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*“Dithering on Darfur: U.S. Inaction in the Face of Genocide”*  
*Testimony before the*  
*Senate Foreign Relations Committee*  
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Mr. Chairman, distinguished members of the Committee, thank you for the opportunity to testify on the vitally important issue of the escalating crisis in Darfur. Let me also take this opportunity to thank you, Mr. Chairman, 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. I commend your efforts to enable all the people of Sudan to live in peace, free 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.

Where’s Plan B?

I feel compelled to begin with a simple observation: today is the 11th of April, 2007. The genocide in Darfur has lasted four years and counting. An estimated 450,000 people are dead. More than 2.5 million have been displaced or rendered refugees. Every day, the situation worsens. One-hundred and one days have come and gone since the expiration of the very public deadline the President’s Special Envoy Andrew Natsios set at my very own Brookings Institution. Last year, on November 20<sup>th</sup>, Natsios promised that harsh consequences would befall the Government of Sudan, if by January 1, 2007, it failed to meet two very clear conditions. First, Khartoum must accept unequivocally the full deployment of a 17,000 person UN-African Union “hybrid” force. And, second, it must stop killing innocent civilians.

In spite of this threat – the so-called “Plan B” -- the Government of Sudan continues to kill with impunity. Khartoum still has not accepted UN troops as part of a hybrid force. Bashir sent a letter late last December to Kofi Annan implying his acquiescence to UN troops – but offering no explicit acceptance. The next day Sudan’s ambassador to the UN ruled out any UN forces. Sudan keeps playing this bait and switch game to its advantage, and the U.S. keeps being played. And, still, no Plan B.

In early February, the Washington Post reported, and Natsios confirmed, a leaked story that the President had finally approved “Plan B” – a three stage punitive package that could begin with the United States blocking Sudan’s oil revenue. This “Plan B” should have been implemented swiftly, not leaked. This kind of leak gives Sudan advance warning, enabling it to try to evade sanctions.

Still, it remains unclear what the “three tiers” of the administration’s Plan B are. In testimony in February before the House Committee on Foreign Affairs, Special Envoy Natsios revealed nothing of the substance or timing of Plan B. One cannot help but wonder: is there any beef behind the Administration’s repeated threats? We have no idea

if the promised penalties will ever be implemented and, if so, whether they would be powerful enough to change Khartoum's calculus.

The sad truth is: 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.

In January, 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." The Senators insisted "...the time has come to begin implementing more assertive measures."

In March, a bipartisan group of 31 Senators reiterated the call for action in another letter to President Bush urging that the administration ask the UN Security Council to impose sanctions on the Sudanese government. Many members of this committee correctly argued that "a threatened veto should not silence us" and that we should "let a country stand before the community of nations and announce that it is vetoing the best effort we can muster to build the leverage necessary to end ongoing mass murder." Yet, to date, the Bush Administration has failed to press for tough action against the Sudanese government at the UN Security Council.

Worse still are this Administration's diversionary tactics -- recently asserting that Sudan had accepted, in principle, so-called Phase III -- the full deployment of the hybrid force, including its UN elements. In fact, the Sudanese made no such clear commitment, not even in principle. The State Department's spokesman said some weeks ago that the Administration will defer further consideration of any punitive measures until *after* the UN is ready to deploy all its forces for the hybrid mission. In other words, the new due date for consideration of Plan B, may, be months away at the earliest, and may occur only if the Sudanese block deployment of UN forces once they are fully ready to go.

In testimony before the Senate in February, Secretary Rice went even further in ratcheting down the pressure on Khartoum. In response to you, Mr. Chairman, when you said "I think we should use force now and we should impose [a no fly zone]", Secretary Rice took the option of unilateral U.S. military action off the table, noting its "considerable down-sides." She made no mention of the "considerable downsides" of allowing genocide to continue unabated.

Perhaps that is because the Administration appears to have reversed itself and decided that genocide is not happening in Darfur. Quoted in the Georgetown Voice, Natsios told a student group that: "The ongoing crisis in Darfur is no longer a genocide situation" but that "genocide had previously occurred in Darfur." President Bush conspicuously failed to use the term "genocide" when speaking of Darfur in his latest State of the Union address. Such language games shock the conscience, especially given recent escalating attacks on civilians and aid workers.

Reflect on what's at stake. If any progress at all has been made on the subject of Darfur, it is that we in the United States have gotten past the debate about whether this is, or is not, a genocide. To regress, to re-open this issue, is to further slow-roll any action,

to reduce any sense of urgency, and to allow more and more people to continue dying. Make no mistake: Darfur has been a genocide. It continues to be a genocide. And unless the United States leads the world in halting the killing, it will remain a genocide.

