

Giving Meaning to “Never Again”

Seeking an Effective Response
to the Crisis in Darfur and Beyond

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FOREWORD

The situation in the Darfur region of Sudan threatens to become one of the most devastating humanitarian disasters of our times. Over one million people have been displaced from their homes by a systematic scorched-earth campaign carried out by the government of Sudan and allied militias in the region. As many as 50,000 people have been killed or died from hunger or disease. Widespread rape has been reported. The physical and political barriers to reaching the victims—heavy rains, bureaucratic obstacles put up by the government of Sudan, long supply lines—make reaching those in need extremely difficult. As the crisis has deepened, there is debate over whether the world is witnessing an unfolding genocide, and if so, how well—ten years after the genocide in Rwanda—the international community is prepared to prevent it.

As deeply disturbing as the humanitarian situation is, this report points out the political issues that underlie the crisis. These have received less attention, yet their resolution is vital to overcoming the crisis. There are also only limited ways for outside actors, including military monitors and peacekeepers, to affect the situation inside Sudan. These factors have all played a role in the seemingly agonizingly slow response to this unfolding crisis. The lessons go beyond Darfur.

This report looks at the lessons learned from the genocide in Rwanda and examines the international response to the Darfur crisis in the context of those lessons. It finds that much is still lacking in both the political and institutional mechanisms for responding to a crisis of this magnitude. The report recommends the steps necessary to bring the Darfur crisis to an end, though the path will not be an easy one. It then recommends steps that must be taken to avoid the fire next time.

Richard N. Haass
President
Council on Foreign Relations

ACKNOWLEDGMENTS

In addressing a crisis such as the one in Darfur, Sudan, we proceed humbly and with recognition that nothing we present here can convey the full story of the crisis and its toll on the residents of that region. Others, fortunately, have helped document that story and to them we are indebted. Our hope is that we can offer in this report some insights on why the international community was unable or unwilling to respond to the crisis earlier and with greater effect, and to recommend how the international community can go beyond merely saying “never again” by instituting mechanisms and procedures to make that phrase operable.

We are grateful to the following organizations and individuals, whose reporting on the crisis has been instrumental in bringing it to the forefront of international attention and on whose work we have drawn extensively: the International Crisis Group and John Prendergast, Refugees International, Human Rights Watch, Physicians for Human Rights, the United Nations Special Envoy for Internally Displaced Persons Francis Deng, the United Nations Secretary-General’s Special Envoy on Sudan Jan Pronk, Samantha Power, U.S. Agency for International Development (USAID) Administrator Andrew Natsios, and USAID Assistant Administrator Roger Winter.

We also wish to thank the people who reviewed this report and offered many valuable suggestions: Tom Malinowski, Scott Feil, Robert Gribbin, Kenneth Bacon, Bathsheba Crocker, Francis Deng, and Donald Norland. James Lindsay, director of Studies at the Council on Foreign Relations, provided excellent advice during our entire drafting process. Richard Haass, president of the Council on Foreign Relations, was the first to recommend we write this report, and his interest in and attention to this situation has been unflagging. Thanks are also in order for the Council’s publishing team, Patricia Dorff and Jennifer Anmuth.

We, of course, take full responsibility for the contents and recommendations herein.

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MAP OF SUDAN



DARFUR 2004

April 2004 marked ten years since genocide ravaged Rwanda. The anniversary recalls the horrific way in which some 800,000 Rwandans lost their lives and serves as an unforgettable reminder of the international community's failure to prevent that genocide. This failure pervades the current consciousness as the tenor rises over how to react to credible reports of ethnic cleansing in Sudan.

Confronted with a massive humanitarian emergency, bedeviled by a greater human rights crisis evidenced by reports of ethnic cleansing in the western Sudan's Darfur region, the international community faces a defining moment. Today, the eighteen-month insurgency against the government of Sudan and the government's brutal response to it have taken the lives of an estimated 50,000 people and displaced 1.2 million more within Darfur. Another 200,000 have fled across the border into Chad and remain encamped there. Due to months of limited humanitarian access (as a result of government restrictions, logistical challenges, ongoing fighting, and, since June, heavy seasonal rains), the U.S. Agency for International Development (USAID) predicts that even with a massive humanitarian response, over 300,000 people could still die before the end of the year.¹

With the memory of Rwanda still so fresh, will the international community, when faced with widespread atrocities such as crimes against humanity and war crimes, muster the courage and political will necessary to reverse the crisis? Darfur, like Rwanda before it, offers a telling, and not very encouraging, response.

THE CRISIS

Background

Covering an area roughly the size of Texas, Darfur is located in a drought-prone region of western Sudan and shares a porous 850-mile eastern border with Chad. With a pre-conflict population of about six million, Darfur is home to over thirty ethnic groups, all Muslim, who increasingly identify themselves as either Arab or African in ancestry.²

The nomadic Arab and sedentary African communities of Darfur have traditionally competed for resources. That competition became more acute in the 1970s as successive droughts dried up water sources. The resulting desertification diminished grazing lands in the northern semi-arid belt, and nomadic Arab herders moved southward in search of fertile land and water. Encountering the farming communities of the Fur, Masaalit, Zaghawa, and other African groups, these migrations sometimes produced low-level violence.

Confrontations increased in frequency following an extended drought in 1983 and efforts by Khartoum to strengthen its authority in the region in the midst of a long, bitter civil war against the Sudanese People's Liberation Movement/Army (SPLM/A). The war pitted the Muslim north against the Christian/animist south. Issues of religion, control over recently exploited oil resources, and the nature of the Sudanese state fueled a conflict that took as many as two million lives and displaced 4.5 million others. To defend against SPLA incursions into the North in 1991–92, the government co-opted Darfur's loosely organized Arab militias and turned them into a ready-made army to fight the SPLA and its sympathizers.³ African groups in the Darfur region increasingly viewed Khartoum's neglect of their development needs as discriminatory, and, at various times, the Masaalit and other groups took up arms to challenge the government's policies in the region.

Following the ouster from government of National Islamic Front founder Hassan al-Turabi in 1999,⁴ the government under President Omar Hassan al-Bashir gained a free hand to use Arab militias or the "Janjaweed" to suppress rebellious factions in Darfur.⁵ Government interference in Darfur—its arming of Arab militias and its policy of rewarding Arab groups with "direct dividends" for their service over the years—exacerbated and inflamed Arab/African tensions in the region.⁶ The government transformed a largely environment-driven resource competition into a large-scale violent confrontation tinged with serious racial and ethnic overtones.

A New War

The present conflict erupted in February 2003, when the Sudan Liberation Movement/Army (SLM/A), a previously unknown group in a loose alliance with the Justice and Equality Movement (JEM),⁷ attacked and captured Gulu, the capital of Jebel Marrah in central Darfur.⁸ Coming a week after the first round of peace negotiations between the government and the SPLM/A in Naivasha, Kenya,⁹ the rebel attack was catalyzed by the fear that peace in the South would permanently lock African groups in Darfur out of the resulting power-sharing and resource allocation arrangements.¹⁰

Imploring their Arab neighbors in the region with an appeal for solidarity, the rebels entreated them to join the struggle against the government, saying that the people of Darfur (Arabs and Africans alike) had suffered under Khartoum's neglectful policies. The rebels called for a "united, democratic Sudan," greater political autonomy, and greater resources for the people of the region.¹¹

The rebels struck devastating blows against government installations in El Fashir, Tiné, and Kutum, killing government soldiers, injuring or taking hostages, looting munitions stocks, and destroying buildings. With Chadian President Idriss Déby mediating, the SLA/JEM and the government signed a ceasefire on September 3, 2003, in Abeche, Chad. However, signs that the agreement would not last appeared immediately.¹² During the ensuing months, Khartoum became decidedly committed to achieving a military solution to the crisis. On December 15, 2003, the agreement broke down, and the government ramped up its response to the rebellion with a massive escalation. Fearing that the uprising would spread to other disgruntled regions, the government of Sudan enlisted the Janjaweed, as it had in the past, to crush the rebellion.¹³

With the abrogation of the ceasefire, the crisis rapidly deteriorated. The Sudanese government and the Janjaweed together unleashed a devastating attack on civilians who were deemed rebel supporters, destroying villages, engaging in systematic murder and rape, and driving over a million people into a desperate search for safety and assistance. UN aid agencies and international relief organizations cited the violence, the insecure routes, the poor road conditions, the lack of reliable transportation, and, above all, the inability of aid workers attempting to gain government permission to enter the region as the main barriers to a robust humanitarian response. As a result, from December 2003 to

February 2004, the humanitarian community had access to less than 10 percent of the internally displaced population in Darfur.¹⁴

The Crisis Worsens

By April of 2004, the yearlong insurgency had mushroomed into what the UN and the United States called the worst humanitarian crisis in the world. On April 8, 2004, under the auspices of President Déby and in an atmosphere of significant international pressure, Khartoum and the rebels signed a renewable forty-five day humanitarian ceasefire agreement in N'djamena, Chad. The United States played a strong supporting role in the talks, and several European delegations were present. The African Union (AU) assisted as well. The agreement established a Joint Commission, where the AU, in concert with the United States and the European Union, would deploy a monitoring team to Darfur to join the SLA/JEM, the government of Sudan, and Chad. The parties also committed to facilitating the delivery of humanitarian aid and to controlling their allies in order to ensure compliance with the agreement. In early June, the AU opened an office in El Fashir, in North Darfur state, to monitor the ceasefire. Accusations of ceasefire violations by both parties swirled, but the under-staffed monitoring team was often days and weeks behind events, too late to confirm the accusations. Talks continued off and on between the government and the rebels through the summer without resolution.

