

**Waging Peace**  
Building a safe and democratic world



# **MATCHING WORDS WITH ACTION:**

## **How to pressure Sudan to stop its genocidal campaign in Darfur**



**SUDAN  
DIVESTMENT UK**



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**Waging Peace** campaigns against British support for dictators. Where there is currently inadequate pressure on specific countries, we lobby decision-makers to change diplomatic and corporate relationships with unsavoury regimes.

By propping up repressive rulers we unwittingly encourage the terrorism that now threatens us. We cannot lecture others on democracy, accountability and transparency, while pandering to vicious dictators.

Waging Peace has been campaigning on Darfur since 2004, pressing the British government to recognise genocide has occurred there, to stop pandering to the Khartoum junta, and to start protecting the survivors.

<http://www.wagingpeace.info/>

**Sudan Divestment UK** is an organisation dedicated to campaigning for financial action in order to bring an effective end to the genocide.

Sudan Divestment UK co-ordinates targeted divestment campaigns in the UK and beyond.

Sudan Divestment UK advocates a targeted model of divestment designed to ensure maximum pressure on the government of Sudan but to minimise any impact on the ordinary people of Darfur.

<http://sudandivestment.org.uk/>

**Acknowledgements:**

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## EXECUTIVE SUMMARY

Four years into the crisis in Darfur, the political, humanitarian and security situation is at a tipping point. The Sudanese Government is continuing its military campaign against civilians belonging to the same ethnic group as rebels in Darfur. As a consequence, 2.5 million people have been displaced and up to 400,000 people have died. Instability is spreading, destabilizing neighbouring Chad and Central African Republic.

Hopes for a breakthrough were dashed earlier this month. In a letter to UN Secretary-General Ban Ki Moon, Sudan's President al Bashir reversed his previous position, and he now firmly rejects the deployment of UN troops in Darfur as part of the second phase of the UN-AU hybrid force.

In light of the Sudanese Government's refusal to cooperate with the international community, action on behalf of the United Nations, the European Union and their member states is long overdue. It is time to take strong measures against the Government of Sudan aimed at pressuring it into abiding by agreements and putting an end to its military campaign.

The international community must no longer be manipulated and delayed by Sudan's obstructive tactics. If the past four years have shown anything, it is that diplomacy alone has failed with al-Bashir. It is time for the UN and the EU to match their admirably strong words with action. The stability of the region as a whole, and the lives of millions of refugees and IDPs in Darfur and Eastern Chad, are at stake.

Waging Peace and Sudan Divestment UK urge United Nations and European Member states to ensure that:

- A series of clearly articulated demands are made to the Government of Sudan relating to the timetabled insertion of an AU-UN hybrid force, compliance with the no-fly zone, compliance with existing ceasefire agreements and continuous and verifiable progress towards the realisation of the Darfur Peace Agreement.
- Immediate and urgent progress is made towards verifiable monitoring of a no-fly zone over Darfur.
- Immediate and urgent progress is made towards separate peace-support forces for Chad and CAR. The size and configuration of these forces must be in line with the recent recommendations of the UN Secretary-General.

- A state supported campaign of divestment at domestic, EU and UN level, which targets those companies that:
  - *Have a relationship with the government of Sudan or government sponsored project;*
  - *Impart minimal benefit to the country's people;*
  - *Have demonstrated no substantial corporate governance policy regarding the Darfur situation.*
  - *Have failed to either implement a commonly agreed set of 'engagement principles' for engagement with the GOS or having done so have failed to cease operations*
- A programme of forensic accounting is undertaken to target less transparent sources of revenue for the NCP, in line with measures for targeting terrorism networks
- A vigorously implemented expansion of targeted sanctions on individuals impeding the peace process and committing violations of international law is agreed.
- A programme of blocking certain international Sudanese oil transactions in domestic currency is implemented, in line with the recent measures formulated by the US Treasury and recently announced by US envoy Andrew Natsios

## **INTRODUCTION**

Four years into the crisis, the political, humanitarian and security situation in Darfur is at a tipping point. Due to the Sudanese Government's continuing military campaign against civilians belonging to the same ethnic group as rebels in Darfur, 2.5 million civilians have been displaced and up to 400,000 people have died. Furthermore, instability continues to spread and destabilize neighbouring Chad and Central African Republic.

With both the Comprehensive Peace Agreement (CPA) and the Darfur Peace Agreement (DPA) near collapse, the political situation in Sudan is extremely fragile. The Sudanese Government shows no sign of willingness to engage in a real peace process with remaining rebel groups in Darfur. Efforts to unite the position of rebel leaders who have not signed the DPA have also failed, due to a lack of coordination of initiatives as well as the Government of Sudan's bombing of rebel meetings.

With humanitarian access being further restricted, NGOs being expelled in greater number than before and IDP camps reaching their full capacity, millions are in danger of further displacement and death on an unprecedented scale.

Hopes for an improvement of the humanitarian and security situation in Darfur were further dashed this month. In a letter to UN Secretary-General Ban Ki Moon, Sudan's President al Bashir firmly rejected the deployment of UN troops in Darfur as part of the second phase of the UN-AU hybrid force.

In recent months, the US has threatened to implement its 'Plan B' if the Government of Sudan fails to halt the killing of civilians in Darfur and reengage with the peace process. Despite successive benchmarks passing, American action has limited itself to unilateral financial sanctions.

Given the seriousness of the situation and the Sudanese Government's refusal to cooperate with the international community, action on behalf of the United Nations, the European Union and their member states is long overdue. It is time to take strong measures against the Government of Sudan aimed at pressuring it into abiding by agreements and putting an end to its military campaign.

