

The Way Forward on Darfur: Building on the Olympic Spirit

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Mr. Chairman and distinguished members of the Subcommittee on National Security and Foreign Affairs,

Thank you for the opportunity to submit written testimony to this important event. The topic of “Darfur and the Olympics” provides a much needed opening to discuss a broader issue hampering progress on Darfur: the lack of consensus and coordination within the international community on the way forward on Darfur. The 2008 Beijing Olympics are increasingly being seen by some in Washington as a tool to pressure the Chinese to change its Sudan policies and to pressure Khartoum. Pressure alone, in whatever form, on China and Khartoum will not bring about a resolution of the conflict. In addition, the Olympics offer a concrete example of the type of international cooperation that will be necessary for more effective international engagement on Darfur, and Sudan as a whole, in the coming period. Without a common approach, there is little hope for progress.

More than four years since the conflict in Darfur erupted, the situation in the western region of Sudan remains grim. Despite lip service to a peace settlement, the Government of Sudan and the various rebel factions remain committed to a military solution. The status quo today in Darfur – roughly 2 million people displaced, with their land increasingly being resettled by allies of Khartoum; general insecurity in much of Darfur; and shrinking space for humanitarian operations – show no signs of improvement.

The international response to the Darfur crisis, though high profile, has been extremely ineffective. On both the political and security front, international efforts have been characterized by angry yet empty rhetoric from international leaders and politicians, leading the Sudanese government and rebel movements to conclude – correctly, thus far – that there was a lack of willingness from the international community to back up its words and threats with action. Though the humanitarian efforts have been successful in saving the lives of countless thousands, we must refocus on the quest for a new political agreement in Darfur. This is the only sustainable solution to the conflict. In plotting the way forward, Crisis Group recommends a two-step approach:

- First, build a common international strategy to revive the Darfur peace process;
- Second, put Darfur back in the broader Sudanese national context, by also refocusing attention and engagement on the increasingly shaky 2005 North-South Comprehensive Peace Agreement, which is the bedrock for peace in Sudan.

One of the main reasons for the failed international efforts has been the lack of a common international approach on Darfur, and the lack of a common strategy on how to move forward on the crisis. The U.S. and China are often portrayed as the two opposite ends of the spectrum on Darfur, with Washington leading calls for greater pressure on Sudan, while China, with its extensive economic investment in Sudan's economy and oil sector, has defended Sudan's interests in the U.N. Security Council and pressed for greater patience and cooperation in dealing with the Sudanese regime on Darfur. China has recently appointed a Special Envoy on Darfur, Mr. Liu Guijin, and has shown signs on increasing its political engagement in Sudan, but this remains to be tested. Progress on Darfur, and Sudan as a whole, requires greater international cooperation, particularly between the U.S. and China.

Khartoum has used the divisions within the international community to deflect pressure, and to neutralize efforts that would compromise its war strategy, as we can see with its continued refusal to allow an AU/UN hybrid force to deploy to Darfur. Crisis Group believes that the international community must agree on a common approach to Sudan which prioritizes a renewed political process in Darfur, refocuses attention on the 2005 Comprehensive Peace Agreement (CPA), and factors punitive measures such as sanctions into this common approach.

STEP 1: BUILDING A POLITICAL STRATEGY FOR DARFUR

It is more than a year since the failed Darfur Peace Agreement (DPA) was signed in Abuja, yet there has been a near total political vacuum from the international community to restart or rebuild a functioning political process for Darfur. The situation has changed and evolved since the May 2006 DPA, and these changes must be factored into a peace strategy. For example, the rebel groups – particularly the Sudan Liberation Army (SLA) – has splintered into numerous new factions since the DPA was signed by former SLA Secretary General Minni Minawi, but rejected by SLA Chairman Abdelwahid el Nur. The ruling National Congress Party (NCP) continues to pursue a divide and rule strategy in Darfur, working to fragment the rebels by buying off commanders, instigating tribal divisions and warfare by selectively arming allied tribes, or imposing politically allied tribal leadership onto the broader group. Finally, there are a series of important lessons from the failure of the DPA that must be recognized. It is our belief that a renewed political process for Darfur should be built on the following pillars, each of which should be pursued, in parallel, in the lead up to new negotiations:

A) Unify the rebel movements:

The collapse of the Darfur rebel movements into numerous armed clusters presents a major challenge for new political negotiations. Until and unless these groups can be brought together, at least around a common political strategy, it will be almost impossible to establish a credible political process, much less implement any agreement that emerges.

