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Opening Statement to the Senate Foreign Relations Committee on the Crisis in Darfur

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SECRETARY POWELL: Thank you very much, Mr. Chairman. It's a pleasure to be back before the committee as you conduct these deliberations on one of the most difficult situations the international community is facing, and that's the tragedy in Darfur where, as you noted, so many hundreds of thousands of people are at risk, so many hundreds of thousands of people have been forced from their homes, from their villages to camps, and where there is an absolute need for the international community to come together and speak with one voice as to how we deal with this situation.

Mr. Chairman, I do have a prepared statement that I would like to offer for the record and then I will draw from that in my opening remarks.

Chairman Lugar: It will be published in full and please proceed as you wish.

Secretary Powell: Mr. Chairman and members of the committee, let me thank you for this opportunity to testify on the situation in Darfur, and let me begin by reviewing a little history. The violence in Darfur has complex roots in traditional conflicts between Arab nomadic herders and African farmers.



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The violence intensified during 2003 when two groups, the Sudan Liberation Movement and the Justice and Equality Movement, declared open rebellion against the Government of Sudan because they feared being on the outside of the power and wealth-sharing agreements that were being arranged in the north-south negotiations, the "Naivasha discussions," as we call them. Khartoum reacted aggressively, intensifying support for Arab militias to take on these rebels and support for what are known as the Jangaweed. The Government of Sudan supported the Jangaweed, directly and indirectly, as they carried out a scorched-earth policy toward the rebels and the African civilian population in Darfur.

Mr. Chairman, the United States exerted strong leadership to focus international attention on this unfolding tragedy. We first took the issue of Sudan to the United Nations Security Council last fall. President Bush was the first head of state to condemn publicly the Government of Sudan and to urge the international community to intensify efforts to end the violence. In April of this year, the United States brokered a ceasefire between the Government of Sudan and the rebels, and then took the lead to get the African Union to monitor that ceasefire.



As some of you are aware, I traveled to the Sudan in midsummer and made a point of visiting Darfur. It was about the same time that Congressman Wolf and Senator Brownback were there, as well as Secretary General Kofi Annan. In fact, the Secretary General and I were able to meet in Khartoum to exchange our notes and to make sure that we gave a consistent message to the Sudanese Government of what was expected of them.





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Senator Brownback can back me up when I say that all of us saw the suffering that the people of Darfur are having to endure. And Senator Corzine was just in Darfur recently. He can vouch for the fact that atrocities are still occurring. All of us met with people who had been driven from their homes by the terrible violence that is occurring in Darfur; indeed, many of them having seen their homes and all their worldly possessions destroyed or confiscated before their eyes.

During my visit, humanitarian workers from my own Agency -- USAID -- and from other nongovernmental organizations told me how they are struggling to bring food, shelter, and medicines to those so desperately in need -- a population, as you noted, Mr. Chairman, of well over a million.

In my midsummer meetings with officials of the Government of Sudan, we presented them with the stark facts of what we knew about what is happening in Darfur from the destruction of villages, to the raping and the killing, to the obstacles that impeded relief efforts. Secretary General Annan and I obtained from the Government of Sudan what they said would be firm commitments to take steps, and to take steps immediately, that would remove these obstacles, help bring the violence to an end, and do it in a way that we could monitor their performance.

There have been some positive developments since my visit, since the visit of Senator Brownback, Congressman Wolf, and the Secretary General.

The Sudanese have met some of our benchmarks such as improving humanitarian access, engaging in political talks with the rebels and supporting the deployment of observers and troops from the Africa Union to monitor the ceasefire between Khartoum and the rebels.

The AU [African Union] Ceasefire Commission has also been set up and is working to monitor more effectively what is happening in Darfur. The general who is in charge of that mission, a Nigerian general by the name of General [Festus] Okonkwo, is somebody that we know well. He is the same Nigerian general who went into Liberia last year and helped stabilize the situation there -- a very good officer, a good commander who knows his business.

The AU's mission will help to restore sufficient security so that these dislocated, starving, hounded people can at least avail themselves of the humanitarian assistance that is available. But what is really needed is enough security so that they can go home, not be safe in camps. We need security throughout the countryside. These people need to go home.



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We are not interested in creating a permanent displaced population that survives in camps on the dole of the international community.

And what is really needed to accomplish that is for the Jangaweed militias to cease and desist their murderous raids against these people -- and for the government in Khartoum to stop being complicit in such raids. Khartoum has made no meaningful progress in substantially improving the overall security environment by disarming the Jangaweed militias or arresting its leaders.

