

HOUSE COMMITTEE ON FOREIGN AFFAIRS

DARFUR HEARING

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April 19, 2007

Thank you, Mr. Chairman and members of this esteemed Committee, for the opportunity to share my views on the world's hottest war and what our role should be in ending it.

Yesterday morning, the auditorium at the Holocaust Museum was tense with anticipation. President Bush was there to make what was to be a major announcement on U.S. policy towards Darfur. Holocaust survivor Elie Wiesel was invited to be with him, underscoring the gravity of the event. And the administration had been leaking for months about its threatened "Plan B" policy.

Had the refugees and displaced Darfurians in Mia Farrow's photographs been sitting in the audience yesterday, their disappointment would have been crushing. Instead of finally announcing what every activist and member of Congress has been demanding for the last three years – measures that would punish the regime for its orchestration of what the Bush administration repeatedly calls genocide – President Bush instead issued another set of dramatic warnings, another threat without a specific deadline for action.

Barking without biting is the diplomatic equivalent of giving comfort to the enemy. In this case, though, it may be even worse. Each time the administration has issued an empty threat over the past three years and then not enforced it, the Khartoum regime has been emboldened to escalate its destruction and obstruction in Darfur. If there is a Guinness Book of World Records entry for most threats issued with no follow up, Darfur is likely setting a new standard.

After living in, studying or working in Sudan for the last 22 years, and having negotiated directly with Sudan's leadership during the Clinton administration, I can tell you that the regime no longer takes our speeches and our threats seriously, and will continue to flout international will until there are specific and escalating costs to their actions.

I do not tell that to you on a whimsical hope that it might be true. In these matters, I would much prefer to rely on empirical evidence. The preponderance of evidence shows that during the 18 years of its military rule, the regime in Khartoum has only responded to focused international and regional pressure. Three times the regime has reversed its position on a major policy issue, and each of those three times the change resulted from intensive diplomacy backed by serious pressure – two ingredients sadly and shockingly missing from the response to Darfur today, despite the stirring speeches. The three cases are the regime's support for international terrorist organizations during the early to mid

1990s; its support for slave-raiding militias in southwestern Sudan throughout the 1990s; and its prosecution of a war in southern Sudan that took two million Sudanese lives.

I place the evidence of policy change in these three cases in an appendix to this testimony, and ask that it and the entire statement be placed in the record. Once the recent policy history is reviewed and the real lessons learned from the 18 deadly years this regime has been in power, the answers become clear and obvious. Continuing to ignore or defy these historical precedents may condemn hundreds of thousands of Darfurians to death.

WANTED: A FIRM DEADLINE AND A REAL PLAN B

Nearly everyone agrees on the necessary ingredients for the stabilization of Darfur:

- a peace agreement that addresses the remaining issues of the non-signatory rebels and broader Darfurian society; and
- an effective civilian protection force, the starting point for which is the “hybrid” AU-UN force which the entire world supports, except the Khartoum regime.

The disagreement begins around how to secure those two critical peace and protection objectives. These are the first two “P’s” of what the ENOUGH Campaign calls the “3 P’s” of crisis response. The third P is punishment: imposing a cost for the commission of mass atrocities and building leverage through these measures for securing the peace and protection objectives.

First, a credible timeline is crucial. One empty threat after another must be replaced with a firm deadline which will trigger automatic action. I join with the Save Darfur Coalition in calling for May 1 to be that deadline. The U.S. told UN Secretary General Ban Ki-Moon that U.S. and UN Security Council sanctions would be delayed two to four weeks from the Secretary General’s April 2 request to give diplomacy more time.

Though further delay is abhorrent, there is a silver lining. The Bush administration’s current Plan B, the measures that President Bush was going to announce yesterday at the Holocaust Museum, is inadequate and must be buttressed in very specific ways. May 1 thus gives the administration enough time to prepare a real Plan B – a set of punitive measures with teeth.

