benefit from the current system in South Sudan and shifts their incentives toward prioritizing peace and the needs of the South Sudanese public.

Next week, on September 12, The Sentry, an initiative of the Enough Project, will publicly present the result of a two-year investigation into the corrupt practices of elite politicians in South Sudan and their networks of collaborators to encourage U.S policymakers to join together in taking action. Your support is critical.

The stakes are very high. If South Sudan's leaders fail to change their calculations, and if international actors—including the U.S. government and Congress—fail to help bring that pressure—South Sudan will disintegrate.

With your help, damaging incentives can shift for the good of South Sudanese people, American people, and everyone else.

Thank you again for your tireless efforts on South Sudan and for your commitment to the South Sudanese people.

Mr. SMITH. Mr. Adeba, thank you very much for your personal work, your trip, which really uncovered—and you got to see those three institutions in particular.

Thank you for relaying that to us. Without objection, your full statements will be made a part of the record.

And, unfortunately, we do have a series of votes—well over an hour we expect of voting. So we will conclude here but I want you to know how deeply appreciative we all are on the subcommittee for your leadership, for your guidance and we will stay in touch going forward.

In a week I look forward or so to that new report which the committee will digest and, I'm sure, utilize as we have in the past with those from the Enough Project.

And Ambassador Lyman, thank you, because you did extraordinary service under very difficult situations. So thank you for that leadership all those years and your entire Foreign Service career.

The hearing is adjourned and, again, I would have liked to have asked some questions. I will submit a few for the record. If you could get back to us in a timely fashion that would be greatly appreciated.

The hearing is adjourned.

[Whereupon, at 3:50 p.m., the committee was adjourned.]

APPENDIX

Material Submitted for the Record

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
Christopher H. Smith (R-NJ), Chairman

September 7, 2016

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at http://www.ForeignAffairs.house.gov):

DATE: Wednesday, September 7, 2016

TIME: 2:00 p.m.

SUBJECT: The Growing Crisis in South Sudan

WITNESSES: Panel I
The Honorable Donald Booth
Special Envoy to Sudan and South Sudan
U.S. Department of State

Panel II
Mr. Brian Adeba
Associate Director of Policy
Enough Project

The Honorable Princeton N. Lyman
Senior Advisor to the President
U.S. Institute of Peace

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *Africa, Global Health, Global Human Rights, and International Organizations* HEARING

Day *Wednesday* Date *September 7, 2016* Room *2172 Rayburn HOB*

Starting Time *2:03 p.m.* Ending Time *3:50 p.m.*

Recesses [*0*] (____to____) (____to____) (____to____) (____to____) (____to____) (____to____)

Presiding Member(s)

Rep. Chris Smith

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]

Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:

The Growing Crisis in South Sudan

SUBCOMMITTEE MEMBERS PRESENT:

Rep. Karen Bass, Rep. David Cicilline, Rep. Dan Donovan, Rep. Mark Meadows

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not members of full committee.)*

Rep. Tom Rooney, Rep Ed Royce*

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] No [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Questions for the record for Ambassador Donald Booth from Rep. Ed Royce
Questions for the record for Ambassador Princeton Lyman from Rep. Chris Smith
Questions for the record for Mr. Brian Adeba from Rep. Chris Smith

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *3:50 p.m.*

Subcommittee Staff Associate

Questions for the Record Submitted to
Ambassador Donald Booth, Special Envoy to Sudan and South Sudan
by Representative Edward R. Royce
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
House Committee on Foreign Affairs
September 7, 2016

Question:

Research tells us that women's meaningful inclusion is key to the effectiveness and long-term sustainability of efforts to resolve conflict. How can the U.S. Government support South Sudanese women's groups in their work to break the current impasse and move forward on the implementation of the peace agreement in South Sudan given the lack of political will at the top?

Answer:

Special Envoy Booth and Ambassador Phee have consistently pressed for South Sudan's peace process to incorporate the full range of stakeholders, with active participation from civil society and inclusion of women's voices at all stages in the process. From diplomatic engagement to foreign assistance programming to public diplomacy initiatives, our work in South Sudan has used every tool at our disposal to signal the importance of women's active participation in peacebuilding—and to empower them with the tools to do so.

