

## GENOCIDE IN DARFUR : 2003 TO 2006

It would be best to begin at the beginning, and that is with the 1948 United Nations Convention on Genocide (formally, the Convention on the Prevention and Punishment of the Crime of Genocide). It was adopted by the UN General Assembly on December 9, 1948, and entered into force on January 12, 1951. The first three articles of that Convention read as follows.

### Article I

The Contracting Parties confirm that genocide whether committed in time of peace or in time of war, is a crime under international law which they undertake *to prevent* and *to punish* (author's emphasis).

### Article II

In the present Convention, genocide means 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.

### Article III

The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

Keep in mind the components of Articles II and III, and note that there are no quantitative thresholds set for the behaviors listed under Article II.

The events in the Darfur province of Sudan occurred following nearly a dozen continuous years of genocidal events or massive human mortality in intra-state conflicts. One followed the other: Somalia in 1990 to 1993, Bosnia in 1992 to 1995, Rwanda in 1994, the Democratic Republic of the Congo, 1998 to 2003. Cumulative mortality in these events was approximately 5.5 million people. Despite this

horrendous cost in human lives, but even more, despite the repeated “lessons learned” after each of these, the record of incomparable ineptitude of the international response in each case, the post-hoc apologies by heads of state and the United Nations Secretary General, the states and international organizations sat by and watched the next Genocide take place in Darfur between 2003 and 2006. In contrast to the immediately preceding events in the Congo, Darfur was extensively reported almost from its beginning, and took place in full view and in slow motion over a period of three years.<sup>1</sup>

For nearly three years, a repeat of the events in Rwanda and in the Congo has been taking place in Darfur, the western province of Sudan bordering on Chad. The province is the largest in Sudan, described as being the size of France. With Sudanese government assistance and collaboration, including units of the regular Sudanese armed forces and bombing raids by aircraft, local Sudanese Arab militias called “Janjaweed” (or Janjawid) have been carrying out a central government policy of massacring black villagers in Darfur. By early 2006 the death toll had reportedly reached between 300,000 and 400,000, and over two million people have been displaced from their home areas. The displaced population is kept surrounded in what are in effect concentration camps, are regularly attacked within these camps, and are held without assured access to food or water. In a BBC interview on March 29, 2004 the United Nations Sudan Coordinator, Mukesh Kapila, described the situation in Darfur as similar in character, if not in scale, to the Rwanda genocide in 1994: “This is ethnic cleansing. This is the world’s greatest humanitarian crisis, and I don’t know why the world isn’t doing more about it.”<sup>2</sup> Jan Egeland, the UN Undersecretary General for Humanitarian Affairs concurred, accusing the armed groups supported by the Sudanese government of using “scorched earth tactics,” deliberately destroying food and humanitarian supplies, and attacking refugee centers in a program of “systematic depopulation. I consider this ethnic cleansing.”<sup>3</sup> Sudanese forces and the Janjaweed militias followed the same policies that the Sudanese government had used in the previous decades in the south of the country “attack[ing] with unremitting brutality. Scorched earth, massacre, pillage and rape were the norm.”<sup>4</sup> The Arab militias attacked refugee camps across the border in Chad by early 2004, and in February–March 2006, Sudanese operations along the border with Chad threatened to extend warfare into Chad, as the Sudanese government recruited and armed Chadian insurgent groups.<sup>5</sup>

This is not the first time that the government of Sudan has either instigated or abetted conflict in a neighboring state leading to significant loss of life. From at least the early and mid-1990s until mid-2004 Sudan supported the insurgency by the Lord's Resistance Army (LRA) in Northern Uganda, by supplying arms, training, food, and bases of sanctuary inside Southern Sudan.<sup>6</sup> Early in 2006, the death rate in the LRA-Uganda conflict was reported as 7,600 per year.<sup>7</sup>