The international community must no longer be manipulated and delayed by Sudan's obstructive tactics. If the past four years have shown anything, it is that diplomacy alone has failed with al-Bashir. It is time for the UN and the EU to match their strong words with action. The stability of the region as a whole and the lives of millions of refugees and IDPs in Darfur and Eastern Chad are at stake.

This document seeks to outline what this 'Plan B' of tougher measures should entail and addresses the feasibility and issues relating to the implementation of such measures.

## ADDRESSING THE CRISIS IN DARFUR, SUDAN

### Minimum requirements expected from the Government of Sudan

The international community must immediately demand that the Government of Sudan complies with the conditions below. Measures intended to pressure the Government of Sudan into abiding by these conditions are discussed in the second part of this section. Furthermore, compliance by the Sudanese Government should lead to an easing of punitive measures while the hybrid force and the NFZ should remain in place.

The Government of Sudan should be expected to comply with the following conditions:

1. Insertion of the full hybrid force in line with a timetable set by the AU and UN
2. Cessation of offensive flights over Darfur and respect for the monitoring of a NFZ
3. Compliance with the DPA and existing ceasefire agreements and the DPA, and efforts towards a more inclusive agreement
4. Extension of the arms embargo and strengthening of its monitoring

### The AU-UN hybrid force

#### **United Nations Security Council resolution 1706, 31<sup>st</sup> August 2006:**

*Acting under Chapter VII of the Charter of the United Nations:*

*(a) Decides that UNMIS is authorized to use all necessary means, in the areas of deployment of its forces and as it deems within its capabilities:*

*-- to protect United Nations personnel, facilities, installations and equipment, to ensure the security and freedom of movement of United Nations personnel, humanitarian workers, assessment and evaluation commission personnel, to prevent disruption of the implementation of the Darfur Peace Agreement by armed groups, without prejudice to the responsibility of the Government of the Sudan, to protect civilians under threat of physical violence,*

*-- in order to support early and effective implementation of the Darfur Peace Agreement, to prevent attacks and threats against civilians,*

*-- to seize or collect, as appropriate, arms or related material whose presence in Darfur is in violation of the Agreements and the measures imposed by paragraphs 7 and 8 of resolution 1556, and to dispose of such arms and related material as appropriate;*

1

The international community must exert pressure on Sudan for it to accept the AU-UN hybrid force mandated to reflect the requirements of UNSC resolution 1706.

The concept of a hybrid force emerged in November 2006 as a response to Khartoum's rejection of the implementation resolution 1706. Although the Sudanese Government has insisted that any mission should be led by the African Union and overwhelmingly staffed by African nations, the current African Union Mission in Sudan (AMIS) has been incapable of providing a sufficient guarantee of civilian security in Darfur and is unlikely to ever be capable of doing so.

The hybrid plan devised by the UN and the AU and approved by Sudan, envisages three stages of implementation.

Stage one involves small numbers of civilian police advisors and civilian staff combined with the provision of armoured personnel carriers to the AU. This stage is nearing completion.

Stage two was agreed at a meeting of the AU and the UN in Addis Ababa on the 21<sup>st</sup> of January this year. It envisions the deployment of 2,250 military personnel to fulfil non-combat roles along with 6 light tactical helicopters, six utility helicopters and 3 fixed wing aircraft. Tactical helicopters would 'act as force multipliers and assist in the protection of civilians.'<sup>2</sup> In addition it was agreed that stage two should include a force of over 700 civilian police to assist in the protection of refugees, IDPs and UN staff. There are also provisions for 1,136 civilian personnel to assist monitoring compliance with the DPA. The GoS has resisted the implementation of stage 2 and no agreement has yet been reached over the configuration of the phase 3 force. The eventual AU/UN force, if implemented, is expected to be of similar levels to those envisioned in resolution 1706.

If the hybrid force is to be deployed, the AU and the UN must develop a strict timetable within which the Government of Sudan must agree to stages two and three of the plan. Furthermore the UN and AU should agree to a timetable for raising contributions to the force.

A comprehensive mandate exists within the text of resolution 1706, although it has not yet been confirmed that this is the intended mandate for the hybrid force. Certain key points must nevertheless be included in the mandate of the hybrid force:

1. The protection of refugee camps
2. The mounting of patrols in the surrounding area of the camps
3. The securing of humanitarian supply routes to the camps

4. The protection of civilians under the threat of immediate physical violence beyond the area of the camps

### **The No-Fly Zone**

Due to continuing attacks on villages in Darfur by Sudanese military aircraft, it is critical that the Government of Sudan complies with a ban on offensive military flights over Darfur, as set out in UNSC resolution 1706.

In order to monitor compliance it is further necessary that an aerial force consisting of AWACs, as well as armed escorts, be deployed and mandated to monitor the zone. Any attempt to attack aircraft monitoring the no-fly zone must be considered as non-compliance. Furthermore, the aircraft protecting the AWACs should be mandated to do so with force.

The aims of imposing an aerial monitoring of a NFZ are to apply pressure on the Government of Sudan for it to end its offensive flights and increase the recording and publication of incidents of Sudanese Governmental aircraft attacking civilians.

Ensuring contributions of hardware, personnel and suitable basing rights for such a mission will be challenging. However, with the French military already launching aerial missions from bases in Chad against Chadian rebels, there is an opportunity to bring French military action in the region into the wider international efforts by utilising both the forces and the bases they already have in the area. In addition, Denmark has recently stated its willingness to contribute aircraft to international military efforts in Darfur<sup>3</sup>. Furthermore, the engagement of NATO or the US airforce would most likely be required in order to obtain AWACs for use in this operation.

### **Arms embargo**

In March 2005, the UN Security Council voted Resolution 1591<sup>4</sup>, establishing a Sanctions Committee to oversee the implementation of the arms embargo over Darfur as originally laid out in 2004 in UNSC 1556<sup>5</sup>. The Security Council also commissioned a series of reports from a Panel of Experts.