Despite the April ceasefire, security and humanitarian conditions failed to improve. Many camps still lacked water and sanitation and operated without feeding centers. Humanitarian agencies in the region warned that with the arrival of the rainy season (June to September) and continued government restrictions limiting humanitarian access, the crisis would reach epic proportion.

The anniversary of the Rwandan genocide elicited more vocal reactions to the situation in Darfur and a more public response from the UN and the United States. Speaking at an event to commemorate the ten-year anniversary of Rwanda, UN Secretary-General Kofi Annan said that reports on the situation in Darfur left him “with a deep sense of foreboding.”¹⁵ Similarly, after months of prodding Khartoum behind the scenes to protect civilians from Janjaweed attacks and to open a humanitarian corridor to the region, the United States raised the international profile of the crisis. President

George W. Bush issued a statement on April 7, 2004, condemning the atrocities in Darfur.¹⁶

By late June, U.S. officials warned that up to one million Sudanese could die because of the government-supported ethnic cleansing campaign.¹⁷ Such figures were too high to ignore. Armed with satellite images depicting burnt villages and destroyed mosques, Washington ratcheted up the public face of its engagement with Khartoum. At the same time, the UN secretary-general and the U.S. secretary of state increased their coordination in joint diplomatic efforts and managed to get new commitments from the government of Sudan to disarm the militias and to facilitate humanitarian aid delivery. However, despite all of Sudan's pledges to resolve the crisis in Darfur, it was far from ending.

SMOKE, FIRE, AND COLD, HARD FACTS

One of the lingering disputes over the genocide in Rwanda has to do with how long it should have taken the international community to recognize the magnitude of the crisis and the intentions of its perpetrators—and therefore how soon it could have been expected to react. In Rwanda, though preparations took place for months in advance, the actual perpetration of the genocide proceeded with incredible speed, with hundreds of thousands killed in just one hundred days.¹⁸ No such excuse exists in the case of Darfur.

First Warnings

Reporting on the nascent humanitarian crisis in Darfur surfaced within weeks of the rebel attacks in February 2003, despite the region's remoteness and Khartoum's efforts to hide its complicity. On April 28, 2003, Amnesty International called upon the international community not to “watch in silence while the choice of a military solution for human rights problems drags another area of Sudan into disaster.”¹⁹ Amnesty International further warned that Darfur had “the potential for a major humanitarian disaster,” with reports of government-supported raids and forced population displacement in late November 2003.²⁰ A few weeks later, on December 18, Jan Egeland, the UN

undersecretary general for humanitarian affairs and emergency relief coordinator, declared that the situation in Darfur was possibly “the world’s worst humanitarian catastrophe.”²¹

Credible Evidence of Ethnic Cleansing and Khartoum’s Complicity

The ethnic scope of events in Darfur, fuzzy at first, became stunningly clear by spring of 2004, thanks to a steady stream of reports from human rights groups, the press, the U.S. government, and the UN. Amnesty International reported receiving details of “horrifying attacks against civilians in villages by war planes, soldiers, and pro-government militias” in mid-February.²²

The United Nations too had consistent reports about the gross human rights violations in Darfur. In a March 22, 2004, letter to Sudanese Foreign Minister Mustafa Osman Ismail, the UN Resident Humanitarian Coordinator for Sudan, Mukesh Kapila, said, “The violence in Darfur appears to be particularly directed at a specific group based on their ethnic identity and appears to be systemized. This is akin to ethnic cleansing.”²³ Just days before, speaking to a journalist in Nairobi, Kapila compared the situation to the Rwandan genocide.²⁴ Briefing the Security Council on April 2, Jan Egeland reiterated the claim that ethnic cleansing was occurring in Darfur and urged members to consider action.²⁵

The *U.S. Department of State Country Reports on Human Rights Practices 2003*, reported evidence of “a government-sanctioned policy of targeting ethnic groups.”²⁶ Reports in April and May 2004 by Human Rights Watch found “credible evidence” that the government of Sudan “purposefully sought to remove by violent means” African groups from large parts of Darfur in “operations that amount to ethnic cleansing.”²⁷ Recounting his experience, one witness told Human Rights Watch investigators, “The government wants to kill all African people, Muslim or not Muslim, so as to put Arabs in their places.”²⁸

The rights group’s investigations conclusively linked the government of Sudan to the Janjaweed, documenting how high-ranking civil servants recruited Janjaweed then turned them over to the military for arming, equipping, and training.²⁹ The May report

detailed how officers, wearing the same stripes as generals in the regular army, headed militia brigades that were organized along the same lines as the Sudanese army.³⁰

Moreover, documents collected by Human Rights Watch show how Sudanese government forces oversaw and directly participated in massacres, summary executions of civilians, and the burnings of towns and villages. The May report details how the military collaborated with the Janjaweed in joint attacks on the Fur, Masaalit, and Zaghawa communities. Using Antonov supply planes, helicopter gun ships, and MiG fighter jets, the Sudanese air force conducted indiscriminate, deliberate aerial bombings in which bombs filled with metal shards rained down on civilians.³¹ Refugees escaping attacks recounted strikingly similar tales of combined operations between the Sudanese army and the Janjaweed, who came on horses and camels to ransack, pillage, and burn villages and towns, repeatedly raping women and girls and killing men and boys.

Responding to the allegations of ethnic cleansing and at the urging of eight members of the UN Commission on Human Rights, the UN Office of the High Commissioner for Human Rights (OHCHR) dispatched a human rights investigative team to collect information. The investigative team conducted research among Sudanese refugees in Chad from April 5–15. Authorities in Khartoum initially refused to grant the visas that would allow the UN team to work inside Sudan. Just as the report was set for release, the Sudanese government reversed course and issued visas to the UN team. The team went on to Khartoum and Darfur, carrying out its investigation from April 21 to May 2.

While Sudan's initial refusal effectively prevented the UN Human Rights Commission from reviewing the report during its debate on Sudan, the report eventually became public.³² On April 23, during the closing session of the Commission, delegates adopted a Chairman's statement, expressing concern over conditions in Darfur.³³

Following the UN team's investigation in Sudan, the Commission report was finalized and the acting UN High Commissioner for Human Rights, Bertrand Ramcharan, briefed the Security Council on its contents on May 7, 2004.³⁴ The report outlined consistent and alarming patterns of abuses against the Zaghawa, Masaalit, and Fur communities of Darfur. Laying out the characteristics of what the investigators called a "reign of terror" in Darfur—serial attacks on civilians, indiscriminate air strikes and

ground assaults on unarmed civilians, disproportionate use of force, sexual violence, displacement, pillaging, and wanton destruction—the report validated the determinations of ethnic cleansing put forth by Kapila and Egeland and corroborated earlier reports by Amnesty International, Human Rights Watch, and the U.S. Department of State. While acknowledging that the rebels initiated the violence, the report squarely placed the blame for the humanitarian crisis on the government, saying, “It is the manner of the response to this rebellion by the government of Sudan which has led to the current crisis in Darfur.”³⁵

Describing the government’s strategy in the conflict, the report stated that the government effectively sought to “fight a guerrilla war by establishing its own guerrilla force,” singling out African communities for “collective punishment.”³⁶ The report criticized the government for its denial of protection to civilians and for allowing the Janjaweed to act with impunity. Further establishing links between the government and the militias, UN investigators in Darfur found the Janjaweed largely indistinguishable from the army regulars except for their mode of transportation—horses and camels instead of military vehicles.

