

# THE OPTIONS FOR U.S. POLICY ON DARFUR

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¶1 Tragically, by now “the genocide in slow motion” in Darfur has become too familiar. For some time the United Nations has labeled the situation in Darfur as “the worst humanitarian crisis in the world.” It is man made. It is horrific. It is preventable. Yet the carnage continues while the international community engages in political posturing and diplomatic half-measures. It’s a disgrace. The echoes of this failure will long linger in the hallways of history. This mayhem and destruction must end.

¶2 Professor Benjamin Valentino of Dartmouth College has written an important book, *Final Solutions: Mass Killing and Genocide in the 20<sup>th</sup> Century*.<sup>1</sup> He finds that:

ethnic hatreds or discrimination, undemocratic systems of government, and dysfunctions in society play a much smaller role in mass killing and genocide than is commonly assumed. He shows that the impetus for mass killing usually originates from a relatively small group of powerful leaders and is often carried out without the active support of broader society. Mass killing, in his view, is a brutal political or military strategy designed to accomplish leaders’ most important objectives, counter threats to their power, and solve their most difficult problems.

The events in Darfur fit within that analysis.

¶3 Sudan sits on the ancient crossroads between Arab North Africa and sub-Saharan Africa. For countless generations, the Arabs of the north and the blacks of the south lived in peace, intermingling and intermarrying. Historically, Sudan was a mosaic of different tribes with various languages and many religions. More than 150 native languages are spoken in Sudan today, including 20 in the Darfur region. Then during its colonial rule, the British “used tribal identities to divide their subjects” as a means to keep control of this vast country.<sup>2</sup>

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<sup>1</sup> ROBERT A. VALENTINO, *FINAL SOLUTIONS: MASS KILLING AND GENOCIDE IN THE 20<sup>TH</sup> CENTURY* (2004).

<sup>2</sup> MARTIN MEREDITH, *THE FATE OF AFRICA: FROM THE HOPES OF FREEDOM TO THE HEART OF DESPAIR* (2005).

- ¶4 As the British prepared to leave, they began to hand control over to the northern Muslims. This engendered concern and resentment. Clashes between portions of the south and the north began in August, 1955, and continued after the British left in 1956.
- ¶5 From 1958 to 1972, and from 1983 until today there has been fighting in Sudan.<sup>3</sup> The fighting has been about natural resources, religion, efforts for regions to gain a measure of autonomy, and so forth.
- ¶6 In 2003, while Khartoum still was consumed with fighting the rebellion in the south, two insurgencies from the “African” agriculturalists engaged in a series of raids and skirmishes killing several hundred government troops.<sup>4</sup> Awful as these casualties were, this small rebel movement posed no serious threat to Khartoum’s rule. However, reluctant to divert soldiers from the south, Khartoum opened the gates of hell.
- ¶7 Rather than reply with a targeted response directed at a few members of the incipient rebellion, Khartoum armed a militia in Darfur.<sup>5</sup> More than 20,000 highwaymen and bandits, drawn from impoverished nomadic Arab groups in Darfur and Chad, were armed. These militia, known as the Janjaweed, were unleashed to wage a systematic campaign of destruction against African civilians in the area belonging to the same non-Arab ethnic groups as the rebels: the Fur, Masaabit and Zaghawa.<sup>6</sup> One commentator has written that “the Sudanese government’s tactic seems to have been straight from the Maoist theory book. By destroying African villages, the army and their Arab militia allies drained the sea the rebels swam in.”<sup>7</sup>
- ¶8 Often the attacks begin with government aerial bombardment of civilians – mainly using Antonov supply planes dropping lethal barrel bombs filled with metal shards, sometimes using helicopter gunships or MIG jet fighters.<sup>8</sup> After the aerial attacks, Janjaweed riding camels and on horseback sweep into villages. They burn huts, destroy crops, slaughter or steal livestock, poison wells, and rape and brand women. African males, infants, boys, men, and elderly, are sometimes butchered. Non-Arab Sudanese are systematically expelled from their homes.
- ¶9 The overwhelming majority of the men, women and children victimized by these merciless atrocities bear no relation whatsoever to the insurgents. Their crime is ethnicity. They are non-Arab and they are defenseless.