The damning conclusions of these reports<sup>6</sup> indicate that the Government of Sudan and Darfur rebel groups have failed to comply with the arms embargo on several counts. Arms and ammunition continue to flow into Darfur, most notably from neighbouring states and other regions of Sudan. In particular, the Government of Sudan has transferred troops from Southern Sudan for use in offensive, and illegal, operations. While the Sudanese

Government maintains that the unauthorised transfer of troops and weapons into Darfur is intended to address instability along the Chad/Sudan border, troops and military aircraft have in fact been deployed in support of *Janjaweed* militia in attacks against civilians in Darfur<sup>7</sup>.

In view of the blatant inefficiency of the current arms embargo, it is essential the embargo be extended and that its monitoring be strengthened through the adoption by the UN Security Council of the recommendations of the UN Panel of Experts. Measures to be implemented immediately are as follows:

1. The extension of the arms embargo to encompass all of Sudan, whilst including the same exemptions for the government of southern Sudan as exist for the Government of Sudan.
2. The implementation of a verification component for the arms embargo.
3. End use certification for arms and related dual use materials.
4. The compilation of a list of dual use items for which the Government of Sudan must seek authorisation from the Sanctions Committee.
5. Technical assistance for bordering states in order to prevent illicit transfers of prohibited items.

The panel noted that in order for the embargo to be effective, the states from which the transfer of weapons and other prohibited goods is initiated need to take an active involvement in enforcing the embargo. Diplomatic pressure and assistance to these source states would greatly increase the likelihood of the successful implementation of these measures.

### **Contributions**

*'Why I'm actually for tough action in Sudan at the moment, not weak action, is I think if we let Sudan get any worse, if we let Somalia crumble, if we don't intervene to try to help those countries in Africa, at some point the world in which we live today, those problems will come back to visit themselves upon us.'*

Tony Blair, BBC Radio 4, 22<sup>nd</sup> February 2007

The full deployment of the hybrid force in Darfur will require substantial contributions of personnel, hardware and finances. While we would argue that the international community has a responsibility to act in Darfur to protect civilians from their own Government, there is also a clearly identifiable national security rationale for the involvement of many of the world's states. Indeed, the situation in Darfur, Chad and CAR poses a significant threat to international peace and security. The potential of

these conflicts to provoke widespread instability through refugee flows, as well as by providing breeding grounds for international terrorism and organised crime, is great. The destabilisation of the region may also lead to instability in countries that are further afield such as the Democratic Republic of Congo (DRC) and Uganda, where the international community has already invested significant resources.

There are currently in the region of 7000 personnel serving with AMIS in Sudan, and at least 1000 French military personnel serving in French military operations in Chad and CAR. Although as many African troops as possible should be used in the recommended missions, it is unlikely that African states alone can raise a force large enough and sufficiently trained and equipped to carry out its mission.

Contributions should be sought globally from the major military powers and those other national militaries that have particular experience in UN peace operations. Although current ongoing commitments to Iraq and Afghanistan make it unlikely that the UK will feel able to contribute, the increasingly competent militaries of other EU states, through their particular vulnerability to the damaging international effects of conflict in the region, should be specifically targeted for contributions. This is especially the case considering the recently announced reduction in EU troop levels in the Balkans.<sup>8</sup>

### **Immediate measures to be taken by the international community to ensure the Government of Sudan's compliance with its agreements**

In testimony to a House of Lords Select committee, Dr Kern Alexander, a sanctions expert outlined four objectives of sanctions: behavioural modification; retribution; punishment; and signalling.<sup>9</sup> In the case of Sudan, the objective must be the first of these: behavioural modification. Sanctions should be targeted with the aim of effecting a meaningful change in the behaviour of the government of Sudan and should not be approached as an end in themselves. This document will therefore lay out a package of financial measures designed to incentivise the Government of Sudan's compliance with:

- 1- Insertion of the full hybrid force in line with a timetable set by the AU and UN
- 2- Cessation of offensive flights over Darfur and respect for the monitoring of a NFZ
- 3- Compliance with the DPA and existing ceasefire agreements and the DPA, and efforts towards a more inclusive agreement

- 4- Extension of the arms embargo and strengthening of its monitoring

Given these aims, the measures proposed in this section do not attempt anything radical, but simply to change the calculus of the Government of Sudan. The international community has the power to impose much greater costs on Khartoum's continued complicity in genocide, and if these costs can be increased, the Sudanese Government will be more likely to comply with its existing commitments.

### **The oil sector and Sudan**

Khartoum is particularly vulnerable to action targeting Sudan's oil sector for a series of key reasons:

1. The international community, through a variety of international companies (many of whom are publicly traded), is already heavily involved in the Sudanese oil sector at many different levels of the supply chain<sup>10</sup>
2. Revenue from the oil sector provides the Government of Sudan with a large proportion of its revenue (in recent years oil revenue has contributed between 57 and 41% of total government revenue<sup>11</sup>), and by President Bashir's own admission is a key reason for Sudan's continued ability to defy international criticism. In December 2006 Bashir proclaimed that 'Just when some countries gave us sanctions, God gave us oil'<sup>12</sup>
3. Oil revenue has been a demonstrably crucial factor in Khartoum's heavy military expenditure, with estimates ranging from 60<sup>13</sup> to 80%<sup>14</sup> of oil revenue from recent years being used for military purposes-military expenditure which has translated into an increased capacity to carry out military attacks on Darfur, most notably through the Sudanese airforce. Human Rights Watch have noted that oil revenue was directly responsible for the purchasing of much of Sudan's aerial fleet with Sudan's fleet of attack helicopter gunships nearly quadrupling from 2000 to 2002.<sup>15</sup>
4. Sudanese oil revenue has brought notoriously few benefits to the ordinary people of Sudan, with The Economist<sup>16</sup> and Amnesty International<sup>17</sup> amongst others noting how little of this oil revenue has made its way outside of traditional government strongholds.

