

Testimony for the Record
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Mr. Chairman, distinguished members of the Committee, thank you for the opportunity to provide testimony on the vitally important issue of the escalating crisis in Darfur. Let me also take this opportunity to thank you, Mr. Chairman, and of course Congressman Payne, Speaker Pelosi and many of your colleagues in both Houses and on both sides of the aisle for your committed leadership in trying to halt the ongoing genocide in Darfur and to enable all the people of Sudan to live in peace, hope and freedom from persecution on the basis of their race, religion or ethnicity. You have every reason to be proud of your record on this issue, and many of us are counting on you to continue to lead to save innocent lives.

I feel compelled to begin with a simple, even mundane observation: Today is the 8th of February, 2007. Thirty nine days have come and gone since the very public deadline Mr. Natsios set on November 20th at my own Brookings Institution. He promised that harsh consequences would befall the Government of Sudan, if it failed by January 1, 2007, to accept unconditionally the deployment of a 17,000 person UN-AU hybrid force and to stop the killing of innocent civilians. January 1 was the deadline for the implementation of the Administration’s punitive “Plan B.” Yesterday, the Washington Post published a leaked story that the President had approved “Plan B” – a three stage punitive package that could begin with the United States blocking Sudan’s revenue from oil sales. If this I “Plan B”, it should be implemented swiftly, not leaked. This kind of leak gives the Sudanese advance warning of the United States’ possible actions and enables them to try to evade them.

Today, on February 8th, the United States continues to be taunted, and our conditions continue to be flaunted by the Sudanese Government. Plan B is long past its sell-by date and getting staler by the day.

Last month, a bipartisan group of 26 U.S. Senators wrote to President Bush saying “We appreciate your Administration’s efforts at aggressive diplomacy and negotiation, but it seems clear that the Sudanese are not responding to such tactics.” They insist “...the time has come to begin implementing more assertive measures.” Yet, when asked repeatedly over the past weeks when “Plan B” will be implemented, the State Department spokesman has been evasive. For example: “... if we come to the judgment that the diplomatic track we are on right now, tactics that we are employing at the moment aren’t producing the results we want to see at an acceptable rate, then you move to Plan B....So yeah, we’re thinking about what happens if this current set of diplomatic tactics doesn’t work. But we are not prepared at this point to talk about them.”

Why is the Administration temporizing? Why would it, yet again, issue a threat to the Sudanese regime and fail to follow through on it? What damage is done to our interests, to our credibility, to our already diminished international standing by the Administration's seemingly empty threats? Most importantly, how can the Administration explain to the dead, the nearly dead and the soon to be dead people of Darfur that, at the end of the day – even when we declare that genocide is occurring, even when we insist repeatedly that we are committed to stopping it – the United States has stood by for so long while the killing has persisted. This genocide has endured now, not for 100 days, not for 1000 days, but for almost four long years.

Last month, the UN reported that the situation in Darfur is deteriorating rapidly. After an estimated 450,000 dead and more than 2.5 million displaced or rendered refugees, December 2006 was the worst month in Darfur in over two years. This nadir followed six months of escalating violence – a period which coincides with Khartoum's bid to expel and, failing that, to constrain the African Union force, to block the UN deployment and to throw its killing machine into high gear. The rebels' activity has also increased, and their violence has harmed both civilians and humanitarian agents. In those six months: thirty UN and other aid compounds suffered attacks; twelve aid workers were killed, and over 400 were forced to relocate. On December 18, four aid organizations were attacked at a massive refugee camp housing 130,000 at Gereida in South Darfur. All humanitarian operations there have ceased, and no food has been delivered to the camp in over a month.

At the same time, the fighting in Darfur is spilling into and destabilizing the neighboring countries of Chad and Central African Republic. Khartoum has backed rebels that seek to overthrow these governments, and the security situation along their borders is so bad that even the UN is reluctant to deploy forces there without an effective ceasefire. In recent weeks, Sudanese aircraft have attacked rebel-held areas and killed many innocent civilians. These attacks continue, despite the Richardson 60-day ceasefire, which is merely the latest of many to be agreed only to be swiftly violated by Khartoum.

As of this moment, still no Plan B.

The Pattern of Bluster and Retreat

Mr. Chairman, what we are witnessing is part of a three year pattern on the part of the Administration. In short, it talks tough and then does little more than provide generous humanitarian assistance. It blusters and, then, in the face of Sudanese platitudes, intransigence or empty promises, the Administration retreats.