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<sup>3</sup> For an excellent description of Darfur’s geography, history and ethnography see GERARD PRUNIER, *DARFUR: THE AMBIGUOUS GENOCIDE 1-80* (2005).

<sup>4</sup> The two rebel groups were the Sudan Liberation Army/Movement (SLA/M) and the Justice and Equality Movement (JEM).

<sup>5</sup> Khartoum had similarly enlisted militia supported by the Sudanese military to attack incipient rebellion in Bahr el Ghazal in 1986-88, in the Nuba Mountains in 1992-95 and in the Upper Nile in 1998-2003.

<sup>6</sup> For a more detailed discussion of the Janjaweed, see JULIE FLINT AND ALEX DE WAAL, *DARFUR: A SHORT HISTORY OF A LONG WAR 33-65* (2005).

<sup>7</sup> Mark Doyle, *Darfur Misery Has Complex Roots*, *BBC NEWS*, Sept. 9, 2004, available at <http://news.bbc.co.uk/2/hi/africa/3692346.stm>

<sup>8</sup> The close coordination between the Sudanese Government in Khartoum and the Janjaweed militia is well documented. See, e.g., Koert Lindijer, *Analysis: Reining in the Militia*, *BBC NEWS*, Oct. 25, 2004, available at <http://news.bbc.co.uk/2/hi/africa/3594520.stm>

- ¶10 Terrible crimes have been committed. Innocent people have suffered and many continue to perish. The ethnic cleansing has risen to horrific levels.<sup>9</sup>
- ¶11 The ethnic pattern of these atrocities is clear. A United Nations observer team reported that non-Arab black villages were attacked while Arab villages were untouched.<sup>10</sup>
- ¶12 Two and a half years ago, UN Secretary-General Kofi Annan warned of “ethnic cleansing” in Darfur and called on the international community to act.<sup>11</sup> Two years ago, then Secretary of State Colin Powell labeled the ongoing atrocities in Darfur “genocide.”<sup>12</sup> Meanwhile, the violent atrocities continue and the world’s response has been modest.
- ¶13 In Darfur, up to 400,000 people have died. Over 2.5 million people have been driven from their homes and live in desperate conditions in IDP and refugee camps. The Janjaweed even stalk those camps, sometimes killing males or raping women and girls who venture out to gather firewood.
- ¶14 Canadian General Romeo Dallaire was force commander of the UN Assistance Mission for Rwanda. He writes of these turbulent times in his book *Shake Hands With the Devil: The Failure of Humanity in Rwanda*. “What happened in Rwanda in 1994 [is] a story of betrayal, failure, naiveté, indifference, hatred, genocide, war, inhumanity and evil....The Rwandan story is the story of the failure of humanity to heed a call for help from an endangered people.”<sup>13</sup>
- ¶15 In Darfur, evil again stalks the earth. A desperate call for help has been made. But despite the humanitarian aid and the diplomatic posturing, humanity is failing to heed the call. The violence continues, the victims suffer, and the international community vacillates. It is well past the time when robust action should have been taken to end this crisis.
- ¶16 As Nobel Laureate Elie Wiesel told the UN Security Council last month, “Passivity helps the oppressor and not the oppressed.” Wiesel went on to urge the Security Council members to remember the Rwandan genocide. “I do,” he said. “Eight hundred thousand human beings were murdered. We know then as we know now they could have been saved, and they were not.”<sup>14</sup>
- ¶17 However, action to stop the killing in Darfur is not the same as continuing the delicate diplomatic minuet on Darfur. Treaties have been signed and they have

<sup>9</sup> See, e.g., John Prendergast, *Sudan’s Ravines of Death*, *N.Y. TIMES*, July 15, 2004 at A23.