International efforts on this front over the last six months have been well intentioned, but poorly organized. Various initiatives from the U.S., EU, Norway, Eritrea, Chad, Libya and Egypt were pursued, but with little coordination or continuity between them. Efforts to hold an SLA field conference in North Darfur were bombed repeatedly by Khartoum between November and April, despite promises to allow the meeting to go forward. Though some talks did take place, they failed to achieve the bare minimum of a common political agenda, let alone unification. The former rebel SPLM (Sudan People's Liberation Movement), are now prepared to host unification conference in southern Sudan later this month for the Darfur rebel factions, though at least one group has already refused to attend. There remains a duplication of efforts, however. In addition to the planned SPLM meeting in Juba, the Eritrean government may launch a separate process, and multiple non-governmental initiatives are complicating the scene. International support for these efforts is crucial, but it must be coordinated and consistent.

B) Broaden participation in future talks

The May 2006 DPA failed, in part, because it excluded key constituencies from Darfur in the process. Future talks must incorporate representative delegations from key constituencies missing from past rounds, specifically representatives from Darfur's Arab tribes, internally displaced communities, civil society and women's groups. Future talks should create a new contact group to facilitate the participation of these key Darfurian constituencies. To do this properly will take months of preparation, as none of these groups have pre-existing, inclusive and acceptable delegations ready to go. The mediation team must work in advance to make contact with these groups, build trust and confidence, and develop a mechanism for determining participation in future talks. Some work is already underway in Darfur, under the auspices of the African Union's (AU) team working on the Darfur-Darfur Dialogue and Consultation, which can help feed into future negotiations. However, it too will require coordinated and consistent international support, as part of the common approach to Sudan that we are advocating for.

C) Strengthen the structure of the negotiations

Past negotiation efforts on Darfur had the strange sense of being too inclusive for the international community, while being too exclusive for the Sudanese. The AU-led mediation team did not always maintain clear control of the process, and international and regional actors at the talks sent conflicting and contradictory messages to the parties. New negotiations should build on the model that led to the 2005 CPA. The new joint AU-UN mediation team of Dr. Salim Salim and Jan Eliasson will hopefully lead to a more effective process, but the international observers and partners must play a more constructive role in future talks. Taking into account the complexity of the conflict and multiple actors already involved, we have recommended the creation of a limited international contact group to support the mediation team, comprised of: the U.S., China, the Arab League, the EU, UK, France, Norway, the Arab League, Chad and Eritrea. The contact group includes countries with leverage over each of the key actors in the Darfur conflict. If the mediation team and their international partners, such as the U.S.

government, can successfully bring these actors on board around a common strategy for negotiations, the likelihood of success in future talks will increase immediately

STEP 2: REFOCUS ATTENTION ON CPA IMPLEMENTATION

The January 2005 CPA ended the 21 year civil war in which more than 2 million people died, and more than 4 million were displaced. It marked a huge victory for regional and international diplomacy, and the U.S. government correctly celebrated its crucial role in helping bring the peace agreement to its conclusion. However, less than two and a half years after it was signed, the CPA is in trouble, and the international community has disengaged to a dangerous extent from CPA implementation.

CPA implementation is important not only for the North-South peace agreement to hold, but for a Darfur peace process to have a chance of succeeding. The CPA provides the basic pillar for peace in Sudan, and if it stumbles then peace in Darfur will not be possible. The CPA is already enshrined in the national constitution (unlike the DPA), and includes a comprehensive set of governmental reforms, including a democratization process culminating in national elections in 2009. If implemented in full, key provisions like the National Civil Service Commission, and the Fiscal and Financial Allocation and Monitoring Commission, among others, would go a long way towards addressing the common grievances about the national government expressed by Sudanese in Darfur, Eastern Sudan, Southern Sudan, Kordofan, and increasingly in the far North. These reforms would eventually provide for equal representation for all peoples in national governmental institutions, and fiscal and financial transparency in the transfers from the central government to the states. However, these and other core provisions are being systematically ignored or manipulated by the ruling NCP.

