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July 28, 2004

**BRIEFING MEMORANDUM FOR THE PERMANENT REPRESENTATIVE**

**From:** POL-- Reed Fendrick *RAF*  
**Subject:** Security Council Deliberations on the Darfur Resolution  
Wednesday, July 28, at 3:30

**Issue:**

See attached talking points on key issues related to the resolution.

**Objective:**

Purpose of the meeting is to finalize the text of the resolution in preparation for "putting it into blue" tonight, for adoption later this week.

**Strategy:**

Our intention is to "put this into blue" tonight, which is the UN term for closing further negotiation on the text. (Alternatively, we could go into blue early Thursday morning.) We will call for a vote this week, deciding on the basis of discussion whether to vote Thursday or Friday.

Experts have met several times on this and the previous draft. Just this morning a smaller group of experts had a conversation on the draft, with China engaging actively.

Citing Chapter VII of the UN Charter and the threat of sanctions remain the key issues for China, Russia, and Pakistan.

Algeria, Brazil, China, and others object to any reference to the Special Advisor on Genocide Prevention, which remains in the current draft.

China, Pakistan and Russia will be in the forefront of arguing against the explicit threat of "sanctions" rather than measures, with China urging along the lines of "serious consideration of the Secretary General's report and taking any necessary actions thereafter."

Pakistan will argue vehemently for language reaffirming "territorial integrity" of Sudan. They will likely reject any linkage to Machakos protocols.

Attached: Sudan Talking Points

Drafted: Greg D'Elia (POL), Erin Lesczynski (POL)

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UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: CHARLES L DARIS  
DATE/CASE ID: 01 NOV 2005 200500574

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**What does the resolution do?**

- It will help us save lives in Darfur.
- It supports and strengthens laudable UN efforts (Joint Communiqué and Joint Implementation Mechanism).
- It gives the Government of Sudan a chance to hold to their own commitments to the UN and others to the solemn duty of protecting its people.
- It supports the central role of the AU in endorsing its efforts (monitors and talks).
- It ensures that the Council is positioned to act if security situation does not improve and attacks continue. (We have been told protection and security are the key issues).
- It calls for greater international humanitarian assistance – donor efforts – this is a catastrophe for all of us and we all must share the burden.
- Recognizes the complexity of the situation (includes rebel obligations, acknowledges some Sudanese compliance on access, gives Sudan a chance to do the right thing, and supports Navaisha).

**Why act now?**

- This dire situation has been going on for too long – the cost in human lives has been too great.
- A month has passed since the resolution first circulated and 3 1/2 weeks since SG made trip and received Sudanese guarantees.
- While these guarantees cannot all be implemented overnight – it is our obligation to see that significant progress is being made and those things that can be done immediately are acted upon.
- It does not prejudge Sudan compliance – we will continue to receive updates and information from UN and JIM. We hope Sudan does comply and make progress.
- This resolution does not impose sanctions immediately, but prepares us to act in 30 days if there is no improvement on security.
- The Council should not wait for reports from the Joint Verification Mission. Reports are constant. Council benchmarks remain the same regardless of additional reports and we will factor new facts on the ground into our thinking on next steps.

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**Why Chapter VII/ Sanctions?**

This resolution is a Chapter VII resolution because:

- The situation, including refugee flows into Chad and cross-border attacks, does indeed constitute a threat to international security in the region and indeed a breach of the peace.
- The resolution imposes an arms embargo with respect to armed groups that are not respecting the cease-fire. Chapter VII spells out Security Council authority in connection with sanctions, such as this.
- The Council is not applying other sanctions now, only warning the GOS that non-compliance with their commitments could result in further action by the Council.

**What is the international community's responsibility?**

- The resolution clearly states the obligation of the international donor community and the need for increased humanitarian assistance.
- We have provided \$142 million and have pledged \$ 299 million pledged through FY05.

**What is the centrality of UN cooperation with GOS?**

- Council benchmarks focus on the Joint Communiqué, signed by the Sudanese and the UN.
- The resolution will not undermine the Joint Implementation Mechanism's work, but strengthen it.

**What are our hopes?**

- To save lives in Darfur.
- For the GOS to fulfill its commitments and by cooperating with the international community.
- To emphasize the paramount need for security.
- The U.S. has poured money into Sudan over the years to help the people of Sudan, millions of Sudanese have been killed, and the U.S wants to see a stable Sudan. The U.S strongly desires to normalize relations with Sudan but this cannot be accomplished with the current crisis there.



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