

## The Genocide in Darfur

### America must do more to fulfill the Responsibility to Protect

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#### Summary

Genocide in the Darfur region of Sudan has lasted over four years and claimed as many as 450,000 lives. Over this period, as the situation has steadily worsened, the United States has done little to halt the killing. U.S. policy has coupled generous humanitarian assistance with unfulfilled threats and feckless diplomacy.

In November 2006, U.S. Presidential Special Envoy Andrew Natsios issued an ultimatum to Khartoum with a January 1, 2007, deadline: Cease attacks on civilians in Darfur, and allow a robust international force into the region, or face harsh consequences. These consequences were expected to include unprecedented economic sanctions, most notably the freezing of Sudanese oil transactions denominated in U.S. dollars. The January deadline came and went. Sudan continued to kill innocents with impunity and block any action on a robust international civilian protection force.

Facing inaction from Khartoum and mounting pressure from activists and the non-governmental organization (NGO) community, on May 29, 2007, President Bush belatedly announced a modest tightening of existing economic sanctions on Sudan, targeting a handful of additional Sudanese companies and individuals. He also pledged to simultaneously pursue UN Security Council sanctions. This mild package of measures fell far short of the robust sanctions Natsios had promised to implement six months earlier.



On June 12, 2007, the Sudanese government finally accepted, in principle, and reportedly unconditionally, the deployment of a UN-African Union (AU) hybrid force to Darfur. For ten long, deadly months, Sudan had refused any significant UN presence in the region, insisting that only Africans should man any peacekeeping presence. Finally, after its main economic partner and arms-supplier, China, stepped up its diplomatic pressure, Sudan acceded to the UN-AU hybrid force. Commanded and funded by the UN and run by the AU, the force will consist of 22,000 military and civilian personnel.

However, Sudan has a long history of reneging on its agreements, and the U.S. government and other UN Security Council members remain skeptical that Sudan's acceptance will enable the unfettered deployment of the hybrid force. According to UN estimates, such a force will take up to six months to begin deployment, an unconscionable delay, but one that arises due to the UN's unprecedented and undermanned global peacekeeping obligations. In the meantime, Sudan continues to conduct aerial and Janjaweed-led ground attacks against civilians. Rebel groups are increasingly splintered and are guilty of frequent attacks on humanitarian workers and other innocents. The conflict is rapidly destabilizing neighboring Chad and the Central African Republic.

The situation in Darfur is evolving rapidly. As such, it is impossible to make recommendations today that will be assuredly relevant for the next President of the United States. Between now and January of 2009, either an effective multi-national force will be deployed to Darfur, or the Sudanese government will continue to frustrate the efforts of the international community to stop the genocide. Either a viable and sustainable peace agreement will have been negotiated to end the conflict between the government and the rebels and among the rebels—or not. Either way, the next President will be faced with a different situation in Darfur. This paper outlines the policies that should be pursued immediately, by the current President and Congress. These ideas should serve to inform the positions taken by the candidates in the current Presidential contest as well as the approach the next President should take toward the situation that the world will face in Darfur in January of 2009.

The U.S. government should immediately take the following five steps:

- Impose tougher sanctions on Khartoum:
  - freeze dollar-denominated oil transactions;
  - pursue comparable sanctions in the UN Security Council or, failing that, with the European Union;
  - keep sanctions in place until Sudan allows the full and unfettered deployment and operation of the UN-AU force.
- Support efforts to unify the rebel groups and negotiate a durable ceasefire and political agreement to end the conflict.
- Speed deployment of the UN-AU force by training, equipping, airlifting, and otherwise supporting the rapid deployment of UN battalions:
  - contribute specialized capabilities and equipment—such as helicopters, night vision capability, command, control, communications, and intelligence (C3I) capabilities—to support the UN mission in Darfur;
  - obtain NATO agreement to deploy its NATO Response Force (NRF) to provide short-term augmentation and a bridging component to beef up the AU force until the full UN-AU hybrid can deploy.
- Implement and robustly enforce, with NATO, a no-fly zone. The United States should also signal its readiness to strike Sudanese military and intelligence assets, including aircraft and airfields, if necessary.
- Finally, Congress should authorize the use of force in order to end the genocide.