Most of the measures the administration was prepared to announce were full of implementation holes and too minimalist to make a major impact on the calculations of regime officials in Khartoum, or on intransigent rebel leaders. After ten years of U.S. unilateral sanctions, the Sudanese government and its commercial partners have easily figured out how to circumvent any unilateral U.S. measures. With little support and cooperation from the CIA because of our close counter-terrorism cooperation with the very same Sudanese officials who are architects of the Darfur policy, U.S. policy-makers are largely in the dark about how the Sudanese government transacts its oil sector business, and can not identify most of the major Sudanese companies owned by regime

officials and doing business throughout Europe, Asia and the Middle East. We simply don't know the names of the dozens of subsidiaries of existing Sudanese companies that can conduct transactions using U.S. dollars with total impunity.

What is needed is an intelligence surge from the CIA and an enforcement surge from the Treasury Department. Without new staff, none of the measures will be able to be enforced with the existing burdens related to other sanctions regimes. Intelligence and enforcement surges will at least bring the U.S. up to speed on who is doing what and how to effectively implement any punitive measures. And without a clear strategy of rapidly escalating pressure through a variety of economic and legal measures, then the deadly status quo will no doubt prevail.

The point is not simply to punish for punishment's sake, although if the Bush administration's characterization of the atrocities in Darfur as genocide were meaningful, it would fulfill the Genocide Convention's requirement to punish the crime. Punitive measures are essential to building the leverage necessary to gain Khartoum's compliance for a durable peace deal for Darfur and the deployment of an effective international force to protect civilians. Similar measures should be imposed against leading rebel commanders and political leaders if they are deemed to have committed atrocities or are obstructing real and balanced peace efforts, which so far do not exist.

Any of the measures that the Bush administration is considering will be exponentially more effective if they are done multilaterally. The U.S. government already has strong unilateral sanctions in place against Sudan, barring U.S. companies from doing business with the National Congress Party (though allowing U.S. businesses to work with the Government of South Sudan), freezing assets in the U.S. of the Sudanese government and some Sudanese companies and individuals, and blocking financial transactions of companies registered in Sudan. These measures, enacted by the Clinton Administration in 1997, did affect the calculations of the regime in pursuit of policy objectives at the time, but have since run their course as the Sudanese regime circumvents U.S. institutions in its commercial dealings. Therefore, if these measures were applied multilaterally and expanded they would have a much bigger impact on the pocketbooks of those responsible for crimes against humanity. Moreover, the Government of Sudan will have a much more difficult time scoring propaganda points when the U.S. is not acting alone.

The following additional punitive measures could be implemented immediately without major cost, but it would require a strong diplomatic effort to rally multilateral support and significant increases in staffing and resources to ensure aggressive implementation.

- **TARGET SUDANESE OFFICIALS MULTILATERALLY:** Impose UN Security Council targeted sanctions – including asset freezes and travel bans -- against persons responsible for crimes against humanity in Darfur. The existing U.S. effort would target three individuals. The number must be much higher. Such sanctions have been authorized in previous UNSC resolutions, and called for in multiple reports from the UNSC Sanctions Committee Panel of Experts.

- **TARGET SUDANESE COMPANIES MULTILATERALLY:** Impose UN Security Council sanctions against the list of Sudanese companies already targeted unilaterally by the U.S., and establish a UN Panel of Experts to further investigate which companies are conducting the business necessary to underwrite Sudan's war machine.
- **PRESS INTERNATIONAL BANKS TO STOP DOING BUSINESS WITH SUDAN:** As is the case with Iran, U.S. officials should engage with a number of international banking institutions to strongly encourage them to stop doing business with Sudan, with the implication being that if such business continues then all transactions by those banks with U.S. commercial entities (and those of other countries willing to work with us) would eventually be banned.
- **SUPPORT THE ICC INDICTMENT PROCESS:** Provide information and declassified intelligence to the International Criminal Court to help accelerate the process of building indictments against senior officials in the regime for their role in orchestrating mass atrocities in Darfur. The U.S. has the most such intelligence and should come to agreement with the ICC about what information to share.