Why do you suppose the Administration is equivocating and temporizing? Why would it re-open old debates? Why would it, yet again, issue threats to the Sudanese regime and fail to follow through on them? What damage is done to our interests, to our credibility, to our already diminished international standing by the Administration's seemingly empty threats?

One possible explanation is that the administration accepts Khartoum's line that what is occurring in Darfur is a complex civil conflict that requires primarily a political solution. It is obvious that there are rebel groups operating in Darfur, that these groups have attacked civilians and peacekeepers, and that the splintering and disunity amongst these groups hampers political negotiations. It also obvious that a long-term solution in Darfur will require political accommodation and reconciliation.

However, negotiations cannot end a genocide: genocide is not a mere counter-insurgency tactic. Genocide results from the conscious decision of one party to a conflict to seek to eliminate another distinct group in whole or in part. This is the choice the Sudanese Government made in the case of Darfur. There are only two ways to end a genocide: to apply powerful enough pressures or inducements to persuade the perpetrators of genocide to stop; or to protect those who are the potential victims of genocide. A negotiated solution would do neither, though it is necessary, ultimately, to resolve the underlying conflict.

Yet, diplomacy takes time. Political negotiations require patience, coordinated pressure and energetic diplomacy married with the credible threat of powerful sanctions and the use of force. While the Administration negotiates without credibly threatening more powerful action, Khartoum continues the killing at an alarming pace. America's principal priority in Darfur must be to stop the suffering and killing, and to do so quickly.

Another explanation for the Administration's dithering is that they simply do not have a coherent Darfur policy. In fact, the U.S. approach to the genocide in Darfur has been simultaneously anemic and constipated. The coming and going of deadlines and the shifting personnel assignments are indicative of the fact that we have no comprehensive strategy for stopping the killing.

This week, Deputy Secretary Negroponte is traveling to Khartoum to take yet another stab at negotiations with the Sudanese junta. Undoubtedly, Ambassador Negroponte will learn for himself what Condi Rice, Robert Zoellick, Jendayi Frazer, Andrew Natsios, Kofi Annan and Bill Richardson have discovered all before him: Khartoum's word means nothing. The Sudanese Government cannot be trusted to keep its promises nor to take concrete steps to end the killing. Yet, while U.S. officials re-learn old lessons, Khartoum is using diplomacy as a foil to continue the genocide.

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 after we declare that genocide

is occurring, even after we insist repeatedly that we are committed to stopping it – the United States continues to stand by while killing persists. This genocide has endured now, not for 100 days, not for 1000 days, but for four long years.

In January, the UN reported that the situation in Darfur was deteriorating rapidly. December 2006 was the worst month in Darfur in over two years. This nadir followed six months of escalating violence – a period which coincided with Khartoum’s bid to expel the African Union force, to block the UN deployment and to throw its killing machine into high gear. Rebel activity has also increased, and their violence is harming civilians and humanitarian agents. In those six months: thirty humanitarian 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 ceased, and innocent people went weeks without food shipments. Sudanese aircraft have attacked rebel-held areas and killed many innocent civilians.

At the same time, the fighting in Darfur is destabilizing neighboring Chad and Central African Republic. Khartoum has backed rebels that seek to overthrow these governments. Indeed this past week, 65 people were killed and 70 wounded by janjaweed militias in Chad. UN Undersecretary General for Humanitarian Affairs John Holmes reported last week that, since the fall of 2006, the number of displaced persons in eastern Chad has risen from 50,000 to 140,000; the number of displaced people in the northeast of the Central African Republic has grown from 50,000 to 212,000. The UNHCR is now reporting that refugees from Chad are actually spilling into Darfur. The security situation along these borders is so bad that the UN is reluctant to deploy forces there without an effective ceasefire.

The administration has been slow to recognize the impending collapse in Chad and CAR. The Administration’s FY 2008 budget request includes a scant \$100,000 of assistance for the Central African Republic, this is a decrease from FY 2006’s meager \$670,000 appropriation. The requests for Chad are somewhat more robust – totaling \$5.3 million, most of which is food aid; however neither country is likely to receive the money to avert worsening political, security, and humanitarian conditions. The UN’s John Holmes estimates that the UN will require \$174 million for humanitarian assistance in Chad and \$54 million in the Central African Republic. While this will require a global effort, the United States should be leading efforts to provide this money.

As the humanitarian situation in these countries worsens, I begin to worry that, in the absence of swift action to stop the genocide in Darfur and stabilize the region, we may be forced to change the advocacy campaigns from “Save Darfur” to “Save Central Africa.” I commend Senator Feingold and others who introduced Senate Resolution 76, which calls on the administration to press for a UN force on the Chadian side of the border and to “develop, fund, and implement a comprehensive regional strategy in Africa to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace in eastern Chad, the Central African republic, and Darfur.” As you recognize, the disastrous implications of another round of cancerous violence spilling from one country to another are too numerous to catalogue here. At the same time, we cannot allow the search for a comprehensive political

solution to a complex regional crisis to slow us from stopping the on-going genocide in Darfur. Both efforts must proceed in tandem, but the stopping of mass murder must be the most urgent task.

