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# **KHARTOUM BOMBS AND THE WORLD DEBATES**

## How to Confront Aerial Attacks in Darfur

By **John Prendergast and Julia Spiegel**

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As part of its continuing effort to crush Darfur's rebellion by attacking civilian populations purported to be supportive of the rebels, the Sudanese regime has again stepped up its aerial bombing campaign, the most definitive tactical advantage the government possesses. Because the regime continues to bomb indiscriminately and because frustrations deepen around glacial forward movement in the peace process and in deploying the proposed A.U.-U.N. hybrid force, voices from across the political spectrum are clamoring for some kind of action. President George W. Bush, former Prime Minister Tony Blair, U.S. presidential candidates, members of parliament and Congress in Europe and the United States, and advocacy organizations on both sides of the Atlantic have considered or called for the military enforcement of a no-fly zone.

This well-intentioned debate over the merits of militarily enforcing a stand-alone no-fly zone underscores the complexity involved in combining political, economic, and military tools to end the Darfur crisis and shines a light on the equally legitimate but sometimes differing perspectives of humanitarian agencies, advocates, and policy-makers.

What is necessary is to avoid debates that are colored by absolutes. The full range of tools available to the international community must be evaluated according to their effectiveness in halting atrocities, bringing about a lasting peace settlement, and alleviating human suffering pending that resolution.

The best means to influence Khartoum to end its pursuit of a military solution in Darfur (and to fully implement the peace deal it signed with southern Sudan) is through much greater international pressure, principally in the form of U.N. Security Council sanctions and robust diplomacy. The question this paper addresses is what form of pressure would most effectively influence the regime to stop using aerial bombardment as a part of its offensive military operations in Darfur. Ultimately, while the reasons so many advocate military

enforcement of a stand-alone no-fly zone are understandable, and while the bombing problem is urgent, we conclude that military enforcement of a stand-alone no-fly zone is **not** the right approach, for the following reasons:

- The implementation of a no-fly zone would likely trigger the regime to ground all humanitarian aid flights and embolden rebel factions to increase attacks, the latter wrongly believing the international community would be intervening to support their war objectives. This could create a severe humanitarian crisis, to which the international community is ill-prepared to respond.
- With no credible planning for a no-fly zone having been conducted anywhere, and a lack of political will to implement it, calls in support of a no-fly zone give Sudanese President Omar al-Bashir another propaganda tool to rally support for his regime in the Arab and Muslim worlds, while not bringing nearer genuine measures to suppress Sudanese bombing.
- With most attacks taking place on the ground by government-sponsored militia, former rebels under Minni Minawi that have joined the government, and a growing number of rebel factions, a no-fly zone would do little to deter the increasingly complex drivers of violence, an anarchic situation that is precisely the outcome Khartoum sought since 2003 with its divide-and-destroy Darfur strategy.
- Other non-military policy options that we believe would work in changing the government's calculations and thus improve the situation on the ground have not yet been meaningfully pursued (see ENOUGH Strategy Paper #2, "[A Plan B With Teeth for Darfur](#)").

However, the Sudanese bombing problem is a real one that demands a response. There are non-military options that could give traction to the Security

Council's authorized but as of yet un-enforced ban on offensive military flights in Darfur: an initiative that would *monitor, name, shame, and sanction* violations of the ban.

There would be three elements to that initiative. First, observers from the African Union Mission in Sudan or United Nations should be present on all military aircraft and helicopters that fly over Darfur, with any violations to be reported immediately to the Security Council. Second, governments—such as the United States, France, the United Kingdom, and others with available technical assets—should undertake a coordinated intelligence surge to monitor any use of offensive air capacities by the Sudanese government.

Third, naming, shaming, and sanctioning would follow any infraction of the Security Council's ban on offensive military flights. When a violation occurs, governments collecting the information would share it with the African Union, the Security Council, and the broader public. Naming, shaming, and sanctioning the Sudanese government for yet another violation of yet another resolution will not end the crisis immediately, but it certainly will make it harder for the government to conduct heinous air attacks in the cover of darkness, a strategy they have been exploiting for the last four and a half years.