The United States has a humanitarian, legal, and moral responsibility to end to genocide in Darfur. To date, it has failed to fulfill that responsibility. Candidates for President should demand forceful and effective action to stop the killing.

## Context

### Empty Threats and Feckless Diplomacy

The international community, led by the United States, has a clear responsibility to protect innocent civilians in Darfur. The genocide there has lasted more than four years. As many as 450,000 people have died. More than two and one-half million have been displaced or have become refugees. The situation is grave and worsening.

Yet, six months elapsed between the expiration of the very public deadline, which Special Presidential Envoy Andrew Natsios announced in November 20, 2006, in remarks delivered at The Brookings Institution, and President Bush's declaration of modest new U.S. sanctions on May 29, 2007. Natsios promised that harsh consequences would befall the Sudanese government if it failed to meet two very clear conditions by January 1, 2007. First, Khartoum had to accept unequivocally the full deployment of a UN-African Union "hybrid" force. And, second, it needed to stop killing innocent civilians.

In spite of this threat—the so-called "Plan B"—the Sudanese government continues to kill with impunity. In January, just after the Natsios deadline, the United Nations reported that the Darfur situation was deteriorating rapidly. Indeed, December 2006 was the worst month in the region in more than two years. This nadir followed six months of escalating violence—a period that coincided with Khartoum's bid to expel the African Union force, block the UN deployment, and throw its killing machine into high gear. Attacks perpetrated by the anti-Khartoum rebels in Darfur also increased, putting civilians and humanitarian agents at risk. Sudanese aircraft attacked rebel-held areas and killed many innocent civilians.

In early February, the *Washington Post* reported a leaked story, confirmed by Natsios, that President Bush had finally approved "Plan B" as a three-stage punitive package that could include blocking Sudan's oil revenue. This version of "Plan B" should have been announced directly and implemented swiftly, instead of being leaked.

At the same time, Secretary of State Condoleezza Rice ratcheted down much of the pressure on Khartoum while testifying before the Senate Foreign Relations Committee. In response to Chairman Joseph Biden's (D-Del.) statement that "I think we should use force now," 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 problems in allowing genocide to continue unabated.

In March 2007, a bipartisan group of 31 senators reiterated the call for action. In a letter to President Bush, they urged the Administration to ask the UN Security Council to impose sanctions on the Sudanese government. In addition, many senators argued that "a threatened veto [by China] 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."

In April 2007, speaking at the Holocaust Museum, President Bush again threatened sweeping sanctions but said he would briefly delay implementing them in deference to a request from UN Secretary General Ban Ki-moon. Finally, on May 29, the President announced that the United States would implement mild sanctions that included:

- Tightening existing economic sanctions against Sudan, with 31 additional companies and three individuals targeted.
- A decision (subsequently shelved) to seek new UN sanctions, including an expanded arms embargo and possibly a no-fly zone.

Limited sanctions are unlikely to have any significant effect on decision-making in Khartoum. Yet, the long delay in implementing even this response has been extremely damaging to the people of Darfur, to the new international norm of the responsibility to protect, and to U.S. credibility as an effective humanitarian actor.

## Explanations for Delay Are Insufficient

Perhaps the nearly six-month delay in adopting a “Plan B” resulted from confusion within the Administration as to whether genocide was still occurring in Darfur. President Bush conspicuously failed to use the term “genocide” when referring to Darfur in his January 23, 2007, State of the Union address. Meanwhile, as reported in the *Georgetown Voice*, Natsios was telling a student group: “The ongoing crisis in Darfur is no longer a genocide situation,” although “genocide had previously occurred in Darfur.” Later, Natsios was forced to agree that genocide was continuing but only under scathing cross-examination by Senator Robert Menendez (D-N.J.) before the Senate Foreign Relations Committee. Indeed, the Darfur crisis *is* genocide. It has been so, it continues to be so, and, unless the United States leads the world in halting the killing, it will remain so.