When the rebels started the fighting in Darfur in February 2003, the Administration at first chose largely to ignore it. Despite the rampaging reprisals of janjaweed killers and rapists, the torching of whole villages, the wanton bombing of innocent civilians and massive humanitarian suffering, the Administration was slow to act. It seems to have calculated that pressing the Government of Sudan to halt its customary scorched earth tactics in Darfur ran counter to our interests in obtaining Khartoum's cooperation on

counter-terrorism, which had begun abruptly after September 11, 2001, and in cajoling the regime to sign a North-South peace agreement with the SPLM.

By 2004, the human toll was mounting and being juxtaposed against the hollow pledges in many capitals of “never again” that marked the 10th anniversary of the Rwandan genocide. With, a presidential campaign underway, Congress and Democratic candidates went on record as characterizing the atrocities as genocide. Then, the Administration determined, belatedly, that its comparative silence was deafening. Secretary Powell and Kofi Annan visited Darfur and obtained empty promises from President Bashir that the Government would disarm the janjaweed, allow unfettered humanitarian access and permit an African Union force to deploy.

Yet, predictably, the killing and dying continued. Over the summer of 2004, Secretary Powell ordered a comprehensive investigation of the human rights violations that drew upon hundreds of first hand accounts. Faced with the evidence, Secretary Powell embraced the investigators conclusions: genocide was taking place. To his credit, he testified that effect, and the President in September powerfully repeated that judgment before the UN General Assembly. And then, again, the Administration did nothing effective to stop the killing.

At the same time, with Western encouragement, the African Union mounted its first ever peacekeeping mission -- in Darfur. To seasoned analysts of African peacekeeping capacity, the flaw in this approach was obvious from the start: the nascent AU could not succeed in its mission to secure millions of people at risk in an area the size of France. Hobbled by a weak mandate, an uncertain funding stream, little institutional back-up at a brand-new regional organization, and perpetual troop shortages, the AU was bound to fall short, despite all its best intentions -- and ours. It was slow to deploy, but deploy it did -- with U.S. and NATO logistical and financial support.

The African Union has been the target of a lot of criticism for its shortcomings in Darfur. I think unfairly so. While we sit here in Washington wringing our hands, the African Union forces have been the only ones who have been willing to take bullets to save Darfurians. They have done so without adequate international support and under constant pressure and restrictions imposed by Khartoum. They have saved thousands of lives and we owe them honor and our gratitude. Their presence also gave the U.S. and others a ready, if cynical, foil for declaring the genocide under control. It wasn't. But they continue to serve nobly in the most trying conditions while others wring their hands.

By 2005, after one year, the AU finally reached a strength of almost 7,000 and pledged to add another 6,000. It couldn't and didn't. By then, it was clear to all who paid attention: the African Union was in over its head. Many experts, I among them, pled for NATO to step in, with US support, to augment the AU force. Those calls went unheeded, as some African leaders continued to insist on “African solutions to African problems.” The U.S. must have found convenient this conspiracy of absolution. But genocide is not and never will be an African problem. It is a human problem, requiring the concerted efforts of all humanity to halt decisively. To date, we have not.

In 2005, Secretary Rice visited Darfur, and Deputy Secretary Zoellick began to lead the U.S. negotiating effort. In early 2006, the AU itself accepted reality and recommended that the UN subsume its force and take over its mission. In parallel, Mr. Zoellick was trying to nail a peace agreement before he left State. His efforts culminated in May 2006, in the signing of the Darfur Peace Agreement (DPA). This agreement appeared fatally flawed before the ink was dry: it left out two key rebel groups; and the one that signed did so under extreme duress -- one day after its leader's brother was killed by the regime. Moreover, Khartoum made little in the way of power-sharing concessions with the rebels; there was no firm requirement, just an unwritten understanding, that the Government would accept a robust UN peacekeeping force. There were rewards pledged for Khartoum like the lifting of U.S. sanctions and a White House visit, but no penalties for non-compliance. As many feared, the ceasefire was broken almost immediately. The rebels fractured. The killing intensified, and the people of Darfur have suffered all the more.

After Mr. Zoellick left State, U.S. policy foundered for a period. But in late August, it seemed back on track. The U.S. succeeded in obtaining UN authorization under UNSCR 1706 of a Chapter VII peacekeeping mission to Darfur. 22,000 peacekeepers with a mandate to protect civilians were agreed, overcoming Chinese reservations. In September, President Bush and Secretary Rice visited the UN General Assembly. They appointed Mr. Natsios Special Envoy and promised tough consequences against Khartoum, if it did not drop its refusal to accept the UN force.