### **DEBATE, DIVISION, OR DIVERSION?**

In light of the very real dangers to aid operations that provide sustenance for over 2 million displaced Darfurians, many humanitarian organizations oppose a militarily-enforced no-fly zone. But the difference between advocacy and humanitarian groups on this issue is neither a cause of upheaval nor a sign of ongoing division, as a handful of commentators and reporters have recently asserted.<sup>1</sup> It is in fact a healthy debate, with both sides genuinely motivated by a desire to end the suffering of Darfur's people.

This otherwise useful debate has been complicated, however, by public calls for consideration of militarily enforcing a no-fly zone—by Blair, Bush and some American and European legislators—but without any reference to how military planning or diplomacy might be employed to prevent, mitigate, or prepare for the potentially catastrophic consequences should Khartoum retaliate against humanitarian aid operations. We commend those activists, candidates, and policy-makers advocating for a stronger policy response to Khartoum's destruction and obstruction in Darfur, but calling for military enforcement of a stand-alone no-fly zone is not the best way, as we will detail below. Furthermore, it is clear that, for some, reference to a no-fly zone does not reflect well-considered policy deliberation but is instead—as Bush said at the G8 Summit in mid-June—declaratory in nature and intended to send “clearer and stronger messages to President Bashir.” Although the sentiment is right, this, too, can have negative repercussions that solidify Khartoum's current intransigence. In any case it is no substitute for a serious analysis of operational feasibility, for planning for both the operation and its potential consequences, and for real mobilization of international engagement to bring a durable end to the Darfur tragedy.

Indeed, these and other pronouncements have proven to be mostly posturing, precisely because no serious practical planning or preparation for enforcing a no-fly zone has been conducted by the militaries of either the United States or United Kingdom, and no legislative requirement from the law-making branches in either country to draft such plans has been imposed.<sup>2</sup> Talking about such action—as Bush, Blair, and other policy-makers have done—but then failing to take any action when bombings occur is consistent with the four-year pattern of rhetorical outrage and empty threats that has rendered the international response to the Darfur genocide so shameful and impotent.

Neither the United States nor the United Kingdom, either individually or within an appropriate multinational body, has moved to undertake the serious planning based on rigorous analysis of the feasibility and parameters of a no-fly zone that might provide adequate assurance that the negative impacts would not far outweigh the positive:

- The U.S. government has done nothing more than a back-of-the-envelope assessment of what a no-fly zone would look like, while the U.S. military remains adamantly opposed to the idea, largely because of current U.S. commitments elsewhere and the logistical enormity of military enforcement. No working level bilateral discussions on implementation have taken place within the last six months between the United States and United Kingdom, the two governments that have postured most about the enforcement of a no-fly zone.
- After strong support by Blair for the concept of a no-fly zone, new U.K. Prime Minister Gordon Brown's administration has muted calls to impose a no-fly zone in light of recent diplomatic efforts to secure the deployment of the hybrid force, and no planning has been done.
- No military deliberations or planning have taken place within NATO, the key organization on which the responsibility for implementing a no-fly zone, and responding to negative consequences, would likely fall. NATO continues to focus exclusively on the limited airlift and other support for AMIS that it provides at A.U. request, and has stated that it would be willing to consider assistance to the U.N./A.U. hybrid operation if a formal request were submitted. But a no-fly zone is not on NATO's agenda.

Debating military enforcement of a stand-alone no-fly zone distracts attention from development of other, more effective initiatives to resolve the crisis. Punitive measures that would alter Khartoum's cost-benefit analysis of pursuing its policies in

Darfur—the imposition of meaningful multilateral sanctions through the Security Council and more proactive state support for the building of further International Criminal Court indictments—are not being fully exhausted.