<sup>10</sup> See generally Darfur Conflict, [http://en.wikipedia.org/wiki/Darfur\\_conflict](http://en.wikipedia.org/wiki/Darfur_conflict). See also, HUMAN RIGHTS WATCH, *DARFUR DESTROYED: ETHNIC CLEANSING BY GOVERNMENT AND MILITIA FORCES IN WESTERN SUDAN*, (2004), <http://hrw.org/reports/2004/sudan0504/>; the World Medical Association, *Genocide Unfolding in Sudan*, <http://www.wma.net/e/humanrights/phr.htm>

<sup>11</sup> UN Secretary General Kofi Annan, Remarks at the Day of Remembrance of the 10<sup>th</sup> Anniversary of the Genocide in Rwanda, <http://www.preventgenocide.org/prevent/UNdocs/KofiAnnansActionPlantoPreventGenocide7Apr2004.htm>

<sup>12</sup> Colum Lynch, *US Calls Killings in Sudan Genocide: Khartoum and Arab Militias Are Responsible*, *Powell says*, *WASH. POST*, Sept. 10, 2004, at A1.

<sup>13</sup> ROMEO DALLAIRE, *SHAKE HANDS WITH THE DEVIL: THE FAILURE OF HUMANITY IN RWANDA*, at xvii, 516 (2003).

<sup>14</sup> Evelyn Leopold, *Clooney, Wiesel tell UN Time Running Out in Darfur*, *REUTERS*, Sept. 9, 2006, available at [http://www.nzherald.co.nz/section/2/story.cfm?c\\_id=2&objectid=10401455](http://www.nzherald.co.nz/section/2/story.cfm?c_id=2&objectid=10401455). Darfur certainly is not unique in having a gap between the principle and practice of human rights. See, e.g., TODD LANDMAN, *PROTECTING HUMAN RIGHTS: A COMPARATIVE STUDY* (2005).

been violated. Most recently a peace agreement was signed in Abuja, Nigeria last May, between Khartoum and the largest rebel group, the Sudan Liberation Army.<sup>15</sup> Like earlier agreements, this one has not translated into a safer, more secure environment on the ground. And the United Nations Security Council also has passed a series of resolutions on Darfur: condemning the mayhem, calling for humanitarian aid, even calling for the deployment of UN Peacekeepers.<sup>16</sup> But these resolutions have been only so much sound and fury amounting to naught. Khartoum has not accepted the deployment of UN Peacekeepers and only reluctantly tolerates the presence of African Union monitors.<sup>17</sup> And those AU troops are few, their equipment limited and their mandate tightly circumscribed to observe and report on violence, not stop it.<sup>18</sup>

¶18 Gerard Prunier in his book Darfur: The Ambiguous Genocide writes,

The Darfur horror is still unfolding ... Indignation will be voiced and diplomatic maneuvering will take place while the (Government of Sudan) will continue to procrastinate, lie and obfuscate in its usual fashion. Whatever something practical will be attempted at the international penal level remains to be seen. And the UN and the AU will continue to be shock-absorbers between the raw African reality and the international community dreamworld.<sup>19</sup>

Isn't it time to leave our dreamworld and address the raw, grim, horrific reality in Darfur?

¶19 Professor Michael Barnett was a political officer at the U.S. Mission to the United Nations during the genocide in Rwanda. As he writes, he watched "politics played

<sup>15</sup> See, *Main Parties Sign Darfur Accord*, BBC News, May 5, 2006, available at <http://news.bbc.co.uk/2/hi/africa/4978668.stm>; Robert B. Zoellick, May 5, 2006 briefing on Abuja Peace Agreement for Darfur, [http://khartoum.usembassy.gov/dar\\_050507.html](http://khartoum.usembassy.gov/dar_050507.html).. See also, Eric Reeves, *Why Abuja Won't Save Darfur*, THE NEW REPUBLIC, May 10, 2006, <http://www.tnr.com/doc.mhtml?i=w060508&s=reeves051006>; International Crisis Group, *Darfur's Fragile Peace Agreement*, <http://www.crisisgroup.org/home/index.cfm?id=4179&l=1>. See also, *Sudan: Peace in Darfur's Violent Peace*, ALLAFRICA.COM, Oct. 3, 2006, <http://allafrica.com/stories/200610030613.html>, which discusses ways in which the peace agreement "has exacerbated inter-rebel violence and diminished chances for stability."

