

“Darfur and the Olympics: A Call for International Action”

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Thank you, Mr. Chairman, Congressman Shays, and other Members of the Subcommittee, for this opportunity to discuss the grave human rights and humanitarian crisis in Darfur and the steps the international community must take to immediately alter the calculations of Sudan’s ruling party, protect civilians from crimes against humanity, and negotiate a peace deal that will allow the 2.5 million displaced Darfurians to return to their homes and rebuild their lives.

The subtitle of this hearing is important – “a call for *international* action” – because after four years of genocide the international community has yet to agree on a common, multilateral approach to ending the state-sponsored campaign of mass killing, gang rape, forced displacement, and systematic destruction of centuries’ old livelihoods in Darfur. Despite all of the high-minded rhetoric, the international community’s response has consisted largely of hand-wringing, finger pointing, and excuse peddling while Sudan’s ruling National Congress Party (NCP) continues to pursue a divide and destroy military solution.

Our collective failure to agree on a common strategy is all the more conspicuous because most nations of the world (and the multilateral organizations to which they belong) have the same general policy objectives: a peaceful and prosperous Sudan that helps to advance regional stability, counter the threat of international terrorism, and improve international energy security.

Moreover, there is widespread agreement on the necessary ingredients for the stabilization of Darfur, namely:

- a **peace** agreement that addresses the remaining issues of the rebel groups that refused to sign the moribund Darfur Peace Agreement and all other stakeholders in Darfur ; and
- an effective civilian **protection** force, the starting point for which is the “hybrid” AU-UN force mandated by the international community but rejected by Khartoum.

The international debate thus centers around how to secure those two critical peace and protection objectives, the first two “P’s” of what we at the ENOUGH Project call 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 first two P's, the peace and protection objectives. Building this leverage is a prerequisite for progress towards a peace agreement and a strong civilian protection force, but the appalling situation on the ground is a stark reminder of the world's inability to take collective punitive action to alter the calculations of the Sudanese regime.

Each time during the past three years that the Bush administration or the UN Security Council has threatened the Government of Sudan but failed to take action, the Khartoum regime has been emboldened to escalate its destruction and obstruction in Darfur. After all, what government would change its behavior simply because other countries politely ask it to do so?

Indeed, the empirical evidence demonstrates that during the 18 years Sudan's ruling party has been in power, the regime has changed its behavior only when faced with concerted 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.

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.

President' Bush's announcement last month of his administration's so-called "Plan B" sanctions is a tacit recognition that punitive action is needed, but the current Plan B is too unilateral and too weak to have a major impact on the calculations of either regime officials in Khartoum. The international community *can* forge a consensus policy solution to Darfur, but only if the U.S. stops acting alone and provides the requisite leadership.

Recent events give me a renewed sense of hope that the U.S. can lead a multilateral effort to end the 21st Century's first genocide. The April elections in France, Beijing's increasing anxiety and resultant decision to appoint a special envoy to Sudan, stronger rhetoric from Germany and Great Britain, and President Bush's own decision to move forward unilaterally with "Plan B" have created an extraordinary opportunity for the U.S. to build a strong alliance for peace in Darfur.

Plan B or "Plan Bust"?

On May 26 President Bush announced three measures intended to change the calculations of the regime in Khartoum and intransigent rebel leaders. First, the U.S. will add 31 Sudanese companies to a list of 130 that are already denied access to the U.S. financial system. Second, the U.S. will freeze the assets of three of the scores individuals responsible for the violence in Darfur. And finally, it will "seek" a resolution at the United Nations Security Council to impose targeted sanctions on individuals and expand

an ineffective arms embargo that has been violated with impunity for more than two years.

It must be highlighted that these small steps are largely due to tireless activism from concerned citizens, persistent efforts by members of Congress from both sides of the aisle pressuring the White House, and the President's own demands for tougher policy options. However, the current Plan B is too unilateral in nature and much too weak to have an impact on the calculations of either Sudanese officials or intransigent rebel leaders.

The U.S. has been blocking many Sudanese transactions since President Clinton imposed sanctions in 1997, and the Sudanese regime has had ten years to prepare for the next round. The Sudanese oil industry has grown up around these sanctions by cutting lucrative deals with China and other Asian consumers, and the oil business is conducted without interference because this new sector is beyond the scope of existing U.S. sanctions.

Though oil has grown to dominate Sudan's economy, the U.S. has little understanding of its operations, and has not committed the resources to collect such information. Perhaps most damning, because the administration has for five months leaked information to the press about Plan B, the regime has had ample time to develop a plan for working around new, additional sanctions.

The United States cannot realistically impose robust sanctions on Khartoum and encourage other nations to follow suit unless and until it has enough information about how Sudanese business is conducted. The U.S. should therefore undertake an "intelligence surge" by the CIA to gather detailed and comprehensive information on Sudanese companies with financial ties to the NCP and on individuals responsible for atrocities that have been or are being committed in Darfur.