Mr. Natsios went to work to try to persuade Khartoum to accept UNSCR 1706. Instead, in November in Addis Ababa, the U.S. joined the UN, African Union and European leaders in preemptively capitulating to Khartoum's refusal to accept the UN force. In an effort to win Khartoum's acquiescence, the U.S. embraced with others a fall-back position: a smaller, weaker, AU-UN "hybrid" force. In December, the UN Security Council, with the U.S. leading the way, effectively abandoned UNSCR 1706 and endorsed the Addis agreement.

This hybrid force would be substantially smaller than the UN's -- 17,000 vice 22,000. It is to derive its mandate from the AU, which Khartoum has readily manipulated. It is to draw its troops principally from Africa, but overstretched by deployments to numerous hotspots on the continent, Africa has very little peacekeeping capacity to spare. It would enjoy UN funding but suffer from all the "dual-key"-type problems that plagued the UN and NATO in the Balkans in the early 1990s.

The so-called "hybrid" was an ill-conceived and short-sighted expedient to accommodate, yet again, the perpetrators of genocide. Still, Khartoum steadfastly refuses to accept any significant deployment of UN forces, in a hybrid form or otherwise, in Darfur.

Deadlines have come and gone. The U.S. continues to negotiate, to bluster and retreat. And Darfurians continue to die. This is, by any measure, a collective shame. The

American people know it, and by all accounts they don't much like it. According to Newsweek (12/25/06), "65% of Americans support sending U.S. troops, as part of an international force, to Darfur."

The Way Forward

The time for fruitless and time-consuming negotiations has long since passed. The time for misplaced faith in Richardson's ceasefire, or Ban Ki Moon's diplomacy, or Chinese blandishments (rather than the hoped-for admonitions) has passed. These are Khartoum's delaying tactics -- to buy time while it continues the killing.

If the Bush Administration is truly serious about halting this four year-old genocide and protecting civilians in Darfur, it must act now to show Khartoum that we are done talking and are now starting to turn the screws.

Step One: The President should issue an Executive Order implementing the financial measures in Plan B immediately. The Order should include safeguards to ensure that revenue flows to the Government of South Sudan remain unaffected. Given yesterday's leak of the contours of Plan B, the President must act now or risk squandering the potentially significant impact of these measures.

Step Two: The Bush Administration should state clearly that these financial penalties will not be lifted unless and until the Sudanese Government permanently and verifiably stops all aerial and ground attacks against innocent civilians and allows the full and unfettered deployment of the Chapter VII UN force authorized under UNSCR 1706. The U.S. should declare the so-called "hybrid" force dead and take it off the negotiating table, where it has languished for three months. The hybrid was an unfortunate concession to Khartoum, which Khartoum has been foolish enough to reject. It was a flawed concept from the start, since such a hybrid force would prove far less effective in protecting civilians than the planned UN force. It's time to tell Khartoum that it has a simple choice: accept the UN force as envisioned in UNSCR 1706 or face escalating pressure from the U.S.

Step Three: The 110th Congress should swiftly adopt new legislation on Darfur that builds upon a bill introduced by Congressman Payne in the last session as HR 1424, which garnered the bipartisan support of over 100 co-sponsors. The new legislation should:

- Authorize the President to use force to stop the genocide in Darfur, including by imposing a no-fly zone, bombing aircraft, airfields and the regime's other military and intelligence and related assets.
- Authorize funds to upgrade Abeche airfield in Chad, with the agreement of the Government of Chad, in order to support potential NATO air operations, to facilitate a UN deployment to Chad and Darfur, and for humanitarian purposes.

- Urge the Administration to press for the deployment of UN peacekeepers to the borders of Chad and the Central African Republic to protect civilians and serve as advance elements for the UN force in Darfur authorized under UNSCR 1706.
- Impose capital market sanctions on companies investing in Sudan.
- Urge the President to freeze the assets of the Government of Sudan as well as to freeze the funds and prohibit the travel to the U.S. of key Sudanese military, government and janjaweed leaders and their families.
- Require the Administration to report every 30 days (in unclassified and classified form) on the financial, military, and covert steps it is prepared to take to compel the GOS to accept unconditionally a robust UN force and halt attacks on civilians.

Step Four: If within fifteen days of the issuance of the “Plan B” Executive Order, the Government of Sudan has failed to fulfill the above conditions, the Administration should exert military pressure on Khartoum to achieve the same ends.