Another possible explanation for the delay is that the Administration accepted Khartoum’s position that what is occurring in Darfur is a complex civil conflict that requires a primarily political solution. It is indeed obvious that rebel groups operating in Darfur have attacked civilians and peacekeepers and that splintering and disunity among these groups hamper political negotiations. It is also obvious that a long-term solution in Darfur will require political accommodation and reconciliation.

However, negotiations alone cannot end a campaign of genocide: genocide is not simply a counter-insurgency or a military 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 has made in Darfur. Moreover, there are only two ways to end genocide: to apply powerful enough pressures or inducements to persuade the perpetrators to stop; or to protect those who are the potential victims. A negotiated solution would do neither—although it will be necessary, ultimately, to resolve the underlying conflict.

Still another possible explanation for delay is that the Administration has not had a coherent Darfur policy and has been unable to maintain focus on the region’s needs.

The coming and going of deadlines and shifting personnel assignments indicate that the Administration has no comprehensive strategy for stopping the killing.

These explanations all fail the dead, the nearly dead, and the soon-to-be-dead people of Darfur. Long after declaring that genocide was occurring, and while insisting repeatedly that we are committed to stopping it, the United States has stood by. This genocide has endured for not 100 days, not 1,000 days, but four long years.

Moreover, the fighting in Darfur is destabilizing neighboring Chad and the Central African Republic. Khartoum has backed rebels that seek to overthrow these governments. Indeed, in one week in April 2006, 65 people were killed and 70 wounded when Sudan's pro-government, Arabic-speaking Janjaweed militia—the agents of the Darfur genocide—made an incursion in Chad. Since the fall of 2006, the number of displaced persons in eastern Chad has tripled to at least 140,000, while the number displaced in the northeastern Central African Republic has quadrupled to 212,000. The United Nations refugee agency, UNHCR, now reports that refugees from Chad are actually spilling back 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 was slow to recognize the impending collapse in Chad and the Central African Republic. The disastrous implications of another round of cancerous violence spilling from one country to another are too numerous to catalog here. Yet, the United States cannot allow the search for a comprehensive political solution to a complex regional crisis to slow us from halting the ongoing genocide in Darfur. Both efforts must proceed in tandem.

### **The Pattern of U.S. Policy**

Instead of urgency and determination, the Administration's three-year pattern has been to talk tough and then do little more than provide generous humanitarian assistance. It blusters, and then—in the face of Sudanese intransigence or empty promises—it retreats.

When the rebels started fighting in Darfur in February 2003, the Administration at first chose to ignore the violence. Then, despite the rampaging reprisals of Janjaweed killers and rapists, the torching of whole villages, the wanton bombing of innocent civilians, and massive humanitarian suffering, it was slow to act. Administration leaders appear to have calculated that pressing the government of Sudan to halt its customary scorched-earth tactics in Darfur ran counter to our post-9/11 interest in securing Khartoum's cooperation on counter-terrorism. The Administration also may have calculated that confronting the genocide might jeopardize U.S. efforts to cajole the regime into signing a North-South peace agreement with the Sudan People's Liberation Movement, another rebel force that is not active in Darfur.

But, by 2004, the human toll was mounting. On the tenth anniversary of the Rwandan genocide, many noted the contrast between the "never again" pledges in many capitals and the dying in Darfur. The pledges now rang hollow. With a Presidential campaign under way, Congress and Democratic candidates went on record characterizing the atrocities as genocide. Secretary of State Colin Powell then visited Darfur and obtained promises, albeit empty ones, from President Omar al-Bashir that his government would disarm the Janjaweed, allow unfettered humanitarian access, and permit an African Union force to deploy.