Knowing and Not Acting

If doubts remained about exactly what was happening in Darfur—ethnic cleansing, something nearing genocide, or merely another African tragedy—Physicians for Human Rights hoped to erase them. Upon returning from a field visit to the region in late June 2004, the group reported witnessing scenes “completely commensurate with instances of past mass killing the world has only belatedly called genocide.”³⁷ It documented a consistent pattern of attacks on villages and destruction of villages, livelihoods, and means of survival; “hot pursuit” with intent to eradicate villagers; targeting of non-Arabs; and systematic rape of women. A spokesman for Physicians for Human Rights concluded, “Based on what we’ve seen elsewhere, there is a massive assault on the black African population in Sudan that would indicate that there are clear signs of genocide that necessitate a response from the international community.”³⁸

Altogether, the findings of human rights groups, the UN, and the United States painted a detailed and irrefutable picture of a government-sponsored campaign to destroy or at least cripple—socially, economically, and psychologically—the Fur, Masaalit,

Zaghawa, and other African communities in Darfur. The evidence erased doubts of government complicity in the atrocities with credible information confirming its involvement. The Sudanese government is as much a perpetrator as the Janjaweed it sponsors of these crimes against humanity, war crimes, and other grave human rights abuses carried out against the civilians in Darfur. Yet as human rights investigators, the humanitarian community, and the international press warned of Darfur's smoke—and its gathering flames whipped up memories of Rwanda at UN headquarters and in Washington—the wider international community waited, some doubting the facts, others awaiting more facts, and still others searching for a suitable definition of the facts.

“NOT ON MY WATCH”: IN SEARCH OF AN EFFECTIVE RESPONSE

In *“A Problem from Hell”: America and the Age of Genocide*, Samantha Power recounts how President George W. Bush, upon being presented with a memo on the Clinton administration’s failure to stop the Rwandan genocide, wrote in the margins: “Not on my watch.”³⁹ If Power’s source is to be believed, then this president would break with the traditional manner in which American presidents, and indeed, leaders around the globe, respond to warnings of genocide.

Sudan has been of special interest to the Bush administration. Spurred on by an evangelical constituency and the congressional Black Caucus, both roused by reports of slavery and oppression of black Christians in southern Sudan, the Bush administration, as a leading member of the “troika” (composed of the United States, the United Kingdom, and Norway), worked with the Intergovernmental Authority on Development (IGAD), an African regional body, to help end Sudan’s twenty-one-year-old civil war.⁴⁰ The U.S. administration—from the president down to the secretary of state, the USAID administrator, and the special envoy for peace in Sudan, Senator John Danforth—gave the full force of its energy and diplomatic suasion to the negotiations. However, just as this extraordinary international effort appeared poised to reaching its goal, Darfur unraveled.

CONFLICTING PRIORITIES, MISSED DIAGNOSIS

It took until April 2004—a little more than a year since the conflict began—for decisive action from the United States and the international community. The U.S. government initially reacted to reports of gross human rights violations in Darfur with a policy of “quiet diplomacy.” During the fall of 2003, President Bush, Secretary Colin Powell, and National Security Adviser Condoleeza Rice began calling their counterparts in Khartoum, President Omar Hassan al-Bashir, Vice President Ali Osman Taha, and Foreign Minister Mustafa Osman Ismail. USAID Administrator Andrew Natsios also joined the telephone

diplomatic effort and, in October 2003, carried the administration's warning to Khartoum at a meeting with Vice President Taha: there would be no normalization of relations with Washington while the atrocities continued. This became the administration's refrain, and Natsios and Senator Danforth repeated it to Sudanese officials throughout the spring.

While the United States did not have an extensive presence in Sudan, the U.S. government had knowledge of the situation on the ground.⁴¹ By his own tally, Natsios, along with Roger Winter, assistant administrator for the Democracy, Conflict, and Humanitarian Assistance Bureau, visited Sudan no less than nine times between October 2003 and May 2004. Natsios said he spoke with Sudanese officials during an October visit who informed him that they had armed the militias.

Further, with satellite imagery acquired in April from NASA, USAID had firm evidence confirming the reports of ethnic cleansing. The images depicted the systematic destruction of villages belonging to the Fur, Masaalit, and Zaghawa—out of 576 villages photographed, 300 were completely destroyed and depopulated, and 76 were partially destroyed. Neighboring Arab villages were unscathed. From the photographic evidence, Administrator Natsios had little choice but to conclude, “this is clearly and indisputably from our own research and UN research an ethnic cleansing campaign, at a minimum.”⁴² Quiet diplomacy and an emphasis on the humanitarian emergency, rather than the crisis' political dimensions, drove the American response. The United States thus joined the rest of the world in a conventional response to an unconventional crisis.⁴³

In the first half of 2004, two factors seem to have influenced U.S. policy, with its emphasis on quiet diplomacy and its focus on the humanitarian crisis. One was the overwhelming political focus on negotiations to end the North-South war. That twenty-one-year-old conflict pitted the Islamic government against a largely Christian black African rebellion in the South led by John Garang and SPLM/A. It cost two million lives. The rebellion was fueled by the imposition of Islamic law on the South but also was being fought over resources (especially oil found along the North-South border) and the South's demand for political autonomy. Excessive pressure on the government of Sudan over Darfur, it was feared, could jeopardize a negotiation that had been difficult and at times on the edge of breakdown.

Second was the tendency to treat the Darfur crisis as a humanitarian one, neglecting the political dynamics that underlay it. As dastardly as Sudanese government actions in Darfur have been, addressing the Sudanese government's fears about the break-up of the country was integral to any solution. Precisely because the pending agreement with the SPLM/A would grant unprecedented powers and resources to the South—including a controversial right to hold a referendum on independence after seven years—the rebellion in Darfur was especially alarming to the Sudanese authorities, posing a threat to the continued viability of the country as a whole. Authorities feared that similarly neglected regions in the east, taking their cues from Darfur, would demand large degrees of autonomy, if not the right to independence. Pressing the government of Sudan to stop the attacks and open the region to humanitarian aid overlooked these rather fundamental concerns, and Khartoum not surprisingly ignored the pressure. The political issues warranted attention and the relationship between the negotiations with the South and the developments in Darfur required understanding.

By April 2004, however, it became clear that the Darfur crisis could undermine any political dividend that might result from the North-South agreement. Hopes of signing the agreement on the White House lawn—which some in the administration foresaw as a shining example of America's diplomatic success—rapidly faded and were replaced by the need to stop the bleeding in Darfur. Issuing his first public condemnation against Sudan, on April 7, 2004, President Bush called upon Khartoum to “immediately stop local militias from committing atrocities against the local population and provide unrestricted access to humanitarian aid agencies.”⁴⁴ The president further called upon the government of Sudan to “not remain complicit in the brutalization of Darfur.”

After Jan Egeland's April 2, 2004, briefing before the Security Council, where he urged members to react to ethnic cleansing in Darfur, the Council issued a press statement expressing its deep concern over the situation and called for cooperation among the parties to facilitate the delivery of humanitarian aid.⁴⁵ Later in May, the United States took the lead in drafting a Presidential Statement that the Security Council adopted on May 25. The U.S. delegation tried but failed to garner support for a stronger resolution condemning the abuses. Instead, the Sudanese delegation's activism among the African and Arab delegations weakened the European Union (EU) resolve to continue supporting

the U.S.-backed resolution. Sudan succeeded in winning the Council's approval to suspend further discussion on the draft resolution. In the end, the statement was yet another expression of concern that neglected to mention that the grave human rights abuses in Darfur were causing the humanitarian crisis.⁴⁶

Europe was even slower to move toward public condemnation than was the United States. Even as the conflict showed no signs of abating, the EU was conspicuously reluctant to press Sudanese government officials. Between the December 24, 2003, EU-Sudan Political Dialogue Joint Communiqué, in which the EU expressed "deep concern" over developments in Darfur and the related humanitarian situation, and the statement it endorsed at the Group of 8 meeting in June 2004, European countries seemed unwilling to use strong language with Khartoum.⁴⁷ Outside of the observer role played by European governments in N'djamena, where talks resulted in the April 8, 2004, ceasefire agreement between the government of Sudan and the SLA/JEM rebels, there was no European consensus on how to react to Darfur. Also, troika members did not want to risk upsetting the Sudanese government with concerns over Darfur and instead focused on pushing the North-South peace process forward. Concern over the impact of the crisis on Chad dominated France's focus.

The AU approached the crisis with similar caution, though in the end it was the first to put troops on the ground. African members of the Human Rights Commission collaborated with Sudan to block the commission's report and to tone down its resolution. However, in conjunction with a ceasefire arranged in Chad in April, the AU agreed to deploy 120 lightly armed monitors to Darfur. As of early July, monitors reported that they had not substantiated any ceasefire violations in over a month—despite the fact that both parties to the conflict alleged many violations and aid workers reported numerous attacks on villages. There were other problems with the ceasefire agreement—namely, that it did not require the militias to stop fighting and that Khartoum refused to have the word 'Janjaweed' in the document. The resolution text called on the government to restrain the militias but failed to define what they were. There have been numerous reports that the government is folding the militias into the police and other state security forces.

