

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HM 931 Darfur
SPONSOR(S): Gelber and others
TIED BILLS: **IDEN./SIM. BILLS:** SM 1698

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Military & Veterans' Affairs</u>	_____	<u>Shaffer</u>	<u>Camechis</u>
2) <u>Government Efficiency & Accountability Council</u>	_____	_____	_____
3) <u>Rules & Calendar Council</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The memorial provides a historical overview of the situation in Darfur. On May 8, 2006, President Bush stated, "we will call genocide by its rightful name, and we will stand up for the innocent until the peace of Darfur is secured." On May 15, 2006 then United Nations Secretary-General Kofi Annan described the ongoing crisis in Darfur as "the world's worst humanitarian crisis," hundreds of thousands of people have died and more than 2.5 million have been displaced in Darfur since 2003.

The memorial indicates that the Legislature supports the principles of the Addis Ababa Agreement of November 17, 2006; the deployment of an African Union-United Nations peacekeeping force under the command and control of the United Nations as the minimum acceptable effort of the international community; and the strengthening of the African Union peacekeeping mission in Sudan.

The memorial indicates that the Legislature calls upon the government of Sudan to allow the implementation of the United Nations light and heavy support packages as provided for in the Addis Ababa Agreement; work with the United Nations and the international community to deploy United Nations peacekeepers to Darfur; and adhere to the Joint Statement issued by Governor Bill Richardson and President Omar Hassan Al-Bashir on January 10, 2007.

The memorial indicates that the Legislature urges the President to continue work with other members of the international community; ensure the ability of any peacekeeping force deployed to Darfur to carry out its mandate; vigorously pursue, in cooperation with other members of the international community, strong punitive action against those persons responsible for crimes against humanity; and make all necessary efforts to address the widespread incidents of gender-based violence in Darfur.

The memorial indicates that the Legislature calls upon Congress, the leadership in Congress, and the Florida delegation to provide all necessary funding and support for United Nations and African Union peacekeeping operations in Darfur and affected areas of Chad and the Central African Republic; conduct sufficient oversight of actions by the United States administration continue to monitor the conflict and political processes.

The memorial states that the Florida Legislature urges Congress to do all in its power to further the goals expressed in this memorial in order to bring lasting peace to the people of Darfur.

Copies of the memorial are to be sent to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

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FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House principles.

B. EFFECT OF PROPOSED CHANGES:

Background

In an article in the Financial Times on May 15, 2006 then United Nations Secretary-General Kofi Annan described the ongoing crisis in Darfur as "the world's worst humanitarian crisis," hundreds of thousands of people have died and more than 2.5 million have been displaced in Darfur since 2003.

The United States Congress declared on July 22, 2004, that the atrocities in Darfur constituted genocide. On June 30, 2005, President Bush confirmed that "the violence in the Darfur region is clearly genocide and the human cost is beyond calculation," and on May 8, 2006, President Bush stated, "we will call genocide by its rightful name, and we will stand up for the innocent until the peace of Darfur is secured."

On May 5, 2006, the Government of Sudan and the largest rebel faction in Darfur, the Sudan Liberation Movement, led by Minni Minnawi, signed the Darfur Peace Agreement (DPA).

On August 30, 2006, the United Nations Security Council passed Security Council Resolution 1706 (2006), asserting that the existing United Nations Mission in Sudan (UNMIS) "shall take over from the African Union Mission in Sudan (AMIS) responsibility for supporting the implementation of the Darfur Peace Agreement (DPA) upon the expiration of AMIS's mandate but in any event no later than 31 December 2006," and that UNMIS "shall be strengthened by up to 17,300 military personnel...up to 3,300 civilian police personnel and up to 16 Formed Police Units," which "shall begin to be deployed no later than 1 October 2006."

On November 16, 2006, high-level consultations led by Kofi Annan, Secretary General of the United Nations, and Alpha Oumar Konare, Chairperson of the African Union Commission, and including representatives of the Arab League, the European Union, the Government of Sudan, and other national governments, produced the "Addis Ababa Agreement." The Agreement stated that the DPA must be made more inclusive, and "called upon all parties - Government and DPA nonsignatories - to immediately commit to a cessation of hostilities in Darfur in order to give the peace process the best chances for success." The Agreement also included a plan to establish a United Nations-African Union peacekeeping operation that would consist of no fewer than 17,000 military troops and 3,000 civilian police, and would have a primarily African character, and the peacekeeping operation must be logistically and financially sustainable, with support coming from the United Nations.

