Thank you, Mr. Chairman. It’s a pleasure to be back

before this committee.

And I want to begin by thanking you and your colleagues for the

opportunity to testify, but also, more importantly, for your leadership,

on a bipartisan and bicameral basis, to call attention to the

genocide in Darfur and to make your leadership felt in the effort

to try to end this.

I would like to submit my entire testimony for the record and

summarize it here.

In spite of repeated threats, the so-called plan B, the

Government of Sudan, as you pointed out, and as your colleagues

pointed out, continues to kill with impunity. Khartoum still has not

accepted U.N. troops as part of a hybrid force. The sad truth is, the

United States continues to be taunted, and our conditions continue

to be flaunted, by the Sudanese Government. Plan B is long past

its sell-by date, and it’s getting staler by the day.

Why do you suppose, as you asked, that the administration is

equivocating, it is temporizing? Why would it, yet again, issue

threats to the Sudanese regime, and then fail to follow through on

them? Well, I think we got a clue here this morning. I think there’s

real equivocation inside the administration as to whether or not we

are witnessing a continuing genocide. It took nearly 2 hours for Mr.

Natsios to acknowledge, under pressure, that, in fact, genocide continues

to occur in Darfur. If you go back and look at the President’s

State of the Union Address when he mentioned Darfur, the word

‘‘genocide’’ was conspicuously absent.

A related explanation is that the administration views what’s

going on in Darfur primarily as another civil conflict in Africa, and

one that requires, principally, a political solution. As you pointed

out, it’s obvious that there are rebel groups operating in Darfur,

that these groups have attacked civilians and peacekeepers, and

that the splintering and disunity among these groups hampers political

negotiations. It’s also obvious that a long-term solution in

Darfur will require political accommodation and reconciliation.

But negotiations cannot end a genocide. Genocide is not a mere

counterinsurgency tactic. Genocide results from the conscious decision

of one party to a conflict to seek to eliminate, in whole or part,

another group. This is the choice that the Sudanese Government

has made in the context of Darfur, and there are only two ways to

end a genocide, either to apply powerful enough pressures or incentives

to persuade the perpetrators of genocide to stop, which we

have not done, or to protect those who are the potential victims of

genocide, physically protect them. A negotiated solution would do

neither, though it’s necessary, ultimately, to resolve the underlying

conflict.

Another explanation is that the administration simply does not

have a coherent Darfur policy. In fact, the U.S. approach to the

genocide in Darfur can be characterized as simultaneously anemic

and constipated. The coming and going of deadlines, the shifting of

personnel assignments, are all indicative of the fact that we have

no comprehensive strategy for stopping the killing.

This week, Deputy Secretary Negroponte is traveling to Khartoum

and Libya and Chad to take yet another stab at negotiations

with the Sudanese junta. Undoubtedly, Ambassador Negroponte

will discover what Secretary Rice and Bob Zoellick and Jendayi

Frazer and Andrew Natsios and Kofi Annan and Governor Richardson

have all discovered before him, Khartoum’s word means little

or nothing. The Sudanese Government cannot be trusted to keep

its promises, nor to take concrete action to stop the killing. And

yet, while U.S. officials relearn old lessons, Khartoum is using diplomacy

as a foil to continue the genocide.

One has to wonder how the administration can explain to the

dead, the nearly dead, and the soon-to-be dead people of Darfur

that, at the end of the day, even after we declare that genocide is

occurring, even after we repeatedly insist that we’re committed to

stopping it, the United States continues to stand by while the killing

persists. This genocide has endured not for 100 days, not for

1,000 days, but for 4 long years, and, as has been pointed out, it’s

destabilizing Chad and the Central African Republic. The whole region

is being enveloped.

What we are witnessing, Mr. Chairman, is, in fact, part of a 3-

year pattern. The administration talks tough, and then does little

more than provide generous humanitarian assistance. It blusters,

and then, in the face of Sudanese intransigence or empty promises,

the administration retreats.

Last August, the United States got U.N. authorization for a robust

chapter 7 force, 22,000 peacekeepers with a mandate to protect

civilians. In September, the President appointed Mr. Natsios

and promised tough consequences if Khartoum didn’t accept the

U.N. force mandated by the Security Council. But then, in November,

Mr. Natsios joined the United Nations, the African Union, and

European leaders in preemptively capitulating to Khartoum. To

win Sudan’s acquiescence, the United States and others jettisoned

the robust U.N. force and embraced a fallback, a smaller, weaker

Africa Union/United Nations hybrid force. And then, in December,

with us leading the way, the Security Council backed down and

embraced the hybrid.

Let’s be plain about what we have lost in the process. The hybrid

would be 17,000 troops, as opposed to the 22,000 that the United

Nations proposed. The mandate would come from the African

Union, which Khartoum readily manipulates. It would draw its

troops primarily from Africa, but, overstretched by deployments to

hotspots all over the continent, Africa has very little peacekeeping

capacity to spare. The hybrid would have U.N. funding, but it

would suffer from many of the same dual key problems that

plagued the United Nations and NATO in the Balkans in the

1990s. Unfortunately, this hybrid is an ill-conceived, shortsighted,

and, in fact, failed expedient to appease, yet again, the perpetrators

of genocide.