By targeting Sudan's oil revenue therefore, the international community can target a sector to which the Government of Sudan is reliant for a great deal of its revenue, the revenue from which is disproportionately spent on military expenditure and

which is already highly dependent on foreign investment. In combination these three factors ensure that the Government of Sudan should be acutely vulnerable to any action which will impact on this revenue.

Targeting this oil revenue should however be with an awareness of the risks involved:

#### South Sudan and the Comprehensive Peace Agreement (CPA)

While it is widely recognised that the Government of Sudan have not honoured the revenue sharing commitments of the CPA<sup>18</sup> and that oil revenue continues to be distributed inequitably with little oversight and what appears to be a deliberate lack of transparency<sup>19</sup>, Measures targeting Sudan's oil revenue should, however, exclude those companies who are demonstrably primarily and directly involved with the Government of South Sudan. The Government of South Sudan has taken no part of the genocide in Darfur and investment in the South of Sudan is desperately needed, particularly given the lack of compliance to the CPA by North Sudan. Implementing measures targeting North Sudan's oil revenue, could therefore have the effect of encouraging further investment in the similarly oil rich South Sudan and in doing so help to reverse many years of neglect and facilitate the economic development of the South.

#### Social Expenditure

By targeting Sudan's oil revenue, it is likely that the Government of Sudan's revenue will fall. Some observers fear that this diminished revenue will result in a cut to social expenditure by the Government of Sudan and therefore cause harm to the people of Sudan. These risks can not be entirely dismissed but it is important not to exaggerate them. Christian Aid note:

*"...increase of [government] funding for the [North-South civil war was] not matched by an increase in funding for southern development. In August 2000, Khartoum announced that it had allocated approximately US\$3 million for development in the south. This is the equivalent of one per cent of military spending. When [Taban] Deng, [a former Sudanese Minister of State for Roads turned defector], resigned, he accused the government of investing its oil wealth in the army rather than in development projects for southern areas affected by oil"<sup>20</sup>*

Under-funded development projects may therefore be hit by a drop in government revenue, but it is important not to exaggerate the extent to which these programmes are already in place. It is also

important to note that a donor conference hosted by Norway in April of 2005 generated pledges of US\$1.9 billion for development assistance over the next three years.<sup>21</sup> Annually, this pledge alone is 44% larger than Khartoum's 2004 social spending.<sup>22</sup> This pledge should be unaffected by any proposed punitive financial measures. While a deleterious impact on social expenditure by the Government of Sudan can not be dismissed, in the light of the mitigating factors above and the gravity of the Darfur crisis, the risks can be justified.

#### Impacting upon non-European investors

If agreement cannot be reached through the United Nations Security Council, there is a concern that action targeting Sudanese oil revenue will not be effective because it will struggle to impact upon key investors in Sudan's oil sector. However, a closer analysis of the economic circumstances surrounding foreign investment in Sudan shows that even unilateral action could have a significant impact on foreign actors. This is further explored below with reference to the largest and most significant investor, China.

#### **Feasibility of targeting oil revenue**

Numerous organizations have recognized the importance of oil revenue to the Government of Sudan's continued ability to commit genocide. The International Crisis Group<sup>23</sup> and the European Parliament<sup>24</sup> have recently called for measures targeting this oil revenue, while as mentioned above, Andrew Natsios, UN Special Envoy to Sudan has recently announced measures by the US Treasury department to restrict the ability to trade this oil revenue in US dollars- action that will have far reaching economic effects.<sup>25</sup> Lord Triesman, Permanent Under-Secretary of State and UK Minister responsible for Africa has also made conditional statements of support for a programme of disinvestment that could avoid causing significant costs to the people of South Sudan.<sup>26</sup> As mentioned below, the recent UN High Level Mission to Sudan recommended a programme designed to target those companies deemed to 'have an adverse impact on the situation of human rights' in Darfur.<sup>27</sup>

Given this growing clamour for robust measures to target oil revenue, it seems sensible to suggest that the United Nations and member states take a leadership position in both designating what is appropriate involvement in the Sudan and enforcing breaches of those guidelines. In taking this role upon itself, the international community can both use the considerable international clamour as a tool for changing the behaviour of the Government of Sudan as well as creating clear guidelines for company investment and providing a much more stable environment for investment, much of which

is beneficial for both the companies involved as well as the people of Sudan.

### **Taking punitive measures: options for action**

The need for swift and decisive punitive action is clear. There are a variety of options available to the international community, formally and informally, unilaterally and multilaterally.

#### *Immediate action*

Because of the direct involvement of multinational companies (including UK, French, Swedish and other EU based companies<sup>28</sup>) states and other actors can take immediate steps towards imposing punitive measures. In some states, notably the US and the UK, anti-terrorism concerns appear to have resulted in the development of a financial apparatus which could be used to target the complex network of offshore companies owned by the National Congress Party (NCP), as well as ensuring robust implementation of individual targeted sanctions.

#### *Measures for immediate unilateral action:*

States should engage with those domestically based companies who have a relationship with the government or government sponsored project and encourage them to undertake a clearly verifiable and expedited process of engagement with the Government of Sudan tied to achieving tangible progress towards honouring previous undertakings. In the face of non-compliance these companies should be given an expedited time frame to cease operations in Sudan. In the UK there is precedent for the current UK government asking companies to halt operations in countries who are responsible for gross violations of human rights.<sup>29</sup> The UK could therefore undertake a programme to sever financial support from UK companies to the genocidal regime without any of the delays associated with the need for legislation (though this may be necessary in the face of non-compliance from UK companies).