Yet, predictably, the killing continued. Over the summer of 2004, Powell ordered a comprehensive investigation of the atrocities, drawing upon hundreds of first-hand accounts. Faced with this overwhelming evidence, he embraced the investigators' conclusion: genocide was taking place. To his credit, he testified to that effect, and in September of that year President Bush repeated that judgment in powerful terms before the UN General Assembly. But then, the Administration again did nothing.

With Western encouragement, the African Union (AU) then mounted, in Darfur, its first ever peacekeeping mission. To seasoned analysts, this approach was flawed from the start: the nascent AU could not provide security to 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 efforts and intentions. It was slow to deploy, but deploy it did, with some U.S. and NATO logistical and financial support.

The AU has been the target of a great deal of criticism for its shortcomings in Darfur—unfairly so. Thus far, AU forces have been the only soldiers willing to take bullets to save Darfurians. In April 2007, five Senegalese soldiers died guarding a water point in Darfur, and in October 10 AU soldiers were killed, bringing the number of AU soldiers killed in the region to at least 28. These courageous individuals 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 United States with a ready, if cynically used, foil for declaring the genocide under control.

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 clear that the AU was overstretched and lacking in resources. Many experts pleaded for NATO to step in, with U.S. support, to augment the AU force. These 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 and that the Africans were responsible. But, genocide is not and never will be solely a local responsibility; because it is the greatest of crimes, it is a human responsibility, requiring the concerted efforts of all humanity to stop it. To date, the United States has not led such an effort.

In 2005, Secretary Rice visited Darfur, and Deputy Secretary of State Robert Zoellick (now president of the World Bank) took over the U.S. negotiating effort. In early 2006, the AU itself recommended that the UN subsume its force and take over its mission. In parallel, Zoellick was trying to nail down a peace agreement before leaving the State Department. His efforts culminated in the May 2006 signing of the Darfur Peace Agreement.

This deal was doomed before the ink was dry. It left out two key rebel groups, and the one group that did sign did so under duress—one day after its leader’s brother was killed by the regime. Moreover, Khartoum made few power-sharing concessions to the rebels, and there was no firm requirement that the government accept a UN peacekeeping force. Rewards were secretly pledged to Khartoum, like lifting U.S. sanctions and a White House visit, but no penalties were laid down for non-compliance. As many feared, the ceasefire collapsed almost immediately. The rebels fractured, and the killing intensified.

After Zoellick left State, U.S. policy floundered. But, by late August 2006, it seemed back on track. The United States obtained UN authorization for a robust Chapter VII force<sup>1</sup>—of 22,000 peacekeepers with a mandate to protect civilians. In September, President Bush and Secretary Rice visited the UN General Assembly. They appointed Natsios as Special Envoy and promised tough consequences if Khartoum did not accept the UN force mandated by UN Security Council Resolution 1706.<sup>2</sup>

But, by November 2006, in Addis Ababa, Natsios had joined UN, AU, and European leaders in preemptively capitulating to Khartoum. In an effort to win Sudan’s acquiescence, the leaders 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 United States leading the way, abandoned Resolution 1706 and endorsed the Addis Ababa agreement.

## Recent Developments

On July 31, 2007, the UN Security Council adopted Resolution 1769, mandating the establishment of the hybrid force for an initial period of 12 months. The United Nations-African Union Mission in Darfur (UNAMID) is authorized to consist of 20,000

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<sup>1</sup> Chapter VII of the UN Charter empowers the Security Council to take action to “restore international peace and security” in the face of a “threat to the peace, breach of the peace, or act of aggression.” The chapter’s Article 42 broadly permits military action for this purpose.

<sup>2</sup> UN Security Council Resolution 1706 was adopted on August 31, 2006, with 12 votes in favor and China, Qatar, and Russia abstaining. The resolution authorized the deployment of UN forces in Darfur, in part to implement the Darfur Peace Agreement.

troops and 6,000 police, as well as a significant civilian component. It will be the largest UN mission in the field.

The hybrid force will be funded and commanded by the UN, but the AU will retain day-to-day operational control. Sudan has insisted that the force be drawn mainly from Africa. The UN has refused to accept that condition.