This is, by any measure, a collective shame, and it’s interesting

that the American people know it, and Congress knows it. By all

accounts, nobody likes it.

A December Newsweek poll, as well as a poll released last week

by the Program on International Policy Attitudes at the University

of Maryland, found that 65 percent of Americans—65 percent of

Americans—support sending U.S. troops as part of an international

force to Darfur.

Mr. Chairman, the time for fruitless negotiations has long since

passed. They’re simply buying time for Khartoum to continue the

killing. If the administration were serious about halting this 4-

year-old genocide and protecting civilians in Darfur, it would act

now to show Khartoum that we’re done talking and we’re ready to

turn the screws.

We should take four steps:

Step one: The President should issue an executive order now, implementing

all of the financial measures in plan B. The administration

should couple these unilateral sanctions with a sustained push

for tough U.N. sanctions, including those that target Sudan’s oil

sector. And we should dare China, or any other permanent member

of the Security Council, to accept the blame for vetoing effective action

to halt a genocide.

Step two: The Bush administration should state clearly that

these financial penalties will not be lifted unless, and until, the Sudanese

Government permanently and verifiably stops all air and

ground attacks, and allows the full and unfettered deployment of

the U.N. force authorized in U.N. Security Council Resolution 1706.

It’s time to tell Khartoum that it has a simple choice: Accept the

U.N. force, as mandated in that resolution, or face escalating U.S.

pressure.

Step three: This Congress should swiftly adopt new legislation on

Darfur. That legislation should authorize the President to stop the

genocide in Darfur, including by imposing a no-fly zone, bombing

aircraft, airfields, and the regime’s military and intelligence assets.

It should authorize funds to upgrade the airfield in Abeche, in

Chad, with the agreement of the Chadian Government, in order to

support potential NATO air operations, facilitate a U.N. deployment

to Chad and Darfur, and for humanitarian relief purposes.

The legislation should urge the administration to press for the deployment

of U.N. peacekeepers to Chad and Central African Republic

and their borders. It should impose capital market sanctions on

companies investing in Sudan. It should freeze Sudanese Government

assets and those of key military, government, and Janjaweed

leaders and their families, and prohibit their travel to the United

States. And the legislation, importantly, should require the administration

to report, every 30 days, in classified and unclassified

form, on the military, financial, and covert steps it’s prepared to

take to compel the Government of Sudan to accept, unconditionally,

a robust force.

Step four: If within 15 days of the issuance of the plan B executive

order, the Government of Sudan has failed to meet these basic

conditions, the Bush administration should be prepared to use

force. The purpose of the use of force would be to compel Khartoum

to accept the robust U.N. force and stop killing civilians.

What I wrote 6 months ago with Anthony Lake and Congressman

Donald Payne in the Washington Post, I’m afraid still applies

today, many lives later. We said it’s time, again, to get tough with

Sudan. The United States should press for a chapter 7 U.N. resolution

that issues Sudan an ultimatum: Accept the unconditional

deployment of the U.N. force or face military consequences. The

resolution would authorize enforcement by U.N. member states,

collectively or individually. The United States, preferably with

NATO involvement and African political support, would strike Sudanese

airfields, aircraft, and other military assets. International

military pressure would continue until Sudan relents. And then the

U.N. force would deploy. If the United States fails to gain U.N.

support, we should act without it, as we did in 1999 in the case

of Kosovo, to confront a far lesser humanitarian crisis, when perhaps

about 10,000 people had already died, as opposed to the estimated

450,000 who have died in Darfur.

So, the real question—the moral question—is this: Will we use

force to save Africans in Darfur, as we did to save Europeans in

Kosovo?

Now, I know, Mr. Chairman, that this is a controversial proposal.

There are many good reasons that people have offered to shy away

from the use of force.

Some argue that using force in the current political context is untenable,

particularly against another Islamic government. Some

will reject it, even if the objective of the use of force is to save innocent

Muslim lives.

Others say, ‘‘We can’t possibly take on another military mission,

we’re overstretched.’’ True. But what we’re proposing would involve

primarily the Air Force, which has relatively more capacity than

other branches of our services.

Others say that, without the consent of the United Nations or a

relevant regional body, we’d be breaking international law. But recall

that the Security Council, last year, codified a new international

norm on the responsibility to protect, which committed

member states to decisive action, including enforcement, when

peaceful measures fail to halt genocide or crimes against humanity.

Now, some advocates prefer the imposition of a no-fly zone. And

I want to say that that is a very viable and legitimate option. Some

seem to view it as a less aggressive option than bombing Sudanese

assets. But let’s be clear what a no-fly zone entails. Maintaining a

no-fly zone would require an asset-intensive, 24-hour-a-day, 7-daya-

week, open-ended military commitment in a logistically difficult

context. To protect the no-fly area, the air CAP would have to disable

or shoot down any aircraft that took off in the zone. It would

mean shutting down Sudanese airfields in and near Darfur to all

but humanitarian traffic. In short, it would require, very soon,

many of the same steps that are necessary to conduct the air

strikes we recommend, and then some. So, while I think it’s a fine

option, I’m not sure it’s a lesser option.