<sup>16</sup> See S.C. Res. 1713, U.N. Doc. S/RES/1713 (Sept. 29, 2006); S.C. Res. 1709, U.N. Doc. S/RES/1709 (Sept. 22, 2006); S.C. Res. 1706, U.N. Doc. S/RES/1706 (Aug. 31, 2006); S. C. Res. 1679, U.N. Doc. S/RES/1679 (May 16, 2006); S.C. Res. 1672, U.N. Doc. S/RES/1672 (Apr. 25, 2006); S.C. Res. 1665, U.N. Doc. S/RES/1665 (Mar. 29, 2006); S.C. Res. 1663, U.N. Doc. S/RES/1663 (Mar. 24, 2006); S.C. Res. 1651, U.N. Doc. S/RES/1651 (Dec. 31, 2005); S.C. Res. 1627, U.N. Doc. S/RES/1627 (Sept. 23, 2005); S.C. Res. 1593, U.N. Doc. S/RES/1593 (Mar. 31, 2005); S.C. Res. 1591, U.N. Doc. S/RES/1591 (Mar. 29, 2005); S.C. Res. 1590, U.N. Doc. S/RES/1590 (Mar. 24, 2005); S.C. Res. 1588, U.N. Doc. S/RES/1588 (Mar. 17, 2005); S.C. Res. 1585, U.N. Doc. S/RES/1585 (Mar. 10, 2005); S.C. Res. 1564, U.N. Doc. S/RES/1564 (Sept. 18, 2004); S.C. Res. 1556, U.N. Doc. S/RES/1556 (Jul. 30, 2004).

<sup>17</sup> See, e.g., Lydia Polgreen, *From Cowed to Defiant: Sudan Balks at Taking Peacekeepers*, N.Y. TIMES, Aug. 26, 2006, at A8; Noel King, *Sudan's President Lashes Out Against UN*, VOA NEWS, Sept. 25, 2006, <http://www.globalsecurity.org/military/library/news/2006/09/mil-060925-voa01.htm>; *Sudan's President Reiterates Full Rejection of UN Resolution 1706*, PEOPLE'S DAILY ONLINE, Oct. 2, 2006, [http://english.people.com.cn/200610/02/eng20061002\\_308118.html](http://english.people.com.cn/200610/02/eng20061002_308118.html); *U.S. Implores Allies to Join in Pressing Sudan on Darfur*, VOA NEWS, Sept. 14, 2006, <http://www.voanews.com/english/archive/2006-09/2006-09-14-voa74.cfm?CFID=179538792&CFTOKEN=72741679>.

<sup>18</sup> See, e.g., Lydia Polgreen, *With Little Authority, African Union Force Struggles With Its Mission in Darfur*, N.Y. TIMES, Sept. 9, 2006, at A8.