On January 10, 2007, New Mexico Governor Bill Richardson met with Sudanese President Omar Hassan Al-Bashir; their meeting resulted in the issuance of a Joint Statement calling for "a 60-day cessation of hostilities by all parties within the framework of the Darfur Peace Agreement." The Joint Statement called for the initiation of African Union/United Nations diplomatic efforts within the framework of the DPA, and for two projected meetings - a Government of Sudan-sponsored field commanders' conference to be attended by representatives of the African Union and the United Nations, and a subsequent African Union/United Nations-sponsored peace summit, again within the framework of the DPA, to be held no later than March 15, 2007. The Joint Statement also stated the need to disarm all armed groups, including the Janjaweed, pursuant to the provision of the DPA.

Effects of Proposed Changes

The memorial indicates that the Legislature supports:

- Given the rapidly deteriorating situation on the ground in Darfur, the Legislature supports the principles of the Addis Ababa Agreement of November 17, 2006, in order to increase security and stability for the people of Darfur.
- The memorial declares that the deployment of an African Union-United Nations peacekeeping force under the command and control of the United Nations, as laid out in the Addis Ababa Agreement, is the minimum acceptable effort on the part of the international community to protect the people of Darfur.
- The Legislature supports the strengthening of the African Union peacekeeping mission in Sudan so that it may improve its performance with regard to civilian protection as the African Union peacekeeping mission begins to transfer responsibility for protecting the people of Darfur to the United Nations-African Union peacekeeping force under the command and control of the United Nations, as laid out in the Addis Ababa Agreement.

The memorial indicates that the Legislature calls upon the Government of the Sudan to:

- Allow the implementation of the United Nations light and heavy support packages as provided for in the Addis Ababa Agreement.
- Work with the United Nations and the international community to deploy United Nations peacekeepers to Darfur in keeping with the United Nations Security Council Resolution 1706 passed on August 31, 2006.
- Calls upon all parties to the conflict to immediately adhere to the Joint Statement issued by Governor Bill Richardson and President Omar Hassan Al-Bashir on January 10, 2007; observe the cease-fire contained therein; and respect the impartiality and neutrality of humanitarian agencies so that relief workers can have unfettered access to their beneficiary populations and deliver desperately needed assistance.

The memorial indicates that the Legislature urges the President to:

- Continue work with other members of the international community, including the permanent members of the United Nations Security Council, the African Union, the European Union, the Arab League, Sudan's trading partners, and the Government of Sudan to facilitate the implementation of the Addis Ababa Agreement and the subsequent Richardson-Bashir Joint Statement.
- Ensure the ability of any peacekeeping force deployed to Darfur to carry out its mandate by providing adequate funding and by working with our international partners to provide technical assistance, logistical support and intelligence-gathering capabilities, and military assets.
- Vigorously pursue, in cooperation with other members of the international community, strong punitive action against those persons responsible for crimes against humanity as previously authorized in the Darfur Peace and Accountability Act of 2006 (Public Law 109-344), United Nations Security Council Resolution 1591 (2005), and the Comprehensive Peace in Sudan Act of 2004 (Public Law 108-497, 118 Stat. 4012).
- Make all necessary efforts to address the widespread incidents of gender-based violence in Darfur, including working with the Government of Sudan to help institute a zero-tolerance policy for gender-based violence as agreed to in the Richardson-Bashir Joint Statement.

The memorial indicates that the Legislature calls upon Congress, the leadership in Congress, and the Florida delegation to:

- Provide all necessary funding and support for United Nations and African Union peacekeeping operations in Darfur.
- Provide all necessary funding and support for humanitarian aid in Darfur and affected areas of Chad and the Central African Republic.
- Conduct sufficient oversight of actions by the United States administration to ensure that no opportunities for furthering the peace are missed.
- Continue to monitor the conflict and political processes and, if necessary, examine imposing additional punitive sanctions against the Government of Sudan, officials within the Government of Sudan, rebel leaders, and any other individual or group obstructing the ongoing peace process or in violation of agreed-upon cease-fires and the Darfur Peace Agreement.

The memorial states that the “Florida Legislature urges Congress to do all in its power to further the goals expressed in this memorial in order to bring lasting peace to the people of Darfur.”

Copies of the memorial are to be sent to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

C. SECTION DIRECTORY: N/A

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.
2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS: None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: Not applicable. This bill does not appear to affect municipal or county government.

2. Other: None.

B. RULE-MAKING AUTHORITY: This memorial does not grant any agency a specific power, impose a duty that must be implemented by an agency, or require an agency to adopt rules to facilitate implementation.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

D. STATEMENT OF THE SPONSOR: The bill sponsor did not submit a statement.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

N/A