And, finally, humanitarian organizations have expressed the concern

that air strikes could disrupt humanitarian operations or

cause the Sudanese Government to intensify attacks on the ground

against civilians in camps. Now, this is a very legitimate concern.

But there are ways to mitigate these risks. The targets could be selected

to avoid airfields used by humanitarian agencies in Darfur.

To protect civilians at risk, the United States and other NATO

countries could position a light quick-reaction force in Chad to

deter and respond to any increased attacks on camps in Darfur or

Chad. And, while the risks may be mitigated, we have to acknowledge

that they can’t be eliminated.

Yet, we also have to acknowledge the daily cost of the status quo,

of a feckless policy characterized by bluster and retreat. That cost

has been, and will continue to be, thousands and thousands and

thousands more lives each month, and other thousands more as we

wait for 2 to 4 more weeks for Ban Ki-moon to exhaust his diplomacy.

That is a cost—the other cost is a regime—the Khartoum regime—

that has literally gotten away with murder while the United

States merely remonstrates.

I would submit, Mr. Chairman, Senator Lugar, that that cost is

too high. Too many people have already died. Too many more are

soon to die. It leaves one wondering when, if ever, the Bush administration

will decide that enough is finally enough.

Mr. Chairman, distinguished members of the committee, thank you for the opportunity

to testify on the vitally important issue of the escalating crisis in Darfur. Let

me also take this opportunity to thank you, Mr. Chairman, and many of your colleagues

in both Houses and on both sides of the aisle for your committed leadership

in trying to halt the ongoing genocide in Darfur. I commend your efforts to enable

all the people of Sudan to live in peace, free from persecution on the basis of their

race, religion, or ethnicity. You have every reason to be proud of your record on this

issue, and many of us are counting on you to continue to lead to save innocent lives.

I feel compelled to begin with a simple observation: Today is the 11th of April,

2007. The genocide in Darfur has lasted 4 years and counting. An estimated 450,000

people are dead. More than 2.5 million have been displaced or rendered refugees.

Every day, the situation worsens. One hundred and one days have come and gone

since the expiration of the very public deadline the President’s Special Envoy Andrew

Natsios set at my very own Brookings Institution. Last year, on November 20,

Natsios promised that harsh consequences would befall the Government of Sudan,

if by January 1, 2007, it failed to meet two very clear conditions. First, Khartoum

must accept unequivocally the full deployment of a 17,000 person United Nations-

African Union ‘‘hybrid’’ force. And, second, it must stop killing innocent civilians.

In spite of this threat—the so-called ‘‘plan B’’—the Government of Sudan continues

to kill with impunity. Khartoum still has not accepted U.N. troops as part

of a hybrid force. Bashir sent a letter late last December to Kofi Annan implying

his acquiescence to U.N. troops—but offering no explicit acceptance. The next day

Sudan’s Ambassador to the United Nations ruled out any U.N. forces. Sudan keeps

playing this bait and switch game to its advantage, and the United States keeps

being played. And, still, no plan B.

In early February, the Washington Post reported, and Natsios confirmed, a leaked

story that the President had finally approved ‘‘plan B’’—a three-stage punitive package

that could begin with the United States blocking Sudan’s oil revenue. This ‘‘plan

B’’ should have been implemented swiftly, not leaked. This kind of leak gives Sudan

advance warning, enabling it to try to evade sanctions.

Still, it remains unclear what the ‘‘three tiers’’ of the administration’s plan B are.

In testimony in February before the House Committee on Foreign Affairs, Special

Envoy Natsios revealed nothing of the substance or timing of plan B. One cannot

help but wonder: Is there any beef behind the administration’s repeated threats? We

have no idea if the promised penalties will ever be implemented and, if so, whether

they would be powerful enough to change Khartoum’s calculus.

The sad truth is: The United States continues to be taunted, and our conditions

continue to be flaunted by the Sudanese Government. Plan B is long past its sell by

date and getting staler by the day.

In January, a bipartisan group of 26 U.S. Senators wrote to President Bush saying

In March, a bipartisan group of 31 Senators reiterated the call for action in another

letter to President Bush urging that the administration ask the U.N. Security

Council to impose sanctions on the Sudanese Government. Many members of this

committee correctly argued that ‘‘a threatened veto 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.’’ Yet, to date, the Bush administration has failed to press for

tough action against the Sudanese Government at the U.N. Security Council.

Worse still are this administration’s diversionary tactics—recently asserting that

Sudan had accepted, in principle, so-called Phase III—the full deployment of the hybrid

force, including its U.N. elements. In fact, the Sudanese made no such clear

commitment, not even in principle. The State Department’s spokesman said some

weeks ago that the administration will defer further consideration of any punitive

measures until after the United Nations is ready to deploy all its forces for the hybrid

mission. In other words, the new due date for consideration of plan B, may be

months away at the earliest, and may occur only if the Sudanese block deployment

of U.N. forces once they are fully ready to go.

In testimony before the Senate in February, Secretary Rice went even further in

ratcheting down the pressure on Khartoum. In response to you, Mr, Chairman,

when you said ‘‘I think we should use force now and we should impose [a no-fly

zone],’’ Secretary Rice took the option of unilateral U.S. military action off the table,

noting its ‘‘considerable downsides.’’ She made no mention of the ‘‘considerable

downsides’’ of allowing genocide to continue unabated.