<sup>19</sup> PRUNIER, *supra* note 3, at 159.

at its cynical finest in the midst of a genocide” as 800,000 Tutsis were slaughtered in just 100 days by the Hutu. He shares his observations in his book *Eyewitness To A Genocide: The United Nations and Rwanda*. He observes, “[T]he UN preferred talk to action....Something about the culture at the UN could make nonintervention not merely pragmatic but also legitimate and proper – even in the face of crimes against humanity.”<sup>20</sup>

¶20 Professor Barnett concludes,

When I now think of Rwanda, I imagine not the country but the UN. I think of diplomats and UN officials hurriedly milling in and out of Security Council meetings. They are reciting their talking points and proclaiming, in the UN’s location, that they ‘remain actively seized of the matter.’ And they deliver only rhetoric in the hope that rhetoric represents its own consolation.<sup>21</sup>

¶21 For the victims of the vicious violence and neglect in Darfur, rhetoric is no consolation. Rhetoric does not provide food, medicine or firewood for the 2.5 million people driven from their homes, now living in grave conditions. Rhetoric provides little comfort to the loved ones of the nearly 400,000 who have died due to this genocide in slow motion, to the countless women and girls who have been raped and branded, or to those tortured, tormented and traumatized by other horrific atrocities. Rhetoric provides no protection against Khartoum’s attack helicopters nor Janjaweed on camel and horseback. No, the time for rhetoric and friendly persuasion is long over. The time for action is overdue. If not now, when?

¶22 Meanwhile, the violence in Darfur is on the rise and the risk is mounting to a renewed systematic savage slaughter. Amnesty International just came out with a report documenting new violence in Darfur that has led to more killings of civilians and more rapes.<sup>22</sup> United Nations monitors reported that Sudanese military are “indiscriminately bombing villages” in Darfur,<sup>23</sup> that tribal fighting has worsened and there are rising reports of deaths from cholera.<sup>24</sup> Earlier this week, African Union monitors in Sudan reported that Sudan Liberation Army rebels are attacking

<sup>20</sup> MICHAEL BARNETT, *EYEWITNESS TO A GENOCIDE: THE UNITED NATIONS AND RWANDA* x-xi (2002).

<sup>21</sup> *Id.* at. xii-xiii; see also Joseph Loconte, *The UN’s Masquerade: Human Rights Count For Nothing in Sudan*, NAT’L REV., Sept. 26, 2006.

<sup>22</sup> Amnesty International, *Sudan: Crying Out for Safety*, <http://web.amnesty.org/library/Index/ENGAFR540552006>.

<sup>23</sup> Jonah Fisher, *No End in Sight to Darfur Troubles*, BBC NEWS, Sept. 18, 2006, <http://news.bbc.co.uk/2/hi/africa/5354836.stm>; see also Human Rights Watch, *Darfur: Indiscriminate Bombing Warrants U.N. Sanctions*, <http://hrw.org/english/docs/2006/09/06/sudan14138.htm>

<sup>24</sup> *Sudan Tribal Fighting Worsens the Security Situation in Sudan’s Troubled Darfur Region*, UN NEWS SERV., Oct. 2, 2006, <http://www.globalsecurity.org/military/library/news/2006/10/mil-061002-unnews02.htm>; see also Paul Reynolds, *Despair Over Darfur*, BBC NEWS, Sept. 6, 2006, <http://news.bbc.co.uk/2/hi/africa/5317796.stm>; Jonah Fisher, *Dying as Darfur Awaits Peacekeepers*, BBC NEWS, Sept. 21, 2006, <http://news.bbc.co.uk/2/hi/africa/5365770.stm>; *Darfur Beset by Another Round of Violent Clashes and Banditry*, UN NEWS SERV, Sept. 14, 2006, [http://www.un.org/apps/news/story.asp?NewsID=19836&Cr=sudan&Cr1=](http://www.un.org/apps/news/story.asp?NewsID=19836&Cr=sudan&Cr1=;); Alfred de Montesquiou, *Sudan, Former Darfur Rebel Faction Clash*, WASH. POST, Sept. 28, 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/09/28/AR2006092801089.html>; Lydia Polgreen, *Darfur Trembles as Peacekeepers’ Exit Looms*, N.Y. TIMES, Sept. 10, 2006, at A1.

civilians in southern Darfur.<sup>25</sup> Meanwhile rebels are accusing the Sudanese army of attacking its headquarters.<sup>26</sup> Reportedly, Khartoum has begun to send out more than 30,000 troops to the region, allegedly “to stabilize Darfur and protect civilians.”<sup>27</sup> As Congressman Tom Lantos wrote last month,