In order to evaluate the best way forward in countering Khartoum's bombing of its own people, we will first weigh the pros and cons of militarily-enforcing a no-fly zone over Darfur, and then will describe a better option. We then highlight, for priority policy-maker and advocacy attention, key areas where sustained and forceful international engagement would more assuredly foster the delivery of security to the people of Darfur and a durable end to the conflict.

### THE CASE FOR A MILITARILY-ENFORCED NO-FLY ZONE

**WHY:** Lest we forget, the trigger for the no-fly zone debate is the ongoing bombing of civilian targets and rebel meeting locations by the Sudanese government air force. This is a real problem that demands an international response, thus far lacking. The vast majority of displaced and refugee Darfurians have at some point experienced some form of government aerial assault—whether high-altitude bombing or helicopter gunship strafing—that has been an integral part of Khartoum's scorched-earth death and displacement policy in Darfur. During 2007, government aircraft have also repeatedly disrupted the efforts of A.U. and U.N. envoys to foster coherent rebel participation in the political process by bombing locations where rebel field commanders have been assembled to forge a unified negotiating process. Controlling the skies in wartime is a fair use of a tactical advantage, but when those air assets are used to terrorize civilian targets and soften them up for ground attack, or to obstruct international efforts to advance the internal political dialogue by bombing the sites of rebel unification conferences, it understandably invokes great passion on the part of those seeking to

end this conflict and deliver protection and peace for the people of Darfur.

The regime has committed to halt any offensive military flights in various agreements, and the Security Council enshrined this commitment in Resolution 1591. The repeated breach of these agreements should give the international community increased leverage and justification for a more direct and effective response vis-à-vis Khartoum.

**WHAT:** For the sake of clarity, a no-fly zone may mean either a prohibition on all aircraft or only unauthorized aircraft, such as those used in offensive military operations. The Security Council has already imposed a ban on “offensive military flights” under Resolution 1591 (OP 6)—a no-fly zone in a very narrow sense of the phrase—but no significant efforts toward implementation or enforcement have been actively pursued, and there are different views in the international community as to whether Resolution 1591 is legal basis for enforcing a no-fly zone.

**WHO:** Most advocates assume some form of NATO leadership or participation in a no-fly zone and hope that French airfields and aircraft within proximity could be used.

**HOW:** When the mechanics of implementation are discussed, they usually revolve around two options, although as previously noted no rigorous analysis of operational feasibility and parameters has taken place. The more robust option would be patrolling the skies with a small number of jets that would have a rapid reaction capability. Former U.S. Air Force Chief of Staff Gen. Merrill McPeak recently argued that a no-fly zone could help to break the “log-jam” in international efforts to provide protection for the people of Darfur using only 12–18 combat aircraft, accompanied by tankers and an Airborne Warning and Control System to provide surveillance and command and control.<sup>3</sup>

Others argue for a different approach: when a credible report is filed regarding the bombing of a civilian target, then that plane or helicopter should be destroyed on the tarmac after it has landed. This would not then require ongoing patrolling of Darfur’s skies by international aircraft, and presumably would be much simpler to implement. Roger Winter, quoted in Nick Kristof’s *New York Times* column of July 16, supports this option and concludes, “No matter how forceful the words we use, we don’t act. Or we act in ways that the bad guys in Khartoum find tolerable... It tells them that they can get away with mass murder.”<sup>4</sup>

### THE CASE AGAINST A MILITARILY-ENFORCED NO-FLY ZONE

First, assuming one could convince highly reluctant France and Chad to agree, carrying out no-fly zone operations from the eastern Chadian airstrip of Abeche (the base most advocates agree would be ideal) could inflame the simmering proxy war between the governments of Chad and Sudan and likely hinder efforts to improve security and promote peace processes in and between both countries. This aggravation in relations could provide a pretext for Sudan to increase its sponsorship of cross-border rebel attacks into Chad by its proxies. However, the reality of regular cross-border incursions into Chad from Sudan makes this argument less urgent.