BREAKING WITH CONVENTION: THE ANNAN-POWELL VISITS

The pressure on Khartoum mounted in earnest in June with announcements that both U.S. Secretary of State Powell and UN Secretary-General Kofi Annan would travel to Khartoum and Darfur. In a telling sign of the heightened sense of urgency, Powell said, “The situation is so dire that if we were able to do everything that we wanted to do tomorrow, there would still be a large loss of life.”⁴⁸

In his meeting with President Omar Hassan al-Bashir, Powell listed fourteen specific steps Sudan needed to take to end the crisis. On July 3, 2004, Foreign Minister Mustafa Osman Ismail signed a Joint Communiqué with Secretary-General Annan outlining Sudan’s commitment to working for a political solution to the crisis, which established a Joint Implementing Mechanism (JIM) to monitor the commitments.⁴⁹ Once again, Sudan pledged to disarm the militias and to facilitate humanitarian aid delivery. It also promised to improve security by deploying a “credible” force of 6,000 Sudanese soldiers and police to protect camps and other areas subject to attack and by allowing AU troops and human rights monitors into Darfur.⁵⁰

At the same time as Powell’s visit, the United States prepared a draft Security Council resolution. The resolution, invoking Chapter VII enforcement powers, would impose sanctions (travel bans and an arms embargo) on the Janjaweed. The Sudanese government, which armed and directed the killers on the ground, however, would not be subject to additional sanctions.⁵¹

By late July, the United States and UN had confirmed minor improvements on the humanitarian front. However, the Sudanese government failed to live up to its promise to rein in the militias, and violence continued to disrupt the lives of the African communities in the region and across the border in Chad. At President Déby’s invitation, France dispatched 200 troops to the Chad-Sudan border in early August to help distribute relief supplies to Sudanese refugees.⁵²

For its part, the AU ramped up its engagement with Khartoum. In early July, it announced that it would send an armed “protection force” of 300 (supplied by Nigeria and Rwanda) to Darfur to guard AU peace monitors and protect the internally displaced. The AU also issued a communiqué urging the government to find “ways and means” to

compensate the victims and further appealed to Khartoum to urgently assess the extent of the destruction, to provide unrestricted access to humanitarian agencies, and to disarm and neutralize the Janjaweed.

The AU force was part of a \$26 million mission funded by the AU and the international community. Although AU monitors and observers, who arrived after the April ceasefire, had taken up five posts in Darfur and one in eastern Chad, at the beginning of summer the security situation remained challenging—a fact the AU increasingly recognized. The full mission envisioned under the ceasefire had called for twelve members of a ceasefire commission and 132 observers, including sixty from AU member states. Troops supplied by Nigeria and Rwanda were expected to guard the monitors as well as patrol refugee camps and border areas.

On July 27, 2004, the AU Peace and Security Council proposed enlarging the AU protection force and expanding its mandate to serve as a peacekeeping force to protect civilians in Darfur. Nigeria and Rwanda offered to increase their contributions to 1,000 troops each, bringing the full force to 2,000 troops. Khartoum opposed the plan, saying that it was its responsibility to protect the Sudanese people. Consultations between the UN and AU led to the augmentation of the proposed troop strength from 2,000 to 3,000 AU military troops and 1,200 AU police. On August 15, 155 Rwandan troops deployed to Sudan to protect AU ceasefire monitors, with Rwandan President Paul Kagame insisting that Rwandan troops would intervene if civilians were threatened. Nigeria's 155-strong troop contribution followed on August 30—the path cleared by an August 19 Nigerian senate vote approving President Olusegun Obasanjo's decision to make 1,500 troops available to the AU. The Security Council received a briefing in late August on the UN-AU augmented protection force plan. Khartoum continued to reject efforts to increase the size of the AU protection force.

On July 30, 2004, the Security Council passed UN resolution 1556.⁵³ The resolution demanded that Sudan disarm the Arab militias and required states to prevent the sale or supply of weapons and ammunition to individuals and groups, including the Janjaweed, operating in the Darfur region. UN Secretary-General Annan was instructed to report to the Security Council every thirty days on Sudan's progress. The resolution also referred to Article 41 of the UN Charter, which authorizes measures including

“complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication and the severance of diplomatic relations.”⁵⁴

The Council extensively debated the use of the word “sanctions.” China and Russia in particular opposed any explicit reference to them. Their concerns went beyond their traditional opposition to sanctions, especially in response to internal wars or crises: China is a principal operator of Sudanese oil fields, and Russia is a principal arms supplier to the Sudanese government. The resolution’s supporters insist that the threat still lingers without using the word “sanction,” but such a position is difficult to argue given Sudanese reaction to the resolutions—essentially nothing really changed. “Although we don’t like the resolution, we are already committed to the implementation of its measures on the basis of the agreement that was concluded with (UN) Secretary-General Kofi Annan,” the Sudanese minister of state for foreign affairs, Neguib al-Kheir Abdul Wahab, told reporters.⁵⁵ Reiterating this position, Minister Ismail said, “If you ask me myself as a foreign minister about the resolution, I would tell you that if we look closely at this matter, we will find out that there is no reason to reject the resolution as it doesn’t contain anything new, anything other than what already has been signed on in the agreement with the United Nations.”⁵⁶ The resolution was also silent on the use of force. Even the United States refrained from placing an arms embargo on the government of Sudan in its draft resolution, instead opting for action against the militias—neglecting the fact that the Janjaweed are fully outfitted by the government.

Still, by mid-July the combined efforts of the AU and UN appeared to be heading in the right direction, albeit slowly. Following the passage of the Security Council resolution on August 4, UN Special Representative Jan Pronk and Minister Ismail signed an agreement during the second meeting of the JIM committing Khartoum to taking “detailed steps” in the next thirty days to disarm the militias, improve security for internally displaced persons, and alleviate the humanitarian crisis. Two days later, the UN announced that a team of observers would deploy quickly to Darfur to monitor the disarmament of militias and to ensure greater protection of IDPs. With these efforts, the international community appeared increasingly ready to overcome the steady criticism that it had not acted resolutely enough to protect the lives of civilians in Darfur.

Nevertheless, thirty days after the passage of UN Security Council resolution 1556, the secretary-general reported that the Sudanese government had complied with few of the resolution's demands. The most critical element—the disarming of the militias—had yet to be implemented. Violence on the part of the Sudanese government forces was continuing. Humanitarian agencies continued to experience delays and difficulties. Annan called for “a substantially increased international presence in Darfur” as quickly as possible.⁵⁷ On September 18, the Security Council adopted resolution 1564, once again calling on Sudan to rein in the militias and also to accept an enlarged AU observer mission. It also asked the secretary-general to establish an international commission of inquiry to probe the question of atrocities, examine whether they amount to genocide, and ensure that “those responsible are held accountable.”⁵⁸ While the new resolution, like the previous one, does not use the word ‘sanctions,’ it goes beyond resolution 1556 to specify that if Sudan does not comply fully, ‘additional measures’ could include actions to affect Sudan’s petroleum sector, the government of Sudan, or individual members of the government of Sudan. China, Russia, Algeria, and Pakistan abstained. Algeria’s Ambassador Abdallah Baali explained, “We should be more cooperative with Sudan to ensure their full cooperation. It is not by threats that we can get such cooperation.”⁵⁹

HINDSIGHT AND THE LESSONS OF RWANDA

During the spring of 2004, there were numerous events in Washington and New York (at, for example, the Holocaust Museum in Washington and the UN in New York) marking the ten-year anniversary of the Rwandan genocide. There were recurring questions at these events: What have we learned?⁶⁰ Could we do better if there is a next time? In light of the inaction of the United States and the international community more broadly in crafting a decisive and effective response to the Rwandan genocide, how does the response to Darfur match up?

The first lesson of Rwanda is that, upon finding signs of preparation for mass killings of civilians, the international community should act promptly and firmly. This did not happen in Darfur. While signs of the ethnic cleansing were collected in December 2003 and the early part of 2004 by the U.S. government, the UN, and human rights groups, responses have been painfully slow.

