



**Testimony before the Senate Foreign
Relations Committee
United States Senate**

“Darfur: A ‘Plan B’ to Stop Genocide”

April 11, 2007

9:30 a.m.

Room 419 Senate Dirksen Office Building

A Statement by

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Chairman Biden and Senator Lugar,

I thank you for taking the lead in organizing today's hearing, and am grateful for the chance to contribute to this timely discussion of the U.S. approach to the Darfur crisis.

I wish to concentrate my remarks upon a few select points.

1. Our single most important and defensible goal should be a political settlement to end Darfur's internal war.

It is important to be very clear on this core goal of U.S. policy in Darfur. At times that goal is not clearly stated or understood.

Realistically, our core aim must be to achieve through concerted international means a political settlement that will replace Darfur's violent internal war with an interim ceasefire, and create a new form of governance in Darfur under fair and just terms, backed by reliable and verifiable guarantees. There are no feasible alternatives. We cannot ignore Sudan, nor are we in a position to change its government or to directly enforce our will.

The goal of ending Darfur's war is contained in the Annan Plan agreed to by the parties in Addis Ababa in November 2006. It makes an enduring peace settlement the key to offering a credible hope that Darfur's displaced and imperiled civilians can return to a safer, more stable and self-sustaining life. It offers a framework for coordinated international action.

Efforts to end impunity and bring to justice those the U.S. government has accused of perpetrating genocide should be carefully disentangled from the core goal of ending Darfur's war.

Ending impunity in the immediate term will be difficult to reconcile with winning agreement to a negotiated peace settlement, including deployment of the AU/UN hybrid force which Khartoum will continue to fear will be an instrument to arrest suspects in high-level positions of government. Ending impunity in Sudan can and should be realized in the medium to long-term through action by the International Criminal Court. But more creativity is needed in the UN Security Council to find the means to phase ICC action so that it is not in conflict with efforts to end Darfur's war.

2. Diplomacy should be the centerpiece of the U.S. strategy.

Success will not come from acting alone in an urgent search for quick fixes. Nor will it come through an overweening unilateral reliance on threatened punitive measures which are untied to clear diplomatic goals and which may distance us from our critical allies.

We should give primacy to diplomatic efforts to renew Darfur political negotiations, based on revisions to the May 2006 Darfur Peace Agreement. Such a negotiated settlement is the only route to ending violence against civilians. Smart sanctions and a strengthened African Union/UN operation are important instruments of pressure and means to protect civilians, but by themselves, in the absence of a political settlement, they will not stop the violence in Darfur. Progress requires realism, a predominant reliance on diplomacy backed at critical moments by focused, tough action, an accurate and timely assessment of facts on the ground, and patience and stamina.

Sanctions can be effective, if enforced in a strategic and balanced fashion to move the government of Sudan and its violent proxies, the janjaweed militias, and the non-signatory Darfur insurgents back to the negotiating table.

The non-signatory spoilers continue to fragment, resist re-entry into serious political negotiations, derive lethal and logistical support from Chad, Eritrea and likely Libya, and carry out high levels of violence against civilians. Khartoum is able to take full advantage of this confusion by playing rebel groups off of one another and co-opting them individually.

In this next phase, we need a smarter strategy for unifying and focusing the rebels on a realistic set of negotiating goals, at the same time that higher targeted pressures are directed at Khartoum. That requires enhancing the incentives to the scattered rebel groups to unite, and taking steps to reduce cross-border materiel support.

3. Sustained high-level U.S. leadership remains strategically important to achieving any results in Sudan.

If we take our guidance from the negotiated conclusion to Sudan's North-South war, signed in January 2005, we can safely predict that progress will only be achieved over a 3-5 year period, driven by a sustained international diplomatic effort.

From 2001 through the end of 2004, Senator John Danforth, first as Special Envoy to Sudan and later as U.S. Ambassador to the United Nations, made crucial contributions to securing the peace between Sudan's North and South. While serving as Deputy Secretary of State, Robert Zoellick was similarly pivotal in moving the parties to the Darfur Peace Agreement.

Both these instances also generated a hard lesson: when there is a break in high-level engagement, a lack of continuity and follow-through, progress achieved can soon begin to unravel. We've seen that most poignantly in the failure thus far to implement the terms of the May 2006 Darfur Peace Agreement.

In this present phase, there is fortunately renewed high-level U.S. engagement.

The current Special Envoy, Andrew Natsios, has been very active since the latter part of 2006 in persuading the Chinese to begin to apply more pressure upon Khartoum, and in reviving a strategy to renew Darfur peace negotiation, led by UN Envoy Jan Eliasson and the African Union's statesman Salim Salim. He has gained access and credibility in Khartoum, among Darfur rebels, and in his dealings with the UN Secretary General and his deputies, the Chinese, British and other members of the UN Security Council, and the African Union. No less important, Deputy Secretary of State John Negroponte will visit Sudan this week and be in a better position to help break the deadlock over political negotiations and the expansion into Phase II of the AU/UN peace operation.

4. U.S. leadership should support a unified, robust international effort.

Actions by both Andrew Natsios and John Negroponte can be vital to moving Khartoum and the Darfur rebels beyond recalcitrance. They can also be vital in overcoming scattered and uncoordinated international efforts.