### Bluster and Retreat

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

When the rebels started fighting in Darfur in February 2003, the Administration at first chose 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 getting Khartoum's cooperation on counter-terrorism, which began abruptly after September 11, 2001. Confronting the genocide, the Administration calculated, might also jeopardize U.S. efforts to cajole the regime to sign a North-South peace agreement with the SPLM.

But by 2004, the human toll was mounting. On the tenth anniversary of the Rwandan genocide, many noted the contrast between the hollow pledges in many capitals of "never again" and the dying in Darfur. With, a presidential campaign underway, Congress and Democratic candidates went on the record characterizing the atrocities as genocide. This prompted the Administration to decide, belatedly, that its comparative silence was deafening. Secretary Powell and Kofi Annan visited Darfur and obtained hollow promises from Bashir that his 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 atrocities, drawing upon hundreds of first hand accounts from victims and witnesses. 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. But then, again, the Administration did nothing effective to stop the killing.

With Western encouragement, the African Union mounted its first ever peacekeeping mission -- in Darfur. To seasoned analysts, this approach was clearly flawed from the start: the nascent AU could not hope to secure millions of people at risk in an area the size of France. Hobbled by a weak mandate, perpetual troop shortages, an uncertain funding stream, and little institutional back-up at a brand-new regional organization, the AU was bound to fall short, despite its best intentions. 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 the United States blusters, the African Union forces

have been the only ones willing to take bullets to save Darfurians. Just this past month five Senegalese soldiers died guarding a water point in Darfur, this brought the total number of AU soldiers killed in Darfur since 2004 to 15. These courageous soldiers are part of a force that has deployed without adequate international support and under constant restrictions imposed by Khartoum. They have saved thousands of lives and we owe them our honor and gratitude. Their presence also provided the U.S. with a ready, if cynical, foil for declaring the genocide under control. It wasn't.

By 2005, the AU finally fielded almost 7,000 troops. It pledged to add another 6,000 within a year. It couldn't. By then, it was obvious to all: 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. Certain African leaders continued to insist on "African solutions to African problems." It was a convenient conspiracy of absolution, which enabled Washington to claim that further U.S. action was not desired. The Africans were responsible. But genocide is not and never will be an African responsibility. It is a human responsibility, 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 took over 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 the State Department. His efforts culminated in May 2006, in the signing of the Darfur Peace Agreement (DPA).

This deal was doomed before the ink on it was dry. It left out two key rebel groups. 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 to the rebels; there was no firm requirement that the Government accept a UN peacekeeping force. There were rewards secretly 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 collapsed almost immediately. The rebels fractured. The killing intensified, and the people of Darfur suffered more.

After Zoellick left State, U.S. policy foundered. But, by late August 2006, it seemed back on track. The U.S. obtained UN authorization for a robust Chapter VII force for Darfur -- 22,000 peacekeepers with a mandate to protect civilians. In September, President Bush and Secretary Rice visited the UN General Assembly. They appointed Andrew Natsios Special Envoy and promised tough consequences, if Khartoum did not accept the UN force mandated by UN Security Council Resolution 1706.

Mr. Natsios went to work. By November in Addis Ababa, he had joined the UN, African Union and European leaders in preemptively capitulating to Khartoum. In an effort to win Sudan's acquiescence, the U.S. and others jettisoned the robust UN force and embraced a fall-back: a smaller, weaker, AU-UN "hybrid" force. In December, the UN Security Council, with the U.S. leading the way, abandoned Resolution 1706 and endorsed the Addis agreement.

This hybrid force is to be 17,000 troops versus the 22,000 called for in United Nations Resolution 1706. It would derive its mandate from the AU, which Khartoum readily manipulates. It is to draw its troops principally from Africa. But overstretched by deployments to hotspots all over the continent, Africa has very little peacekeeping capacity to spare. The hybrid would enjoy UN funding but suffer from the same “dual-key” problems that plagued the UN and NATO in the Balkans in the 1990s.

One of the greatest shortcomings of the hybrid force is that each and every aspect of it must be negotiated by all the parties involved. As negotiations persist, people in Darfur die. On March 29th at the Arab League Summit in Riyadh, UN Secretary General Ban Ki Moon reportedly won Khartoum’s acceptance in principle of phase two of the UN/AU deployment. On Monday, experts from the United Nations met with Sudanese officials and appear to have worked out terms for deploying the UN “heavy support package”, but not the hybrid force itself. Secretary Ban plans to meet with AU Chief Executive Alpha Oumar Konare on April 16th to discuss how to move forward. In the interim, innocent civilians remain at grave risk without adequate protection. While Secretary Ban’s diplomatic efforts are laudable, they have far fallen short of delivering what is so urgently needed a robust international force, led by the United Nations that is capable of stopping the genocide in Darfur.