The second lesson of Rwanda is that the perpetrating government should be barred from acquiring arms and receiving other assistance. In the case of Darfur, the UN Security Council resolution that the United States drafted called for placing an arms embargo and travel ban only on the Janjaweed militia. That would have been, if anything, purely symbolic. The militias are Arab nomads from an isolated region of Sudan; it is unlikely that many of them have cause for international travel. It is well documented that Khartoum outfits the militias with everything from arms to uniforms, food, vehicles, and satellite phones. Therefore, placing an arms embargo on this group, while ignoring the role of the government of Sudan, does little to inhibit the flow of arms to the region. While the United States repeatedly warned Khartoum that there would be no normalization of relations as long as the killings continued, European (with the exceptions of the United Kingdom and Germany) and African states, though significantly involved in the political process through the AU, have been less willing to criticize directly the government for its actions in Darfur. (The Rwandan government, however, has been incredibly vocal in signaling its concern for the civilians of Darfur and its willingness to protect them from physical attack in a peacekeeping role.)

Third, the Rwandan crisis was marked by a dispute over whether it constituted genocide. Article 2 of the Convention on the Prevention and Punishment of Genocide defines genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group.”⁶¹ Only well after the deed was done in Rwanda were the events labeled as genocide.

In the case of Darfur, the debate over genocide has been more of a distraction than a call to action. By June 2004, Physicians for Human Rights had labeled the events in western Sudan an “unfolding genocide.” Other human rights NGOs, however, were reluctant to use such language. On July 22, 2004, the U.S. Congress unanimously passed a resolution declaring that the government of Sudan was committing genocide in Darfur. The international community remained cautious—to the point of avoiding the word altogether. On September 16, however, EU parliamentarians urged Sudan “to end impunity and to bring to justice immediately the planners and perpetrators of crimes against humanity, war crimes and human rights violations, which can be construed as tantamount to genocide.”⁶²

On the American side, the U.S. Department of State’s legal team spent much of the summer looking into the use of the word. Responding to charges of avoiding the term, Secretary of State Powell responded, “It doesn’t matter. We would still be doing what we are doing.” On September 9, Powell finally announced his determination that genocide had taken place and may still be taking place and that both the Khartoum government and the Janjaweed militia “bear responsibility.” However other countries did not welcome the U.S. announcement. China threatened to veto a U.S. proposed resolution to create a UN commission to investigate whether genocide has taken place, though it backed off that threat and instead abstained. Pakistan said that the U.S. determination had “prejudiced” any such inquiry.⁶³

African counterparts are no more eager to use the word. As late as July 2004, Sam Ibok, director of the Peace and Security Division of the AU, did not find genocide the

appropriate label, saying, “We cannot describe what has happened in Darfur as genocide, but it has the potential of deteriorating or degenerating into something quite serious.” Further, he said, “We also believe that there has not been any detailed investigation to make a pronouncement one way or the other.”⁶⁴

The debate over whether genocide has occurred may well have spurred some of the high-level reaction to the crisis. However, if the debate over genocide paralyzes international actors rather than galvanizes them, then perhaps a review of the convention is in order. The focus should be on preventing genocide, which is called for in Article 8, not defining it. There was ample information that the situation in Darfur consisted of massive human rights violations, ethnic cleansing, and at least the threat of genocide. That should be sufficient for action, not cause for endless debate. Unfortunately, there is no established mechanism in the convention for determining whether genocide has taken place. That leaves both the substantive and the procedural questions open to debate and delay.

Fourth, the Rwandan genocide raises the question of whether prompt military intervention could have averted at least a good deal of the killings. Darfur presents a different lesson. Military intervention, though called for by many human rights advocates, would be difficult and possibly futile in Darfur. The terrain is forbidding—immense, spartan, and in the rainy season almost impossible to navigate. There are 147 camps of displaced persons scattered over this territory. The enemy is composed of small bands, on horse or camelback, or sometimes in light trucks or jeeps. The odds of foreign troops successfully hunting down and disarming such bands are low. Finally, if such intervention occurred in the face of Sudanese government opposition, it could lead to a long drawn out battle of the kind that neither the UN nor other peacekeepers relish. The reality is that the best role for foreign military troops would be to guard the camps, at least the larger ones, to defend them from further attacks, and, in the event of a political settlement, to provide for the safe and voluntary repatriation of displaced villagers. For this reason, the AU offers the international community the best possibility for bringing some order into the situation. Rapid and generous support for AU deployment should be a priority.

Given the limits on military options, the strongest and likely the most potent weapon the international community could deploy in the Darfur crisis would be sanctions—sanctions that would have real impact on the government. That would include not only travel restrictions, freezing of assets, and an arms embargo, but also at least the threat of an oil embargo. Because such sanctions appear beyond what the Security Council will consider in this case, these sanctions, should they be necessary, may have to be imposed unilaterally or regionally.

Finally, Rwanda raised the question of the limits of sovereignty and the responsibility of the international community to protect civilians when a state does not. Secretary-General Annan has spoken of the responsibilities of sovereignty and the right of the international community to intervene when a state shirks that responsibility. There have been conferences and reports on “the responsibility to protect.”⁶⁵ The UN has shown an increased capacity to undertake peacekeeping operations and to authorize military action to stop gross human rights violations, as in Congo and East Timor. But when conflicting political considerations arise, as in the case of Sudan, there is still no clear line of responsibility and no clear answer of where the power lies to act in defense of those being victimized.

Unfortunately, the effectiveness of leadership by the United States—clearly the most active government on the Darfur crisis—has been hampered by fallout from the war in Iraq and the war on terrorism. Sudan energetically lobbied Arab and African governments to resist American pressure on this issue, describing such pressure as part of a general attack on Islam and, in the case of Africans, as a means to diminish Africa’s role. The Muslim Brotherhood in Sudan issued press releases attributing U.S. interest to a range of motives, including increasing U.S. leverage over Egypt, crushing Sudan’s Islamic government, keeping Sudan dependent on U.S. food aid, and providing an opportunity for U.S. military intervention. Arab media, especially government media, picked up on these themes. Egypt’s *Al-Ahram* published a long analysis of Darfur which envisioned U.S. interest as part of a plan to gain access to both Chadian and Sudanese oil. Egypt’s *Al-Ahbar* wrote that Darfur was a “small problem” that the Sudanese government could resolve in twenty-four hours “were it not for the interference of foreign forces which aim at the disintegration of Sudan.” Syria’s *Al-Ba’ath* suggested that the

crisis had been fabricated by the United States to pursue its oil interests. Sudanese leaders traveled abroad to spread the same ideas.⁶⁶ The impact of this campaign could be felt in the muted Arab reaction to the Darfur crisis and Arab and African resistance in the UN to tough actions against the Sudanese regime.

CONCLUSION

The crisis in Darfur reveals that, despite all the promises since Rwanda that such a catastrophe would not be allowed to happen again, the international community still lacks the institutions, procedures, and political unity necessary to respond in a timely way. The global response to rapidly developing conflicts is still the same: painfully and tragically slow.

There is no recognized authority that can document and alert the international community to an emerging crisis before it becomes massive. As this report makes clear, there was no shortage of information about the Darfur crisis, its humanitarian and human rights dimensions, and its portending of genocide. But responsibility for alerting the international community and mobilizing it to action was divided between the UN Human Rights Commission, which is rife with political limitations; the UN undersecretary general for humanitarian affairs, which lacks authority to address the political dimensions; the secretary-general, which acted relatively late in this case; NGOs, which were active early on but lack governmental authority; and individual governments, especially the United States.

There is also no authorized way to determine whether the genocide convention should come into play, leaving that determination to individual countries, advocates, and legislatures. This profusion of responsibility allowed those countries and institutions so inclined to dispute the facts and to question the political motives of advocates. Only as the reports and realities became overwhelming was international consensus reached, at least on the humanitarian dimensions of the crisis.

There is still insufficient response capability in the international community for rapid response to crises of this magnitude. The number of such crises has overwhelmed the humanitarian world. Demands in Iraq, Afghanistan, Liberia, Sierra Leone, the Democratic Republic of the Congo, and elsewhere already occupy many of the NGOs and staff trained and experienced for this kind of work. While staffing for Darfur has tripled in the past few months, there are only about thirty NGOs and international agencies operating there.

Difficulties of terrain have added to the problem. It takes three months for food to travel from the Cameroonian port of Douala to the Chadian border. Access to Sudan, made so difficult by the Sudanese government, has, of course, also been a major inhibiting factor. As relevant as these factors are, they are nevertheless likely to be more present than not in these situations, and the international community has to organize accordingly. There is less excuse for the funding shortfall. Of the \$531 million requested by the UN for the Darfur crisis, only slightly more than 65 percent has been provided.⁶⁷

Moreover, the primary international instrument for political and military reaction, the UN Security Council, cannot be counted on to respond to such a crisis free of conflicting political interests, which can paralyze the international community when it comes to imposing sanctions or other harsh measures. In a telling example, the Russian Federation completed the sale of Antonov supply planes (the same planes used to bomb African villages in Darfur) even as Security Council members deliberated over how to address the crisis. Regional organizations were marginally better but lacked both the political weight and the resources to act rapidly or effectively. The AU is proving to be the only vehicle for mounting a minimal protective force, but it awaits donor funding and logistical assistance to get a reasonably effective force on the ground.