Early action by the African Union was minimal: it suggested sending a "fact finding" mission, although substantial and reliable information about what was taking place in Darfur quickly became widely available.<sup>8</sup> "Early warning" had also been available. An extensive and highly detailed chronology of the Darfur events produced by the Coalition for International Justice noted for the 1980s: "Drought and famine in Darfur in 1983–84; increasing struggle between pastoral groups and farmers over diminishing resources." For the late 1980s, it noted: "Fur-Arab War between Jebel Marra Fur communities and an alliance of 27 Arab tribes of the northern Rizeigat groups." Sporadic inter-tribal fighting occurred once again at the end of 1991, mid-1992, October 1996, and 1998 to 2001.<sup>9</sup> This history indicates the underlying tensions in the area which the government of Sudan exploited starting in 2003. The presumed leader of the current Janjaweed militias was quoted by a former governor of Darfur province as expressing gratitude in 1988 for "the necessary weapons and ammunition to exterminate the African tribes in Darfur," and in the mid-1990s a "slaughter of at least two thousand members" of one of the major "African" tribes did take place, followed in 2001 and 2002 by attacks on the villages of two other of these tribes.<sup>10</sup> Those being attacked were settled "African" agriculturalists. Those doing the attacking were more nomadic "Arab" cattle herders. In the decades-long civil war in southern Sudan the tribal groups being attacked were black and animist. In Darfur they were black, but they were Muslim, as were the attackers, and the villages of the two groups in Darfur province were essentially randomly intermingled. When the attacked villagers responded in mid-2002 and early 2003 by attacking Sudanese government garrisons, the government responded in the same way as it had done previously in the South: systematic, organized, deliberate genocide. Another excellent description of the genesis of the events was provided in a review of Gérard Prunier's 2005 book on Darfur:

The real trigger for the conflict was manufactured by Sudan's government with an assist from Libya's Moammar Gaddafi. For nearly all of its known history, Darfur had not been a binary society of African versus Arab: Its people belonged to a mosaic of tribes, all of them Muslim and all of them black. But in 1985, Libyan forces arrived in Darfur to deliver food aid and set about arming some nomadic tribes, who then became identified as "Arabs." The following year, Sudan's newly elected leader, Sadiq al-Mahdi, embarked on his plan to forge an "Arab and Islamic Union." By emphasizing the new central government's Arab identity, this policy led the government's provincial allies to be dubbed "Arabs" too. Thus was racial polarity constructed where none had previously existed.

The trigger still needed to be pulled, however. In 2003, two insurgencies that had risen out of many "African" agriculturalists' resentment of the Khartoum-backed "Arabs" reached critical mass, killing several hundred government troops in a series of raids and skirmishes. For a regime that had fought a civil war with Sudan's south for more than 20 years, this hardly counted as a major loss, but the reaction was ferocious. Precisely because the rebels were Muslim, they were more threatening to Sudan's rulers than their Christian and animist opponents. So long as the nation divided along religious lines, the Muslims would retain control, but a split within Muslim ranks could spell the end of the Khartoum elite's dominance. So the government responded by unleashing its Arab militia allies—not only against Darfur's rebels but also against the tribes from which the rebels drew support. The result was the butchering of fathers and the rape of mothers, the tossing of children into fires, the torching of villages and the poisoning of wells: this century's first genocide.<sup>11</sup>

By early 2004, the question of whether to label the events in Darfur "genocide" had been joined.<sup>12</sup> UN Secretary-General Annan "warned of Genocide." USAID Administrator Andrew Natsios stated that "there is a review going on right now of whether or not, from the U.S. government perspective, this [Genocide] is taking place..."<sup>13</sup> Two U.S. Senators, John McCain and Mike DeWine, editorialized that "It's Happening Again," but could not manage to utter the word.<sup>14</sup> The NGO organization Physicians for Human Rights choked on it as well, offering that "a 'genocidal process' is unfolding in western Sudan."<sup>15</sup> Early in April 2004, speaking on the occasion of the tenth anniversary of the genocide in Rwanda, UN Secretary General Kofi Annan stated that if the Sudanese government and militia operations did not end he felt certain that the UN Security Council would have to act. After reviewing five "lessons" from international inaction in 1994 in Rwanda, the fifth of which was "the need for swift and decisive action,"

Annan said in regard to the situation in Darfur province that

whatever terms it uses to describe the situation, the international community cannot stand idle...the international community must be prepared to take swift and appropriate action. By “action” in such situations I mean a continuum of steps, which may include military action.<sup>16</sup>

Unfortunately, harking back to the Canadian *Responsibility to Protect* report, Annan added that “the latter should always be seen as an extreme measure to be used only in extreme cases.” Paradoxically, in a major address in February 1998, Annan had argued that “the threat or use of force should not be regarded only as a last resort in desperate circumstances.”<sup>17</sup> In a further irony, Gareth Evans, the Co-Chair of the Commission that produced the *Responsibility to Protect* and now the President of the International Crisis Group, reported that even if the Sudanese government ceased the killing in Darfur immediately (in May 2004) an estimated 100,000 people would die in Darfur in the months to follow due to starvation caused by the Janjaweed attacks on villagers, which destroyed their homes, crops and livestock.<sup>18</sup> In subsequent months and years, the International Crisis Group was in the forefront of those calling for international action to halt the genocide—to no avail. Of course, the Sudanese military operations in Darfur did not end, and the Security Council neither took up the problem nor acted.<sup>19</sup>

