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# THE OPTIONS FOR U.S. POLICY ON DARFUR

**John Prendergast**

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¶1 The policy the United States has pursued on Darfur has failed spectacularly. What has the policy been for the last three-and-a-half years of this genocide? Besides dropping the “g-bomb” regularly, using this term “genocide” indiscriminately, without any concern about the implications for action that the term demands, besides these occasional speeches and resolutions and other things that really have no actions associated with them, the US has pursued a policy of what I would call “gentle persuasion.” We also called it, during the Eighties, during the Reagan administration, when they pursued their policy with South Africa, “constructive engagement.” It’s basically an incentive-based strategy that attempts to provide various carrots for a murderous, or, in the case of South Africa, racist, regime to try to incentivize the path to change behavior. It doesn’t seem to have worked.

¶2 If the Darfur genocide is to end, we have to attack the roots of this policy, which means getting at the whole counter-terrorism nexus. The empirical evidence, though, demonstrates from the last seventeen years or eighteen years of the life of this regime that the opposite policy works. Multilateral punitive measures, not unilateral punitive measures, focused on the regime and the individuals within the regime, have moved that regime’s policies significantly. We have actually had some success through multilateral pressure. In the mid to late 1990s, for example, as further and further evidence came to light about the extent to which the government of Sudan was involved with international terrorist activities, a series of measures were imposed through the United Nations Security Council which resulted in the expulsion of Osama bin Laden, in Khartoum, the dismantling of the Al Qaeda commercial infrastructure, the dismantling of a number of the terrorist camps that were resident in Sudan, and the cutting of ties with a number of other groups, besides Al Qaeda. This is very significant. History demonstrates that this kind of action can work. After September 11, 2001, when Khartoum perceived, rightly or wrongly, that there was a credible threat, that the United States would take military action against other states in the aftermath of Afghanistan, it increased its cooperation on counter-terrorism rapidly and provided some fairly substantial information over the last few years that has been helpful across the globe in our counter-terrorist efforts. Third, but not necessarily because of anything the international community did, the Sudanese government agreed to a comprehensive peace deal with southern rebels principally because of the military pressure being applied by those rebels. So, there is a track record of pressure bringing specific results.

¶3 Now, the debate in Washington and in New York is swung to the usual hysterics, diverting us from the real important, necessary discussion of what to do now to change

the dynamics on the ground. The two extremes that we are hearing today are the advocates of the status quo, which is this policy of gentle persuasion, which is the policy of the European Union, Asia, Africa, the Arab League, and many within the Bush administration. On the other hand, there is a demand by some that military intervention should occur now, without any reference to where the troops come from. And we just heard in the last few days that Morocco, Jordan, and a few other countries have withdrawn their offers to provide troops in a Chapter VII environment, so pretty much all that is left is Bangladesh and maybe India. There really aren't troops available for this right now. Where would they stage from? These are very significant questions because you need to have the kind of arsenal that is capable of a successful and very serious military intervention to protect civilians. But going around, wandering around, talking, carrying the big stick, or talking loudly and carrying a toothpick is not really going to bring us anywhere closer to resolution in Darfur. As a good Clintonite, I think there is a third way, a middle ground between doing nothing and invading Sudan. There are many tools we have in our policy arsenal at this point that we have not yet used that have worked in the past with this regime, with this set of particular actors, that would influence the government to stop the genocidal counter-insurgency campaign that is unfolding today.

¶4 There are economic, political, and military aspects to that policy, and I'll just lay it out very quickly. On the economic side, there are individual sanctions to be pursued. Putting the scarlet letter on the shirt is not insignificant. There is a greater chance of success in targeted sanctions that freeze assets or ban travel for the senior most people. Policy makers should be strategic and can pick some top officials but not others so they can wonder who has made deals and who has not, but the sanctions should go after the senior-most figures, people that matter in the regime. Second, we could enforce the arms embargo by going after the suppliers. Third, we can go after specifically, and this I think may be the most important thing, the regime. The key actors in the regime over the last seven years have set up companies as a result of their new found oil wealth. These companies are trading throughout Europe and the Middle East. If two or three or four of them were targeted and all their assets exposed and frozen, again multilaterally, through the United Nations Security Council, we would have a very rapid effect on their calculations. The number one issue inside Sudan today is not how to resolve the war in Darfur. It's not how to implement the peace agreement itself. It's corruption, because these guys have their hands deep in the cookie jar, and it has created terrible resentment inside the country. If we spotlight that and expose the top 15 or 20 people that are doing this, that are stealing millions and millions of dollars of the oil wealth, this would have an impact. And then finally, economic pressure from the IFIs, from the IMF and the World Bank are important. They can ensure that there is no financing, no guarantees, no anything from any multilateral institution.