Efforts by the United States, the European Union, and African states to end the long civil war between the North and South in Sudan pushed the emerging Darfur crisis to the margins. International actors also failed to focus on the complex political factors that underlie the crisis and that would have to be addressed as much as the humanitarian ones. The issues raised by Darfur go to the very heart of the future of the Sudanese state. Indeed, the Naivasha accords, so close to resolving the North-South war, are in limbo until these fundamental issues can be addressed. Furthermore, the political fall-out from the Iraq war and the war on terrorism worked against the United States in its efforts—the most active of any government—to mobilize a stronger international response to the crisis.

Finally, and most importantly, the “I can’t believe it is genocide” syndrome prevents a more vigorous and rapid reaction to crises involving widespread government-sponsored crimes against humanity and war crimes. Based on the recent history of the government of Sudan—especially the atrocities committed during the civil war with the

South—there should be no surprise or incredulity over the government’s actions in Darfur. While legal determinations about genocide are debated, and a steady stream of information is collected and analyzed, the international community must have a fitting response or innocent lives will be lost. When the international community knows what it needs to know to act, when civilian lives are being lost by the tens of thousands, and when the perpetrators and their sponsors are known, the realization must sink in that, without an international response, genocide will result.

RECOMMENDATIONS

Darfur

There is a conflict now between the expressions of moral outrage, charges of genocide, and threat of sanctions, on the one hand, and, on the other, the need to engage the Sudanese government and all the relevant parties in political negotiations, without which a resolution of the crisis is very likely impossible. The United States is leading the charge on the former; the AU is the only vehicle so far engaging on the latter. Both processes are relevant and justified. But unless these two processes can be made to work in harmony, the crisis will continue and the loss of lives will increase. Moreover, actions that drive the parties more into a corner or raise unrealistic expectations will not help either. Thus:

- Every effort must be made to reengage the parties in political negotiations. It may be necessary to broaden the discussions and to include representatives of other regions in Sudan and a broader set of political parties, because the issues are so fundamental to the future of the Sudanese state itself.
- To this end, the JEM and the SLA will need advice on strengthening their ability to articulate and to negotiate. Their lack of experience in this regard is a major factor in the breakdown of negotiations to date. African leaders will have to provide this assistance, and perhaps some European neutral experts can assist as well.
- The United States, while not backing off the charges of genocide and the threat of sanctions, must demonstrate understanding of the political issues that the government of Sudan perceives as fundamental. The United States must therefore signal its readiness to hold back on punitive actions if a serious political process begins.
- Agreement on a ceasefire, an end to further arming of militias, and obtaining greater access for humanitarian workers must of course be part of the

negotiations. But disarming the Janjaweed should not be the first order of business, as it is in current UN Security Council resolutions, simply because it is beyond the capacity or will of the Sudanese government outside of the prospects of a broader political agreement. That may be a distasteful conclusion, but it is better to focus on stopping the attacks and increasing aid than insisting on what is not now feasible.

- Proposals for a large UN peacekeeping force to disarm the militia and pacify the region are unrealistic and could lead to further turmoil, especially if done against the will of the Sudanese government. It would set the UN up for another failure—another Srebrenica or Ituri. Peacekeepers in the region can best be used to guard the camps of the displaced and, in the context of a political agreement, provide security for the repatriation of displaced villagers. That is what the AU is offering. At some point, the UN will have to assume responsibility for the cost, as it has done in previous cases—Côte d’Ivoire, Burundi—where the AU took the initiative.
- The United States and Europe are still not in full agreement on how to proceed on the political front, on humanitarian aid, or on how to balance the carrots of understanding Sudanese sensitivities with the sticks of sanctions and denunciations. Obtaining such agreement should be a priority of American diplomacy.
- The United States and the Europeans must thus work more closely with and provide more support to the AU. This includes diplomatic support in continuing or, when necessary, restarting negotiations under AU auspices, as well as logistical and financial support for the deployment of African monitors and peacekeepers.
- Finally, the massive amount of reconstruction assistance that must accompany any settlement should be recognized and offers to mobilize such aid made

explicit, as incentives to both sides. The displaced will be returning to a wasteland, where nearly everything will have to be rebuilt. But assistance should also be offered to address some of the long-term resource constraints that affect the largely Arab pastoralist population (not all of which is complicit in the violence) as well as the farming communities that have been the latest victims.

Beyond Darfur—For Future Crises

If the promise of “never again” is to have any real meaning, the following changes in international structures and attitudes must take place:

- The international community should establish and empower one entity that can assemble the relevant reports of an impending crisis—from governments, NGOs, and international agencies—and bring it to the attention of the international community as a credible and virtually unassailable report.⁶⁸ Ideally, that entity would be part of the UN. The truth is that the UN is ill-structured for this purpose and, even with all its humanitarian agencies and other assets, has been unable to achieve even this task. One way to meet this need would be to establish an ombudsman on behalf of threatened populations—as independent as the UN inspector general, protected from political pressures, with sufficient staff, and charged with this mission. That person might also be authorized to convene the parties to the Convention on the Prevention and Punishment of Genocide to deal with an emerging crisis and to take early, preventive action on the basis of the information assembled.⁶⁹
- Until, if ever, such a position is established, it will fall to individual governments to assemble such information and to press governments and international institutions to act. The United States carries a special responsibility in this regard because of its sophisticated intelligence, satellites, and other means of gathering information. However, the United States also carries a burden that an international entity would not have—that of being suspected, as Sudan has charged in this case,

of political motives. Mobilizing international support, through as many international entities as possible, is thus a critical need in any such situation.

- The various humanitarian and relief agencies—the UN High Commissioner for Refugees, the World Food Program, the UN Children’s Fund—must, in conjunction with donors, establish thorough plans for responding to major humanitarian catastrophes of this kind. There must be recognition that such catastrophes will very likely be repeated, that they will occur even as other demands are made on the international community, and therefore that special “surge” capacity must be put in place. There should be plans for communications, coordination, and deployment of and improvements in the UN Stand-by Arrangement System for response to political and humanitarian crises.⁷⁰ Donors, in particular the United States and the EU, must establish emergency drawdown funds that can be activated in such situations without further approval from national legislatures or other protracted processes.
- If the UN Security Council is unable to act in a timely and effective manner to address the political roots and protective aspects of the crisis, then concerned states, and the UN secretary-general, should appeal to whatever regional or sub-regional mechanism is available to mount a meaningful response. Individual countries or regional organizations should consider imposing their own sanctions when UN Security Council authorization is lacking.
- The UN secretary-general must be prepared to take a more forceful and active role in an emerging crisis of this magnitude. In the case of Darfur, the secretary-general relied too much on existing mechanisms and envoys. In the future, when such institutions, as described above, are inadequate to the job, he should be prepared to call an emergency session of the UN General Assembly or an urgent meeting of world leaders to address the crisis. Leadership counts in such crises.

- The failure of the international system to respond adequately and in a more timely fashion to the crisis in Darfur raises fundamental questions about the capacity and structure of the international system. The recommendations above are only partial, and some are hard to implement. In the wake of the failure of the UN Security Council to achieve unity of action on Iraq in 2002, the secretary-general appointed a High Level Panel on Threats, Challenges, and Change to review the capacity of collective security arrangements and to organize responses to contemporary threats and challenges. That panel has focused mostly on issues of war and peace. The Darfur crisis suggests that its focus should be as much or more on the capacity to prevent genocide.

Even if all this is done, each such crisis will prove unique, and that fact points to the need for some humility. As in Sudan, where the political complexities of the situation and the difficulties of the terrain worked against a rapid and more effective response, so too will such complexities arise in future cases. Not all can be saved. But better intelligence, better planning for the humanitarian response, and rapid and effective use of both international and regional organizations should reduce the death toll, surely below that in Darfur.

ENDNOTES

¹ Roger Winter, “Statement of Roger Winter, Assistant Administrator USAID, Testimony before the Committee on Foreign Relations Subcommittee on Africa, June 15, 2004; available at http://www.usaid.gov/press/speeches/2004/ty04065_1.html.

² The distinction between “Arab” and “African” groups in Darfur is more cultural (i.e., identification or non-identification with the Arab world, although both groups speak Arabic and practice Islam) than racial (the groups have a history of intermarriage and are both often dark-skinned). Since the late 1980s, however, Darfuris have commonly identified themselves along racial lines.