What I wrote with Anthony Lake and Donald Payne in the Washington Post on October 2, 2006, still applies:

“History demonstrates there is one language Khartoum understands: the credible threat or use of force. After 9/11, when President Bush warned states that harbor terrorists, Sudan recalling the 1998 U.S. air-strike on Khartoum, suddenly began cooperating on counter-terrorism. It’s time again to get tough with Sudan.

This is what’s needed: After swift diplomatic consultations, the U.S. should press for a Chapter VII UN resolution that issues Sudan an ultimatum: accept the unconditional deployment of the UN force within one week, or face military consequences. The resolution would authorize enforcement by UN member states, collectively or individually. International military pressure would continue until Sudan relents. The U.S., preferably with NATO involvement and African political support, would strike Sudanese airfields, aircraft and other military assets. They could blockade Port Sudan, through which Sudan’s oil exports flow. Then, the UN force would deploy -- by force, if necessary, with U.S. and NATO backing.

If the U.S. fails to gain UN support, we should act without it. Impossible? No, the U.S. acted without UN blessing in 1999 in Kosovo -- to confront a lesser humanitarian crisis (perhaps 10,000 killed) and a more formidable adversary. Under NATO auspices, we bombed Serbian targets until

Milosevic acquiesced. Not a single American died in combat, and ethnic cleansing ended. Many nations protested that we violated international law but, subsequently, the UN deployed a mission to administer Kosovo and effectively blessed NATO military action retroactively.

Unthinkable in the current context? True, the international climate is less forgiving than in 1999. Iraq and torture scandals have left many abroad doubting our motives and legitimacy. Some will reject *any* future U.S. military action, especially against an Islamic regime, even if purely to halt genocide against Muslim civilians. Sudan has also threatened that Al Qaeda will attack non-African forces in Darfur – a real possibility since Sudan long hosted bin Laden and his businesses. Yet, to allow another state to deter the U.S. by threatening terrorism would set a terrible precedent. It would also be cowardly and, in the face of genocide, immoral.

Some will argue the U.S. military cannot take on another mission. Our ground forces are stretched thin. But a bombing campaign or a naval blockade would tax the Air Force and Navy, which have relatively more capacity, and could utilize the 1,500 U.S. military personnel in nearby Djibouti.

Others will insist that, without the consent of the UN or a relevant regional body, we would be breaking international law. Perhaps, but the Security Council recently codified a new international norm prescribing “the responsibility to protect.” It commits UN members to decisive action, including enforcement, when peaceful measures fail to halt genocide or crimes against humanity.

This genocide has lasted [over] three long years. Peaceful measures have failed. The Sudanese government is poised to launch a second round of genocide. The real question is this: will we use force to save Africans in Darfur as we did to save Europeans in Kosovo?”

This proposal has been controversial.

Some analysts prefer the imposition of a no-fly zone over Darfur to a bombing campaign. Seemingly, they view it as a less aggressive option. It is a fine option, but let’s be clear what it entails. Rather than stand-off air strikes against defined targets, to maintain a no-fly zone would require an asset-intensive, 24 hour per day, 7 day per-week open-ended military commitment in a logistically difficult context. To protect the no-fly area, the air cap would have to disable or shoot down any aircraft that took off in the zone. It would require shutting down Sudanese airfields in and near Darfur to all but humanitarian traffic. In short, it would soon require many of the same steps as are necessary to effect the air strikes we recommend, plus much more.

Some humanitarian organizations have expressed concern that air strikes could disrupt humanitarian operations or cause the Government of Sudan to intensify ground attacks against civilians in camps. These are legitimate concerns. The risk is real.

Yet, there are ways to mitigate these risks. The targets for bombing could be selected to avoid those airfields used by humanitarian agencies operating in Darfur. To protect civilians at risk, the U.S., France or other NATO countries could position a light quick reaction force in nearby Chad to deter and, when possible respond to, increased attacks against civilians in Darfur and Chad. While the risks may be mitigated, we know they cannot be eliminated.

Yet, we also know not just the risk but the daily cost of the status quo – of bluster and retreat. That cost has been and will continue to be: thousands and thousands and thousands more lives each month. That cost is an emboldened Khartoum government that continues to act with impunity. That cost is a regime that literally has gotten away with murder, while the U.S. merely remonstrates.

Mr. Chairman, I would submit that this cost is too high. Too many have already died. Too many more are soon to die. When will the Administration finally determine that enough is enough?