Punitive measures will demonstrate to those committing atrocities and those undermining peace efforts -- whether a part of the government or a rebel group -- that there will be a cost for their actions, and that cost will increase with each major human rights or diplomatic violation.

WANTED: A SERIOUS DIPLOMATIC STRATEGY

It is not enough for the U.S. to have a part-time Special Envoy and occasional visits by high level officials. The U.S. needs to have a team of diplomats working full time and globally to secure the following prerequisites for Sudan's stabilization:

- Support for the development of a common rebel negotiating position;
- Support for the negotiation of amendments to the Darfur Peace Agreement that address the reservations of the non-signatory rebels and broader Darfurian civil society;
- Support for addressing the spillover impacts of the conflict in Chad and the Central African Republic;
- Support for the implementation of the peace deal that ended the north-south war, a deal that is increasingly put at risk by Darfur's deterioration;
- Support for negotiations to end the war between the Ugandan government and the Lord's Resistance Army (LRA), which threatens to undermine peace in Sudan;
- Support for the international diplomacy (particularly with China, the EU, and the Arab League) necessary to see an effective civilian protection force deployed to Darfur, the starting point for which is the "hybrid" AU-UN proposal that Khartoum has not accepted.

In order to be successful, the White House needs to put forward a clear strategy and exert itself in the interagency process to improve cooperation and coordination between the government agencies with roles to play in implementing it. Intelligence officials must be put at the disposal of the peace efforts; Treasury Department officials must be planning and staffing for expanding punitive measures; Defense Department officials must be engaged in accelerated contingency military planning with their colleagues in NATO, the EU and the UN; and the White House should be aggressively tasking various agencies and ensuring that the effort is taken as seriously as that of North Korea, Iran, and other important foreign policy priorities.

WANTED: MILITARY PLANNING AND ACTION FOR PROTECTION

As demonstrated by the successful case studies cited in the Appendix to this testimony, the credible threat of military action will alter calculations of Khartoum officials.

Newsflash: the emperor has no clothes. Until there is recognition of the nakedness of the current international strategy to protect civilians, Darfurians will have no hope of getting that protection. To that end, pressure must be escalated on Khartoum to accept phase three of the UN/AU hybrid plan, the UN has to be pressed to prepare for the immediate implementation of phases one and two, and the Bush administration's budget (and the budgets of other major contributors to UN peacekeeping) must include adequate funding to resource the mission at full capacity. The President's current budget request is insufficient and suggests skepticism on the part of the administration that the mission will ever deploy. Finally, every effort should be made to amend the mandate of the existing and future mission to be one that prioritizes the protection of civilians.

President Paul Kagame of Rwanda, one of the largest troop contributors to the current AU force, told me recently that the hybrid force could be effective if sufficient resources were provided with a clear mandate. Regarding civilian protection, he said, "We would take on additional tasks if we had the resources and the mandate." In frustrating meetings about the impotent response of the broader international community, the Rwandan government has not ruled out withdrawing its troops from an increasingly toothless mission. "If we had more troops, the proper equipment, the right mandate, and a no-fly zone to paralyze the air force," President Kagame told me, "We could protect the civilian population of Darfur." With the proper logistics and resources, Kagame would be willing to consider doubling the number of Rwandan troops in Darfur, and concentrate them in areas immediately under threat. He said it was crucial that any military pressure be backed by a strong international policy of pressure and sanctions. "We don't want to be left hanging," he warned.

This is why UN Security Council financing of an enhanced Darfur deployment is key. With a stronger mandate and more funding for the critical logistical and equipment gaps that exist currently, more African troops would be offered to the AU mission, and the force on the ground would be much more effective.

The UN Security Council also should accelerate the deployment of protection elements to the border regions of Chad and Central African Republic, with mandates to protect at-risk communities, IDP settlements, and refugee camps. However, there is no military solution to Darfur and its spillover: a peace deal in Darfur is a prerequisite for a peacekeeping force to be effective and genuine political dialogue in Chad and CAR should accompany any deployment of international troops or police to those countries. Further, we must acknowledge that international troops or police in Chad and CAR will have little impact on the situation in Darfur. Only a political resolution in Darfur will help defuse the political tensions in Chad and CAR, not the other way around.