Question:

Given the pervasive sexual and gender-based violence, what can be done to ensure the UN peacekeeping mission, including the recently approved regional protection force, is adequately trained and resourced to better address and prevent the high incidence of this violence?

Answer:

The United States is deeply disturbed by the widespread sexual violence that has occurred throughout the conflict in South Sudan. Following reports of sexual violence during fighting in July as well as outside of the UN Mission in South Sudan (UNMISS) Protection of Civilians sites in Juba in July, the United States demarched key UNMISS troop- and police-contributing countries on the need for robust action to protect civilians, including to prevent and respond to sexual and gender-based violence.

In order to improve the security of vulnerable communities and groups such as women and children in the Protection of Civilians sites, UNMISS has intensified its patrols in and around the sites and in the wider Juba city area.

As an enhanced protection measure, UNMISS is working with community leaders and protection partners to coordinate peacekeeper escorts for women and girls leaving protection sites to access markets and collect food and non-food items at scheduled times of the day. The addition of troops via the Regional Protection Force will give UNMISS more resources to further increase patrols and escorts in and around Protection of Civilian sites as well as deploy to other

areas of the country, where civilians are being attacked and reports of incidents of sexual violence are high, to provide protection to civilians outside of UNMISS bases.

UNMISS Human Rights and Women Protection Advisers continue to document cases of sexual violence and other human rights violations. These reports will be forwarded to the United Nations Secretary-General, Office of the United Nations High Commissioner for Human Rights (OHCHR), and the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict for follow-on action.

The UN Population Fund (UNFPA), as the lead UN agency on sexual and gender-based violence, is coordinating the response to ongoing sexual violence. A referral system in the Protection of Civilians sites as well as clinical management of rape services are in place. Early reporting of cases immediately following the July violence is an indicator that these services and referral pathways remained in place. Training sessions on clinical management of rape continue to be conducted to ensure uninterrupted delivery of services.

UNMISS has also engaged directly with the leadership of South Sudan's security forces, urging them to take up their primary responsibility to protect civilians and to take effective steps to ensure accountability for any crimes committed by security forces.

All troop- and police-contributing countries to UN peacekeeping missions must certify that contingents have undergone the UN's Core Pre-Deployment Training, which includes a U.S.-funded module on addressing conflict-related sexual violence.

Question:

What is the international community doing to promote the engagement of women in the Ceasefire and Transitional Security Arrangements Monitoring Mechanism as community liaisons and investigators to ensure communities - women in particular - are comfortable reporting incidents of sexual and gender-based violence?

Answer:

As the largest donor to the Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM) mission, the United States, with its international partners, has consistently pushed to make gender based issues a focus of the monitoring mechanism and advocated for the creation of a gender advisor position. Currently the U.S. government funds the CTSAMM Chief of Staff, who is a retired female army officer, along with several other gender experts working at CTSAMM headquarters. The Government of Germany has pledged funding to establish a call center at CTSAMM headquarters with a toll-free line set up specifically for reporting violence against women. The Government of Norway is currently coordinating with the Chairman of the CTSAMM on seconding a gender advisor to the mission. The Government of Uganda has assigned three women to CTSAMM, one with investigative training and experience. Denmark has given funds to support a two- or three-day workshop that will focus on reporting gender-based violence and spreading information about the peace agreement to the public. The Government of Japan has given approximately $60,000 to the CTSAMM for gender training to improve and broaden the investigatory teams' knowledge on issues associated with violence against women. The Government of Japan has also pledged to increase its contribution to gender-based violence training and workshops with its 2017-2018 funding pledge to CTSAMM.

Questions for the Record Submitted to
Ambassador Princeton N. Lyman
by Representative Chris Smith
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
House Committee on Foreign Affairs
September 7, 2016

Question:
In your time as Special Envoy to Sudan and South Sudan and since then, do you believe we have been as resolute with the Government of South Sudan as necessary to ensure their compliance with rule of law and adherence to the various peace agreements, such as the August 2015 agreement?

