

Senate Banking Committee Hearing
John Prendergast
Co-Chair of the ENOUGH Project
October 3, 2007

Thank you, Mr. Chairman and members of this esteemed Committee, for the opportunity to share my views on the world's hottest war and what the U.S. and international community can and should do to help end it.

The question our government – both our legislative and executive branches – is faced with today is whether applying further pressure through divestment and other instruments will help or hurt the international community's efforts to end the crisis in Darfur. The administration contends – as it has since the beginning of the Khartoum regime's genocidal counter-insurgency campaign in 2003 – that further pressure will undermine existing diplomatic efforts. My colleagues and I would contend the opposite: that **empirical evidence demonstrates that the ONLY way that the regime and the rebels will allow the UN/AU hybrid force to deploy and the ONLY way a peace deal between the regime and rebels is possible is if multilateral, targeted pressures are INCREASED and combined with assertive and robust diplomacy.**

Without coordinated multilateral pressure, the regime will continue to promote chaos as part of its genocidal divide-and-destroy strategy. Without serious consequences, rebel and government forces will continue to fight each other and attack civilian targets with impunity. Without a cost for obstruction, the regime and rogue rebel elements will not facilitate the full and unconditional deployment of the AU/UN hybrid peacekeeping force. And without an internationally coordinated diplomatic surge, the government and rebels won't take seriously efforts to revive the peace process.

After living, studying and working in Sudan at various times for over two decades, and having negotiated directly with Sudan's leadership and rebels during the Clinton administration, I can tell you that the regime and rebels no longer take our speeches and our threats seriously, and will continue to flout international will until there are specific and escalating costs to their actions. Divestment is an important tool in that required escalation.

I do not tell that to you on a whimsical hope that this behavior might be true. In these matters, I would much prefer to rely on empirical evidence. The preponderance of evidence shows that during the 18 years of its military rule, the regime in Khartoum has only responded to focused international and regional pressure. Four times the regime has reversed its position on a major policy issue, and each of those four times the change resulted from intensive diplomacy backed by serious pressure – two ingredients not consistently applied in the response to Darfur today. The four cases are

- a) the regime's support for international terrorist organizations during the early to mid 1990s;
- b) its support for slave-raiding militias in southwestern Sudan throughout the 1990s;

- c) its prosecution of a war in southern Sudan that took two million Sudanese lives; and
- d) its opposition to the deployment of the hybrid AU/UN peacekeeping force.

Once the recent policy history is reviewed and the real lessons learned from the 18 deadly years this regime has been in power, the answers become clear and obvious. Continuing to ignore or defy these historical precedents may condemn hundreds of thousands of Darfurians to death.

LESSONS FROM HISTORY: POLICIES THAT CHANGED KHARTOUM'S BEHAVIOR

Since the ruling National Congress Party (NCP – formerly the National Islamic Front) came to power in a 1989 military coup, sound policy choices by the international community have forced the regime to reverse abusive or threatening policies on four separate occasions. The four cases examined here are the regime's support for international terrorism, its pursuit of a military solution in Southern Sudan, its unleashing of militias that led to the resurgence of slavery; and its opposition to the hybrid force. Understanding why regime officials made these U-turns is critical to constructing a successful strategy for Darfur.

1. Support for Terrorism

As soon as it usurped control of the country in 1989, the NCP began to cash in on its alliances with terrorist organizations (including al-Qaeda), inviting them to Khartoum, allowing their leaders and operatives to travel on Sudanese passports, and providing space for them to develop safe havens and training camps. Osama bin Laden himself lived in Sudan from 1991 to 1996. Today, however, the U.S. considers Sudan to be a valuable partner in the global war against terrorism.

There were two phases in their shift from a major state sponsor of terror to a cooperative partner in the global counter-terrorism effort. First, during the latter years of the Clinton administration, the regime began to abandon most of its alliances with and support for terrorist groups. The regime kicked bin Laden out of the country, turned over Carlos the Jackal, dismantled much of the al-Qaeda commercial infrastructure, revoked passports of terrorists, and shut down terrorist training camps. Second, during the period after 9/11, regime officials became much more cooperative with U.S. counter-terrorism efforts, providing information on suspects around the world based on their extensive links with these individuals and their networks.

The question is why? What mixture of policies led the regime to drastically change tack – from supporting terrorist networks to actively sharing intelligence with the U.S. government? Three key tactics were at play:

- a) Aggressive Diplomacy

The U.S. led diplomatic efforts in both phases to press the regime to change. Without such deep and extensive diplomatic engagement, both with regime officials and with other global counter-terrorism partners, other pressures would not have borne fruit. During the 1990s, the Clinton administration worked assiduously through the UN Security Council and with its allies to place multilateral pressure on the Sudanese government to cut its ties to terrorist organizations. During this decade, the Bush administration has worked closely with the Khartoum regime to move beyond simply severing its links with terrorist groups to also providing intelligence on suspects. There was a dedicated clarity to both efforts. In the former case, Clinton administration officials demonstrated that cooperation would result if a unified set of nations pressured the regime in Khartoum to break its links. In the latter case, the Bush administration closely engaged the regime and received some important information in return, according to intelligence officials.

