Mr. President, the

United Nations’ Commission of Inquiry

on the crisis in Darfur reported to the

Security Council on Monday of this

week. Like every credible account of

what has happened in Darfur, the report

makes for grim reading. The Commission

pointed to the ‘‘killing of civilians,

torture, enforced disappearances,

destruction of villages, rape and other

forms of sexual violence’’ in its discussion

of the violations of international

law that have occurred in the area, and

also found that there may have been

Sudanese Government officials and

others who acted ‘‘with genocidal intent.’’

This report stands in stark contrast

to the positive news that emerged from

Sudan last month, when a comprehensive

agreement to end the decadeslong,

devastating north-south civil war

was signed. I welcomed that agreement,

and I hope it is successful. But

the truth is that I have little confidence

in the Government of Sudan,

and I see no reason to believe that a

north-south peace agreement will

awaken that government to its responsibility

to protect all of its citizens.

Just days after the historic peace

agreement was signed, I visited the refugee

camps of eastern Chad and spoke

to Sudanese citizens who had fled

Darfur. They spoke of their desperate

need for basic security back at home,

and they are right. Consistent reports

indicate that the violence in Darfur

has continued. The Commission of Inquiry’s

recent report serves to remind

all of us, Mr. President, that tragedy

persists in Sudan, and the world has

not done enough to stop it.

Much of the attention surrounding

this report, Mr. President, has focused

on the Commission’s recommendation

that the International Criminal Court,

or ICC, take up the Darfur issue with

the intention of trying those responsible

for atrocities.

Just as the question of whether or

not to use the word ‘‘genocide’’ was, for

some time, a debate that distracted attention

from the need to take meaningful

action to bring security to the people

of Darfur, I fear that a new issue—

the question of whether or not the

crimes committed in Darfur should be

taken up by the International Criminal

Court—may soon dominate the debate.

Mr. President, the administration is

implacably opposed to the ICC. Frankly,

this is a subject on which the President

and I share some common ground.

I have not supported joining the ICC as

it stands. I want more protection for

our troops to ensure that they will not

be targets of unjust and politically motivated

prosecutions.

But I do believe that it was a mistake

to walk off in a huff as the ICC

was taking shape. It is hard to protect

our troops from unfair prosecutions if

we aren’t at the table to win those protections.

I also believe that threatening our allies

and trying to bully them into

changing their position on the ICC,

rather than sitting at the table to work

these issues out, was a mistake. There

are ways to protect our interests that

do not involve infuriating the allies

that we need to win the war on terrorism.

Certainly there are better ways to

protect our interests than to stand in

the way of trying people guilty of what

our own administration has called

genocide.

The American Servicemembers Protection

Act, which Congress passed to

give concrete form to the objections

that many have to the ICC, contains a

provision stating:

Nothing in this title shall prohibit the

United States from rendering assistance to

international efforts to bring to justice Saddam

Hussein, Slobodan Milosovic, Osama bin

Laden, other members of Al Queda, leaders

of Islamic Jihad, and other foreign nationals

accused of genocide, war crimes or crimes

against humanity.

It seems to me that the crisis in

Darfur may be precisely the kind of situation

that such a provision was intended

to cover. We have an interest—

a moral interest and a political interest—

in refusing to accept impunity for

the grave abuses that have been committed

in Darfur and in promoting

long-term stability by insisting on accountability.

There is no question of

American troops or political figures

being involved. The legitimate concerns

that we have with the ICC simply

are relevant to this situation.

The administration’s position today,

as I understand it, is that we should

create an entirely new international

tribunal for Sudan. If that is what it

takes to bring some justice to the people

of Darfur, so be it. But it is not

really difficult to understand why

other members of the international

community would be resistant to creating

an entirely new structure, potentially

every time that serious crimes

against humanity occur, when a structure

already exists for the express purposes

of dealing with these issues. Particularly

when our own administration

has been pressing existing ad-hoc tribunals

to wrap up their costly but important

work, it seems odd to create another

ad-hoc mechanism when the ICC

exists. Most worryingly, it gives those

who would rather continue to wallow

in endless reviews and deliberations

while people in Darfur die another opportunity

to delay reviews and meaningful

action.

So I believe that the administration

should think about what makes good

sense in this case. Efforts to bring an

end to the crisis in Darfur have faltered,

time and again, due to a lack of

multilateral political will. Security

Council members were unable to do

more than contemplate the possibility

of sanctions in the face of a terrible

man-made catastrophe. We must continue

to build a solid international coalition

to pressure the Sudanese regime.

I know that many of my colleagues and

many in the administration share my

frustration with the grace periods, the

delays, the empty threats, and the

hesitations. It is well past time, then,

to do something about that. If we can

send a former Secretary of State

around the world to encourage others

to relieve Iraqi debt, then we can appoint

a very senior Presidential envoy

to focus on this problem, to drum up

support in capitals around the world,

to squeeze every drop of potential cooperation

from others with intense discussions

and negotiations. The Government

of Sudan should feel intense pressure

every day, not hear mild scoldings

and mixed messages every month or so.

And the U.S. should not muddle our

message by getting tangled up in our

contorted position on the ICC.

Now the Commission of Inquiry’s report

has the potential to prod other

states into action. It would be a terrible

shame if the United States, once

at the forefront of urging action on

Sudan, now became a part of the problem.