¶5 There are also political pressures. The administration finally named a special envoy. This is key because, at the end of the day, sending troops, which may be an important thing at some point and required down the road, is secondary to reaching a political agreement to find a solution in Darfur. There has to be intensive diplomacy to find the necessary kind of enhancements to the Darfur peace agreement that was signed in May when Bob Zoellick had only a few days to stay in Abuja. There are two incredibly glaring omissions in the Darfur peace agreement and they are very simple.

First, and I've spent two of the last four months since this agreement in Darfur talking to Darfurians, and nobody's going home, and not one Darfurian supports this agreement because the Janjaweed structures of violence are left intact. There's no international involvement in the dismantlement of the Janjaweed structure, the structures of violence that have thrown these people out of their homes and killed so many people and raped so many women. Why would they go home? Why would anybody believe this was a deal that's worth the paper it's printed on if there's no international role? In every other legitimate peace deal around the world, there's an international role with the disarmament, remobilization, and reintegration of the armed combatants. There isn't one here.

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The second key is that everybody in Darfur wants some form of an individual compensation. It's rooted in tradition, culture, and Darfurian society and that is just going to have to be part and parcel of it. Again, if we spent some more time and pulsed the communities of the people that we were negotiating supposedly on behalf of, we would have found that these things were absolute requirements. So, Andrew Natsios's job, partially, is to go and lead the African Union, the European Union, and others in a coalition to put together a negotiating team to get those kinds of enhancements. Nobody wants to reopen the thing so that you start from scratch. Everyone basically agrees there has to be an addendum to the Darfur peace agreement. Those are the two principle issues. There are others, but we don't have enough time to discuss them. And so there are those political measures by undertaking real diplomacy.

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And then, going back to the tools in our arsenal, there are diplomatic sanctions such as the scarlet letter. These measures include restricting travel outside of the capitals like we did in the 1990s in response to the regime's involvement in President Mubarak's assassination attempt. This spotlights regime leaders as not full members of the international community, which is crucial. We can press China and Russia and the Arab League harder. I don't really think that's going to yield anything, but we should do it, because you've got to be able to walk, chew gum, whistle and all the rest of it at the same time when dealing with a complex emergency. I don't think the Chinese will ever turn on this thing. They are very clear about what their objectives are, unlike us in so many other places. And we know what they want, but they won't veto. So, you understand what their position is, you lose a little diplomatic capital on North Korea and Iran, but they're not going to pose a problem. I don't believe China will change its position, but it won't get in the way as well. And then finally, the tool that's most important is to use the intelligence we have now and share it with the ICC to accelerate this indictment process. I spent a lot of time with Senator McCain on this, and he wrote a very good op-ed a few weeks ago with Bob Dole.<sup>1</sup> The member states are going to have to support the ICC if we are going to move this process forward, of bringing indictments to bear against senior officials in the regime. We have the best information. We have the best intelligence. We can declassify some of it, turn it over strategically. Without grandstanding – again, walk softly, carry the big stick, not the opposite – we can influence the regime greatly. They do not know how good or not so good our intelligence apparatus is. By turning over what we already have, we would make a big difference.

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<sup>1</sup> See John McCain and Bob Dole, Op-Ed., *Rescue Darfur Now*, WASHINGTON POST, Sept. 10, 2006, at B07.

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So we have economic and political measures. Third, we have military measures. I wouldn't dismiss them outright. We do have to do some significant and serious planning on the implementation of a no-fly zone, the use of force in a non-consensual environment to create safe havens, to protect civilians. I just don't think we're anywhere near there yet, so Bolton's comments are highly counter-productive to go around saying that we don't really need the consent of the government of Sudan. Again, we need to ask what troops will be used? Let's do our homework, put the plans together, get some countries on board, if we need to use force in a worst-case scenario—and some might argue the worst-case scenario is here, some might argue it is not. If the African Union gets thrown out, if the humanitarian organizations start getting thrown out, and the regime's troops and the Janjaweed start entering the camps, then we're going to have to intervene militarily. I have no doubt that these types of events would trigger a military response from the Bush administration. However, it is between now and then and how you play it, how you structure it, is key.

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So, to conclude, the US and US led UN Security Council on this issue have really talked the talk on this— they've authorized a number of actions in a series of resolutions, but then they haven't imposed or implemented any of them. So, we have talked the talk, but we haven't walked the walk. We've barked but we haven't bitten. The government of Sudan has taken our measures, and basically realizes that we are really not going to do anything – until we do something. So, until we actually impose any one of the measures that I said, they're never going to take us seriously, and will continue their policy without change, without any kind of reduction. The infrastructure for this more muscular policy is already in place. We don't really need to do anything more but to implement it. The time has come to implement it. If we impose a cost specifically on the individuals that are orchestrating this genocide, the genocide will end.