In terms of coercive military measures, there are two for which accelerated planning processes should commence within the NATO framework, with the understanding that any action would at least seek UN Security Council approval and only act in its absence if the situation deteriorated dramatically and all other avenues had been explored.

- **No Fly Zone:** absent an enhanced ground component this option is questionable and fraught with potential negative side effects. However, it is important to press ahead with planning an enforcement mechanism for a No Fly Zone as the Sudanese regime continues to use aerial bombing as a central component of its military strategy and its civilian displacement objectives. If the mandate would be strengthened and more troops deployed to protect civilians, neutralizing the Sudanese regime's one tactical advantage will be essential.
- **Non-Consensual Force Deployment:** although few nations are likely to volunteer in the present context, if the situation dramatically deteriorates in Darfur (large-scale pullout of aid agencies, increasing attacks on camps or AU forces, etc.), the debate could shift quickly and credible plans need to be in place to move troops into the theater of war quickly with a primary focus on protecting vulnerable civilian populations.

Credible military planning should commence immediately for both options to demonstrate to Khartoum that decisive military action is possible in a short timeframe. Further planning should also be undertaken for the kinds of targeted military actions argued for by Congressman Donald Payne, Anthony Lake, and Susan Rice, and reinforced by Dr. Rice in her testimony last week in the Senate Foreign Relations Committee. This planning is both a practical necessity, and a means to build and utilize leverage against the regime.

CONCLUSION

The U.S. must move away from its current policy of constructive engagement without leverage (with gentle persuasion being the preferred tool) to a more muscular policy focused on walking softly and carrying – and using – a bigger stick. Unfulfilled threats and appeals should be replaced quickly with punitive measures backing a robust peace and protection initiative. We may not know the names of the victims in Darfur, but we know the names of the orchestrators of the policy that led to their deaths.

There is hope. The growing constituency in the U.S. focused on countering the atrocities in Darfur is expanding by the day, led by student, Jewish, Christian and African-American organizations. Elected officials who ignore this crescendo of activism – though not usually front page news – do so at their own peril. This Congress will do a great service to all of history’s genocide victims – on this day following the Holocaust Remembrance Day – if you make it politically costly for this administration, or any future one, to stand idly by while atrocities such as those in Darfur are being committed.

APPENDIX

LESSONS FROM HISTORY: POLICIES THAT CHANGED KHARTOUM’S BEHAVIOR¹

Since the ruling National Congress Party (NCP – formerly the National Islamic Front) came to power in a 1989 military coup, sound policy choices by the international community have forced the regime to reverse abusive or threatening policies on three separate occasions. The three cases examined here are the regime’s support for international terrorism, its pursuit of a military solution in Southern Sudan, and its unleashing of militias that led to the resurgence of slavery. Understanding why regime officials made these U-turns is critical to constructing a successful strategy for Darfur.

1. Support for Terrorism

As soon as it usurped control of the country in 1989, the NCP began to cash in on its alliances with terrorist organizations (including al-Qaeda), inviting them to Khartoum, allowing their leaders and operatives to travel on Sudanese passports, and providing space for them to develop safe havens and training camps. Osama bin Laden himself lived in Sudan from 1991 to 1996. Today, however, the U.S. considers Sudan to be a valuable partner in the global war against terrorism.

There were two phases in their shift from a major state sponsor of terror to a cooperative partner in the global counter-terrorism effort. First, during the latter years of the Clinton administration, the regime began to abandon most of its alliances with and support for terrorist groups. The regime kicked bin Laden out of the country, turned over Carlos the Jackal, dismantled much of the al-Qaeda commercial infrastructure, revoked passports of terrorists, and shut down terrorist training camps. Second, during the period after 9/11, regime officials became much more cooperative with U.S. counter-terrorism efforts, providing information on suspects around the world based on their extensive links with these individuals and their networks.