The non-implementation of the CPA also sends a signal to Darfurians not to trust this government, and that any agreement they sign is unlikely to be implemented by the regime. This message is now being learned first hand by the rebel signatories of the DPA, who see the NCP selectively implementing only those measures which suit its political aims. Conversely, the full implementation of the CPA would send a message to Darfur, the East and elsewhere that change was underway, and that agreements signed with this government will be honored.

The international community must urgently re-engage on CPA implementation. The first key benchmark of the CPA is rapidly approaching: by 9 July, the Sudanese Armed Forces is supposed to withdraw all of its excess forces from Southern Sudan; and the SPLA are to withdraw all of its excess forces from the North. This seems unlikely to happen, in part because the North-South borders have not been defined, because the Khartoum government has not released the promised funding for the North-South boundary commission to function. Missing this first key deadline could have ominous repercussions for the CPA, as well as Darfur and the rest of the country, but it has yet to draw significant attention at high levels from the international community. The U.S. and China should work together to refocus attention and pressure the parties to meet key

benchmarks of CPA implementation, beginning with the 9 July redeployment, and continuing through the detailed democratization process set out in the CPA.

STEP 3: DEVELOPING A COMMON INTERNATIONAL STRATEGY, AND THE CASE FOR PRESSURE

The past four years have demonstrated very clearly the need for effective pressure on the parties, particularly the NCP-led government, in order to hold it accountable to its existing commitments in the CPA and in Darfur. Despite multiple promises to disarm its allied Janjaweed militia or halt aerial bombardments in Darfur, Khartoum has continued to pursue the exact same policies, with very little fall-out from the international community. This is due in part to the lack of international consensus, and in part to a lack of political will amongst those launching the rhetoric at Khartoum to follow through on their words.

The latest round of U.S. sanctions on Sudan is unlikely to have much impact on its own on the calculations of the Sudanese regime. However, the logic is correct: there need to be repercussions for continued violations of past commitments and continued pursuit of a military strategy. If strong and credible, the right punitive measures can create powerful disincentives for the NCP to continue to violate its commitments, and make peace and the implementation of the CPA the most attractive option available to the regime. To get to this point, these measures can not be unilateral U.S. measures. The broader the international consensus for punitive measures, the more likely they will be effective. Without effective pressure to punish non-implementation, the war in Darfur is likely to continue and the CPA to continue to fall apart, leading eventually to a resumption of full-scale war in the country. Such a scenario would undermine existing Chinese economic investments in Sudan, and should provide a clear impetus for Beijing to increase its political engagement in the country.

Developing a common strategy on Sudan should take these political realities into account. In addition to ongoing efforts, it should seek to build future punitive responses directly into the strategy. The U.S. government should engage with the key actors in Sudan: the UN and AU, China, Malaysia, India, Russia, EU and Arab League member states, and key African countries, to develop a common set of expected benchmarks on the CPA and Darfur, for the coming 3 month, 6 months, 1 year, and 2 years. International agreement on benchmark A, (for example, for the central government to release the funds for the North-South border commission) should be also coupled with a commonly agreed upon response from the international community for failure to meet benchmark A. The lack of consensus on defining the threshold for action, and on what qualified as an appropriate response, has consistently undermined efforts to impose sanctions over Darfur. This despite the fact that the UN Security Council Sudan Sanctions Committee Panel of Experts has explicitly called for sanctions against senior government officials – after painstakingly documenting and verifying their violations of past UNSC Resolutions - on at least four occasions. By building the leverage into a common strategy, such a dilemma can hopefully be avoided in the future.

China's increasing willingness to engage with Khartoum on Darfur, create an opportunity for this discussion to take place. In order for it to succeed, it will require significant leadership from the U.S., China, UN and others. But the world must change its approach to Darfur if we are to be more effective in helping to end the violence and bring an end to the conflict. Greater international cooperation on Sudan is the shortest path to get there.