Just one month later, by early June 2004, Evan’s estimate was already superseded. USAID Administrator Andrew Natsios estimated that even if the government of Sudan were to alter all its policies immediately—which it did not do—and permit massive aid inflows to the internally displaced in western Sudan, “as many as 320,000 of those might die in 2004.”<sup>20</sup> Instead the government of Sudan did everything it could to impede the delivery of aid to Sudanese ports, the delivery of aid in Sudan to the camps of refugees, and the entry of aid workers into Sudan. At a time when the world’s press and TV were full of photographs of the emaciated and dying refugees and estimates were that the first 20–30,000 people had already died, the Sudanese Foreign Minister denied that there was any hunger occurring and that hunger was being “imagined” by the media.<sup>21</sup> The Sudanese government also denied that it was aiding the Janjaweed. Natsios labeled the denial “utter nonsense.” Not only did Natsios publicly report that Sudanese military operations were continuing, but the United States took the unprecedented step of releasing satellite photographs to demonstrate that 300 out of 576 villages belonging to three black Sudanese tribes in Darfur province had been razed to the ground.<sup>22</sup> Just one week later, this number reportedly had reached 400 villages destroyed.<sup>23</sup> And in

November 2004, map information provided by the U.S. Department of State indicated that since the spring of 2003 629 villages had been destroyed and another 188 damaged out of a larger population of “African” villages, and that “at least 79,000 Africans killed.”<sup>24</sup> UN and NGO aid personnel reported that homes were burned and destroyed, crops and animals were destroyed, village irrigation systems were destroyed, and wells were poisoned by dropping dead animals into them. The satellite photographs clearly showed that the intermingled villages belonging to the attacking Arab militias were untouched. Systematic rape of the internally displaced women both in and outside of the camps was also widely reported and has never ceased up to the present time.<sup>25</sup> Nevertheless, the U.S. government was still at this time reviewing whether the term “genocide” could be applied to the situation.

In the last week of June 2004 UN Secretary-General Annan and U.S. Secretary of State Powell traveled to Sudan’s capital to pressure the Sudanese government.<sup>26</sup> The Sudanese government completely removed the refugees from the camp that Annan was to visit before he arrived at the site, and showed Powell—in time-honored “Potemkin” style—a model camp that was functioning properly.<sup>27</sup> Given the circumstances surrounding the U.S. and UK involvement in Iraq in 2004 it was inconceivable that these countries would become engaged in the situation in Sudan, and Secretary Powell rejected the suggestion that a peacekeeping force be authorized by the UN Security Council. “The solution has to rest with the [Sudanese] government doing what’s right ... [the] government to provide the security that these people need.” On the very day in July that Sudanese aircraft bombed and helicopter gunships attacked villages, Powell “said that he had given the Sudanese a timetable of specific tasks to be fulfilled within days or weeks; otherwise the international community would consider tabling a UN resolution condemning Sudan’s actions.”<sup>28</sup> Sudanese officials promised to “cooperate” with the UN and with the United States.<sup>29</sup> It was difficult to assume that this ambiguous sanction would much impress a Sudanese government that made and undid analogous promises over and over again in its genocidal war in the preceding decades in Southern Sudan—unless it considered its military operations in Darfur province completed to its own satisfaction. Sudanese President Omar el-Bashir had already “ordered” the disarmament of the Janjaweed two weeks earlier on June 19, 2004. And the Sudanese government had made a similar promise to “neutralize” the Janjaweed militias as part of a ceasefire agreement on April 8, 2004. But the government

disregarded the ceasefire, and the Janjaweed continued destroying African villages.<sup>30</sup> The Sudanese government correctly felt confident of its ability to drag out the process in the coming months and years, and suffer no penalty and no impediment to continuing genocide. UN Secretary-General Annan informed African Union leaders that “urgent action” was needed in Darfur, and so the AU, which heretofore had not even provided an interposition force on the border between Chad and Sudan, now proposed sending a “protection force” of all of 300 men.<sup>31</sup>