Second, the nature of the conflict has changed since its outbreak in early 2003: while bombing continues to be used by Khartoum as a part of its military strategy, the vast majority of attacks are executed by forces on the ground. Thus a militarily enforced no-fly zone would only weaken a very small piece of Khartoum’s killing machine.

Third and most worrisome: assuming these logistical and political challenges were somehow to be overcome, the likely consequences of militarily enforcing a no-fly zone could be dire for the very people

it is intended to help. In the eyes of the Sudanese government, a no-fly zone would likely be considered tantamount to an act of war. Humanitarian aid agencies have expressed grave concern that the regime might retaliate by grounding all aid agency flights to and from Darfur and possibly further constraining humanitarian operations. Based on experience with Khartoum over the years, both in Darfur and earlier in southern Sudan, these fears are well-grounded. Even if the high-end option of a militarily-enforced no-fly zone is implemented, Sudan is still a sovereign country, the regime could ensure all aid convoys and flights would be halted from Khartoum, and the international community would largely be impotent to respond to such a draconian option, which would likely only be implemented by Khartoum in the context of such a perceived act of war.

Only 10 percent of all flights in Darfur are for commercial and Sudanese government purposes. The rest are used by the United Nations and African Union to reach the millions affected by the conflict throughout Darfur. If aid operations were shut down or greatly hindered, either because of flight groundings or increased government or rebel attacks (rebel factions might be emboldened by any military measures to enforce a no-fly zone and might ramp up military operations, including attacks on aid convoys and on locations that would result in localized stoppages of aid deliveries), 2.5 million Darfurians dependent on aid for survival<sup>5</sup> would be left to fend for themselves. Furthermore, should the government of Sudan decide to ramp up its ground attacks, vulnerable civilians would be caught in the crossfire (if not targeted directly), with scarce outlets for assistance given Darfur's expansive and arid landscape.<sup>6</sup>

There has been no planning by governments for responding to a collapse of humanitarian aid, even in the face of repeated warnings from U.N. and NGO leaders that the operations in Darfur are fragile and susceptible to massive deterioration at any mo-

ment due to the deteriorating security environment and ongoing government obstruction. No plans or resources are in place to supplant the crucial international humanitarian lifeline for millions in Darfur should the humanitarian agencies be unable to sustain their activities. So if a militarily-enforced no-fly zone led to an escalation of ground attacks or a collapse of humanitarian aid, the international community would be devastatingly unprepared and likely unwilling to intervene in what could become another 1994 Rwanda (mass killing) or 1984 Ethiopia (denial of aid as a strategy of war) scenario.

In accordance with the U.N.-adopted "responsibility to protect" doctrine, the "balance of consequences" test must be applied. If, as in the case of a militarily-enforced stand-alone no-fly zone, it appears that many more negative than positive effects would result from the non-consensual deployment of external forces, then this intervention option should be shelved until the balance begins to tip the other way. We agree with Clinton that rigorous official study of the operational feasibility and parameters of an effective no-fly zone, as well as analysis of the potential consequences and ways to address them, should be undertaken immediately. Until the results of such a study are known and assessed to bode positively for ending the conflict in Darfur while protecting the welfare of the vulnerable displaced, we would recommend that advocates and policy-makers shift their focus from the proposal to militarily enforce a no-fly zone to other pressure mechanisms that offer a surer prospect of bringing durable peace to Darfur and its people. In the meantime, non-military measures such as those described below should be pursued robustly to confront the bombing.