Perhaps that is because the administration appears to have reversed itself and

decided that genocide is not happening in Darfur. Quoted in the Georgetown Voice,

Natsios told a student group that: ‘‘The ongoing crisis in Darfur is no longer a genocide

situation’’ but that ‘‘genocide had previously occurred in Darfur.’’ President

Bush conspicuously failed to use the term ‘‘genocide’’ when speaking of Darfur in

his latest State of the Union Address. Such language games shock the conscience,

especially given recent escalating attacks on civilians and aid workers.

Reflect on what’s at stake. If any progress at all has been made on the subject

of Darfur, it is that we in the United States have gotten past the debate about

whether this is, or is not, a genocide. To regress, to reopen this issue, is to further

slow-roll any action, to reduce any sense of urgency, and to allow more and more

people to continue dying. Make no mistake: Darfur has been a genocide. It continues

to be a genocide. And unless the United States leads the world in halting the killing,

it will remain a genocide.

Why do you suppose the administration is equivocating and temporizing? Why

would it reopen old debates? Why would it, yet again, issue threats to the Sudanese

regime and fail to follow through on them? What damage is done to our interests,

to our credibility, to our already diminished international standing by the administration’s

seemingly empty threats?

One possible explanation is that the administration accepts Khartoum’s line that

what is occurring in Darfur is a complex civil conflict that requires primarily a political

solution. It is obvious that there are rebel groups operating in Darfur, that

these groups have attacked civilians and peacekeepers, and that the splintering and

disunity amongst these groups hampers political negotiations. It is also obvious that

a long-term solution in Darfur will require political accommodation and reconciliation.

However, negotiations cannot end a genocide: Genocide is not a mere

counterinsurgency 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 made in the case of Darfur. There are only

two ways to end a genocide: To apply powerful enough pressures or inducements

to persuade the perpetrators of genocide to stop; or to protect those who are the potential

victims of genocide. A negotiated solution would do neither, though it is necessary,

ultimately, to resolve the underlying conflict.

Yet, diplomacy takes time. Political negotiations require patience, coordinated

pressure and energetic diplomacy married with the credible threat of powerful sanctions

and the use of force. While the administration negotiates without credibly

threatening more powerful action, Khartoum continues the killing at an alarming

pace. America’s principal priority in Darfur must be to stop the suffering and killing,

and to do so quickly.

Another explanation for the administration’s dithering is that they simply do not

have a coherent Darfur policy. In fact, the U.S. approach to the genocide in Darfur

has been simultaneously anemic and constipated. The coming and going of deadlines

and the shifting personnel assignments are indicative of the fact that we have no

comprehensive strategy for stopping the killing.

This week, Deputy Secretary Negroponte is traveling to Khartoum to take yet another

stab at negotiations with the Sudanese junta. Undoubtedly, Ambassador

Negroponte will learn for himself what Condi Rice, Robert Zoellick, Jendayi Frazer,

Andrew Natsios, Kofi Annan, and Bill Richardson have discovered all before him:

Khartoum’s word means nothing. The Sudanese Government cannot be trusted to

keep its promises nor to take concrete steps to end the killing. Yet, while U.S. officials

relearn old lessons, Khartoum is using diplomacy as a foil to continue the genocide.

How can the administration explain to the dead, the nearly dead, and the soon

to be dead people of Darfur that, at the end of the day—even after we declare that

genocide is occurring, even after we insist repeatedly that we are committed to stopping

it—the United States continues to stand by while killing persists. This genocide

has endured now, not for 100 days, not for 1,000 days, but for 4 long years.

In January, the United Nations reported that the situation in Darfur was deteriorating

rapidly. December 2006 was the worst month in Darfur in over 2 years. This

nadir followed 6 months of escalating violence—a period which coincided with

Khartoum’s bid to expel the African Union force, to block the U.N. deployment and

to throw its killing machine into high gear. Rebel activity has also increased, and

their violence is harming civilians and humanitarian agents. In those 6 months: 30

humanitarian compounds suffered attacks; 12 aid workers were killed, and over 400

were forced to relocate. On December 18, four aid organizations were attacked at

a massive refugee camp housing 130,000 at Gereida in South Darfur. All humanitarian

operations there ceased, and innocent people went weeks without food shipments.

Sudanese aircraft have attacked rebel-held areas and killed many innocent

civilians.

At the same time, the fighting in Darfur is destabilizing neighboring Chad and

Central African Republic. Khartoum has backed rebels that seek to overthrow these

governments. Indeed, this past week, 65 people were killed and 70 wounded by

Janjaweed militias in Chad. U.N. Under Secretary General for Humanitarian Affairs

John Holmes reported last week that, since the fall of 2006, the number of displaced persons in eastern Chad has risen from 50,000 to 140,000; the number of displaced

people in the northeast of the Central African Republic has grown from

50,000 to 212,000. The UNHCR is now reporting that refugees from Chad are actually

spilling into Darfur. The security situation along these borders is so bad that

the United Nations is reluctant to deploy forces there without an effective cease-fire.

