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**Senate Foreign Relations Committee  
"Sudan: Peace But at What Price?"  
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Thank you for holding this urgently needed hearing on the complex crisis in Sudan. While precious time has been lost, it is not too late to put forward concrete actions that could prevent the needless deaths of hundreds of thousands of Sudanese, and to conceive a much more comprehensive diplomatic strategy that might bring peace to this long-tortured country.

Today, Sudan is three crises in one. This means that any response has to be more complex and nuanced than what might have been believed six months ago:

- The first crisis is the longest running, the 21 year war between the government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A), which has resulted in two million deaths and a structural humanitarian emergency.
- The second crisis is that wrought by the Sudanese Government's support for the Lord's Resistance Army (LRA), a northern Ugandan insurgency that has wreaked havoc on both southern Sudan and northern Uganda for years, resulting in the highest rate of child abductions in the world, among other depredations.
- The third crisis is the most immediate and urgent human rights and humanitarian disaster in the world today... the unfolding evidence of conditions of genocide in Darfur.

On the first crisis, a peace deal between the government and the SPLM/A may be imminent, but that will only signal a new phase of negotiations and challenges. Every step of the way in the implementation process will be undermined by elements in Khartoum opposed to the peace deal, and will be challenged by policy incoherence and a lack of capacity on the part of the SPLM/A. Militias -- including the LRA -- will continue to be used by elements of the ruling party to undermine cohesion in southern Sudan, especially around the oilfields. The U.S. must be ready and willing to continue its deep involvement in the peace implementation process. Providing funding for a peace observation mission is a necessary but insufficient role. Additional reconstruction resources must be found, diplomatic and intelligence capacities must be committed, and willingness to confront efforts to undermine the implementation process must be made clear.

On the second crisis, after well over a decade of death and destruction caused by the LRA, there still remains no coherent international strategy to respond to this tragedy. The U.S. should work with the Ugandan government and other interested actors in crafting such a strategy, which in the first instance must seek an end to all Sudanese Government support and safe haven for the LRA.

I will focus the remainder of my testimony on the third crisis: Darfur.

Vague pronouncements by the G-8 and UN Security Council cannot obscure the fact that the existing global effort to prevent the onset of famine and vast loss life in Darfur is grossly inadequate. Continued stonewalling by key members of the UN Security Council from Europe, Africa and Asia has ensured that the world's highest collaborative body fiddles as Darfur burns.

**The current approach to preventing famine and further atrocities simply will not succeed.**

Although there are fancy charts and graphs that can now track the dying months in advance, and millions of new dollars pledged in the Geneva donors conference earlier this month, there is no overall strategic plan for preventing a killing famine and bringing a comprehensive peace to Sudan. The world is still reacting, still behind the curve of this slowly evolving disaster.

To prevent the deaths of tens, perhaps hundreds of thousands of Sudanese, there needs to be an **immediate humanitarian surge** in the delivery of relief assistance in order to break the back of the impending famine. This surge needs to be supported by adequate numbers of monitors, by actions to increase U.S. and multilateral leverage, and by a robust diplomatic initiative to end the interrelated wars in Darfur, southern Sudan and northern Uganda.

## **I. Is it Genocide?**

It is appalling that we have been reduced to semantic debates about whether the situation in Darfur is ethnic cleansing or genocide. The Genocide Convention prohibits actions "calculated to bring about the physical destruction of groups in whole or in part", and compels signatory states to act to prevent them. In ICG's judgement, **the situation in Darfur more than satisfies the Genocide Convention's conditions for multilateral preventive action.** But even if argument continues about whether this is a case of actual or potential genocide, it cannot be contested that in Darfur a large section of Sudan's population is alarmingly at risk, that the Government of Sudan has so far failed comprehensively in its responsibility to protect them, and that it is time for the international community, through the Security Council, to assume that responsibility.

This is not Rwanda of 1994, a country to which very little attention was being paid. Sudan has been at the top of the Bush Administration's radar screen since it came to office. It is not credible to say now that we did not know what was happening. Over the past year, Darfur has been Rwanda in painfully slow motion.

## **II. The Present Situation**

The humanitarian situation is worse than is still generally appreciated, due to ongoing state-sponsored violence, layers of aid obstruction, the lack of an overall humanitarian strategic plan, and the weakened state of displaced Sudanese.