Regional states are vying with different initiatives to convince rebel leaders to come behind a common agenda. The UN/AU effort, spearheaded by Jan Eliasson and Salim Salim, offers the single best hope for a unified effort to promote a renewed political process and move international efforts beyond the present disarray. Every effort should be made by the United States, the UN Security Council, and others to strengthen this initiative and eliminate competition.

Building a robust international effort requires better monitoring of on-the-ground developments and a better shared estimate of current trend lines. At present there is no reliable, independent metric on civilian fatalities and armed violence by the government of Sudan, its proxy militias, and the rising number of scattered insurgent groups. The result is continued confusion and controversy over the actual levels of violence, by which parties, and how accurately to characterize trend lines: e.g. whether what is unfolding in Darfur constitutes genocide, ethnic cleansing, war crimes, crimes against humanity, or random violence at the hands of brigands. Downstream, this uncertainty complicates efforts to judge whether individual agencies or movements are increasing or decreasing violence against civilians.

Atrocities are committed by all sides, but different parties are at different times responsive to pressures to honor ceasefires. Claims are made frequently by advocacy groups, many based in the United States, that genocide at the hands of the GOS and the janjaweed militia persists. At the same time, confidential sources within the humanitarian community that is operational inside Darfur often claim that fatalities are far below levels that would constitute genocide but above the 1,000 fatalities per annum level that signals an ongoing internal war. At present, it is difficult to square these divergent estimates.

A unified international effort needs also to place Darfur in the context of a widening set of interlocking conflicts in the Horn of Africa, encompassing Chad, the Central African Republic, northern Uganda, and Somalia and Ethiopia. In important ways, the Horn has crept back towards the dark era of the 1980s when there were multiple tit-for-tat cross-

border proxy wars that fed the Horn's endemic instability. One important implication for Darfur: there needs to be a higher priority attached to building effective firewalls, potentially through small focused UN border operations as well as through intensified diplomatic initiatives, that can separate Darfur's internal war from the surrounding region.

5. The United States should continue to give priority to leveraging Chinese influence.

Notwithstanding China's important economic ties with Sudan and public adherence to the principle of non-interference, the last year has seen a subtle shift in China's approach to Sudan, a greater willingness to raise the issue of Darfur with senior Sudanese leaders, and an emerging consensus with the United States that implementation of the three-phase Annan Plan is the best way forward to achieving peace and stability in Darfur. This shift has been driven in part by China's wish to promote itself as an ethical global power, in part by discussions with other African leaders invested in seeing the Darfur issue resolved, and in part by the threat of increasing international pressures and tensions. While the United States and China will continue to differ on respective assessments of the situation in Darfur and on appropriate tactics in its resolution, the United States should seek to build on China's emerging openness to play a constructive role in ending the crisis in Darfur.

International sanctions on Sudan could take different forms, and it is difficult to predict with precision how different sanctions might impact Chinese behavior and the ongoing dialogue between the United States and China on Darfur.

If, for example, the United States were to begin soon to impose unilateral 'smart' sanctions, under 'Plan B,' focused on select individuals and commercial entities, and these measures did not directly or indirectly target Chinese economic interests, it is conceivable that pressures upon Khartoum could be raised through sanctions while action was taken to preserve the existing U.S.-Chinese consensus and pursue more robust U.S.-Chinese collaborative pressures upon Khartoum.

If, on the other end of the spectrum, actions were taken that overtly vilify China, directly target its economic stakes in Sudan, and threaten broader interests such as the 2008 Olympics, that would risk undermining the present U.S.-China dialogue.

In between these two scenarios are intermediate options where sanctions might be put in place that do directly impact Chinese economic interests in Sudan and where the impact on Chinese behavior and the U.S.-China dialogue might be mixed.

Looking forward, we should continue to give high priority in our evolving dialogue with China in seeking greater Chinese commitments that support in concrete terms the consensus on Darfur that has been forged between the United States and China. The Chinese can and should press for deployment of special Chinese military units to strengthen the AU/UN force. China can and should use its leadership and public voice in

the UN Security Council to hold Khartoum to account. China can and should further adjust its economic policies and instruments to signal that it is systematically distancing itself from Khartoum and deliberately lowering the priority of Sudan in its overall expansive engagement in Africa.

6. Higher attention is needed to protect fragile humanitarian channels.

The United States has been the lead donor in creating on a crash basis an elaborate humanitarian operation in Darfur that sustains the lives of over 2.5 million and today relies on the courage and commitment of over 13,000 humanitarian workers. Since 2003, the United States has invested \$2.7 billion in humanitarian support to Darfur. Programs now reach over 90 percent of those in need of assistance. This achievement, and its continued fragility, are often lost in the heated debate over Darfur.

High-value humanitarian commodities increasingly invite assault from the full range of armed actors inside Darfur: violent attacks upon humanitarian convoys and workers, widespread theft of vehicles, and administrative harassment by the GOS. This is a dangerous trend.

If humanitarian operations become significantly more insecure, they will be at risk of a major sudden retrenchment which would have dire consequences for Darfur's vulnerable displaced population, the viability of the international humanitarian infrastructure, and the Darfur region's overall stability.

John Holmes, the new UN UnderSecretary for Humanitarian Affairs, recently visited Sudan and negotiated with the GOS new terms for humanitarian access. Sustained follow-up will be needed to ensure compliance.

Thank you for the opportunity to share these thoughts.