So we are continuing to press the Government of Sudan and we continue to monitor them. We continue to make sure that we are not just left with promises instead of actual action and performance on the ground. Because it is absolutely clear that as we approach the end of the rainy season, the situation on the ground must change, and it must change quickly. There are too many tens upon tens of thousands of human beings who are at risk. Some of them have already been consigned to death in the future because of the circumstances they are living in now. They will not make it through the end of the year. Poor security, inadequate capacity, and heavy rains, which will not diminish until later this month, continue to hamper the relief effort.

The United Nations estimates that there are 1,227,000 Internally Displaced Persons in Darfur. In July, almost 950,000 IDPs received food assistance. About 200,000 Sudanese refugees are being assisted by the UNHCR and partner organizations across the border in Chad. The World Food Program expects two million IDPs will need food aid by October.

The United States Government provision of aid to the Darfur crisis in the Sudan and Chad totaled \$211 million dollars as of September 2, 2004. This includes \$112 million in food assistance, \$50 million in non-food assistance, \$36 million for refugees in Chad, \$5 million for refugee programs in Darfur, and \$6.8 million for the African Union mission.

The U.S. also strongly supports the work of the AU monitoring mission in Darfur. In fact, we initiated the mission through base camp set-up and logistics support by a private contractor that we are paying for. The AU mission is currently staffed with 125 AU monitors now deployed in the field, and those monitors have already completed 20 investigations of ceasefire violations and their reports are now being written up and being provided to the AU and to the UN and to the international community.



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The AU monitoring staff is supported by a protection force of 305 troops, made up of a Rwandan contingent of 155, who arrived on August 15, and a Nigerian contingent of 150, who arrived on August 30th. Recognizing the security problems in Darfur, the UN and the United States have begun calling for an expanded AU mission in Darfur through the provision of additional observers and additional protection forces so their presence can spread throughout this very, very large area that is about, oh, 80 percent the size of the state of Texas. It is not a simple geographic or monitoring or military mission. It is very complex. Khartoum seems to have expressed a willingness to consider such an expanded mission.

I am pleased to announce, Mr. Chairman, that the State Department has identified \$20.5 million in FY04 funds for initial support of this expanded AU mission. We look forward to consulting with the Congress on meeting additional needs that such a mission might have.

As you know, as we watched the month of July, as you watched through the month of July, we felt that more pressure was required. So we went to the United Nations and asked for a resolution. And we got that resolution on July 30th, after a bit of debate, but it was 13-0 with 2 abstentions.

This resolution, 1556, demands that the Government of Sudan take action to disarm the Jangaweed militia and bring Jangaweed leaders to justice. It warns Khartoum that the Security Council will take further actions and measures, which is the UN term for sanctions. "Measures" is not a softer word. It includes sanctions and any other measures that might be contemplated or available to the international community. And it warned Khartoum that the UN, through its Security Council, will take actions and measures if Sudan fails to comply.

That resolution urges the warring parties to conclude a political agreement without delay and it commits all states to target sanctions against the Jangaweed militias and those who aid and abet them as well as others who may share responsibility for this tragic situation. Too many lives have already been lost. We cannot lose any more time. We in the international community must intensify our efforts to help those imperiled by violence, starvation and disease in Darfur.

But the Government of Sudan bears the greatest responsibility to face up to this catastrophe, rein in those who are committing these atrocities, and save the lives of its own citizens. At the same time, however, the rebels have not fully respected the ceasefire and we are disturbed at reports of rebel kidnapping of relief workers. We have emphasized to the rebels that they must allow unrestricted access of humanitarian relief workers and supplies, and that they must cooperate fully, including cooperating with the AU monitoring mission.



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We are pleased that the Government of Sudan and the rebels are currently engaged in talks in Abuja, hosted by the AU. These talks are aimed at bringing about a political settlement in Darfur. The two sides have agreed on a protocol to facilitate delivery of much-needed humanitarian assistance to rebel-held areas, and are now engaged in discussions of a protocol on security issues.

These negotiations are difficult. We expect that they may be adjourned for a period of time after these initial agreements and we are some ways away from seeing a political resolution between the two sides. We are urging both sides to intensify negotiations in order to reach a political settlement. And I have personnel from State Department who are on the ground in Abuja on a full-time basis to assist the negotiators in their work.