³ During the war with the South, the government had a well-crafted strategy of employing ethnic militias to fight the SPLA and its base—largely perceived as any group sharing the ethnicity of the rebellion. As African groups in the region rebelled against government policies and control, Khartoum increasingly turned to the Arab militias to quell uprisings among disgruntled factions. See International Crisis Group, *God, Oil, and Country: Changing the Logic of War in Sudan*, Chapter 5, for more details.

⁴ Hassan al-Turabi features prominently on Sudan’s political landscape as the founder of the National Islamic Front. Turabi is seen as a leading figure holding sway over Islamists inside and outside of the regime and having significant influence over groups like JEM. See ICG reports and *Africa Confidential*, Vol. 45, No. 9, and Vol. 44, No. 25.

⁵ The term “Janjaweed” is an amalgamation of three Arabic words for ghost, gun, and horse that historically referred to criminals, bandits, or outlaws. Since the crisis in Darfur, many African victims of attacks have used the term to refer to the government-supported nomadic Arab militias attacking their villages. The Sudanese government and members of the militias reject the name Janjaweed and appear to use the term to refer to criminals and outlaws. See “Sudan Arabs Reject Marauding ‘Janjaweed’ Image,” Reuters, July 12, 2004; Emily Wax, “In Sudan, ‘a Big Sheik’ Roams Free,” *Washington Post*, July 18, 2004; and Human Rights Watch reports.

⁶ While arming the Arab militias, the government disarmed African groups. Khartoum rewarded the Arab militias with political positions, financial gains, and arms, as they proved adept at repelling the SPLA and suppressing anti-government uprisings in the west. See International Crisis Group Africa Briefing, “Sudan’s Other Wars,” June 25, 2003, p. 11.

⁷ Rebel links to the SPLA appear to be merely sympathetic and tactical. Analysis by the International Crisis Group suggests that the SPLA encouraged Darfur insurgents as a “tactical means” to increase pressure on the government to conclude a more favorable peace deal at Naivasha. See ICG Africa Report No. 80, “Sudan: Now or Never in Darfur,” May 23, 2004. The SPLA insists it has no connection to the rebellion in Darfur—an assertion that the government of Sudan confirmed, despite its initial charge of collusion. See “Sudan’s southern rebels hit out at ‘military solution’ in western Darfur,” *Agence France Presse*, February 10, 2004.

⁸ According to *Africa Confidential* reports, the SLM/A gradually grew in 2000 in response to government repression of African groups. The group is led by Fur lawyer Abdel Wahid Mohamed Ahmed Nur. *Africa Confidential* also reports that JEM, a well-organized diaspora with strong links to Turabi, is the weaker force and is directed by Mohamed Hasher, a Zaghawa and onetime member of Turabi’s Popular Congress party. See *Africa Confidential*, Vol. 45, No. 9, and Vol. 44, No. 25.

⁹ Signed on July 20, 2002, the Machakos Protocol laid the groundwork for a comprehensive peace agreement to end the twenty-one-year-old civil war between the North and the South. See *Machakos Protocol*, July 29, 2002, available at http://www.usip.org/library/pa/sudan/sudan_machakos_07202002.html. The protocol established a series of rounds in Naivasha, Kenya, under the auspices of the Intergovernmental Authority on Development (IGAD) regional body to deal with major outstanding issues, one of the most critical being the status of the “three areas” (the marginalized areas of the Nuba Mountains, Southern Blue Nile, and Abyei). The three areas have a substantial ethnic southern population but are north of the 1956 North-South line.

¹⁰ Other northern peripheral regions like Darfur and the eastern states were not included in the Naivasha process. The three contested areas between the North and the South, the Nuba Mountains, Southern Blue Nile, and Abyei (the site of some of the war’s most intense fighting), however, had a forum within the talks to address their grievances.

¹¹ In its charter, the SLA claims it took up arms because of the government's policies of "marginalization, racial discrimination, and exploitation that had disrupted the peaceful coexistence between the region's African and Arab communities."

¹² The ceasefire established a Tripartite Commission, composed of five members each from the Sudanese army, the rebels, and the Chadian military, to monitor cease-fire violations and oversee an exchange of prisoners.

¹³ The official Sudanese daily *Al-Anbaa* quoted Bashir, "Our top priority will be the annihilation of the rebellion and any outlaw who carries arms" against the state. See "Sudanese president vows to annihilate Darfur rebels: report," *Agence France Presse*, December 31, 2003. Faced with the prospect of soldiers refusing to fight their own kin (as much as 40 percent of soldiers in the Sudanese Army come from Darfur), the government needed the Janjaweed to fill in where its own forces would not meet the task. See Emily Wax, "In Sudan, 'a Big Sheik' Roams Free," *Washington Post*, July 18, 2004.

¹⁴ UN Office for the Coordination of Humanitarian Affairs, "Consolidated Appeals Process (CAP): Revised Appeal for the Sudan Assistance Programme (ASSP 2004) Darfur Crisis," May 4, 2004.

¹⁵ Kofi Annan, Remarks of the Secretary-General, "Secretary-General Observes International Day of Reflection on 1994 Genocide," Geneva, April 7, 2004.

¹⁶ Statement by the President, "President Condemns Atrocities in Sudan," April 7, 2004, available at <http://www.whitehouse.gov/news/releases/2004/04/20040407-2.html>.

¹⁷ Saul Hudson, "U.S. Official Warns of 1 Million Deaths in Sudan," *Washington Post*, June 29, 2004.

¹⁸ Although the pace of the killings in Rwanda was rapid, there also was advance warning that the government and Hutu power elements were coordinating (e.g., stockpiling of weapons by paramilitary forces, increased propaganda against Tutsis on Radio Mille Collins, etc.) to carry out a genocidal plot.

¹⁹ Amnesty International Press Release, available at <http://web.amnesty.org/library/Index/ENGAFR540262003?open&of=ENG-SDN>.

²⁰ Amnesty International Press Release, "Sudan: Humanitarian crisis in Darfur caused by Sudan Government's failures," November 25, 2003.

²¹ Quoted in U.S. Congressional resolution passed on July 22, 2004. See concurrent resolution "Condemning the Government of the Republic of the Sudan for its attacks against innocent civilians in the impoverished Darfur region of Western Sudan," 108th Congress, 2d Session, H. Con. Res. 403, available at <http://thomas.loc.gov/cgi-bin/query/D?c108:5:./temp/~c108S2h0cP>.

²² Amnesty International Press Release, "Sudan: International community must act now to guarantee the protection of civilians," February 17, 2004.

²³ Letter cited in Ted Dagne, "Sudan: The Crisis in Darfur," June 16, 2004, Congressional Research Services Report for Congress, RS21862, p. 4.

²⁴ BBC News, "Mass rape atrocity in west Sudan," *BBC*, March 19, 2004, available at <http://news.bbc.co.uk/2/hi/africa/3549325.stm>.

²⁵ United Nations press release, "Sudan Envoy warns of ethnic cleansing as Security Council calls for ceasefire," New York, April, 2, 2004, available at <http://www.un.org/apps/news/storyAr.asp?NewsID=10307&Cr=sudan&Cr1=>.

²⁶ Bureau of Democracy, Human Rights, and Labor, *U.S. Department of State Country Reports on Human Rights Practices—2003*, February 25, 2004, available at <http://www.state.gov/g/drl/rls/hrrpt/2003/27753pf.htm>.

²⁷ See Human Rights Watch, "Darfur Destroyed: Ethnic Cleansing by Government and Militia Forces in Western Sudan," May 2004, Vol. 16, No. 6 (A), p. 40. Hereafter, HRW report, "Darfur Destroyed."

²⁸ Interview with Imam Abdullah, see HRW report, "Darfur Destroyed," p. 28.

²⁹ Human Rights Watch has copies of Sudanese government documents describing an official policy of support to the Janjaweed militia. Official stamps, seals, and/or letterhead of the authorities indicate the unquestionable origin of these documents. According to the group, they implicate a wide range of government officials, showing involvement at the highest levels of the state in conducting and organizing the activities that have resulted in the atrocities committed in Darfur. See Human Rights Watch Briefing Paper, "Darfur Documents Confirm Government Policy of Militia Support," July 20, 2004, available at <http://hrw.org/backgrounder/africa/072004darfur.pdf>. Also Human Rights Watch acquired a letter dated November 22, 2003, from the office of the governor showing how the government compensated the Janjaweed with monthly salaries (twice as much as those of soldiers of similar rank), homes, and cars. See HRW report, "Darfur Destroyed," p. 46.