The U.S. should also undertake an "enforcement surge" and ensure that the Treasury Department devotes additional staff and resources to aggressively act on this new information. Intelligence and enforcement surges could bring the U.S. up to speed on the critical facts and capacities that are needed 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.

Both of these steps require political leadership and long-term vision. Since the fall of 2001, the U.S. has counted on the cooperation of Khartoum in global counter-terrorism efforts and the administration continues to welcome and work closely with many of the same Sudanese intelligence officials who are responsible for Khartoum's policies and actions in Darfur. Some members of Congress have begun to question seriously the extent of Sudan's cooperation with the U.S. on counterterrorism matters, but stepping up the practical pressure on Khartoum may well generate opposition in the intelligence community. Similarly, the expansion of economic sanctions – particularly those that affect Sudan's oil sector – may complicate an already complex relationship between the United States and China.

However, the point is not simply to punish for punishment's sake (even though America's signature on Genocide Convention does oblige us to punish the perpetrators of what the U.S. government has repeatedly labeled genocide). Punitive measures are *necessary* to gain Khartoum's acceptance of 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.

The need for multilateralism

As important as it is that the U.S. act to implement a Plan B with teeth, our ability to leverage action by Khartoum will be exponentially increased if we act multilaterally. If the United States really wants to take the lead on Darfur, the Bush Administration should immediately work with the new president in France and outgoing prime minister in Great Britain to pass a significant resolution in the U.N. Security Council that would impose targeted sanctions on the most culpable officials at the top of the regime, freeze the assets of the 161 Sudanese companies that the United States has already sanctioned unilaterally, encourage member states (such as the United States) to increase the amount of intelligence sharing with the International Criminal Court (ICC) focused on accelerating indictments for war crimes, and undertake accelerated planning for military measures to protect civilian populations.

The U.S. government already has unilateral sanctions in place against Sudan that bar U.S. companies from doing business in Sudan (though allowing U.S. businesses to work with the Government of South Sudan), and freeze assets in the U.S. or in the control of U.S. citizens of the Sudanese government and certain government-owned Sudanese companies. Enacted in 1997, these sanctions did affect the calculations of the regime in the past, but they have since run their course as the Sudanese regime circumvents U.S. institutions in its commercial dealings.

Even more important, however, the fact that existing sanctions are unilateral means that Khartoum has the practical advantage of accessing non-American financial systems and investors, and the political advantage of knowing that the international community is not acting in concert. Punitive measures applied by the international community acting as one will have a much greater 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. It is therefore critical that the U.S. works with its partners in the UN Security Council and other forums and shares both intelligence and responsibility for enforcement.

The following multilateral initiatives could be implemented immediately at little cost, but would require a strong diplomatic effort to rally multilateral support and increases in staffing and resources to ensure aggressive implementation.

1. **Targeted sanctions against Sudanese companies:** Impose UN Security Council sanctions against the 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.

The regime's commercial interests operate across the entire economic spectrum in Sudan, and are dominant in the construction, oil and communication sectors. Despite efforts by regime leaders to conceal them, their existence is well known within Sudan, as the companies have managed to acquire a sizable portion of the country's assets and have in the process produced a new breed of Islamist nouveaux- riches whose wealth is on display. It is the cash flows from these off-budget entities that enable the regime to buy the loyalty of tribal leaders, and through them the janjaweed militias, and pay the salaries and equipment of its foot soldiers.

The UN Security Council's panel of experts for Sudan, and national and multilateral agencies looking into the financial networks that sustain international terrorism, need to focus squarely on this parallel economic network run by Sudan's regime.

Targeting the ruling party's assets and those of its security agencies and fraudulent charities could inflict real damage on the regime's ability to sustain its ethnic cleansing campaign. But much more investigative work has to be done to clearly identify these commercial interests and the nature of their activities.

2. **Targeted individual sanctions** -- Such sanctions have been authorized in previous UNSC resolutions, and called for in multiple reports from the UNSC Sanctions Committee Panel of Experts, but they have not actually been *imposed* on any official of import. The U.S. effort now underway would target only three individuals, one of whom is a rebel leader, in addition to four individuals designated in 2006, only one of whom is a regime official. The number must be much higher and be widened with each atrocity perpetrated, and reflect the reality of Khartoum's complicity in genocide.

At a minimum, targeted individual sanctions should () focus on the three of the people most responsible devising and ordering a policy of scorched earth ethnic cleansing in Darfur: Assistant to the President Nafie Ali Nafie; Director of National Intelligence Salah Abdallah Abu Digin (AKA Salah Gosh); and Minister of Defense Major General Abdel Rahim Mohamed Hussein.

Salah Gosh and Abdel Rahim Mohamed Hussein have already been named by the UN Panel of Experts charged with investigating crimes against humanity in Darfur. The Panel found that both men had "command responsibility" for the atrocities committed by the multiple Sudanese security services. Hussein was found responsible for "coordination operations between entities within the Sudanese Armed Forces and militia groups" – code language for orchestrating Janjaweed militia attacks on civilians.