Imagine if Hitler had offered to ‘protect’ Europe’s Jews. As a Holocaust survivor, I cannot imagine a more despicable act than to have Khartoum send soldiers – who have raped and slaughtered thousands and displaced 2 million people – to ‘protect’ civilians. Evidence is mounting that the Sudanese government is positioning air and ground forces to complete the genocide in Darfur that began three years ago.<sup>28</sup>

So what should be done? What should the international community do? How should the United States lead?<sup>29</sup>

¶23 Last month President Bush appointed a Presidential Envoy for Darfur, former U.S. AID director Andrew Natsios. Also last month, on the margins of the UN General Assembly, Mr. Natsios and Assistant Secretary of State Jendhi Frazer convened a meeting of representatives from 27 countries to explore the ways and means of ending the death and destruction in Darfur.

¶24 Secretary Rice said in a speech to the African Society last week,

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<sup>25</sup> *African Union: Rebels Attacking Civilians in Southern Darfur*, VOA NEWS, Oct. 3, 2006, available at [http://www.eureka-java-gold.com/news/African\\_Union\\_Rebels\\_Attacking\\_Civi\\_155846\\_0\\_article.html](http://www.eureka-java-gold.com/news/African_Union_Rebels_Attacking_Civi_155846_0_article.html); Noel King, *Violence Continues in Darfur*, VOA NEWS, Oct. 3, 2006, <http://www.voanews.com/english/archive/2006-10/2006-10-03-voa21.cfm?renderforprint=1&textonly=1&&TEXTMODE=1&CFID=179549375&CFTOKEN=34045919>.

<sup>26</sup> *Darfur Ex-Rebels Blame Sudan Army of Attacking HQ*, AFP, Oct. 1, 2006.

<sup>27</sup> *See EU Concerned Over Renewed Fighting in Darfur, Warns Conflict Could Spread*, INTERNATIONAL HERALD TRIBUNE, Sept. 27, 2006; *see also, Top U.S. Diplomat in Sudan Says Government Military Operation in Darfur Violates Peace Agreement*, INTERNATIONAL HERALD TRIBUNE, Sept. 27, 2004.

<sup>28</sup> Tom Lantos, Op-Ed, *We Must Mobilize Pressure and Fear to Save Darfur*, FIN. TIMES, Sept. 26, 2006, [http://www.ft.com/cms/s/3a02861c-4cbb-11db-b03c-0000779e2340,Authorised=false.html?\\_i\\_location=http%3A%2F%2Fwww.ft.com%2Fcms%2Fs%2F3a02861c-4cbb-11db-b03c-0000779e2340.html&\\_i\\_referer=http%3A%2F%2Flantos.org%2Fagenda-index.html](http://www.ft.com/cms/s/3a02861c-4cbb-11db-b03c-0000779e2340,Authorised=false.html?_i_location=http%3A%2F%2Fwww.ft.com%2Fcms%2Fs%2F3a02861c-4cbb-11db-b03c-0000779e2340.html&_i_referer=http%3A%2F%2Flantos.org%2Fagenda-index.html); *see also* J. Peter Pham & Michael I. Krauss, *Countdown to Genocide: The Final Countdown for Darfur Looms*, TECH CENTRAL STATION, Sept. 5, 2006, available at [http://www.defenddemocracy.org/in\\_the\\_media/in\\_the\\_media\\_show.htm?doc\\_id=400560](http://www.defenddemocracy.org/in_the_media/in_the_media_show.htm?doc_id=400560).