The international community remains understandably suspicious of Khartoum's intention to follow through on the agreement. Since the passage of Resolution 1769, the Sudanese government has quibbled with the makeup of the hybrid force, insisting time and again that it be predominantly African. In addition, the government has delayed in providing the international force with the rights to the land required to house facilities for the force.

Even with full cooperation from the government of Sudan, it remains unclear if the international community would be able to translate Resolution 1769 into effective protection for innocents in Darfur without strong leadership from the United States. As of mid-October, 2007, the UN still had been unable to obtain the specialized transport and airlift capabilities required to field an effective force. The primary troop contributors at that time are African and the total number of troops pledged falls well short of what is needed to do the job properly.

On September 25, 2007, the UN Security Council adopted Resolution 1778, authorizing the deployment of an international presence to stabilize the border areas of Chad and the Central Africa Republic. The presence will consist of a UN mission, Chadian police trained by the UN, and 3,000-4,000 European troops. France will be the lead European contributor.

The situation remains precarious. Ten AU soldiers were killed by a by an unidentified force in Darfur in late September, and attacks against aid workers increased during the fall. Fragmentation amongst rebel group exacerbates the chaotic situation on the ground. The Sudanese government continues to pour light and heavy weapons into

the region, in spite of an arms embargo. The government continues to conduct air strikes against innocent civilians.

## The Way Forward

### Five Steps

If the Bush Administration is serious about halting this four-year-old genocide and protecting civilians in Darfur, it must go beyond the measures announced on May 29, 2007, and show Khartoum that it is done talking and posturing and ready to act.

We should take the following steps:

#### **Step One: Impose Tough Bilateral and Multilateral Sanctions**

The Bush Administration's sanctions to date have been mild, and belated. In order to have a significant impact in Khartoum, the U.S. government should strengthen its May 29<sup>th</sup> sanctions in three ways:

- Block all dollar-denominated oil transactions with Sudan, and use diplomacy to be certain that the Europeans block Euro- and pound-denominated oil transactions as well. This step would cripple the Sudanese oil sector—the base of Sudan's economy—by cutting it off from major international banks.
- Expand the list of individuals targeted by the sanctions to include senior people in the Sudanese government, including President Bashir himself.
- Couple unilateral sanctions with a sustained push for the proposed UN sanctions, daring China or Russia to veto effective action to halt genocide. The United States should stop allowing the possibility of a veto to suspend UN deliberations.

All sanctions should include safeguards to ensure that revenue flows unabated to the government of south Sudan. The sanctions should remain in effect at least until the Sudanese government stops killing innocents, concludes a broad and viable peace agreement, and demonstrates *full* compliance with UN resolutions, including allowing the full and unfettered deployment of the UN-AU force and giving the force complete and sustained freedom of movement and operations.

### **Step Two: Increase Support for a Sustainable, Negotiated Peace Settlement**

The United States should continue and intensify efforts in partnership with the UN and AU to unify the rebel groups and negotiate a durable ceasefire and political agreement to end the conflict in Darfur. Diplomacy takes time. Political negotiations require a combination of patience, coordinated pressure, and energetic diplomacy married to the credible threat of powerful sanctions and the use of force. While the Administration has negotiated without credibly threatening more powerful action, Khartoum has continued the killing at an alarming pace. America's principal priority must be to stop this human toll, and to do so quickly.

### **Step Three: Support the Rapid and Effective Deployment of the UN-AU Force**

The United States should speed the deployment of the UN-AU force by training, equipping, airlifting, and otherwise supporting the rapid deployment of UN battalions. The United States should also contribute specialized personnel, logistics capabilities, and command, control, communication and intelligence support to the UN mission in Darfur, such as a headquarters element, helicopters, and night vision capability to bolster the efficacy of the force and encourage participation by other capable countries.