The question is why? What mixture of policies led the regime to drastically change tack – from supporting terrorist networks to actively sharing intelligence with the U.S. government? Three key tactics were at play:

¹ The appendix and other sections of this testimony are adapted from “The Answer to Darfur,” a publication of the ENOUGH Campaign (www.enoughproject.org).

a) Aggressive Diplomacy

The U.S. led diplomatic efforts in both phases to press the regime to change. Without such deep and extensive diplomatic engagement, both with regime officials and with other global counter-terrorism partners, other pressures would not have borne fruit. During the 1990s, the Clinton administration worked assiduously through the UN Security Council and with its allies to place multilateral pressure on the Sudanese government to cut its ties to terrorist organizations. During this decade, the Bush administration has worked closely with the Khartoum regime to move beyond simply severing its links with terrorist groups to also providing intelligence on suspects.

There was a dedicated clarity to both efforts. In the former case, Clinton administration officials demonstrated that cooperation would result if a unified set of nations pressured the regime in Khartoum to break its links. In the latter case, the Bush administration closely engaged the regime and received some important information in return, according to intelligence officials.

b) Multilateral Sanctions and Condemnation

When the UN Security Council imposed a series of very light sanctions on the regime (restricting diplomatic travel of senior officials and international flights of Sudanese-owned aircraft) for its ongoing support for terrorism (the last straw being Sudan's involvement in the assassination attempt of Egyptian President Hosni Mubarak in Addis Ababa), Khartoum reacted immediately. NCP officials did not then – and do not now – want scarlet letters placed on their shirts. They do not want the restrictions on their travel and assets spotlighting them as international pariahs. As history has shown, this regime responds to targeted punitive measures.

c) U.S. Military Threats

Though distasteful, especially against the current global backdrop of Iraq et al., it is important to revisit the effect of U.S. military threats on the regime's calculations. The U.S. bombing of the al-Shifa factory in 1998 was not supported internationally, and further complicated U.S. efforts at supporting a peace deal in southern Sudan. However, it sent the signal to regime hardliners that the U.S. was willing to use force against Sudan if its interests were threatened. After 9/11 and the U.S. invasion of Afghanistan, memories of the al-Shifa bombing made the few choice comments from senior U.S. officials about whether Sudan should be the next target resonate even more strongly with regime officials. The NCP quickly intensified its intelligence cooperation efforts. The implication: coercive military force should not be ruled out as a means to achieve compliance with a rogue state like Sudan.

2. Civil War in Southern Sudan

Five times as many people died in Southern Sudan's civil war than the highest estimates so far for Darfur. Indeed, the war between successive governments in Khartoum and the Sudan People's Liberation Army (SPLA) lasted five times as long as the NCP's scorched earth counterinsurgency against rebels and civilians in Darfur. Major interests were at stake in the South: most of the country's oil reserves are there, and the SPLA was much more powerful – militarily – than the rebels in Darfur. Nevertheless, in January 2005 the regime and the SPLA signed a major peace deal that effectively ended the war - for now.

Again, the question is why? What mixture of policies led the regime to stop prosecuting the bloody war and sign a peace deal?

a) Rebel Unity

Perhaps the most important reason for Khartoum's reversal was the unification of a badly splintered rebellion. In 1991, Khartoum had helped engineer a deadly split in the SPLA. It took years of southern Sudanese reconciliation efforts and extensive U.S. diplomacy to finally pull the SPLA back together. Once they posed a serious military challenge to the regime that brought about a stalemate on the battlefield that, in turn, made an accord possible. Under the late John Garang's leadership, the SPLA was developing alliances with Sudanese opposition movements in the north and what was believed to be simply a "north-south civil war" was transforming into a revolution of the periphery against the center. The military threat posed by that unity, when combined with international pressure and high-level engagement, pushed the regime into genuine negotiations with the SPLA.