<sup>29</sup> The United States has been a leader on Darfur. In the spring of 2004, President Bush was the first world leader to call for an end to the ethnic cleansing in Darfur. As U.S. Ambassador to the UN Commission on Human Rights, that April I tabled a muscular U.S. resolution condemning the violence, demanding it end, and requiring Khartoum to allow UN observers on the ground. That summer, U.S. Ambassador John Danforth tabled a tough resolution at the UN Security Council raising the possibility of imposing sanctions on Khartoum if the violence continued. And on September 23, 2004, in a speech to the United Nations General Assembly, President Bush became the first world leader to label the carnage in Darfur “genocide.” The United States has been the world’s most generous nation giving over \$1.6 billion in humanitarian aid to the region and logistical support to the African Union peacekeepers.

Last March President Bush expressed support for NATO involvement in Darfur to end the suffering. The Abuja peace agreement in May was midwifed by the African Union but signed only after the active personal intervention of Deputy Secretary Bob Zoellick. And in September, 2006, Congress passed The Darfur Peace and Accountability Act imposing sanctions against Khartoum.

We have come to a moment of great consequence in Darfur. The Government of Sudan has launched a new military offensive. The security situation is clearly deteriorating. Innocent people are suffering and dying. The humanitarian situation, already tenuous, is at risk of grave worsening. And the hope of peace is now in danger of collapsing altogether.<sup>30</sup> And then, this past Monday, October 2<sup>nd</sup>, in the face of continued obstruction from Khartoum, President Bush said “the world has a responsibility to respond” to the genocide in Darfur and that “(t)he United Nations should not wait any longer to approve a blue-helmeted force -- a UN force of peacekeepers to protect the innocent people.”<sup>31</sup>

- ¶25 Meanwhile, European Commission President Jose Manuel Barroso traveled to Addis Ababa this week and spoke about the tragedy in Darfur. He said, “What we want first of all is to avoid ... a Rwanda syndrome where the international community goes out and does not fulfill its responsibility ... We support a stronger humanitarian and security presence in Darfur ... to avoid a tragedy.”<sup>32</sup>
- ¶26 There are a series of steps that can and should be taken to stop the mayhem in Darfur.
- ¶27 First, humanitarian assistance should increase. The conditions for the 2.5 million people driven into IDP and refugee camps are grave.<sup>33</sup> As violence increases in Darfur this critical situation will become even more acute. Just this past week the European Union announced it is increasing its humanitarian contribution to Darfur by 40 million Euros.<sup>34</sup> The United States has been the most generous country, having given \$1.6 billion in humanitarian assistance to the refugees and logistical support to the A.U. peacekeepers. Private charities and NGOs also have played a large role. But more is needed and more must be provided.
- ¶28 Second, the UN Security Council should freeze the assets and commercial activities of Sudan’s leadership and rebel leaders.<sup>35</sup> Also a travel ban on these people should be imposed. If the Security Council will not take this step, the United States and the European Union should impose such sanctions. And in America, public pension funds should be encouraged to divest from companies whose business in Sudan support the genocide.

<sup>30</sup> U.S. State Department, Secretary Condoleezza Rice’s Address to the African Society of the National Summit on Africa, Washington, D.C., Sept. 27, 2006, <http://www.state.gov/secretary/rm/2006/73259.htm> Then, on October 3, 2006, in a press conference in Cairo, Secretary Rice said, “The international community does have a responsibility to protect the most vulnerable. What is going on in Darfur now cannot be tolerated.” U.S. State Department, Secretary Condoleezza Rice’s Remarks With Egyptian Foreign Minister Ahmed Aboul Gheit After Their Meeting, <http://www.state.gov/secretary/rm/2006/73525.htm>.

<sup>31</sup> ASSOCIATED PRESS, *Bush Says U.N. Should Wait No Longer Before Intervening in Darfur*, INTERNATIONAL HERALD TRIBUNE, Oct. 2, 2006, [http://www.iht.com/articles/ap/2006/10/02/america/NA\\_GEN\\_US\\_Sudan\\_Darfur.php](http://www.iht.com/articles/ap/2006/10/02/america/NA_GEN_US_Sudan_Darfur.php).