By this time, one million people had already been internally displaced, 130,000 had fled to Chad, and at least 30,000 were reportedly killed.<sup>32</sup> Nevertheless, not a single African country supported military intervention despite the fact that the African Union has a constitutional commitment to intervene in a member state in the face of war crimes, genocide, or crimes against humanity. The chairman of the African Union, Nigeria’s President Obasanjo, claimed that the minute AU force “will protect civilians as well as peace monitors and humanitarian workers,” and that it would be “a protection force.”<sup>33</sup> Jan Egeland, the United Nations Under-Secretary-General for Humanitarian Affairs, offered the opinion regarding the janjaweed militias, that “I believe they will start to demobilize, and we will very clearly speak out if we do not see such disarmament.”<sup>34</sup> Two days later, a UN spokesperson reported that “Armed men, some in military uniform, have continued to attack . . . clearly marked convoys of humanitarian workers in . . . Darfur region.”<sup>35</sup>

Early in July, the U.S. circulated a draft Security Council resolution “that would impose immediate sanctions on the government-supported militia, known as the Janjaweed, and would leave open the possibility of tough measures if they did not take significant steps to halt the violence after 30 days.”<sup>36</sup> When UN Secretary-General Annan was asked why, “There are no teeth in the Security Council resolution, and there seems to be no teeth elsewhere,” he replied that “The Council is fully seized of this . . . unless the Sudanese do not perform, the Council I am sure will take action—and action that will go beyond what is in the current resolution.”<sup>37</sup> When he had been in Sudan in June, Annan had expressed a rather different opinion: “Tactically, I think it is better not to rush into a resolution, but to hold it over their heads.” The journalist attributed to Annan the opinion that “The world is not prepared to send troops to intervene,” and added that “once the Council has played the sanctions trump card, there is no leverage left.”<sup>38</sup> Human Rights Watch reported

that it had obtained Sudanese Government documents “showing that Sudanese government officials had directed the recruitment, arming and support for Janjawid militias.”<sup>39</sup>

The press reported that Sudanese refugee camp commanders were closing refugee camps and forcing the refugees “into the torched countryside, where there is no food, no protection and no foreign witnesses,” and that the government was “obstructing humanitarian access to the camps, denying aid workers visas, impounding their equipment in customs.” NGOs reported that the janjaweed militias had added poisoning of water supplies and destroying crops to their burning of villages and looting.<sup>40</sup> With all this, the European Union finally also called for sanctions. The Dutch rotating EU President said that “They know very well the threat of sanctions is imminent if they don’t comply. We have made that crystal clear to them,” and that “It’s almost certain the international community will take further measures if the situation does not improve.” German Foreign Minister Fischer agreed that Sudan should face international sanctions if it did not disarm the janjaweed, and the French Foreign Minister visited Darfur, Chad, Senegal and South Africa “to show French support for African Union efforts to effect a cease fire.” The Sudanese Foreign Minister traveled to The Hague and “insisted that his country would prosecute the militias,” although denying that the attacks amounted to genocide. In Khartoum, the President of Sudan claimed that “The international concern over Darfur is actually a targeting of the Islamic State of Sudan, and Sudanese officials stated that they would reject any (UN) “military” mission.<sup>41</sup>

However, eight of the fifteen members of the UN Security Council objected to the explicit use of the word “sanctions” in the resolution, and the U.S. agreed to the deletion of the word in order to obtain a thirteen to zero vote for a resolution which maintained “an implicit threat of diplomatic and economic penalties if Sudan fails to disarm militias in Darfur within 30 days.”<sup>42</sup> Sudan’s UN ambassador had lobbied all month to persuade different regional groupings to oppose the imposition of sanctions with the result that the Organization of the Islamic Conference (OIC) and the African Group and the UN formally requested the Security Council not to impose sanctions. To the OIC and the Arab Group the ambassador argued that the United States was vilifying Muslims. To the African Group he argued that Security Council sanctions were a means to undermine the influence of the African Union and its mediation



efforts. “Let’s not be hasty. Let’s give the Africans a chance to prove we can solve our own problems. . . . This is a test case for the African Union. Their success in this case will bring them credibility and success in other issues.”<sup>43</sup>