States should scrutinise public holdings to ensure that the state does not invest in those companies who continue to deal with the Government of Sudan or government sponsored project, the state should also encourage investors to do the same

There is some suggestion that recently developed apparatus designed primarily for 'forensic accounting' to combat terrorism could be implemented as a tool for targeting less transparent sources of revenue for the NCP as well as ensuring a rigorous implementation of individual targeted sanctions such as asset freezes.<sup>30</sup> This apparatus has been designed and implemented primarily as a unilateral tool. States could and should therefore

make appropriate preparations for implementing this tool pending multilateral support.

#### *Measures following unilateral immediate action*

States should also consider primary legislation banning new investment in Sudan and encourage their international partners in the EU and elsewhere to do likewise.

States should also consider legislation (if appropriate) to use the apparatus created for anti-terrorism purposes to ensure robust implementation of targeted individual sanctions and to target shadowy off-shore companies which the International Crisis Group believe are the primary conduit used by the NCP to pay militias.<sup>31</sup>

#### Multilateral action

Any punitive action undertaken will be more effective through a multilateral framework, though this is not an excuse for inaction at an individual state level.

#### *Targeted individual sanctions*

In March 2005, UN Security Council Resolution 1591<sup>32</sup> empowered the UN to impose travel bans and asset freezes against individuals in Sudan identified as impeding the peace process and committing violations of international law. As of March 2007, only four individuals have been named for such targeted sanctions<sup>33</sup> and these have not yet been implemented.

Given the continuing atrocities in Darfur and the absence of real progress on the political resolution of the crisis, the UN must extend and strengthen its sanctions regime. Recent reports indicate that the UK Prime Minister is pushing other European leaders for an ambitious set of sanctions aimed at 100 senior government officials<sup>34</sup>. The US and the Americans have also indicated their support for extending the list of targeted individuals.

A new UN resolution must be passed without delay identifying further individuals against whom travel bans and asset freezes should be implemented. These sanctions should be extended to all individuals indicted by the International Criminal Court, as well as individuals named by the UN Commission of Inquiry and the Panel of Experts as having committed war crimes and crimes against humanity.

In order to effectively enforce these sanctions, more information (such as bank details) must be requested and obtained from the Government of Sudan and circulated to UN Member States as well as to airlines and other related agencies<sup>35</sup>.

### *Endorse the recommendations of the UN Human Rights Council High Level mission to Sudan*

Member states of the United Nations should endorse the recommendations of the report of the recent UN Human Rights Council High Level mission to Sudan and particularly recommendation K that

*"The General Assembly of the United Nations should request the compilation of a list of foreign companies that have an adverse impact on the situation of human rights in Darfur. The list should be published and periodically updated. In addition, the GA should call upon all UN institutions and offices to abstain from entering into business transactions with any of the identified companies."*<sup>126</sup>

This list should include those foreign companies which:

- Have a relationship with the government of Sudan or government sponsored project;
- Impart minimal benefit to the country's people;
- Have demonstrated no substantial corporate governance policy regarding the Darfur situation.
- Have failed to either implement the above 'engagement principles' or having done so have failed to cease operations.

Member states should undertake to abstain from entering into business transactions with any of the identified companies and consider measures to ban them from domestic stock exchanges.

### *'Engagement Principles'*

A multilateral group of nations (ideally the UN General Assembly, but perhaps more realistically a smaller multilateral group) should agree a set of 'engagement principles' for companies involved with the government of Sudan or government sponsored project. These 'engagement principles' should be tied to a verifiable set of tangible commitments on the part of the Government of Sudan, notably the implementation of previous agreements on humanitarian access and deployment of the 'hybrid force'. States could then insist that domestic companies join with foreign companies to negotiate from a 'common position'. Failure to abide by these 'engagement principles' or the failure of the Government of Sudan to make the demanded concessions would then necessitate the cessation of activity by these companies. A co-ordinated cessation of this kind would be extremely damaging to the government of Sudan and would cause a severe drop in government revenue. While this approach may seem counter intuitive, appearing as it does, to place responsibility in the hands of companies rather than states, it has the great advantage of making it intensely in the oil sector's financial interest to see an end to the genocide in

Darfur. This is in keeping with the spirit of numerous Socially Responsible Investment guidelines endorsed by the UN, but is unique in that it suggests a tangible system of enforcement. The advantage of such a system is that it also allows close and precise targeting of those companies whose operations in the Sudan are deemed to be problematic.

### *Blocking International Transactions*

States should also be prepared to follow the US in constructing a programme for blocking international transactions involving domestic currencies.<sup>37</sup> Consensus at the European Union on this would be particularly important as the Euro is a key currency for oil transactions. Achieving true multilateral consensus for this may be difficult as some intelligence indicates that, pre-empting these moves, Sudan is enquiring into dealing with China more directly in order to circumvent the sanctions which could target dollar transactions. This is likely to increase the diplomatic pressure upon China, and increase Sudan's reliance on Chinese goodwill. Given the recent statements by China this may lead to more direct pressure from China to Sudan to implement the November 2006 agreement.

### *A robust package of punitive sanctions*

Member states of the United Nations should not shy away from implementing as robust a set of sanctions on Sudan as it is contemplating for Iran. As well as the actions set out above, a ban on new loans to Sudan may also be considered appropriate.

