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LETTER TO PRESIDENT-ELECT BARACK OBAMA: A PEACE SURGE FOR SUDAN

By John Prendergast, John Norris, and Jerry Fowler

This is the first in a series of letters to the next president spelling out a practical roadmap to end the crisis in Sudan.

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THE MESSAGE OF SUDAN ACTIVISTS ALL OVER THE UNITED STATES IS CLEAR:

- **Don't try to contain the damage from the war in Darfur—END the war.**
- **Don't just declare that genocide is taking place—END the genocide.**
- **Don't just manage the consequences of crisis after crisis in Sudan—END these crises.**

In short, President-Elect Obama must lead a concerted international peace surge for Sudan, and diplomacy must be backed by well-conceived and consistently escalating pressure on Khartoum and other combatants to create the proper conditions for a lasting peace. More effective protection of civilians and continued steps toward accountability for crimes against humanity, which are vital in their own right, will help advance this peace surge.

Five-and-a-half years into Darfur's crisis, and three-and-a-half years after the signing of a peace deal for southern Sudan (the Comprehensive Peace Agreement, or CPA), there is no prospect of a peace deal for Darfur and no coherent effort to ensure that the CPA gets implemented. This is a damning indictment of U.S. and international efforts in Sudan to date. Despite an abundance of rhetoric, it is clear to all parties, including the Sudanese government, that the United States government and its international partners are content simply to manage the consequences of the crisis in Sudan, rather than resolve the situation.

The costs of this approach have already been immensely painful for the Darfuris, who continue to be killed and driven from their homes in large numbers by government and rebel attacks as a U.N. force is incapable of protecting them. Equally important, without a substantial investment in peacemaking in Darfur and peace implementation for all Sudan, the facts on the ground have the potential to become much worse: Darfur's war likely

will continue to escalate, the CPA may collapse and reopen a direct north-south conflict, many more people may die, rebel groups will become larger and even more lawless, and Sudan will potentially disintegrate as a state. In addition, a wider war could also open up fronts in eastern and northern Sudan; continued war in Darfur will further fuel proxy war in Chad and the Central African Republic; and north-south tensions in Sudan could lead to the Lord's Resistance Army becoming more active in northern Uganda and southern Sudan. Sudan's potential fracturing in particular has a range of serious international security implications ranging from disruptions in oil supplies to the increased ability of terrorist groups to operate within such chaotic settings.

Certainly, protecting civilians is an important goal that will require significant energy and resources for the foreseeable future. But it is not sufficient. Protection efforts must be buttressed by a broader approach to end Sudan's multiple conflicts. Pursuing the goal of civilian protection during the conflict should not obscure or divert energy from the larger and ultimate objective: bringing peace to Sudan by securing a credible deal for Darfur and implementing the terms of the CPA. As the two most influential countries with Sudan and two countries with the most to lose if the CPA collapses, the United States and China have compelling reasons to work jointly for lasting peace.

The CPA itself—the agreement to end the 22-year war in southern Sudan and establish a framework for democratic transformation of the country—was reached in 2005 after a sustained investment in diplomacy, led in part by the United States and backed by significant incentives and pressures. That hard-won agreement would not now be in jeopardy if the investment in diplomacy had been maintained and the international community had continued its pressure to ensure that the agreement was implemented.

A U.S.-LED PEACE STRATEGY

The advent of a new administration will open a window of opportunity for the United States to use its tremendous experience in peacemaking. Moreover, given that the next president will face enormous challenges—ranging from a full-blown financial crisis to active wars in both Iraq and Afghanistan—a significant investment in peacemaking in Sudan is both cost-effective and has the greatest chance of ending Sudan’s suffering.

Leverage for peace in Sudan can best come from the following actions.

Continue the International Criminal Court investigation.

Accountability for crimes against humanity in Darfur remains an essential element of a lasting peace in Sudan, and evidence to date suggests that the recent moves by the International Criminal Court have generated genuine pressure on the Sudanese government. A premature deferral of the cases against Sudan’s leadership for war crimes through invocation of Article 16 of the ICC’s Rome Statute would be a grave mistake and would set back the cause of peace.¹ Nothing less than a peace deal in Darfur that includes alternative accountability mechanisms broadly acceptable to Darfuri civilians and real evidence of implementation of the CPA could be sufficient to justify deferring the ICC investigation on a year-to-year renewable basis. The United States should veto any steps toward invoking Article 16 at the Security Council and provide the ICC with any evidence it has regarding Sudan’s direct involvement in planning the Darfur genocide. The bottom line: don’t trade accountability for war crimes for empty promises from Khartoum.

Enhance multilateral, non-military coercion.