On the day before the UNSC vote the press reported that “Arab militias chained civilians together and set them on fire in Sudan’s Western Darfur Region . . . according to a report by an African Union monitoring team.”<sup>44</sup> On July 30, 2004, the UN Security Council passed Resolution #1556, promulgated under Chapter 7 of the UN Charter. In its preambular paragraphs the resolution “Determin[ed] that the situation in Sudan constitutes a threat to international peace and security and to stability in the region.” It “demand[ed] that the Government of Sudan fulfil its commitments to disarm the Janjaweed militias and apprehend and bring to justice Janjaweed leaders and humanitarian law violations and other atrocities...” It gave Sudan 30 days to stop janjaweed attacks and “express[ed] its intention to consider further actions under Article 41” of the UN Charter, implying the potential of economic and diplomatic penalties. It also required the UN Secretary-General to report “progress or lack thereof by the government of Sudan . . . in 30 days, and monthly thereafter.”<sup>45</sup> China and Pakistan abstained, arguing that Sudan needed more time to stop the killings. A Human Rights Watch official noted that “Khartoum has zero credibility left when they say ‘Give us more time.’ They have played the international community for fools over and over, and have used every ceasefire and every diplomatic initiative to continue the killing.” The U.S. Ambassador proclaimed that “the Council’s intention to impose sanctions was clear.”<sup>46</sup>

The UNSC resolution also imposed an arms embargo on all non-government forces in Darfur, and in March 2005 it expanded the embargo to include government forces as well. However, in April 2006 a panel of United Nations experts advised the UN Security Council that

the government of Sudan continues to violate the arms embargo by transferring equipment and related weapons into Darfur; supplying some militia groups with arms and ammunition; and providing support to militia groups in their attacks against villages. . . . The absence of strong and decisive sanction measures for violation of the ceasefire . . . has contributed to the ongoing violations, as parties acts with relative impunity.<sup>47</sup>

Russia and China continued to supply arms to Sudan, despite the prohibition on arms transfers in the UNSC resolution. Of course, the Sudanese government never

disarmed the janjaweed militia. Janjaweed attacks continued all through 2005, and between November 2005 and April 2006 Sudanese government military forces, including aircraft, and janjaweed militia carried out a joint campaign against villages in Southern Darfur.<sup>48</sup>

In a response pattern that became standard, the Sudanese government first stated that it rejected the UNSC resolution: “Sudan expresses its deep sorrow that the issue of Darfur has quickly entered the Security Council and has been hijacked from its regional arena.”<sup>49</sup> Sudan also organized a protest in the Sudanese capital of Khartoum by 100,000 people to protest the UN action.<sup>50</sup> Simultaneously it reached an agreement with UN Special Envoy Jan Pronk on August 4 on “a plan to begin disarming Arab militias in the next 30 days.”<sup>51</sup> Pronk ridiculously rewarded Sudan on the following day by stating that the Sudanese government had halted militia attacks.<sup>52</sup> While the U.S. Congress passed declarations labeling the events in Darfur as “Genocide,” stipulating exactly which of the provisions of the United Nations Genocide convention had been violated in Darfur,<sup>53</sup> a European Union mission in contrast returned from the area saying that “it had found no evidence of genocide.”<sup>54</sup> Western press reporting and editorials throughout this period and for many months to come was plentiful, vigorous, and explicit—providing detailed descriptions of what was taking place on the ground and condemning international inaction.<sup>55</sup> Later in 2004 the European Union Parliament still stopped short of endorsing the word but inched a bit further, describing the events in Darfur as “tantamount to genocide.”

By the end of the 30 days, of course nothing had changed,<sup>56</sup> but Russia, sitting as rotating President of the UN Security Council, opposed any threatened sanctions, which reportedly “reflected a majority view . . . at this time.”<sup>57</sup> The pattern of action developed by the Sudanese government was to do everything that it could diplomatically at the last moment to diffuse and water down whatever international action was being contemplated, marshal its supporters on the UN Security Council and perhaps offer a minimal concession sufficient to ward off sanctions, and then totally disregard any provisions that had been applied or that it had agreed to.