b) Multilateral Sanctions and Condemnation

When the UN Security Council imposed a series of very light sanctions on the regime (restricting diplomatic travel of senior officials and international flights of Sudanese-owned aircraft) for its ongoing support for terrorism (the last straw being Sudan's involvement in the assassination attempt of Egyptian President Hosni Mubarak in Addis Ababa), Khartoum reacted immediately. NCP officials did not then – and do not now – want scarlet letters placed on their shirts. They do not want the restrictions on their travel and assets spotlighting them as international pariahs. As history has shown, this regime responds to targeted punitive measures.

c) U.S. Military Threats

Though distasteful, especially against the current global backdrop of Iraq et al., it is important to revisit the effect of U.S. military threats on the regime's calculations. The U.S. bombing of the al-Shifa factory in 1998 was not supported internationally, and further complicated U.S. efforts at supporting a peace deal in southern Sudan. However, it sent the signal to regime hardliners that the U.S. was willing to use force against Sudan if its interests were threatened. After 9/11 and the U.S. invasion of Afghanistan, memories of the al-Shifa bombing made the few choice comments from senior U.S. officials about whether Sudan should be the next target resonate even more strongly with regime officials. The NCP quickly intensified its intelligence cooperation efforts. The implication: coercive military force should not be ruled out as a means to achieve compliance with a rogue state like Sudan.

2. Civil War in Southern Sudan

Five times as many people died in Southern Sudan's civil war than the highest estimates so far for Darfur. Indeed, the war between successive governments in Khartoum and the Sudan People's Liberation Army (SPLA) lasted five times as long as the NCP's scorched earth counterinsurgency against rebels and civilians in Darfur. Major interests were at stake in the South: most of the country's oil reserves are there, and the SPLA was much

more powerful – militarily – than the rebels in Darfur. Nevertheless, in January 2005 the regime and the SPLA signed a major peace deal that effectively ended the war - for now. Again, the question is why? What mixture of policies led the regime to stop prosecuting the bloody war and sign a peace deal?

a) Rebel Unity

Perhaps the most important reason for Khartoum's reversal was the unification of a badly splintered rebellion. In 1991, Khartoum had helped engineer a deadly split in the SPLA. It took years of southern Sudanese reconciliation efforts and extensive U.S. diplomacy to finally pull the SPLA back together. Once they posed a serious military challenge to the regime that brought about a stalemate on the battlefield that, in turn, made an accord possible. Under the late John Garang's leadership, the SPLA was developing alliances with Sudanese opposition movements in the north and what was believed to be simply a "north-south civil war" was transforming into a revolution of the periphery against the center. The military threat posed by that unity, when combined with international pressure and high-level engagement, pushed the regime into genuine negotiations with the SPLA.

b) Intense and Sustained International Diplomacy

The peace process which resolved this war was a product of extensive diplomatic efforts led by Washington over two administrations, bringing together the Inter-Governmental Authority on Development (IGAD), the regional organization for the Horn of Africa, with a tight coalition of international actors, including the UN and key governments.

There was one process, led by an African envoy, and closely backed by a leverage-wielding quartet of states: the U.S., UK, Italy and Norway. Khartoum was not allowed to "forum-shop" for another process in order to divide the internationals, despite the best efforts of Cairo and Tripoli. This model has proven to be effective in Sudan and elsewhere, but four years into the Darfur war it has not been replicated.

c) White House Engagement

President Bush and key cabinet members were personally supportive of the peace process. They made calls, sent letters, and met key combatants at critical junctures. The administration also made an exception to its usual distaste for envoys and named an influential former senator, John Danforth, as its Special Envoy to bring heft to the process. Khartoum got the message.

d) Christians and Congress

Two U.S. groups were instrumental in driving the peace process to its successful conclusion. Conservative Christian groups and a number of highly motivated and invested members of Congress demanded action from the administration. They also provided U.S. diplomats with additional leverage with the Sudanese government by

demanding more radical measures to which U.S. officials could point as possible consequences of the Sudanese regime's intransigence.

e) Divestment

One of the early tools that American activist networks employed was a citizens' campaign – initiated by Smith College Professor Eric Reeves – to demand that state and university pension fund holders sell their stock in Canadian oil company Talisman, which was a primary investor in Sudan's oil sector. A concurrent effort in Congress threatened to de-list any company on the various U.S. stock exchanges that was conducting business to the benefit of the Sudanese regime. This form of indirect pressure influenced investment decisions and increased the potential cost to the NCP if it failed to make peace with the SPLA.

3. Slave Raiding

In the 1990s, one of the regime's principal war tactics was to support ethnic-based Arab militias in attacking the villages and people of non-Arab Dinka descent, a precursor to its current support for the janjaweed militias in Darfur. Khartoum's proxy militias were "paid" in the form of whatever booty they stole during their attacks. The militias captured Dinka Southerners by the thousands and enslaved them, fostering a modern day market for human beings. By the end of the 1990s, the raids had stopped and most of the slave trade was shut down.