There tends to be an assumption that because the Government of Sudan has finally begun to act on promises to grant a higher level of access, the numbers at risk will be dramatically reduced. That is not accurate. The government has provided access much too late, IDPs and refugees have been displaced for long periods, they are in terribly weakened states, they are subject to sexual abuse and attack, they do not have shelter, their encampments lack latrines and are horrendously overcrowded, and it is now raining in southern and western Darfur. Infectious diseases and dysentery will drive up the body counts rapidly. And the Khartoum government, its use of food as a weapon well honed by years of practice in the south and Nuba Mountains, continues to apply layers of obstruction – for example, by instituting long delays in customs clearance of relief supplies, and insisting that only Sudanese trucks can be used in the delivery of such supplies.

Conventional responses are simply inadequate to prevent rapidly increasing mortality rates, and the current response will fail unless buttressed by a number of bold and urgent actions.

Compounding the problem, in our judgment, is that the numbers of at-risk civilians will continue to increase. The Janjaweed continue to undertake attacks against villages, prey on internally displaced persons (IDPs), and obstruct aid activities: it cannot be assumed that the centrally-directed ethnic cleansing campaign is over. The Janjaweed are being integrated into the army and police; no one

has been charged with any crime, and their actions are not being challenged. There remains a state of total impunity. It is absolutely critical to demand that Khartoum take action to curtail the impact of the Janjaweed, to disarm them, to disband their headquarters, and to begin to charge those responsible for war crimes. All this must aim to reverse in full the ethnic cleansing campaign that has occurred over the last year.

### **III. What Must be Done**

In order to fully confront the multifaceted crisis in Sudan, we need to push the envelope of response further than it has been pushed before. The U.S. must work multilaterally as much as possible, but be prepared as a last option to work unilaterally when others continue to bury their heads in the sand. European, African and Asian members have obstructed more assertive action by the UN Security Council, while the U.S. has been unwilling to date to expend diplomatic capital to help sway these countries towards a more robust posture.

In the first instance, nothing could be more effective than working through the UN Security Council to immediately pass a Darfur-specific resolution that comprehensively responds to the present emergency and lays the groundwork for sustainable peace. This Security Council resolution should endorse actions that would prevent starvation, stop further fighting and atrocities and press for a negotiated peace – while warning of possible further coercive measures should these objectives be resisted.

More broadly, the U.S. Congress and the Bush Administration should work through the UN Security Council and unilaterally toward the following urgent, interrelated objectives:

#### **A. In Order to Prevent a Killing Famine:**

- **Public Condemnation:** The U.S. through the UN Security Council and directly should strongly and publicly condemn the various layers of obstruction that the Sudan government currently employs to delay the delivery of relief assistance. We need only note the Khartoum government's fifteen year track record of ceasing unacceptable activity only when it becomes the source of public condemnation and exposure. With this amount of empirical evidence to support the need for public and assertive pressure, anyone arguing for quiet diplomacy and constructive engagement at this juncture would be providing political cover for the government's atrocities.
- **Surge Capacity:** Working with the European Union and other donors, the U.S. should expand the existing capacity for emergency relief deliveries to the internally displaced in Darfur and refugees in Chad to meet the growing humanitarian need. This will require additional resources for securing urgently needed non-food items and the capacity to deliver those items. There is a need to establish immediately a surge capacity through the utilization of both civilian and military assets in the region - recognizing the particular value of European Union and U.S. military assets, especially airlift capacity – that would allow for short-term, front-loaded increases in deliveries that address deficiencies and gaps in food, medicine, clean water, sanitation, and shelter.
- **Humanitarian Monitoring:** The U.S. and EU should work with the UN to support a large increase in the number of WFP, UNICEF, and NGO monitors that are allowed into Darfur to oversee the relief effort and should provide them adequate security;

- **UN Leadership:** President Bush should request the UN Secretary General to take the lead personally in efforts at humanitarian diplomacy.
- **Chapter VII Planning:** In the event full access is denied, Janjaweed attacks continue, and mortality rates escalate, the U.S. should accelerate contingency planning for using military assets to protect emergency aid and Sudanese civilians. The U.S. should work through the UN Security Council to request a UN Department of Peacekeeping Operations assessment of possible scenarios and define operational plans for guaranteeing humanitarian relief and protection of civilians through the deployment of sufficient civilian and military forces under Chapter VII authority –. Such a deployment would seek to take control of, stabilize and protect IDP camps in Darfur, and create a logistical pipeline to deliver assistance to these camps.