In addition, it is important to obtain NATO agreement to rapidly deploy a portion of the NATO Response Force (NRF) to provide short-term augmentation and a bridging component to protect civilians in Darfur and beef up the AU force. The cumbersome and lengthy logistical and diplomatic process of deploying the full UN-AU hybrid force will take well into 2008 to play out. Only NATO has the capability to quickly deploy forces that can begin protecting civilians in Darfur quickly. Once the hybrid force is deployed to full strength, the NATO bridging force could be withdrawn.

### **Step Four: Take Military Action**

The United States and NATO should immediately impose and enforce a no-fly zone over Darfur. This will have the immediate impact of providing innocent civilians in the area with protection from Sudanese Air Force attacks. It will also demonstrate to the Sudanese government that the international community is resolved to take tough action. To protect the no-fly area would require disabling or shooting down any

aircraft that take off in the zone. It would mean shutting down Sudanese airfields in and near Darfur to all but humanitarian traffic.

The Administration should also signal its readiness to strike Sudanese military and intelligence assets, including aircraft and airfields, if the government of Sudan continues to attack civilians before, during, or after the UN-AU force deploys or if its deployment or operations are thwarted. In the likely event that Khartoum reneges on its acquiescence to the hybrid force or harasses the international forces as they deploy, the United States must be prepared to respond quickly and credibly by striking the country's high-value military and intelligence targets.

### **Step Five: Enact New Legislation**

The 110th Congress should swiftly adopt new legislation on Darfur, building on a bill, previously introduced by Representative Donald Payne (D-N.J.), which garnered the bipartisan support of more than 100 co-sponsors. The new legislation should:

- Authorize the President to stop the genocide in Darfur, including imposing a no-fly zone and undertaking aerial bombardment of the regime's aircraft, airfields, and 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 and facilitate a UN deployment to Chad and Darfur, and for humanitarian purposes.<sup>3</sup>
- Impose capital market sanctions on companies investing in Sudan.
- Freeze Sudanese government assets and those of all key Sudanese military, government, and Janjaweed leaders and their families, and prohibit their travel to the United States.
- Require the Administration to report to Congress every 30 days (in both unclassified and classified forms) on the financial, military, and covert steps it is prepared to take to compel the Sudanese government to accept unconditionally a robust UN force and halt attacks on civilians.

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<sup>3</sup> This measure was introduced by Representative Steve Israel (D-N.Y.).

In addition, the United States should enact the Darfur Accountability and Divestment Act (DADA) already approved by a 418-1 vote in the House. This act authorizes state and local governments to divest from companies that directly or indirectly provide support to the genocide and prohibits federal contracts with foreign companies linked to the genocide.

### **The Case for Stronger Action**

Some argue that U.S. military action in Darfur is unthinkable in the current context because Iraq and torture scandals have left people in many nations doubting U.S. motives and legitimacy, even in humanitarian contexts. Some reject any proposed U.S. military action, especially against an Islamic regime, even if purely to halt genocide against Muslim civilians. Sudan has threatened that Al Qa'eda will attack non-African forces in Darfur—a credible threat, since Sudan long hosted Osama bin Laden and his businesses. Yet, to allow another country to deter U.S. action by threatening terrorism would set a terrible precedent. It would be cowardly and, in the face of genocide, immoral.

Still other critics argue that, without the consent of the UN or a relevant regional body, any military action would violate international law. But, the Security Council in 2006 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.

Humanitarian organizations have expressed concern that a no-fly zone or air strikes could disrupt humanitarian operations or cause the Sudanese government to intensify ground attacks against civilians in camps. These are legitimate concerns. Yet, there are ways to reduce, but not eliminate, these risks. Targets could be selected to avoid airfields used by humanitarian agencies operating in Darfur. To protect civilians, the United States, France, or other NATO countries could position a light quick-reaction force in nearby Chad to deter and respond to any increased attacks against the camps.

## About the Author and the Project

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Opportunity 08 aims to help 08 presidential candidates and the public focus on critical issues facing the nation, presenting policy ideas on a wide array of domestic and foreign policy questions. The project is committed to providing both policy solutions and comprehensive non-partisan background material on issues of concern to voters.