### **China: moving towards more proactive involvement**

#### China's shifting attitude to Sudan

China's relationship with Sudan has traditionally been characterised as that of a state unconcerned with the widespread human rights violations in Darfur, keen to preserve a principle of non-intervention if such an intervention is non-consensual and keen to preserve its own economic interests in Sudan, namely its oil revenue. Financial action has therefore in the past been dismissed as unfeasible given China's veto on the Security Council, and a disinvestment campaign of any description characterised as ineffective because China will 'buy up' any disinvested business. While there is some truth to China's willingness to veto Security Council action, it belies the considerable room available for encouraging China to take a more proactive role in ending the Darfur genocide, not only through diplomacy but from further economic action as well.

## *Diplomacy*

On February the 6<sup>th</sup> 2007, China appeared to be voicing a shift in its diplomatic position on Sudan, with Chinese Ambassador Wang Guangya reported as saying:

*"Usually China doesn't send messages, but this time [Chinese President Hu Jintao's recent visit to Sudan] they did...It was a clear strong message that the proposal from Kofi Annan is a good one and Sudan has to accept it."*<sup>38</sup>

This shift in language is significant. Even if this statement does not reflect a genuine commitment to ending the genocide, the fact that this statement was made reflects the fact that China feels that the issue of Darfur needs to be seen to be publicly addressed. It also represents a refutation of the narrative of denial that has emerged from Sudan and some of its allies, including Iran, that the genocide in Darfur is wildly exaggerated and a relatively insignificant domestic issue<sup>39</sup>. This statement was further reinforced by China's demand for 'further explanation'<sup>40</sup> for Khartoum's recent refusal to honour its commitment from the November agreement.

## *Economics*

On March the 2<sup>nd</sup> 2007, there was a significant shift in Chinese economic policy with regards to Sudan. China has removed Sudan from its latest list of resource-rich countries for which it will provide financial incentives to Chinese companies to invest in. The Financial Times reported: *"It is not clear whether the exclusion of Sudan came because Chinese companies already have short-term investment plans in the...country, or for more political reasons... China is under pressure from both the US and the European Union to stay out of, or use its leverage in, Iran and Sudan to change the policies of both countries on nuclear issues and human rights respectively."*<sup>41</sup>

Regardless of Chinese motives, this is a significant step as it seems to indicate that China's appetite for further investment in Sudan is waning. This may be because China already has an overpowering control of Sudan's oil market with around 80% of Sudanese oil going to China<sup>42</sup>. Whether this move was done for political or economic expediency, it is still extremely significant, and will undoubtedly send an uncomfortable message to Khartoum. This move also signals that China seems unwilling to 'buy up' disinvested opportunities in Sudan.

In combination, these two shifts in Chinese policy are cause for hope and should encourage policymakers to use all means at their disposal to

encourage these changing attitudes as a powerful tool for change in Darfur and Sudan.

## The role of Chinese oil revenue in the genocide

China's oil activities are troubling for three key reasons: the role of oil revenue in the continuing genocide in Darfur, the reported population displacement surrounding China National Petroleum Corporation (CNPC) oil fields and the flow of arms and military equipment that appears to be the quid pro quo of China's almost unfettered access to Sudan's natural resources.

The role of the CNPC (and other Chinese companies) in facilitating the ongoing genocide is felt diplomatically. China has invested significantly in the energy sector in Sudan<sup>43</sup> and many commentators believe that this heavy investment and the close economic ties between Sudan and China have led China to use its veto on the Security Council to protect Sudan and its existing economic relationship with Khartoum from pressure from the UN.

According to the Washington Post, China's heavy presence in the oil sector in Sudan also appears to be linked to the stream of military equipment to Sudan<sup>44</sup>. Furthermore, the CNPC's presence in Sudan has encouraged and facilitated human rights abuses<sup>45</sup>.

## Changing Chinese behaviour

China's relationship with Sudan is therefore instrumental in the ongoing ability and belief of the Sudanese government that it can continue to commit genocide despite international criticism. China's current financial involvement in the Sudanese energy sector ensures not only significant revenue for the Government of Khartoum but also a relationship which has proved an important lifeline through which Sudan can pursue financial loans and Chinese military equipment. China's relationship with Sudan at present represents both a strength and a vulnerability for the Khartoum regime: if, as recent reports indicate, China's support for Khartoum is wavering and if China becomes prepared to put significant pressure upon Sudan to take positive steps to end the genocide, it is likely that this pressure will be significant and difficult to ignore.

Given that China values its investments in the Sudanese oil industry highly<sup>46</sup>, these investments seem a valuable potential 'lever' for changing Chinese behaviour. It seems likely that nuanced engagement with China's involvement in Sudan's oil sector could help to further encourage and expand the already visible shift in China's position on the genocide in Darfur which could help to both

minimise the negative impact of China's involvement with Sudan's oil industry as well as having a positive impact on the broader political situation.

#### Putting meaningful pressure on Chinese companies

In April 1999, CNPC announced plans to sell \$10 billion shares on the New York Stock Exchange. In response to widespread criticism from human rights groups and others, CNPC restructured the transaction and created PetroChina. PetroChina was to operate only inside China and was to be 90% owned by the CNPC. On April 6, 2000 \$2.9 billion dollars of shares in PetroChina were sold on the New York Stock Exchange to private investors. For a more thorough analysis of why the company distinction is porous and largely meaningless, see Sudan Divestment UK *'China and targeted divestment: making an impact'*<sup>47</sup>

In taking these measures, the CNPC was obviously seeking foreign capital and it is through this desire that the China's involvement in Sudan is vulnerable to external pressure. Indeed the mere circumstances surrounding PetroChina's Initial Public Offering, indicate that the CNPC is prepared to make concessions in order to secure foreign capital. It seems unlikely that China and the CNPC would be committed to supporting the ongoing genocide of a pariah nation state in the face of increasing pressure upon its ability to raise foreign capital, particularly given that, in the light of high profile exits of Western investors from Sudan<sup>48</sup>, Sudan is running out of other trading partners and does not have the domestic capital or expertise to effectively operate its own oil sector at its current capacity.