### **A BETTER WAY TO ADDRESS THE BOMBING** *Monitor, Name, Shame, and Sanction*

As stated previously, there are non-military options that could give traction to the Security Council's authorized but un-enforced ban on offensive military

flights in Darfur: **monitor, name, shame, and sanction**. AMIS, the proposed U.N.-A.U. hybrid force, concerned governments and the Security Council could and should do more to enforce the ban on offensive military flights set out in Resolution 1591, which has been routinely violated without repercussions. According to Resolution 1591, the African Union's Ceasefire Commission can monitor and report to the Security Council about ban compliance, with targeted sanctions to be considered for those authorizing and executing violations.

Governments with advanced military capabilities should undertake a coordinated intelligence operation to monitor violations of the Security Council ban and then share this information with the Security Council, the African Union, and the public. Furthermore, an AMIS or U.N. observer could be present on all military aircraft and helicopters that fly over Darfur, with any violations to be reported immediately to the Security Council. This is theoretically within the African Union's mandate, stemming from the Darfur Peace Agreement and the November 2004 Abuja agreement—but it would require a more robust and proactive A.U. interpretation.

The Security Council should then follow up on its repeated—but, so far, empty—threats and impose targeted sanctions on those persons most responsible for those violations.

## CONCLUSION

Current posturing by policy-makers in support of a militarily enforced no-fly zone has left the Khartoum regime unaffected and uninfluenced. Regime officials simply use it as fodder for their anti-Western propagandist machine—and know that no real enforcement is forthcoming because they are well aware of the absence of real planning.

*The only way Khartoum will stop bombing civilians, allow the unconditional deployment of the A.U.-*

*U.N. hybrid, and make necessary concessions in a revitalized peace process is if the political calculation in key Security Council countries is changed by citizen pressure advocating for a real response to the human suffering in Darfur.*

Instead of being distracted by debates—in a vacuum of analysis and planning—over military enforcement of a stand alone no-fly zone (which raises serious concerns that outweigh its benefits, and which no capable state is currently prepared or willing to implement), the focus of both policy-makers and activists now must be on measures with more demonstrable potential to solve the crisis in Darfur:

- Greater leverage and urgency must be brought to bear around a revitalized peace process with a clear end-state and rational division of international labor (see ENOUGH Strategy Briefing #3 "[An Axis of Peace for Darfur](#)").
- More effective multilateral advocacy and pressure in support of the unconditional deployment of the hybrid force is needed, especially as familiar signs multiply that Khartoum is once again using its "cat and mouse" tactics to evade its most recent commitment. (See ENOUGH Strategy Briefing #4 "[Peacekeeping for Protection and Peace in Darfur](#)").
- If any party remains intransigent on forward movement of either the peace process or the hybrid force deployment, and/or if Khartoum continues to flout Security Council resolution 1591 banning offensive military flights, then the Security Council must urgently impose targeted sanctions against those responsible for obstructing peace and protection objectives. At the same time, those governments with information about culpability for crimes against humanity—such as the United States—should expand their cooperation with the ICC in order to support the building of indictments against those responsible. These punitive measures (see ENOUGH Strategy Paper

#2 “A Plan B With Teeth for Darfur”) should be proactively imposed in support of the peace process and the hybrid deployment.

Military enforcement of a stand alone no-fly zone is not a policy panacea for ending the death and destruction in Darfur, and would likely make matters worse. The focus instead must center on increasing pressure on all parties to move forward in the peace process and on the government, in particular, to facilitate the unconditional and rapid deployment of the hybrid force. In that con-

text, much more could be done to implement the Security Council ban on offensive military flights. Those responsible for continuing to destroy Darfur and/or obstruct efforts to reverse the crisis should pay a price through the Security Council. After four and a half years without any cost for the atrocities that have occurred, it is no wonder that regime officials continue to pursue military solutions by any means they deem necessary, including preventing U.N. deployment, undermining a credible peace initiative, and bombing and terrorizing civilians from the sky.

*John Prendergast is co-chair of the ENOUGH Project and co-author with Don Cheadle of “A Plan B With Teeth for Darfur.” Julia Spiegel is a policy analyst for ENOUGH.*

## ENDNOTES

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