Early in September 2004, the first reports appeared that United Nations officials had drawn up plans for an expanded AU force of around 4,500 troops to protect refugees.<sup>58</sup> Rwanda and Nigeria had contributed the 300 monitors for a ceasefire which did not exist, and only the same two countries and Tanzania initially offered

troops for the projected force of 4,500.<sup>59</sup> At the same time the United States resolved its internal policy discussion begun in June, with testimony by Secretary of State Powell to the U.S. Senate that “the United States viewed the killings, rapes and destruction of homes in the Darfur region of western Sudan as Genocide.” The U.S. Department of State released a report based on its own investigations supporting the charge.<sup>60</sup> Powell called on the UN Security Council “to recognize that the situation required urgent action.” The UN Secretary-General’s press spokesman noted that the statement “could be viewed as tantamount to invoking Article 8 of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide—the first time that any nation had invoked that provision calling on the United Nations to take action.”<sup>61</sup> President Bush also referred to “ongoing genocide” while speaking at the United Nations at the end of the month.<sup>62</sup> Secretary-General Annan’s office was perhaps voicing its hopes, but late in 2004 the U.S. Department of State’s senior representative on Sudan, Charles R. Snyder, told a *Washington Post* reporter that “the word ‘genocide’ was not an action word; it was a responsibility word.”<sup>63</sup> The reporter noted that “Perhaps most counterproductive, the United States has failed to follow up with meaningful action. . . . And Sudan’s government has used the genocide label to market itself in the Middle East as another victim of America’s anti-Arab and anti-Islamic policies.” Speaking to the BBC as late as May 2006, ministerial-level Sudanese officials openly laughed at and derided the designation of genocide.

Although Powell also stated that “no new action is dictated by the [genocide] determination,” on the very same day the United States distributed a draft UN resolution that threatened “consideration of sanctions on Sudan’s oil industry if Khartoum fails to stem violence in the Darfur region of Sudan or blocks the deployment of thousands of African monitors.”<sup>64</sup> The Nigerian AU Chairman sent a letter to the Security Council stating the AU’s “intention to send more troops to do ‘proactive monitoring.’ The actual number could range from 3,000 to 5,000. Their mandate will be negotiated, but could include protecting refugees, disarming the janjaweed . . . and assuring the delivery of aid supplies,” and UN Special Envoy Pronk stated that “sanctions were a last resort whose time had not come.”<sup>65</sup> The World Health Organization stated that death rates in the refugee camps were actually rising at this time. Their estimates were between 6,000 and 10,000 people per month, a rate which implied 72,000 to 120,000 deaths per year.<sup>66</sup> Nevertheless,

once again the resolution, UNSC 1564, omitted the word “sanctions” and passed, this time with China, Russia, Pakistan, and Algeria abstaining.<sup>67</sup> Reportedly at the request of UN Secretary-General Annan, the resolution also called for establishing a commission to investigate whether the atrocities in Darfur met the legal definitions of Genocide.

The Sudanese government’s response this time was varied and contradictory. The Foreign Minister claimed that the Darfur crisis was “a ‘smoke screen’ to hoodwink the international community.” He warned that disarming pro-government militias, if done hastily and carelessly, could cause a violent ethnic war: “if we are not cautious on that we will be igniting ethnic and tribal conflagration in the country.”<sup>68</sup> He also attributed U.S. policies to electioneering to obtain black and Jewish votes in the November elections. The head of the ruling government party argued that Sudan “would try to arrest the militiamen but emphasized that they were outside its control.”<sup>69</sup> Elsewhere the government had already claimed that it was incorporating militia members into its own security forces, which was consistent with NGO reports that in some cases janjaweed militiamen simply continued their attacks dressed in new military and police uniforms supplied by the Sudanese government, which even facilitated their entry into refugee camps.<sup>70</sup> Finally, the deputy speaker of the Sudanese parliament explained that “Sudan is not afraid of the threat of sanctions by the United States, which is using the crisis in Darfur to weaken and destroy the government of Sudan in a similar fashion in which they devastated Iraq and Somalia.”<sup>71</sup>

Obviously emboldened by its ability with the aid of China to hold off any serious UN Security council action, Sudan initiated a set of attacks on refugee camps in early November 2004, simultaneously forcibly relocating refugees from camps which were being monitored by African Union observers or at which NGOs were providing assistance. Sudan also blocked access to the refugee camps by UN organizations and NGOs, preventing the delivery and distribution of food, water, and medical assistance. Senior Sudanese government officials blandly denied these activities, even though they were filmed by BBC and shown internationally.<sup>72</sup> At the same time this was taking place, the Sudanese government and the groups fighting it in Darfur signed an accord in which the government agreed once again to disarm the janjaweed militias and, more significantly, to halt military flights over Darfur.