When I was in Khartoum earlier in the summer, I told President Bashir, Vice President Taha, Foreign Minister Ismail, the Minister of Interior and others, that the United States wants to see a united, unified, prosperous, democratic Sudan. I told them that to that end we are fully prepared to work with them. I reminded them that we had reached an historic agreement on June 5th -- an agreement that we had worked on for so long, an agreement between the Government of Sudan and the Sudan People's Liberation Movement, the so-called north-south agreement. And this north-south agreement covered all of the outstanding issues that had been so difficult for these parties to come to agreement on, they had come to agreement on.

Since then, the parties have been engaged in final negotiations on remaining details. However, the parties now are stuck on the specifics of a formal ceasefire agreement and have not yet begun the final round of implementation modalities. Special Envoy Sumbeiywo met recently with the parties, but could not resolve the remaining ceasefire-related issues. Khartoum appears unwilling to resume talks at the most senior level, claiming that it must focus on Darfur. That would be fine if its focus were the right focus, but it is not. The SPLM is more forward leaning, but still focused on negotiating details. We believe that a comprehensive agreement would bolster efforts to resolve the crisis in Darfur by providing a legal basis for a political solution and by opening up the political process in Khartoum.

President Bashir has repeatedly pledged to work for peace, and he pledged that again when I met with him earlier in the summer. But President Bush, this Congress, Secretary General Annan and the international community want more than promises. We want to see dramatic improvements on the ground right now. Indeed, we wanted to see them yesterday.



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In the meantime, while we wait, we are doing all that we can. We are working with the international community to make sure all those nations who have made pledges of financial assistance and other kinds of assistance meet their pledges. We are not yet satisfied with the response from the international community to meeting the pledges that they have made. In fact, the estimated needs have grown and the donor community needs to dig deeper. America has been in the forefront of providing assistance to the suffering people of Darfur and will remain in the forefront. But it is time for the entire international community to increase their assistance.

The U.S. has pledged \$299 million in humanitarian aid through FY05, and \$11.8 million to the AU mission, and we are well on our way to exceeding these pledges. Clearly, we will need more assistance in the future and we are looking at all of our accounts within the Department to see what we can do. And when we are beyond our ability to do more from within our current appropriations, we will have to come back to the Congress and make our requests known.

Secretary General Annan's August 30th report called for an expanded AU mission in Darfur to monitor commitments of the parties more effectively, thereby enhancing security and facilitating the delivery of humanitarian assistance. The Secretary General's report also highlighted Khartoum's failure to rein in and disarm the Jangaweed militia, and noted that the Sudanese military continued to take part in attacks on civilians, including aerial bombardment and helicopter strikes.

We have begun consultation in New York on a new resolution that calls for Khartoum to fully cooperate with an expanded AU force and for cessation of Sudanese military flights over the Darfur region. It also provides for international overflights to monitor the situation in Darfur and requires the Security Council to review the record of Khartoum's compliance to determine if sanctions, including on the Sudanese petroleum sector, should be imposed. The resolution also urges the Government of Sudan and the SPLM to conclude negotiations, the Lake Naivasha negotiations, on a comprehensive peace accord.

And, Mr. Chairman, there is, finally, the continuing question of whether what is happening in Darfur should be called *genocide*.

Since the United States became aware of atrocities occurring in Sudan, we have been reviewing the Genocide Convention and the obligations it places on the Government of Sudan and on the international community and on the state parties to the genocide convention.



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In July, we launched a limited investigation by sending a team to visit the refugee camps in Chad to talk to refugees and displaced personnel. The team worked closely with the American Bar Association and the Coalition for International Justice, and were able to interview 1136 of the 2.2 million people the UN estimates have been affected by this horrible situation, this horrible violence.

Those interviews indicated: first, a consistent and widespread pattern of atrocities: Killings, rapes, burning of villages committed by Jangaweed and government forces against non-Arab villagers; three-fourths of those interviewed reported that the Sudanese military forces were involved in the attacks; third, villagers often experienced multiple attacks over a prolonged period before they were destroyed by burning, shelling or bombing, making it impossible for the villagers to return to their villages. This was a coordinated effort, not just random violence.

When we reviewed the evidence compiled by our team, and then put it beside other information available to the State Department and widely known throughout the international community, widely reported upon by the media and by others, we concluded, *I concluded, that genocide has been committed in Darfur* and that the Government of Sudan and the Jangaweed bear responsibility -- and that genocide may still be occurring. Mr. Chairman, we are making copies of the evidence that our team compiled available to you and to the public today. We are putting it up on our website now, as I speak.