Yet again, the question is why? What mixture of policies led the regime to stop its support for the militias and effectively end the state-supported slave trade? Three factors combined to bring about this change.

a) Global Campaigning against Slavery

Across the U.S. and Europe, anti-slavery and human rights organizations relentlessly shone a spotlight on the heinous practice and its facilitators in Khartoum. Through a variety of awareness raising tools – including protests and arrests in front of the Sudan embassy, buying the freedom of abductees (which was not without significant controversy), and fundraising drives by schoolchildren – the temperature was turned up on the regime for its role in supporting the resurgence of slavery. The global campaigning by civil society organizations and human rights activists around the world embarrassed the regime and forced it to re-think its war strategy.

b) Vigorous Diplomacy

U.S. and European diplomats strongly engaged the Sudan regime for its role in arming the militias. What often resulted was a good cop-bad cop strategy in which the U.S. publicly hammered the regime for its practices while the Europeans quietly but firmly pressed Khartoum on the issue. The combination, though it could have benefited from

better coordination, allowed for the building of multilateral pressure against one of the regime's central war strategies.

c) U.S. Military Threats

Near the end of the 1990s, U.S. officials examined possible initiatives to help protect civilians in Northern Bahr al-Ghazal, the region of Southern Sudan which experienced the heaviest slave raiding. Though the policy deliberations were confidential, they were leaked to the New York Times and were the subject of discussions between the SPLA and U.S. officials visiting Southern Sudan. Sudanese government officials were unnerved by these consultations, as any efforts to support the SPLA would potentially have given the rebels a tactical advantage, even if the objective was to protect civilian populations. Though the discussions were serious, the threats never materialized into actual decisions to provide assistance. The regime's support for the offending militias ended, soon followed by the end of the practice of slave raiding.

4. Acquiescence on the AU/UN hybrid force

A quartet of the U.S., France, the UK and China collectively created the pressure necessary to force Khartoum to accept deployment of the AU/UN hybrid force, as authorized by the UN Security Council at the end of July.

For widely divergent reasons, the four countries with the most leverage in Sudan all have a vested interest in and desire to help bring about peace and stability in Darfur.

- In the U.S., domestic political pressure has increased as an anti-genocide movement continues to develop and demand U.S. leadership and action.
- In France, newly elected President Nicolas Sarkozy and his Foreign Minister Bernard Kouchner have identified Darfur as a high priority, and they have expressed a willingness to pursue the trans-Atlantic cooperation that their predecessors often avoided.
- In the UK, Prime Minister Gordon Brown and his Africa Minister Mark Malloch Brown have demonstrated a strong interest in working closely with their French counterparts to keep the crisis high on their agenda and the pressure up on Khartoum.
- In China, as pressure mounts to tie the 2008 Olympics to Beijing's policies in Sudan and as China's own foreign policy undergoes a thorough review, the Chinese government has increasing reason to use its influence behind the scenes to help move the Khartoum regime to accept a more robust peacekeeping force and adopt more constructive positions on the peace process.

Faced with these developments, it is no coincidence that the Government of Sudan accepted the deployment of the full AU/UN hybrid force. Even just a hint of cooperation among key states can yield results. But more coordinated diplomacy and consistent pressure by senior level policymakers, the latest Sudanese "agreement" on the hybrid is likely to prove short-lived.

Already we have seen serious roadblocks from Khartoum. Regime officials have been deterring the construction of necessary new bases and expansion of those the AU forces are already using; denying the UN full and uninhibited use of airports in Darfur and limited night flight access; refusing permission to the UN to upgrade runways; delaying approval of visa request by UN personnel; and ever more insistently stating that non-African forces are not needed in Darfur. As evidenced by the lessons of the past, a full-court diplomatic press is needed to pressure the Sudanese government to remove these obstacles, and allow for the effective and timely deployment of the hybrid force.

TOOLS OF PRESSURE

Divestment is a key form of pressure on the regime as international efforts increase to press for a peace agreement in Darfur, the deployment of the hybrid force, and the implementation of the CPA. Having the legislative branch pressing for more action will actually strengthen the hand of the executive branch as it presses forward with its diplomacy.

There are many other multilateral pressures which have not been utilized to date, and should be deployed against government and rebel officials who – going forward – obstruct the deployment of the hybrid force and progress at the peace talks. Targeted sanctions through the UN Security Council are an important and as yet unutilized or unimplemented tool against significant negative elements. And cooperation with the International Criminal Court is crucial as it attempts to execute its first two warrants and collect further information against other regime, janjaweed and rebel leaders who are responsible for crimes against humanity.

Legislative pressures from the U.S. Congress and multilateral pressures coordinated by the executive branch through the UN Security Council and with the European Union will lead to a much quicker solution in Darfur than the Bush administration's proposed return to quiet diplomacy and constructive engagement. We have a real chance of ending Darfur's long nightmare, but only if we learn the real lessons of the last 18 years: pressure plus diplomacy gets results.