The administration has been slow to recognize the impending collapse in Chad

and CAR. The administration’s FY 2008 budget request includes a scant $100,000

of assistance for the Central African Republic, this is a decrease from FY 2006’s

meager $670,000 appropriation. The requests for Chad are somewhat more robust—

totaling $5.3 million, most of which is food aid; however neither country is likely

to receive the money to avert worsening political, security, and humanitarian conditions.

The U.N.’s John Holmes estimates that the United Nations will require $174

million for humanitarian assistance in Chad and $54 million in the Central African

Republic. While this will require a global effort, the United States should be leading

efforts to provide this money.

As the humanitarian situation in these countries worsens, I begin to worry that,

in the absence of swift action to stop the genocide in Darfur and stabilize the region,

we may be forced to change the advocacy campaigns from ‘‘Save Darfur’’ to ‘‘Save

Central Africa.’’ I commend Senator Feingold and others who introduced Senate

Resolution 76, which calls on the administration to press for a U.N. force on the

Chadian side of the border and to ‘‘develop, fund, and implement a comprehensive

regional strategy in Africa to protect civilians, facilitate humanitarian operations,

contain and reduce violence, and contribute to conditions for sustainable peace in

eastern Chad, the Central African republic, and Darfur.’’ As you recognize, the disastrous

implications of another round of cancerous violence spilling from one country

to another are too numerous to catalog here. At the same time, we cannot allow

the search for a comprehensive political solution to a complex regional crisis to slow

us from stopping the ongoing genocide in Darfur. Both efforts must proceed in tandem,

but the stopping of mass murder must be the most urgent task.

Instead, what we are witnessing is part of a 3-year pattern: The administration

talks tough and then does little more than provide generous humanitarian assistance.

It blusters and, then, in the face of Sudanese intransigence or empty promises,

the administration retreats.

When the rebels started fighting in Darfur in February 2003, the administration

at first chose to ignore it. Despite the rampaging reprisals of Janjaweed killers and

rapists, the torching of whole villages, the wanton bombing of innocent civilians and

massive humanitarian suffering, the administration was slow to act. It seems to

have calculated that pressing the Government of Sudan to halt its customary

scorched earth tactics in Darfur ran counter to our interests in getting Khartoum’s

cooperation on counterterrorism, which began abruptly after September 11, 2001.

Confronting the genocide, the administration calculated, might also jeopardize U.S.

efforts to cajole the regime to sign a north-south peace agreement with the SPLM.

But by 2004, the human toll was mounting. On the 10th anniversary of the Rwandan

genocide, many noted the contrast between the hollow pledges in many capitals

of ‘‘never again’’ and the dying in Darfur. With, a Presidential campaign underway,

Congress and Democratic candidates went on the record characterizing the atrocities

as genocide. This prompted the administration to decide, belatedly, that its

comparative silence was deafening. Secretary Powell and Kofi Annan visited Darfur

and obtained hollow promises from Bashir that his Government would disarm the

Janjaweed, allow unfettered humanitarian access and permit an African Union force

to deploy.

Yet, predictably, the killing and dying continued. Over the summer of 2004, Secretary

Powell ordered a comprehensive investigation of the atrocities, drawing upon

hundreds of firsthand accounts from victims and witnesses. Faced with the evidence,

Secretary Powell embraced the investigators conclusions: Genocide was taking

place. To his credit, he testified that effect, and the President in September powerfully

repeated that judgment before the U.N. General Assembly. But then, again,

the administration did nothing effective to stop the killing.

With Western encouragement, the African Union mounted its first ever peacekeeping

mission—in Darfur. To seasoned analysts, this approach was clearly flawed

from the start: The nascent AU could not hope to secure 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 backup at a brand new

regional organization, the AU was bound to fall short, despite its best intentions.

It was slow to deploy, but deploy it did—with U.S. and NATO logistical and financial

support.

The African Union has been the target of a lot of criticism for its shortcomings

in Darfur. I think unfairly so. While the United States blusters, the African Union

forces have been the only ones willing to take bullets to save Darfurians. Just this

past month 5 Senegalese soldiers died guarding a water point in Darfur, this

brought the total number of AU soldiers killed in Darfur since 2004 to 15. These

courageous soldiers 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 cynical, foil for declaring the genocide

under control. It wasn’t.

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 obvious to all: The African Union

was in over its head. Many experts, I among them, pled for NATO to step in, with

U.S. support, to augment the AU force. Those 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. The Africans were responsible. But genocide is not and

never will be an African responsibility. It is a human responsibility, requiring the

concerted efforts of all humanity to halt decisively. To date, we have not.

In 2005, Secretary Rice visited Darfur, and Deputy Secretary Zoellick began took

over the U.S. negotiating effort. In early 2006, the AU itself accepted reality and

recommended that the U.N. subsume its force and take over its mission. In parallel,

Mr. Zoellick was trying to nail a peace agreement before he left the State Department.

His efforts culminated in May 2006, in the signing of the Darfur Peace Agreement

(DPA).

This deal was doomed before the ink on it was dry. It left out two key rebel

groups. The one that signed did so under extreme duress—one day after its leader’s

brother was killed by the regime. Moreover, Khartoum made little in the way of

power-sharing concessions to the rebels; there was no firm requirement that the

Government accept a U.N. peacekeeping force. There were rewards secretly pledged

for Khartoum like the lifting of U.S. sanctions and a White House visit, but no penalties

for noncompliance. As many feared, the cease-fire collapsed almost immediately.