The new president should work through or with selected members of the U.N. Security Council to bring a larger collection of nations on board with targeted sanctions against those most responsible for violence in Sudan. If the Security Council fails

to pass these broader sanctions, then the new administration should build an international coalition to bring this pressure. Along with the ICC, these instruments can create much higher legal, financial, and political costs to those who are responsible for violence against civilians. If efforts to pass targeted sanctions through the Security Council fall short, a concerted effort should be made to work with the European Union to jointly apply U.S.-EU sanctions. In addition, the possibility of capital market sanctions for oil companies contracting with the Sudanese government should be explored.

Expand the arms embargo.

Given the government of Sudan’s continued attacks against civilians in Darfur and compelling evidence that weapons from other nations, including China, are finding their way to the frontlines, a comprehensive arms embargo against the Khartoum government should be imposed by the Security Council. The embargo should include a robust international monitoring mechanism to ensure its effectiveness.

Make UNAMID effective.

UNAMID, the hybrid U.N.-African Union mission in Darfur, is failing to achieve its central goal of protecting the civilian population in the region. Much of this failure can be traced directly to the practice of giving the Sudanese government—the prime perpetrator of the genocide—a de facto veto over the mission’s composition and operations. This is simply unacceptable. Given the ICC prosecutor’s accusations against Bashir and his loyalists, the United States and United Nations must not allow Khartoum to decide the mission’s force size, national composition, the extent of AU versus international participation, timeframe for deployment, or civilian protection mandate. A robust force on the ground in Darfur with a competent lead nation and a clear command-and-control structure is essential for saving lives, creating an environment amenable to the peace surge and establishing the international credibility required to ensure that a broader peace strategy succeeds.

Ban offensive military flights.

Both U.S. presidential candidates have taken a robust position on the need to counter Sudan's aerial attacks on civilians in Darfur, and have voiced support for enforcing a no-fly zone. Continued Sudanese aerial attacks in Darfur—there have been at least 43 this year—have rightly generated considerable attention. The U.N. Security Council has demanded an end to offensive military flights several times, most recently in Resolution 1769, which authorized UNAMID.² UNAMID has not enforced that demand. It is clear that the next administration and the U.N. Security Council need to consider how best to counter these continuing aerial flights and provocations.

The transition team should undertake the following before the new president takes office on January 20:

- Identify the senior official who will own this issue so that individual can begin working as rapidly as possible.
- Develop a practical and escalating menu of options for exerting leverage on the government of Sudan and rebel movements to create an environment conducive to credible negotiations.
- Task relevant agencies, including the Pentagon and the U.S. Mission to the United Nations, to explore direct ways to make ongoing civilian protection efforts more effective, including steps to make UNAMID more robust and capable and to enforce a ban on offensive military flights.
- Identify foreign service officers to staff a diplomatic cell that will be deployed to the region to work the issues around the clock in the manner they deserve.
- Identify two senior diplomats experienced in peacemaking to be the deputies to the president's special envoy, one for Darfur and the other for the CPA.

- Reach out to interested parties with leverage in Sudan and the region, especially China, the United Kingdom, France, and key African countries, to coordinate efforts on the peace surge, protection of civilians, and accountability.

By taking these practical steps, the next president will be well positioned to launch a credible peace surge for Sudan, and work with key countries and the U.N. Security Council to build momentum for the one end-state with which no external country disagrees: peace.

A HISTORIC CHOICE

The government of Sudan has tried to frame the options for the international community as either full military engagement (an option it knows is unrealistic) or limited humanitarian efforts. In fact, there is a world of opportunity in between, if there is the necessary political will to see an end to the killing in Sudan. The next president must assume international leadership in highlighting these options, rallying the world to respond in unity—including many countries that have been content to stand on the sidelines—and deploy the best and brightest in America's diplomatic corps to end the slaughter. Our future in Africa will be directly shaped by whether we succeed or fail in Sudan.

If the international community shows weakness, if Darfur continues to burn, if the CPA is allowed to collapse at any point, then we may as well start digging new graves, because the two and a half million who died in southern Sudan and Darfur over the past 25 years will just be a prologue for a fresh cataclysm.

Because we know and because we have choices, if we still do nothing, then we will share in the responsibility for the result.

ENDNOTES

1 Article 16 of the Rome Statute of the International Criminal Court provides that “[n]o investigation or prosecution may be commenced or proceeded with under this Statute for a period of 12 months after the Security Council, in a resolution adopted under Chapter VII of the Charter of the United Nations, has requested the Court to that effect; that request may be renewed by the Council under the same conditions.” The Sudanese government so far has failed in getting Security Council support for a 12-month suspension of the investigation, in large part because of the dismal situation on the ground in Darfur and the government’s lack of seriousness in addressing the peace process.

2 The U.N. Security Council banned offensive military flights over Darfur in March 2005 (UNSC Resolution 1591). In July 2007, Resolution 1769 demanded that “that there should be no aerial bombings and the use of United Nations markings on aircraft used in such attacks.” The Sudanese government has violated this ban consistently and without consequence.