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- ³⁰ HRW also reported that Janjaweed carry Kalashnikovs, G-3, and Belgique and in some cases drove army Land Cruisers (though their primary mode of transport is on horses or camels) and used the same Thuraya satellite phones as senior army officers. See Human Rights Watch, "Sudan: Darfur in Flames, Atrocities in Western Sudan," April 2004, Vol. 16, No. 5 (A), p. 23; hereafter, HRW report, "Sudan: Darfur in Flames."
- ³¹ See HRW report, "Darfur Destroyed," p. 24.
- ³² Sudan, a member of the UN Human Rights Commission, was in a position to manipulate the release of the report. The report was never officially released. It strongly condemned the government's abuses in Darfur, saying those actions might constitute crimes against humanity and war crimes. It is available at http://www.econsonline.org/back/pdf_reports/Nieuws/April/Undarfur.pdf.
- ³³ UN Commission on Human Rights. *Concerns Over Human Rights Situation in Western Sudan*, April 23, 2004.
- ³⁴ UN Commission on Human Rights, "Report of the United Nations High Commissioner for Human Rights and Follow-up to the World Conference on Human Rights: Situation of human rights in the Darfur region of the Sudan," May 7, 2004; hereafter, Human Rights Commission report.
- ³⁵ Human Rights Commission report, p. 6. The report also accuses rebels of committing human rights abuses such as using child soldiers. Human Rights Watch investigators also found boys as young as fourteen fighting with the SLA/JEM rebels. HRW report, "Sudan: Darfur in Flames," p. 36. Rebels may have tortured suspected informants and took sixteen humanitarian aid workers hostage—all were released unharmed. Human Rights Watch, "Briefing to the African Union Member States Third Summit of the African Union," July 2004, pp. 4–5.
- ³⁶ Human Rights Commission report, pp.16–17.
- ³⁷ Physicians for Human Rights, "Calls for Intervention to Save Lives in Sudan: Field Team Compiles Indicators of Genocide," June 23, 2004, p. 11; here after PHR report.
- ³⁸ "'Genocide Unfolding': Physicians Group Faults Sudan Government, Lack of World Response," All Africa Interview, June 23, 2004.
- ³⁹ Samantha Power, *"A Problem from Hell": America in an Age of Genocide* (Basic Books: New York, 2002), p. 551.
- ⁴⁰ Multiple sources cite the confluence of these constituencies as being the driving factor toward mobilizing U.S. engagement in the Sudanese process. The evangelical link is most often cited as the impetus motivating the Bush administration, however. See Sudan reports from ICG and Dina Esposito and Bathsheba Crocker, *To Guarantee the Peace: An Action Strategy for a Post-Conflict Sudan, a report of the Secretary of State's Africa Advisory Panel*, Center for Strategic and International Studies, January 2004.
- ⁴¹ Speaking with a reporter in July, Natsios said that USAID had had a presence in Darfur since 2003 and had been "spending money to prevent a catastrophe since last May." See United States Mission to the United Nations press release, "Remarks by Andrew Natsios, U.S. Agency for International Development on the Humanitarian Situation in Sudan, at the Security Council Stakeout," July 2, 2004.
- ⁴² See Natsios interview transcript, News Hour with Jim Lehrer, "Crisis in Sudan," June 24, 2004, available at http://www.pbs.org/newshour/bb/africa/jan-june04/sudan_6-24.html.
- ⁴³ Samantha Power describes United States responses to instances of mass killings as "conventional." See Neal Conan, "Situation in Sudan's Darfur province, predicting genocide," Talk of the Nation-NPR, May 19, 2004, interview with Samantha Power.
- ⁴⁴ Statement by President Bush, "President Condemns Atrocities in Sudan," Washington, DC, April 7, 2004, available at <http://www.whitehouse.gov/news/releases/2004/04/20040407-2.html>.
- ⁴⁵ UN Security Council, press release, "Press Statement on Darfur, Sudan," Council President, New York, April 2, 2004, available at <http://www.un.org/News/Press/docs/2004/sc8050.doc.htm>.
- ⁴⁶ The Council had previously issued a statement to the press on Darfur. See UN Security Council, press release, "Press Statement on Darfur, Sudan," Council President, New York, April 2, 2004, available at <http://www.un.org/News/Press/docs/2004/sc8050.doc.htm>.
- ⁴⁷ "The EU expressed deep concern with regard to the developments in Darfur, in particular the humanitarian situation there." See Government of Sudan, "EU-Sudan Political Dialogue Joint Communiqué," December 24, 2003, available at <http://www.reliefweb.int>.
- ⁴⁸ Colin Powell in an interview on Fox Special Report with Brit Hume, June 25, 2004.
- ⁴⁹ Joint Communiqué between the Government of Sudan and the United Nations on the occasion of the visit of UN SG to Sudan, 29 Jun–3 Jul 2004, available at <http://www.reliefweb.int/w/rwb.nsf/0/746b9fe7cd9b97d485256ec8001140ee?OpenDocument>.

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- ⁵⁰ Sudanese Foreign Minister Ismail later reneged on this agreement on August 8, 2004.
- ⁵¹ The United States currently has twelve unilateral sanctions in place against the government of Sudan.
- ⁵² Chadian involvement in the original rebellion, from sympathetic Zaghawas in Chad, strained Chadian-Sudanese relations. President Deby requested French troops for insurance. France assured Sudan that the troops would not cross the border into Sudan.
- ⁵³ United Nations Security Council Resolution 1556, July 30, 2004.
- ⁵⁴ Charter of the United Nations, entered into force October 24, 1945.
- ⁵⁵ “Sudan’s army calls UN resolution ‘declaration of war,’” August 2, 2004, *Agence France Presse*.
- ⁵⁶ “Sudan steps back from rejection of U.N. resolution on Darfur,” July 31, 2004, *Associated Press*.
- ⁵⁷ United Nations Security Council, “Report of the Secretary-General pursuant to paragraphs 6 and 13 to 16 of Security Council resolution 1556 (2004).” S/2004/703. August 30, 2004.
- ⁵⁸ United Nations Security Council Resolution 1564, September 18, 2004.
- ⁵⁹ Colum Lynch, “UN Put Sudan’s Sanctions into Play,” *Washington Post*, September 19, 2004.
- ⁶⁰ See Human Rights Watch, “*Rwanda: Lessons Learned, Ten Years after the Genocide*,” March 29, 2004, available at <http://hrw.org/english/docs/2004/03/29/rwanda8308.htm>.
- ⁶¹ Convention on the Prevention and Punishment of the Crime of Genocide, entry into force January 12, 1951.
- ⁶² The parliamentarian also noted the recent Russian sale of MIG warplanes to the government of Sudan and called on the UN Security Council to “consider a global arms embargo on Sudan.” See “EU lawmakers call Darfur crisis ‘genocide’, urge trials of militiamen,” *Agence France Presse*, September 16, 2004.
- ⁶³ Glenn Kessler and Colum Lynch, “U.S. Calls Killings in Sudan Genocide,” *Washington Post*, September 10, 2004.
- ⁶⁴ UN Integrated Regional Information Networks, “Sudan: African Union to send protection force to Darfur,” July 6, 2004.
- ⁶⁵ The International Commission on Intervention and State Sovereignty (ICISS) argued that states have a responsibility to protect their citizens and that when they fail to do so other states have an obligation to step in. See ICISS, “*The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*,” 2001.
- ⁶⁶ “Arab Media Discuss the Crisis in Darfur,” *Intellibridge Global Intelligence Solutions*, Washington, DC, August 13, 2004. “Arab Support for Sudan to resolve Darfur problem,” *BBC Monitoring Quotes from Middle East Arabic Press*, August 12, 2004. “West is Responsible for Darfur,” *Punch*, Lagos, Nigeria, August 31, 2004, p. 8.
- ⁶⁷ Report of the Secretary-General pursuant to paragraphs 6 and 13 to 16 of Security Council resolution 1556 (2004) S/2004/703, August 30, 2004, pp. 11–12.
- ⁶⁸ A somewhat analogous situation arose with the HIV/AIDS pandemic. For years, the different sources of data allowed for denial by affected countries and a limited response from the international community. With the establishment of UNAIDS in 1998, there was a credible, coordinated, and ultimately undeniable source of data documenting the awful dimensions of the problem—now more than twenty million deaths—which has helped galvanize the international community. Funding commitments today are more than 150 times 1998 levels.
- ⁶⁹ The UN secretary-general has appointed a special adviser to the UN to prevent genocide, former Argentine diplomat Juan Mendez. However, not only has the appointment received hardly any publicity, but the duties and responsibilities of the position also remain unclear.
- ⁷⁰ For further details on how to improve the stand-by and related procedures, see William J. Durch, Victoria Holt, Caroline R. Earle, and Moira K. Shanahan, *The Brahimi Report and the Future of UN Peace Operations* (The Henry Stimson Center: Washington, DC, 2003).

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