The principal policymaker for Sudan's national security and intelligence affairs, Nafie Ali Nafie continues to advocate a military solution in Darfur. His latest policy is to reward the Janjaweed for their crimes in Darfur by forcibly installing his Arab allies into positions of traditional power and resettling Arabs on non-Arab land, fundamentally altering the demography of Darfur.

3. **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 and encourage other nations to do the same.

Accelerated military planning

While the financial and legal tools to increase international pressure on the regime in Khartoum can be implemented quickly, preparation is also required for multilateral military action to protect civilians. If prompt financial and legal measures succeed in altering the calculations of the regime in Khartoum, then there will be no need for these military measures.

Humanitarian organizations providing life-saving assistance to nearly 4 million people in Darfur have justifiable concerns about the potential negative repercussions that military action would have on their operations. But as history makes clear, the credible threat of military action will alter the calculations of Khartoum officials. As well, and in the event the regime continues to defy its obligations to its own citizens and the will of the international community, these military actions could help to protect the people of Darfur.

Two coercive military measures require accelerated planning processes, which should commence within the NATO framework, but also seek UN Security Council approval. The aim of these multilateral military planning efforts would be to maximize the protection of Darfurian civilians and humanitarian operations if the situation continues to deteriorate.

1. **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 (NFZ) 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 of the existing AU force or the planned UN/AU hybrid force would be strengthened and more troops deployed to protect civilians, neutralizing the Sudanese regime's one tactical advantage will be essential.

The risk to humanitarian operations posed by an NFZ must be acknowledged and mitigated. It would be irresponsible to move forward with an NFZ in the absence of

preparations to deploy ground forces to protect internally displaced persons (IDP) camps and humanitarian operations. Khartoum will perceive an NFZ as an act of war, so planning for a NFZ must also include contingency planning based on possible responses from the Sudanese regime. The consequences could be dire. Posturing without planning could blow up in the faces of the IDPs, refugees, and humanitarian workers bravely assisting them.

2. **Non-Consensual Force Deployment:** Although few nations are likely to support this and volunteer forces in the present context, if the situation dramatically deteriorates in Darfur (large-scale pullout of humanitarian 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.

This planning is both a practical necessity, and a means to build and utilize leverage against the regime.

China, the Olympics, and international diplomacy

China is opening itself up economically and socially in the run up to 2008 Olympics in Beijing, and China's policies are becoming more vulnerable to international public opinion. China is Sudan's largest bilateral trading partner and gets 7 percent of its total oil imports there. The atrocities in Darfur, partly paid for with Chinese investment, perpetrated with Chinese weapons, and protected by Chinese diplomatic cover, would be a dark cloud over the Olympic Games.

The growing activist movement to label China's international coming out party as the "Genocide Olympics" and the increasing momentum in a grassroots campaign to encourage divestment from companies doing business in Sudan are causing serious anxiety in Beijing. Beijing wants this problem to go away before 2008, as evidenced by its recent appointment of a special envoy to spearhead Chinese diplomacy with Sudan.

It is activism and public outcry rather than diplomatic pressure from the U.S. and others that is pushing China to increase its engagement, and the U.S. should seize this opportunity to work more closely with China on a coordinated diplomatic approach on Darfur. Helping China become part of the solution to Darfur is the essence of diplomacy, and there are a number of actions the U.S. should take.

- Convene and invite China to participate in a high-level contact group for negotiations, ideally consisting of the U.S., China, the UK, France, Norway, the EU, the Arab League, Eritrea and Chad, and a framework to incorporate the multiple, competing peacebuilding initiatives. With China on the outside of peacebuilding efforts, Beijing is much more likely to be cast in, and to play, the role of spoiler. Bringing China into the group of nations and organizations working for a negotiated settlement would help ease the tension between China and nations such as the U.S. and UK calling for punitive action.

- Work bilaterally with China on a “good cop – bad cop” strategy to apply diplomatic pressure on the government of Sudan and establish clear benchmarks for the lifting of punitive measures. To achieve a peaceful solution in Darfur, the U.S. and other should seek to take advantage of China’s good relations with Khartoum rather than condemn and isolate Beijing. As a first step, the U.S. and China could make a joint, high-level visit to Khartoum to underscore both governments’ commitment to a peaceful resolution to the crisis.
- Encourage China to contribute funding, military assets, and personnel to the planned hybrid UN/AU peacekeeping force in Darfur. China has troops participating in the UN mission in Southern Sudan, and greater Chinese involvement in peacekeeping operations in Darfur could substantially enhance the AU’s (and eventually the hybrid force’s) ability to protect civilians.

If, after a renewed diplomatic effort with China, Beijing still refuses to work constructively with the U.S. and others on Darfur, then we know exactly where they stand and should work with allies devise a strategy that will pressure China to act more responsibly.

As the two outside actors with the most leverage on the government of Sudan (though in the case of the U.S., that leverage is still only potential), a diplomatic initiative led jointly by the United States and China would send a powerful message that peace and stability in Sudan (Darfur and the South) is a priority and an international responsibility from which no country should back away.

Thank you