The rebels fractured. The killing intensified, and the people of Darfur suffered

more.

After Zoellick left State, U.S. policy foundered. But, by late August 2006, it

seemed back on track. The United States obtained U.N. authorization for a robust

Chapter VII force for Darfur—22,000 peacekeepers with a mandate to protect civilians.

In September, President Bush and Secretary Rice visited the U.N. General Assembly.

They appointed Andrew Natsios Special Envoy and promised tough consequences,

if Khartoum did not accept the U.N. force mandated by U.N. Security

Council Resolution 1706.

Mr. Natsios went to work. By November in Addis Ababa, he had joined the United

Nations, African Union, and European leaders in preemptively capitulating to Khartoum.

In an effort to win Sudan’s acquiescence, the United States and others jettisoned

the robust U.N. force and embraced a fall-back: A smaller, weaker, AU–U.N.

‘‘hybrid’’ force. In December, the U.N. Security Council, with the United States leading

the way, abandoned Resolution 1706 and endorsed the Addis agreement.

This hybrid force is to be 17,000 troops versus the 22,000 called for in United Nations

Resolution 1706. It would derive its mandate from the African Union, which

Khartoum readily manipulates. It is to draw its troops principally from Africa. But

overstretched by deployments to hotspots all over the continent, Africa has very little

peacekeeping capacity to spare. The hybrid would enjoy U.N. funding but suffer

from the same ‘‘dual-key’’ problems that plagued the United Nations and NATO in

the Balkans in the 1990s.

One of the greatest shortcomings of the hybrid force is that each and every aspect

of it must be negotiated by all the parties involved. As negotiations persist, people

in Darfur die. On March 29 at the Arab League Summit in Riyadh, U.N. Secretary

General Ban Ki-Moon reportedly won Khartoum’s acceptance in principle of phase

two of the UN–AU deployment. On Monday, experts from the United Nations met

with Sudanese officials and appear to have worked out terms for deploying the U.N.

‘‘heavy support package,’’ but not the hybrid force itself. Secretary Ban plans to

meet with AU Chief Executive Alpha Oumar Konare on April 16 to discuss how to

move forward. In the interim, innocent civilians remain at grave risk without adequate

protection. While Secretary Ban’s diplomatic efforts are laudable, they have

far fallen short of delivering what is so urgently needed a robust international force,

led by the United Nations that is capable of stopping the genocide in Darfur.

In reality, the ‘‘hybrid’’ is an ill-conceived, short-sighted and failed expedient to

appease, yet again, the perpetrators of genocide. How perverse is it that the United

States is expending all of its diplomatic capital politely negotiating the terms of a

hybrid force that falls well short of what is needed to halt the genocide?

As the back and forth with Sudan persists, U.S.-imposed deadlines have come and

gone. Khartoum continues to lead the international community through a diplomatic

dance that defies definition. Darfurians continue to die. Chadians continue to die.

The region is coming unglued.

This is, by any measure, a collective shame. The American people know it. And,

by all accounts, they don’t much like it. A December Newsweek poll as well as a

PIPA poll released last week found that 65 percent of Americans support sending

U.S. troops, as part of an international force, to Darfur.

The time for fruitless and feckless negotiations has long since passed. However

well-intentioned the mediators, negotiations only serve Khartoum’s interests—in diverting

international attention and delaying meaningful international action. They

buy Khartoum time to continue the killing.

If the administration were serious about halting this 4-year-old genocide and protecting

civilians in Darfur, it would act now to show Khartoum that we are done

talking and are ready to turn the screws.

We should take the following four steps:

*Step One:* The President should issue an executive order implementing the financial

measures in plan B immediately. The order should include safeguards to ensure

that revenue flows to the Government of South Sudan remain unaffected. Given the

leak of plan B, the President should act now or risk squandering the potentially significant

impact of these measures. The administration should couple unilateral

sanctions with a sustained push for tough U.N. sanctions, including those that target

the oil sector. The United States should then dare China or another permanent

member to accept the blame for vetoing effective action to halt a genocide.

*Step Two:* The Bush administration should state clearly that these financial penalties

will not be lifted unless and until the Sudanese Government permanently and

verifiably stops all air and ground attacks and allows the full and unfettered deployment

of the U.N. force authorized under UNSC Resolution 1706. The United States

should declare the so-called ‘‘hybrid’’ force dead and take it off the negotiating table.

The hybrid was an unfortunate concession to Khartoum, which Khartoum has been

foolish enough not to embrace. It’s time to tell Khartoum that it has a simple choice:

Accept the U.N. force as mandated by Resolution 1706 or face escalating pressure

from the United States.

*Step Three:* The 110th Congress should swiftly adopt new legislation on Darfur.

It should build upon a bill introduced in the last Congress by Representative Payne,

which garnered the bipartisan support of over 100 cosponsors. The new legislation

should:

Authorize the President to stop the genocide in Darfur, including by imposing

a no-fly zone, bombing aircraft, airfields and the regime’s 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, to facilitate

a U.N. deployment to Chad and Darfur, and for humanitarian purposes.