Given that 10% of PetroChina's shares are owned by private, largely Western, investors, concerted action by Western governments could make a profound impact upon Petrochina's ability to raise foreign capital and could therefore impart a serious economic cost upon Petrochina a cost that would be speedily transmitted to both the CNPC and the government of China.

#### Is it possible for Western economies to exert this pressure?

Given the substantial holdings of several Western investors, notably Fidelity and Berkshire Hathaway, it seems eminently reasonable to suggest that governmental action or encouragement to investors in the UK and the US could have a profound impact upon PetroChina's stock price, reducing PetroChina's ability to raise foreign capital. If either Fidelity or Bershire Hathaway were compelled to sell their shares in PetroChina, given that both investors own over 1% of the company respectively, it would be

almost certain to have a depreciatory impact on PetroChina's share price.

The depreciation of PetroChina's share price would reduce China's ability to raise foreign capital at a time when it is actively seeking more.<sup>49</sup> This financial action would therefore impose a tangible cost upon Chinese companies for being involved so closely with the Sudan.

#### What are the likely impacts of this action?

Some have suggested that widespread divestment could result in the departure of China from Sudan. The result of this would be that Sudan would lose a partner who had been instrumental in preventing a variety of international action against Sudan. Even if other countries heavily invested in Sudan such as India or Malaysia bought up what China sold off, they could not offer anywhere near the same level of diplomatic protection as China could.

Such a scenario appears unlikely however. As mentioned above, China values its oil imports from Sudan highly and will be unlikely to be persuaded to sacrifice these imports which some estimate accounts for 10% of their domestic energy consumption. A far more likely scenario is that Chinese companies would choose to bear the costs of divestment and remain within Sudan.

Under this scenario however, China obviously has an interest in seeing an end to the genocide in Darfur in order to stop paying the costs of divestment and would be likely to support a set of 'engagement principles' if the reward for doing so was the cessation of these economic penalties.

## **ADDRESSING THE CRISIS IN CHAD AND CENTRAL AFRICAN REPUBLIC (CAR)**

As highlighted in Waging Peace's December 2006 report, the conflict in Darfur cannot be separated from the conflicts in Chad and CAR.<sup>50</sup> Since the publication of that report, the humanitarian and security crisis in Chad has worsened. Although negotiations with the United Front for Democratic Change (FUC) rebel group have been successful, cross-border attacks from Sudanese-backed militias, a resurgence of other Chadian rebel groups and growing inter-communal violence have plagued Eastern Chad. In Central African Republic (CAR), the humanitarian situation has worsened despite some success in pushing back the rebel advance.

The French military has been involved in Chad and CAR, but it has not addressed the political, economic and humanitarian aspects of the crises. Furthermore, recent moves within the UN to address the need for peacekeeping forces in Chad and CAR have so far had limited success.

Further action is therefore required both at UN and EU level in order to prevent a deterioration of the security and humanitarian situation, protect the refugees and civilians at risk, and address the root causes of the conflict in both countries.

### **Why should Chad accept international forces?**

In his February 2007 report on Chad and Central African Republic, UN Secretary-General Ban Ki Moon suggested two options for a combined peacekeeping force in both Chad and CAR, preceded by an advanced mission.<sup>51</sup>

Having initially asked that UN peacekeepers be stationed in Chad to stabilise the situation, the Chadian government has recently stated that it no longer wanted UN peacekeepers to enter its territory and may at best accept a UN policing mission.<sup>52</sup>

In light of recent successful rebel incidents including the attack on the capital in April 2006, it is clear that the government of Chad is particularly vulnerable to attacks from its Eastern regions. While some progress has been made with recent efforts to absorb the FUC leadership and troops into the state military<sup>53</sup>, the two remaining rebel groups, the UFDD [Union of Forces for Democracy and Development] and the RAFD [Rally of Democratic Forces] are reported to have united in their efforts. Sudanese militias and community-based self-defence groups also continue to attack civilians.<sup>54</sup> The deployment of a UN military peacekeeping force is therefore necessary to stabilise the situation

and protect the large refugee and IDP population in Eastern Chad. A further incentive for Chad should be the prospect of continued economic development, making the state a more valued target for international investment and development aid.

The cause of Deby's recent refusal to have UN troops is unknown. One reason could be that the current regime in Chad sees its survival as best guaranteed by the support of the current regime in Libya<sup>55</sup>, which is known to bitterly oppose non-African interventions in Africa. Another possible explanation is that recent progress in absorbing the FUC into the state apparatus has provided confidence that the current situation can be addressed without significant international assistance. Finally, military support from the French may have demonstrated to the regime that there is a less accountable version of international intervention to which to turn for help.

In any case, none of these alliances have contributed to a significant improvement of the situation in Chad and it is unlikely that they will lead to long-term peace and stability in the country.

### **Why should CAR accept international forces?**

The regime in CAR is more receptive than Chad is to the idea of a UN peacekeeping force within its territory. In the past few months the progress of the rebels in the north-eastern regions has been largely halted, although sporadic fighting continues in the north-west. Several important population centres have been destroyed and remain empty due to the fighting.<sup>56</sup> It is noteworthy that much help from both the French and the Chadian military was required to secure the gains of the past few months<sup>57</sup> and that the root causes of the fighting have yet to be addressed.