<sup>32</sup> *EC Warns of Rwanda Syndrome*, SA, Oct. 3, 2006, available at [http://www.news24.com/News24/Africa/News/0,,2-11-1447\\_2007072,00.html](http://www.news24.com/News24/Africa/News/0,,2-11-1447_2007072,00.html).

<sup>33</sup> See, e.g., Fisher, *supra* note 24.

<sup>34</sup> See *EU to Increase Darfur Contribution to 480 Euro*, SUDAN TIMES, Oct. 3, 2006, <http://www.sudantribune.com/spip.php?article17922>.

<sup>35</sup> See, e.g., Nick Grono & John Prendergast, *To Halt Sudan’s Atrocities, Follow the Money*, INT’L HERALD TRIB., Aug. 22, 2006, <http://www.iht.com/articles/2006/08/21/opinion/edgrono.php>.

- ¶29 Third, NATO and the United States should help the ICC prosecutor Luis Moreno Ocampo, through satellite surveillance and other means, in his continuing work to acquire evidence of the atrocities for later prosecutions.<sup>36</sup>
- ¶30 Fourth, NATO should provide logistical support for peacekeepers – African Union, UN or otherwise. And NATO should enforce a no-fly zone over Darfur. Khartoum’s jets and attack helicopters must be grounded.
- ¶31 Fifth, the international community can no longer allow the thugs in Khartoum to prevent deployment of a muscular international peacekeeping force in Darfur. We need boots on the ground. The United States should seek a Chapter VII resolution in the UN Security Council that would authorize peacekeepers with or without acquiescence from Khartoum.<sup>37</sup> We should not cower under the threat of a Chinese or Russian veto of such a resolution.<sup>38</sup> Flush them out. Force them to take an unequivocal public stand: do they hold more precious their oil supply and military equipment sales or the lives of innocent people? Make them pay a political price for any protection they give Khartoum. And if such a resolution is vetoed, the United States and its allies should be prepared to act without the UN’s blessing as happened to end the humanitarian crisis in Kosovo.<sup>39</sup> Perhaps under NATO auspices, or better yet with authorization from both NATO and the African Union, action could be taken.
- ¶32 The Holocaust. The Cambodian Killing Fields. Rwanda. Bosnia. Kosovo. Now Darfur. Once more the pledge of “Never Again” rings hollow. The scars run deep. The tragedy in Darfur continues. The human suffering is incomprehensible. It can be stopped. It must be. The innocent people of Darfur deserve it. Our common humanity demands it.

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<sup>36</sup> On March 31, 2005, the Security Council referred the situation in Darfur to the Prosecutor of the International Criminal Court. See S.C. Res. 1593, U.N. Doc. S/RES/1593 (Mar. 31, 2005); see also *EU Foreign Ministers Warn Over Darfur War Crimes*, IRELAND ON-LINE, Sept. 15, 2006, <http://www.breakingnews.ie/2006/09/15/story276939.html>; John McCain & Bob Dole, *Rescue Darfur Now*, WASHINGTON POST, Sept. 10, 2006, at B7.

<sup>37</sup> Nigeria, Tanzania and Bangladesh have pledged infantry soldiers for a UN Peacekeeping Operation in Darfur. Norway has offered 250 logistical experts, and Sweden has pledged a battalion on engineers. See *UN Gets Offers of Troops for Darfur*, THE HINDU, Sept. 27, 2006, <http://www.hindu.com/2006/09/27/stories/2006092704501600.htm>.

<sup>38</sup> China receives 7 percent of its oil from Sudan. Russia has substantial sales of military equipment to Khartoum.

<sup>39</sup> In 1999, Serbia was involved in the ethnic cleansing of Albanians in Kosovo. Russia announced its intention to veto a UNSC resolution authorizing force to stop the killing. Under NATO auspices, the United States and Europe engaged in a military campaign of bombing Serbian targets until Slobodan Milosevic stopped the carnage.