Additionally, “both sides agreed to reveal the location of their forces to African Union cease-fire monitors.” In a separate accord, the Sudanese government agreed “to allow free access to aid for the nearly 2 million people displaced.”<sup>73</sup> The blatant contradictions between commitments in “agreements” and actions on the ground and in the air over Darfur were typical.

In November 2004, yet another UN Security Council Resolution (#1574) was passed, this time unanimously, but for that reason it was a sharp regression. As in the perambulatory paragraphs of all UN Security Council resolutions, it began by “recalling” its relevant precedents, in this case UNSC Res. 1556 of July 2004 and 1564 of September 2004. Nevertheless, those paragraphs *omitted* the explicit demand in the previous two resolutions for Sudan to disarm and prosecute the government-backed janjaweed militias, and it omitted the language in both previous resolutions “that specifically threatened ‘further measures’ including the possibility of sanctions. Instead, it included a much milder warning to ‘take appropriate action against any party failing to fulfill its commitments’.”<sup>74</sup> China’s ambassador to the United Nations reportedly fought to weaken all three resolutions and obviously succeeded to the greatest degree in his third effort. China entered into extensive oil export agreements with Sudan during the 2003 to 2006 period of the genocide, and of course China holds veto power in the UN Security Council. Later in November, the UN General Assembly’s Committee on Social, Humanitarian and Cultural Affairs refused to vote on a resolution that denounced human rights violations in Sudan. The resolution not to vote was proposed by South Africa. U.S. Ambassador Danforth remarked that “one wonders about the utility of the General Assembly on days like this.”<sup>75</sup>

The end of 2004 saw the fulfillment of the worst fears—or beyond them—that one could have entertained in the spring and summer of that year. Duplicity by the Sudanese government continued at the highest diplomatic levels, together with no diminution of its organized campaign of destruction in Darfur. It was clear that the campaign against the overwhelming majority of the population of Darfur carried out by regular Sudanese military forces and irregular surrogates was intended either to kill them or by destroying their homes, possessions, crops, and livestock to force them to migrate. The purpose was to prevent any further demands for access to resources of the state and political power as had occurred as part of the peace

agreement that ended the 20 years of war in Southern Sudan. An NGO estimate of 300,000 dead appeared for the first time at the end of 2004. The estimate of deaths widely used by the press is unquestionably undercounted. It *excludes* deaths that occurred prior to March 2004, most killings and deaths in camps to which UN and NGO relief workers lack access, deaths in Darfur's three major towns as well as in isolated locations, and at times, deaths in camps in Chad. The figure of 200,000 dead (or at times "more than 200,000 dead") remained unchanged in the press and media all through 2005 and 2006, which is obviously implausible.<sup>76</sup>

Under the circumstances that no one was willing to send troops or aircraft even to the Sudanese border in Chad, and certainly not to go to war in order to stop the events in Darfur, nor to force Chinese and Russian vetoes in the UN Security Council, Sudan and the UNSC process together were able to make a mockery of UN Secretary-General Kofi Annan, of the African Union, and of U.S. Secretary of State Powell. All tolerated the deception and did nothing, or in the case of Annan, could do nothing. All the external parties essentially attempted to bluff Sudan into changing its policies, and in the event that failed, were prepared to do no more. The UN Secretary-General perhaps hoped to hector—or shame—the Security Council to action, but Annan must have understood as well as Sudan that Russia and China would not agree to that.

The narrative in the preceding pages of nearly a full year's events were provided in sufficient detail to demonstrate that the routine dithering and ineffectual manner of international politics has not the slightest chance of stopping a genocide. And due to a coincidence, Darfur virtually disappeared from international attention for a period of months. One press report noted that "stung by the charges of ineffectiveness over Iraq, Darfur, and other conflicts, the UN has thrown the majority of its resources into tsunami relief."<sup>77</sup> The international community put roughly \$7 billion into recovery assistance for the Indian Ocean region (and pledged a total of \$13.05 billion). Here none of the regional recipients were interested in impeding its arrival or use.<sup>78</sup> One thousand people were buried in a mudslide in the Philippines and here too a dozen countries sent rescue teams and tens of millions of dollars. In Sudan, the government was killing its own citizens at an apparent average rate of 1,500 to 2,000 people per week for two and one half years, but it was impossible to mobilize international intervention—and not even international sanctions.