Urge the administration to press for the deployment of U.N. peacekeepers to the

borders of Chad and the Central African Republic to protect civilians and serve

as advance elements for the U.N. force in Darfur authorized under UNSCR

1706.

Impose capital market sanctions on companies investing in Sudan.

Freeze the Sudanese Government assets and those of key Sudanese military,

government, and Janjaweed leaders and their families. Prohibit their travel to

the United States.

And, require the administration to report every 30 days (in unclassified and

classified form) on the financial, military, and covert steps it is prepared to take

to compel the GOS to accept unconditionally a robust U.N. force and halt attacks

on civilians.

*Step Four:* If within 15 days of the issuance of the ‘‘plan B’’ executive order, the

Government of Sudan has failed to meet these conditions, the Bush administration

should use force to compel Khartoum to admit a robust U.N. force and stop killing

civilians.

What I wrote with Anthony Lake and Donald Payne in the Washington Post on

October 2, 2006, still applies 6 months, and thousands of lives later:

History demonstrates there is one language Khartoum understands: The

credible threat or use of force. It’s time again to get tough with Sudan. The

United States should press for a Chapter VII U.N. resolution that issues

Sudan an ultimatum: Accept the unconditional deployment of the U.N. force

within 1 week, or face military consequences. The resolution would authorize

enforcement by U.N. member states, collectively or individually. International

military pressure would continue until Sudan relents. The United

States, preferably with NATO involvement and African political support,

would strike Sudanese airfields, aircraft, and other military assets. They

could blockade Port Sudan, through which Sudan’s oil exports flow. Then,

the U.N. force would deploy—by force, if necessary, with U.S. and NATO

backing.

If the United States fails to gain U.N. support, we should act without it

as it did in 1999 in Kosovo—to confront a lesser humanitarian crisis (perhaps

10,000 killed) and a much more formidable adversary. The real question

is this: Will we use force to save Africans in Darfur as we did to save

Europeans in Kosovo?

Not surprisingly, our proposal has been controversial.

Some argue that it is unthinkable in the current context. True, the international

climate is less forgiving than it was in 1999 when we acted in Kosovo. Iraq and torture

scandals have left many abroad doubting our motives and legitimacy. Some will

reject any future U.S. military action, especially against an Islamic regime, even if

purely to halt genocide against Muslim civilians. Sudan has also threatened that al-

Qaeda will attack non-African forces in Darfur—a possibility since Sudan long

hosted bin Laden and his businesses. Yet, to allow another state to deter the United

States by threatening terrorism would set a terrible precedent. It would also be cowardly

and, in the face of genocide, immoral.

Others argue the U.S. military cannot take on another mission. Indeed, our

ground forces are stretched thin. But a bombing campaign or a naval blockade

would tax the Air Force and Navy, which have relatively more capacity, and could

utilize the 1,500 U.S. military personnel already in nearby Djibouti.

Still others insist that, without the consent of the United Nations or a relevant

regional body, we would be breaking international law. But the Security Council

last year codified a new international norm prescribing ‘‘the responsibility to protect.’’

It commits U.N. members to decisive action, including enforcement, when

peaceful measures fail to halt genocide or crimes against humanity.

Some advocates prefer the imposition of a no-fly zone over Darfur. They seem to

view it as a less aggressive option than bombing Sudanese assets. It is a fine option,

but let’s be clear what it likely entails. Rather than stand-off air strikes against defined

targets, maintaining a no-fly zone would require an asset-intensive, 24 hours

per day, 7 day per week, open-ended military commitment in a logistically difficult

context. To protect the no-fly area, the air cap would have to disable or shoot down

any aircraft that took off in the zone. It would mean shutting down Sudanese airfields

in and near Darfur to all but humanitarian traffic. In short, it would soon

require many of the same steps that are necessary to conduct the air strikes we recommend,

plus much more.

Finally, humanitarian organizations express concern that air strikes could disrupt

humanitarian operations or cause the Government of Sudan to intensify ground attacks

against civilians in camps. These are legitimate concerns.

Yet, there are ways to mitigate these risks. Targets could be selected to avoid airfields

used by humanitarian agencies operating in Darfur. To protect civilians at

risk, 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 camps in Darfur or Chad. While the risks may be mitigated, we must acknowledge

they cannot be eliminated.

Yet, we must also acknowledge the daily cost of the status quo—of a feckless policy

characterized by bluster and retreat. That cost has been and will continue to be

thousands and thousands and thousands more lives each month. That cost is an

emboldened Khartoum government that continues to kill with impunity. That cost

is a regime that literally has gotten away with murder, while the United States

merely remonstrates.

I would submit that this cost is too high. Too many have already died. Too many

more are soon to die. When, if ever, will the Bush administration decide that enough

is finally enough?

Thank you, Senator Lugar. Thank you for your kind

words, in particular.

And I’d like to respond to your very important and complex question.

I also want to address, briefly, Senator Biden’s point.

And just to say, Senator Biden, I certainly agree with you, we did

the right thing, be it belatedly, in Bosnia. The toll there was enormous.