b) Intense and Sustained International Diplomacy

The peace process which resolved this war was a product of extensive diplomatic efforts led by Washington over two administrations, bringing together the Inter-Governmental Authority on Development (IGAD), the regional organization for the Horn of Africa, with a tight coalition of international actors, including the UN and key governments. There was one process, led by an African envoy, and closely backed by a leverage-wielding quartet of states: the U.S., UK, Italy and Norway. Khartoum was not allowed to "forum-shop" for another process in order to divide the internationals, despite the best efforts of Cairo and Tripoli. This model has proven to be effective in Sudan and elsewhere, but four years into the Darfur war it has not been replicated.

c) White House Engagement

President Bush and key cabinet members were personally supportive of the peace process. They made calls, sent letters, and met key combatants at critical junctures. The administration also made an exception to its usual distaste for envoys and named an influential former senator, John Danforth, as its Special Envoy to bring heft to the process. Khartoum got the message.

d) Christians and Congress

Two U.S. groups were instrumental in driving the peace process to its successful conclusion. Conservative Christian groups and a number of highly motivated and invested members of Congress demanded action from the administration. They also provided U.S. diplomats with additional leverage with the Sudanese government by demanding more radical measures to which U.S. officials could point as possible consequences of the Sudanese regime's intransigence.

e) Divestment

One of the early tools that American activist networks employed was a citizens' campaign – initiated by Smith College Professor Eric Reeves – to demand that state and university pension fund holders sell their stock in Canadian oil company Talisman, which was a primary investor in Sudan's oil sector. A concurrent effort in Congress threatened to de-list any company on the various U.S. stock exchanges that was conducting business to the benefit of the Sudanese regime. This form of indirect pressure influenced investment decisions and increased the potential cost to the NCP if it failed to make peace with the SPLA.

3. Slave Raiding

In the 1990s, one of the regime's principal war tactics was to support ethnic-based Arab militias in attacking the villages and people of non-Arab Dinka descent, a precursor to its current support for the janjaweed militias in Darfur. Khartoum's proxy militias were "paid" in the form of whatever booty they stole during their attacks. The militias captured Dinka Southerners by the thousands and enslaved them, fostering a modern day market for human beings. By the end of the 1990s, the raids had stopped and most of the slave trade was shut down.

Yet again, the question is why? What mixture of policies led the regime to stop its support for the militias and effectively end the state-supported slave trade? Three factors combined to bring about this change.

a) Global Campaigning against Slavery

Across the U.S. and Europe, anti-slavery and human rights organizations relentlessly shone a spotlight on the heinous practice and its facilitators in Khartoum. Through a variety of awareness raising tools – including protests and arrests in front of the Sudan embassy, buying the freedom of abductees (which was not without significant controversy), and fundraising drives by schoolchildren – the temperature was turned up on the regime for its role in supporting the resurgence of slavery. The global campaigning by civil society organizations and human rights activists around the world embarrassed the regime and forced it to re-think its war strategy.

b) Vigorous Diplomacy

U.S. and European diplomats strongly engaged the Sudan regime for its role in arming the militias. What often resulted was a good cop-bad cop strategy in which the U.S. publicly hammered the regime for its practices while the Europeans quietly but firmly pressed Khartoum on the issue. The combination, though it could have benefited from better coordination, allowed for the building of multilateral pressure against one of the regime's central war strategies.

c) U.S. Military Threats

Near the end of the 1990s, U.S. officials examined possible initiatives to help protect civilians in Northern Bahr al-Ghazal, the region of Southern Sudan which experienced the heaviest slave raiding. Though the policy deliberations were confidential, they were leaked to the New York Times and were the subject of discussions between the SPLA and U.S. officials visiting Southern Sudan. Sudanese government officials were unnerved by these consultations, as any efforts to support the SPLA would potentially have given the rebels a tactical advantage, even if the objective was to protect civilian populations. Though the discussions were serious, the threats never materialized into actual decisions to provide assistance. The regime's support for the offending militias ended, soon followed by the end of the practice of slave raiding.