The north-east and the north-west of the country have experienced significant rebellions in recent years. In both regions genuine political and economic grievances have been compounded by widespread criminality, enabled by the increasing security vacuum that the conflict in the central African region has created.<sup>58</sup>

In the northwest of the country, the APRD [Popular Army for the Restoration of Democracy] and UFR [Union of Rallied Forces], both with a very small core membership have both been known to raise larger numbers of fighters from the local population when required. The leadership of both groups are of Chadian origin, and the existence of these groups depends largely upon the current security vacuum. There are currently significant numbers of refugees and IDPs within this region who could provide a fertile recruiting ground for the rebels, potentially

inflaming the situation. There have been reports of dialogue between the APRD and Bozize in late January of this year.

The situation in the northeast poses a more significant risk to the stability of the CAR government. In October 2006, the UFDR [Union of Democratic Forces for Unity] emerged with an attack on the town of Birao in the diamond rich region. They went on to capture several towns that are close to the strategically important diamond industry. Whilst the CAR military, with the assistance of French and Chadian forces (under the banner of FOMUC), succeeded in pushing back the rebels in the north-east, this effort was accompanied by civilian casualties and allegations of human rights abuses against the civilian population.<sup>59</sup> The re-emergence of the CAR military and international forces as the dominant force in the north-east was not accompanied by significant progress towards a lasting peace which addresses genuine concerns.

It would be in the interest of President Bozize to accept an international force in CAR, for the same reasons of stability and economic growth as in Chad. A UN policing mission in the conflict regions could address criminality in order to allow the focus of conflict resolution efforts to be turned to genuine local grievances. UN peacekeepers and ceasefire monitors could then provide stabilisation to accompany the necessary efforts towards a long-term political settlement

### **The actions of the French military in Chad and CAR**

French military action that has taken place in recent months in Chad and CAR has not been conducive to a lasting peace and the restoration of human rights. Indeed, the actions of the French military in CAR and Chad have so far been launched with considerable secrecy, and as such have faced little or no accountability. Actions have often been accompanied by allegations of significant civilian casualties and human rights abuses by partners of the French in their operations.<sup>60</sup> This type of action breeds resentment, and may in the longer-term serve as recruitment propaganda for rebel groups. Secondly, these offensive operations have not been accompanied by any notable attempts at long-term peace in Chad and CAR. They are, particularly in Chad, temporary measures, which have no utility in addressing the root-causes of the conflicts.

However, if channelled through the UN, French military commitment to the region could be extremely effective and beneficial to the stability of Chad, CAR and Darfur.

### **What forces are required?**

The UN plan outlined by Ban Ki Moon in his February 2007<sup>61</sup> report is based on a single peacekeeping force for both Chad and CAR and puts forward two possible options. 'Option A' consists of 6000 troops and a significant aerial transport and reconnaissance capacity. 'Option B', favoured by the Secretary-General, consists of 10,900 troops and a less significant aerial capacity.

Whilst we believe that the size and structure of the recommended force is broadly appropriate, there are two main problems with a joint Chad/CAR peacekeeping force. Firstly, the operation in Chad is more complex and will require more equipment and personnel as well as more planning and diplomacy to get it off the ground than that in CAR. This will have the likely effect of unnecessarily delaying the implementation of the less complicated CAR mission. Secondly, the mission in Chad would be larger and would need to be configured more towards robust military capability rather than towards mostly policing and monitoring tasks as in CAR. With each mission seeking to address very different situations, different requirements of command and control would be needed, making a unified command and control less effective.

In Chad in particular, we hope that French forces can continue by providing robust support to more traditional peacekeeping and international policing methods. As mentioned in Waging Peace's December report<sup>62</sup>, the recently established EU battle-groups could also be utilised to provide robust protection to help ensure the smooth insertion of a peacekeeping force in Chad. France itself leads one of the current battle-groups<sup>63</sup>, with the other being led by Germany who have recently publicly expressed support for the use of international military forces in the region.<sup>64</sup>

## CONCLUSION AND KEY RECOMMENDATIONS

### Key Recommendations

Waging Peace and Sudan Divestment UK urge United Nations and European Member states to ensure that:

- A series of clearly articulated demands are made to the Government of Sudan relating to the timetabled insertion of an AU-UN hybrid force, compliance with the no-fly zone, compliance with existing ceasefire agreements and continuous and verifiable progress towards the realisation of the Darfur Peace Agreement.
- Immediate and urgent progress is made towards verifiable monitoring of a no-fly zone over Darfur.
- Immediate and urgent progress is made towards separate peace-support forces for Chad and CAR. The size and configuration of these forces must be in line with the recent recommendations of the UN Secretary-General.
- A state supported campaign of divestment at domestic, EU and UN level, which targets those companies that:
  - *Have a relationship with the government of Sudan or government sponsored project;*
  - *Impart minimal benefit to the country's people;*
  - *Have demonstrated no substantial corporate governance policy regarding the Darfur situation.*
  - *Have failed to either implement a commonly agreed set of 'engagement principles' for engagement with the GOS or having done so have failed to cease operations*
- A programme of forensic accounting is undertaken to target less transparent sources of revenue for the NCP, in line with measures for targeting terrorism networks
- A vigorously implemented expansion of targeted sanctions on individuals impeding the peace process and committing violations of international law is agreed.
- A programme of blocking certain international Sudanese oil transactions in domestic currency is implemented, in line with the recent measures formulated by the US Treasury and recently announced by US envoy Andrew Natsios

## NOTES

### ADDRESSING THE CRISIS IN DARFUR, SUDAN

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<sup>6</sup> See Report of the Panel of Experts on the Sudan: UN Document S/2006/65 of 30 January 2006, UN Document S/2006/250 of 19 April 2006 and UN Document S/2006/795 of 3 October 2006.

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<sup>28</sup> Email [info@sudandivestment.org.uk](mailto:info@sudandivestment.org.uk) for the full list of European company involvement

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