We believe in order to confirm the true nature, scope and totality of the crimes our evidence reveals, a full-blown and unfettered investigation needs to occur. Sudan is a contracting party to the Genocide Convention and is obliged under the Convention to prevent and to punish acts of genocide. To us, at this time, it appears that Sudan has failed to do so.

Article VIII of the Genocide Convention provides that Contracting Parties may, I will quote now, "may call upon the competent organs of the United Nations to take action, such action under the Charter of the United Nations as they," the competent organs of the United Nations, "as they consider appropriate, actions as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III" of the Genocide Convention.

Because of that obligation under Article VIII of the Convention, and since the United States is one of the contracting parties; today we are calling on the United Nations to initiate a full investigation.



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To this end, the United States will propose that the next UN Security Council Resolution on Sudan request a United Nations investigation into all violations of international humanitarian law and human rights law that have occurred in Darfur, with a view to ensuring accountability.

Mr. Chairman, as I have said, the evidence leads us to the conclusion, the United States to the conclusion; that genocide has occurred and may still be occurring in Darfur. We believe the evidence corroborates the specific intent of the perpetrators to destroy "a group in whole or in part," the words of the Convention. This intent may be inferred from their deliberate conduct. We believe other elements of the convention have been met as well.

Under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, to which both the United States and Sudan are parties, genocide occurs when the following three criteria are met:

- First, specific acts are committed, and those acts include: Killing; causing serious bodily or mental harm; deliberately inflicting conditions of life calculated to bring about physical destruction of a group in whole or in part; imposing measures to prevent births; or forcibly transferring children to another group. Those are specified acts that, if committed, raise the likelihood that genocide is being committed.
- The second criteria: These acts are committed against members of a national, ethnic, racial or religious group.
- And the third criterion is, they are committed "with intent to destroy, in whole or in part, the group, as such."

The totality of the evidence from the interviews we conducted in July and August, and from the other sources available to us, shows that the Jangaweed and Sudanese military forces have committed large-scale acts of violence, including murders, rape and physical assaults on non-Arab individuals. Second, the Jangaweed and Sudanese military forces destroyed villages, foodstuffs, and other means of survival. Third, the Sudan Government and its military forces obstructed food, water, medicine, and other humanitarian aid from reaching affected populations, thereby leading to further deaths and suffering. And finally, despite having been put on notice multiple times, Khartoum has failed to stop the violence.



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Mr. Chairman, some seem to have been waiting for this determination of genocide to take action. In fact, however, no new action is dictated by this determination. We have been doing everything we can to get the Sudanese Government to act responsibly. So let us not be too preoccupied with this designation. These people are in desperate need and we must help them. Call it civil war; call it ethnic cleansing; call it genocide; call it "none of the above." The reality is the same. There are people in Darfur who desperately need the help of the international community.

I expect -- I more than expect, I know, that the government of Khartoum in Khartoum will reject our conclusion of genocide anyway. Moreover, at this point, genocide is our judgment and not the judgment of the international community. Before the Government of Sudan is taken to the bar of international justice, let me point out that there is a simple way for Khartoum to avoid such wholesale condemnation by the international community, and that way is to take action -- to stop holding back, to stop dissembling.

The government in Khartoum should end the attacks and ensure its people -- all of its people -- are secure, ensure that they are all secure. They should hold to account those who are responsible for past atrocities, and ensure that current negotiations taking place in Abuja, and also the Naivasha accords, are successfully concluded. That is the only way to peace and prosperity for this war-ravaged land.

Specifically, Mr. Chairman, the most practical contribution we can make to the security of Darfur in the short term is to do everything we can to increase the number of African Union monitors. That will require the cooperation of the Government of Sudan.

And I am pleased that the African Union is stepping up to the task. It is playing a leadership role and countries within the African Union have demonstrated a willingness to provide a significant number of troops. And this is the fastest way to help bring security to the countryside through this expanded monitoring presence so we can see what is going on and act to prevent it.

In the intermediate and long term, the security of Darfur can best be advanced by a political settlement at Abuja, and by the successful conclusion of the peace negotiations between the SPLM and the government in Sudan, the Lake Naivasha accords.

Mr. Chairman, I will stop here and take your questions.

Thank you.