## **B. In Order to Stop Further Fighting and Atrocities:**

- **Janjaweed Control:** The U.S. should work through the UN Security Council for multilateral condemnation of the Sudanese Government's support for Janjaweed militias through direct assistance, provision of barracks, supply of arms, etc. The Security Council should demand that the Government of Sudan arrest Janjaweed commanders who continue attacking villages and IDPs, and immediately demobilize and disarm the Janjaweed militia. If this does not occur, Chapter VII authority should be sought to disarm and demobilize the Janjaweed.
- **Human Rights Monitoring:** The U.S. should work through the UN Security Council and the UN Human Rights Commission for the immediate deployment of UN human rights monitors in Darfur.
- **Ceasefire Monitoring:** The U.S. should support the African Union and the parties to the Darfur conflict to negotiate a substantial increase in the number of ceasefire monitors and work with the EU and other donors to fully resource these monitors.
- **Satellite Imagery:** The U.S. should share its satellite imagery with the UN Human Rights Commission and the UN Security Council, as well as collaborate in more closely tracking the activities of the Janjaweed and other government military assets that are attacking villages or IDPs. Such imagery could also reveal any ceasefire violations by any party to the conflict.
- **Reversal of Ethnic Cleansing:** The U.S. should work through the UN Secretary General to initiate a process now to determine the conditions which would enable the safe, secure and sustainable return of the victims of ethnic cleansing under international guarantees, support and control.

## **C. In Order to Press for Sustainable Peace:**

- **Comprehensive Peace Strategy:** There must be a coordinated diplomatic strategy to end the three interrelated wars in south/central Sudan, Darfur, and northern Uganda. This requires a rapid conclusion to the comprehensive agreement between the government and the SPLM/A, the construction of a credible process to settle the conflict in Darfur, and the development of a strategy to end the crisis created by the Lord's Resistance Army in northern Uganda and southern Sudan. Leaving behind any one of these will undermine the entire effort to achieve peace in Sudan.

- **Peace Envoy:** Now that Senator Danforth has been nominated to be U.S. Ambassador to the UN, President Bush should move rapidly to name another Special Envoy for peace in Sudan. Such an envoy should be tasked to work full time and simultaneously on all three conflicts bedeviling Sudan, and should be given the necessary resources to carry out the mission.
- **Negotiations Structure:** The direct negotiations between Sudanese Vice President Ali Osman Taha and SPLM/A Chairman John Garang were instrumental in moving that peace process forward. The Darfur and LRA efforts should utilize this relationship in seeking a rapid end to those crises.

The U.S. must make clear that if Sudan does not provide full humanitarian access, neutralize the Janjaweed, and move forward on peace efforts, the imposition of targeted sanctions (travel restrictions and asset freezes) will be authorized against those officials responsible for the atrocities. Ruling party companies with which these officials are associated should also be targeted. Further, the U.S. should work through the UN Security Council to make clear that such intransigence would also lead to the imposition of an arms embargo and the deployment of an international commission of inquiry or a high level panel to investigate the commission of war crimes in Darfur, a necessary prerequisite for the establishment of a future mechanism of accountability.

#### **IV. What the United States Congress Can Do**

All the actions outlined above may not be practical in conventional circumstances. But with two million already dead as a result of the government-SPLM/A war and hundreds of thousands more at risk today in Darfur, circumstances in Sudan require unconventional responses.

If the Bush administration continues to debate internally about what to do, certain European countries remain reserved due to tactical and commercial considerations, and the UN Security Council remains muzzled by the reservations of a few members, then the U.S. Congress should provide desperately needed leadership.

**We should not forget that it was Congressional pressure that provided the impetus for the U.S. to stop the slaughter in Bosnia, confront apartheid in South Africa, and countless other cases of Congressional leadership. Historically, Congress has been a major force in helping administrations find their better angels.**

The Senate should demand that the Bush administration develop a much more robust and comprehensive multilateral strategy to break the back of the emerging famine in Darfur.

The Senate should urge President Bush to name a new Special Envoy whose brief is more operational than Senator Danforth's and more comprehensive, in order to deal with all three conflicts plaguing Sudan.

The Senate should pass the House version of its Sudan resolution, which calls for targeted sanctions against senior Khartoum officials, and ensure that the resolution language on targeted sanctions is in forthcoming Authorization and Appropriations bills. The Senate should also look for other ways to introduce accountability into the discussion of what to do about Sudan, in order to confront the

continuing genocidal actions of the Janjaweed and its supporters in the Sudan government, as outlined above

The best way to end this tragedy is to bring home the costs of the atrocities in Darfur to the Sudanese officials who are directing them. Every day that we continue to look past this terrible record of death and destruction, we ensure that it will continue and intensify.