Answer:
In the period of negotiation of the referendum leading to South Sudan's independence in 2011, there was considerable sympathy for the cause of the South Sudanese given the history of oppression from the government in Khartoum. That sympathy carried over to the post-independence period, when those in the advocacy community as well as some in government felt that the problems South Sudan was exhibiting were still caused by the legacy and continued policies of the Khartoum government. To its credit, the Obama administration, from the beginning of South Sudan's independence, took issue with the South Sudan government's support of rebel movements in Sudan, gross forms of corruption, and increasingly its violation of human rights. Nevertheless, few foresaw the wholesale breakdown of the government and civil war that commenced in December 2013.

Question:
There was serious disharmony among neighboring countries in the wake of the civil war that began in South Sudan in December 2013. How then would you believe a regional protection force could successfully work together to protect civilians in South Sudan without favoring either side and with a resolute determination to bring proliferating militias under control?

Answer:
From the beginning IGAD members were divided over the civil war in South Sudan. For much of 2014 and 2015 Uganda and Sudan largely fought a proxy war in South Sudan, with Uganda providing troops to support the Kiir regime. Neither of these countries, however, will be providing troops for the regional protection force. But still, economic and other ties between elements in those countries and the various entities in South Sudan has prevented IGAD from taking a strong position on sanctions, such as an arms embargo. There is also no change in the monitoring and enforcement of the IGAD-negotiated peace agreement. If there had been changes, such as providing JMEC executive authority, the regional force could answer to JMEC with a mandate that would include a strong protection element. Without any such changes, it is unlikely that the regional protection force would be prepared to confront armed elements of either the government or the opposition if civilians are being threatened.

Questions for the Record Submitted to
Mr. Brian Adeba
by Representative Chris Smith
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
House Committee on Foreign Affairs
September 7, 2016

Question:

The Enough Project has called the system of governance in South Sudan a "violent kleptocracy." A staff delegation that visited South Sudan last year reported what appeared to be an effort to reunite Sudan People's Liberation Movement factions more for a sharing of the country's wealth than for the purposes of ending conflict. Do you believe there is sufficiently widespread support in the government for an end to corruption?

Answer:

Despite the president of South Sudan announcing a "zero tolerance" on corruption when South Sudan became independent in 2011, there has been no real effort aimed at stamping out the vice. On the contrary, the president has reappointed people accused of corruption into positions of responsibility.

This lack of interest or support for ending corruption is manifest in the powers (or lack of therein) accorded to critical institutions of governance tasked with combating corruption. For instance, for the fight on corruption to be effective, the Anti-Corruption Commission needs to be empowered to investigate and prosecute individuals accused of corruption. But the Commission's ability to carry out its mandate is being hampered. The interim constitution of 2011 grants the Commission powers to prosecute officials accused of corruption. But the Act that governs the day-to-day operations of the Commission, denies it the powers to prosecute individuals. It was only three years later, in 2014, that a draft bill to reconcile the two disparate pieces of legislation was introduced. However, to date, the draft bill hasn't been operationalized. This conflation is deliberate as it allows individuals accused of corruption to get away with it. The commission has investigated high-level corruption involving millions of dollars but no action has been taken by the Ministry of Legal Affairs to prosecute the individuals concerned.

Furthermore, this lack of interest in ending corruption is manifest in the lack of action on the reports that the National Audit Chamber has released. Consistently from 2008, the reports show gross misappropriation of public funds. Yet the government has shown no inclination at all to investigate or prosecute public officials whose departments misappropriated the money.

Lastly, institutions like the Anti-Corruption Commission and the National Audit Chamber are denied the funds that they require to fully implement their mandates. These institutions face staffing shortfalls, lack technical know-how and infrastructure because of financial hurdles.

For the government of South Sudan to show that it is serious about fighting corruption, it has to

eliminate the legal and financial hurdles that undercut the functions of these institutions. The government also has to prosecute individuals accused of corruption. To date, that has not happened because the government lacks the political will to combat corruption.

Question:

President Kiir once accused members of his government of stealing as much as $4 billion from state resources. Has this accusation ever been fully investigated and documented? Has anyone been held accountable for such theft and brought to justice?

Answer:

In 2012, President Kiir announced that $4 billion had been stolen from the country's coffers. Subsequently, he sent letters to 75 high-ranking government officials asking them to return the money they allegedly stole. No investigations nor public prosecutions of the individuals who received the letters has ever occurred.

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