In reality, the “hybrid” is an ill-conceived, short-sighted and failed expedient to appease, yet again, the perpetrators of genocide. How perverse is it that the U.S. is expending all of its diplomatic capital politely negotiating the terms of a hybrid force that falls well short of what is needed to halt the genocide?

As the back and forth with Sudan persists, U.S.-imposed deadlines have come and gone. Khartoum continues to lead the international community through a diplomatic dance that defies definition. Darfurians continue to die. Chadians continue to die. The region is coming unglued.

This is, by any measure, a collective shame. The American people know it. And, by all accounts, they don’t much like it. A December Newsweek poll as well as a PIPA poll released last week found that 65% of Americans support sending U.S. troops, as part of an international force, to Darfur.

### The Way Forward

The time for fruitless and feckless negotiations has long since passed. However well-intentioned the mediators, negotiations only serve Khartoum’s interests -- in diverting international attention and delaying meaningful international action. They buy Khartoum time to continue the killing.

*If the Administration were serious about halting this four year-old genocide and protecting civilians in Darfur, it would act now to show Khartoum that we are done talking and are ready to turn the screws.*

We should take the following four steps:

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 the leak of Plan B, the President should act now or risk squandering the potentially significant impact of these measures. The Administration should couple unilateral sanctions with a sustained push for tough UN sanctions, including those that target the oil sector. The U.S. should then dare China or another permanent member to accept the blame for vetoing effective action to halt a genocide.

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 air and ground attacks and allows the full and unfettered deployment of the UN force authorized under UNSC Resolution 1706. The U.S. should declare the so-called “hybrid” force dead and take it off the negotiating table. The hybrid was an unfortunate concession to Khartoum, which Khartoum has been foolish enough not to embrace. It’s time to tell Khartoum that it has a simple choice: accept the UN force as mandated by Resolution 1706 or face escalating pressure from the U.S.

Step Three: The 110th Congress should swiftly adopt new legislation on Darfur. It should build upon a bill introduced in the last Congress by Representative Payne, which garnered the bipartisan support of over 100 co-sponsors. The new legislation should:

- Authorize the President to stop the genocide in Darfur, including by imposing a no-fly zone, bombing aircraft, airfields and the regime’s military and intelligence 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.
- Freeze the Sudanese Government assets and those of key Sudanese military, government and janjaweed leaders and their families. Prohibit their travel to the U.S.
- And, 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 meet these conditions, the Bush Administration should use force to compel Khartoum to admit a robust UN force and stop killing civilians.

What I wrote with Anthony Lake and Donald Payne in the Washington Post on October 2, 2006, still applies six months, and thousands of lives later:

“History demonstrates there is one language Khartoum understands: the credible threat or use of force. It’s time again to get tough with Sudan. 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 as it did in 1999 in Kosovo -- to confront a lesser humanitarian crisis (perhaps 10,000 killed) and a much more formidable adversary. The real question is this: will we use force to save Africans in Darfur as we did to save Europeans in Kosovo?”

Not surprisingly, our proposal has been controversial.

Some argue that it is unthinkable in the current context. True, the international climate is less forgiving than it was in 1999 when we acted in Kosovo. 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 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.

Others argue the U.S. military cannot take on another mission. Indeed, 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 already in nearby Djibouti.

Still others insist that, without the consent of the UN or a relevant regional body, we would be breaking international law. But the Security Council last year 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.

Some advocates prefer the imposition of a no-fly zone over Darfur. They seem to view it as a less aggressive option than bombing Sudanese assets. It is a fine option, but let’s be clear what it likely entails. Rather than stand-off air strikes against defined targets, maintaining a no-fly zone would require an asset-intensive, 24 hours 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 mean shutting down Sudanese airfields in and near Darfur to all but humanitarian traffic. In short, it would soon require many of the same steps that are necessary to conduct the air strikes we recommend, plus much more.

Finally, humanitarian organizations express 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.

Yet, there are ways to mitigate these risks. Targets could be selected to avoid 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 respond to any increased attacks against camps in Darfur or Chad. While the risks may be mitigated, we must acknowledge they cannot be eliminated.

Yet, we must also acknowledge the daily cost of the status quo – of a feckless policy characterized by 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 kill with impunity. That cost is a regime that literally has gotten away with murder, while the U.S. merely remonstrates.

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

Thank you.