And I don’t mean to suggest that we didn’t. I absolutely

agree. All I’m suggesting is, we did the right thing there, and it’s

past time to do the right thing in Darfur.

I think, as Ambassador Rossin pointed out, it’s important to recall

we’re dealing with multiple complex crises simultaneously in

Sudan. We have the nation-building endeavor of implementing the

north-south Comprehensive Peace Agreement, which is falling behind.

We have genocide overlaid on a civil conflict in Darfur. We

have another conflict, in fact, in the east of Sudan. We have a repressive

regime that is a serious abuser of human rights. And we

have a wider regional conflagration.

So, ultimately, ideally, we’d be addressing all of those things. But

I think Ambassador Rossin makes a critical point, that we have to

prioritize, and that stopping the genocide and the threat to civilians

is the first priority.

I want to be clear. I didn’t come to the conclusion that we ought

to use military force, even limited strikes, casually or quickly. I,

like you, Senator Biden, am not crazy about killing people. But I

do think that at a certain point we have to ask when enough is

enough.

This genocide, as many have pointed out, has been going on 4

long years. For the first year, the United States essentially ignored

it, because we had other priorities, we didn’t want to upset the

applecart with Khartoum. And then, frankly, it was Congress that

made it impossible for the administration to continue to ignore it.

And you all recall well what happened in 2004 with Congress leading

the way, calling it genocide, the administration eventually

agreeing, and the President and Secretary Powell making that declaration.

In the interim, we have pursued negotiations as the principal

vehicle of trying to end the genocide. Three years later, we’re still

essentially at square one. We don’t have a sustained negotiated

settlement. The genocide continues. And we have issued threat

after threat after threat, and never implemented it. So, as Senator

Menendez suggested, we’re really sending the message to the Sudanese

Government that, ‘‘We’re going to blow smoke in your face and

scream and yell, but, at the end of the day, we’re not going to do

anything.’’ And if that’s the message that this government takes,

then there’s nothing to persuade it not to continue the genocide.

And so, as you suggested, yes; in part, the rationale for our proposal

is to show the Sudanese Government that we are, in fact, finally

serious.

This is not a major military power that we’re talking about, the

Government of Khartoum. It is not even the Milosevic government,

which was rather formidable, and which we took care of rather

handily. This is an overstretched, torn-in-three-directions, still third-

rate military. And what is lacking from us is a demonstration,

a credible demonstration, of resolve. If you know the history

of U.S. dealings with Sudan—and, indeed, Sudan itself, as I know

you both do—you’ll recall that the Sudanese Government responds

almost only when the credible threat or the use of force is

applied, or meaningful economic pressure.

And that’s why I advocate, and wish it had happened earlier, the

full implementation of all the aspects of plan B as quickly as possible.

Let’s hope that works. Second, the issuance of an ultimatum,

preferably from the Security Council, that signals to Khartoum

that, in fact, the game is up, and, if they don’t admit a U.N. force

unconditionally, then they face the threat of the use of force. And

then, finally, a limited and targeted use of force, with the aim of,

as we did very effectively in Kosovo, keeping the pressure on the

regime to admit a credible international force to protect civilians.

Senator, in part to answer your question, the French,

at least, have a significant stake in the stability of Chad and the

Central African Republic. They have French forces based in Chad.

And when this thing blows up, as it has intermittently, it’s been

French forces that have had to backstop the Chadian Government

to prevent the Sudanese rebels from reaching N’Djamena. So, when

you look at the issue in its regional context, you begin to see many

implications for various of the interests of the European countries.

I think, whether we’re talking about the imposition of

a no-fly zone or targeted military strikes——

That—either one—in either circumstance,

because they’re—in practical terms, amount to more or less the

same thing. There are—there’s obviously, as you suggest, a significant

risk to humanitarian operations. I think there are ways, as

I suggested in my testimony, to mitigate those risks. First and foremost,

to try to spare aircraft and airfield that are integral to the

humanitarian operations, having a quick-reaction capacity on the

other side to protect civilians at risk. But, in fact, we would need

to assume that there would likely be an interruption or diminution

in humanitarian activity. And that’s a legitimate reason for

concern.

The question then becomes, though—and we faced this dilemma,

in effect, in the Balkans; you referred to British troops being at

risk, and, therefore, them being used as an excuse not to pursue

more robust action to stop the genocide, in the case of Bosnia—we

face the same thing. There is an understandable and laudable

desire on the part of the humanitarian community to continue to

deliver life-saving assistance. But is our plan to do that in perpetuity,

while the killing continues, or, in effect, putting Band-Aids

on the victims of the genocide, or is it necessary, at a certain point,

to try to stop it? I’ve come to the conclusion, gradually and reluctantly,

that it is not only necessary to stop it, but more robust action

than we’ve taken to date will be required to stop it. I don’t rule

out the possibility that serious economic pressure, if it were sharp

and severe and swift, not incremental, as Mr. Natsios laid out, has

the potential to get Khartoum’s attention and begin to change their

calculus. But, if it fails, then we face that dilemma of whether we

continue to let this go on forever, and feed the victims, or whether

we, in fact, try to stop it. And then, as Senator Lugar suggested,

get into the complex and important work of trying to put the entire

region back together again, with the involvement of our European

partners and others.

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