In January 2005 on the 60th anniversary of the liberation of Nazi death camps in 1945, the UN General Assembly held its first-ever special commemorative session. The rhetoric was heavy, not least from the African General Assembly President, the Foreign Minister of Gabon. Secretary-General Annan noted recent past failures to stop genocide in Cambodia, Rwanda and former Yugoslavia, and that “terrible things” were now happening in Darfur. On the very next day, Annan was to release a report, the contents of which he obviously already knew, determining whether those “terrible things” constituted genocide. Speaking for the African states, the Special Envoy of Guinea, certainly without any intended irony, said that “The Africa Group hoped that the special session would serve as a framework for more intensive thinking on ways to draw lessons from the Holocaust, as well as to address genocide (and) human rights abuses.”<sup>79</sup> No one said that every delegate present, the UN Security Council and its permanent members in particular, and the African Union, were disgraced for having permitted yet another “again” to take place, with all the evidence of it visible and broadcast worldwide all year.

One day later, the report of the Secretary-General’s International Commission of Inquiry was released. Among its three assigned tasks, the second was “to determine also whether or not acts of genocide have occurred.” The report documented violations of international human rights law, incidents of war crimes by the government-supported janjaweed as well as the insurgents, and evidence of “crimes against humanity.” It stated that contrary to Sudanese government claims, “attacks carried out by Government armed forces in Darfur . . . were deliberately and indiscriminately directed against civilians.” It agreed that the government was supporting the janjaweed and that government air strikes and janjaweed raids were coordinated. But miraculously, it stated that “the Government of Sudan has not pursued a policy of genocide . . . directly or through the militias under their control.” If individual government officials committed “acts with genocidal intent,” the commission felt that was only “a determination that a competent court can make on a case by case basis.” However the commission stated that “International offenses such as the crimes against humanity and war crimes that have been committed in Darfur may be no less heinous than genocide.”<sup>80</sup> Be that as it may, the Commission’s non-finding regarding genocide can only be considered bizarre. Its assigned task was “to determine,” but it reported back that only a court could make such a determination. However, the massive evidence available unquestionably

demonstrates that at least four of the five criteria of Article II of the UN Convention on Genocide, as well as all five circumstances of Article III (see page 16 of this study), occurred in Darfur, making the determination an extremely simple one.

The Commission was composed of five individuals: its chairperson from Italy, and the other members from Egypt, Pakistan, South Africa, and Ghana. The distribution is clearly non-random among UN member states. Two are members of the Organization of the Islamic Conference, and Pakistan in particular constantly opposed any Security Council pressure on the government of Sudan. Three are members of the African Union, and as noted previously, South African diplomacy had been unhelpful at the end of November 2004. The preparation of the Commission's report was carried out by the United Nations Office of the High Commissioner for Human Rights, and contains extensive detailed documentation in its 176 pages. However, responsibility for the non-determination of genocide must be attributed to the five members of the Commission.

One month later, almost to the day, several examples of an archive of thousands of photographs and reports gathered by African Union monitors was leaked to the press. One was a document dated August 2004 obtained from a janjaweed official that explicitly outlines the Sudanese government's program for genocide: It called for the "execution of all directives from the president of the republic. . . .Change the demography of Darfur, and make it void of African tribes." It encouraged "killing, burning villages and farms, terrorizing people, confiscating property from members of African tribes and forcing them from Darfur."<sup>81</sup> The document was judged to be authentic by the AU, and given the description in

its report of how the Commission went about its work, the entire archive must have been available to it. In March Human Rights Watch released an interview with the senior janjaweed leader, identifying the Sudanese military chain of command that provided him with his orders and commanded his units in the field.<sup>82</sup> And in the following month an ex-U.S. Marine captain, one of three U.S. military observers assigned to the African Union's observer force between September 2004 and February 2005, released his own photographic documentation of burning villages in Darfur taken from low-flying helicopters and on the ground.<sup>83</sup> These photographs would presumably also have been in the AU documentation archive available to the



Secretary-General's Commission. At that moment Sudan was also blocking a UN team from visiting Sudan to make a new estimate of mortality levels.

In a press conference in April 2006 dealing largely with Darfur, Juan Mendez, the UN Secretary-General's Special Adviser on the Prevention of Genocide, argued that the "discussion of whether something constituted genocide or not had been 'sterile and paralyzing.' . . . [He] did not believe that just calling the situation [in Darfur] genocide would help. . . .the element of intent, of whether it was genocide or not, should be left to a court of law—the International Criminal Court." He reiterated that "in legal terms, it was not only genocide that required the international community to act. The International Commission of Inquiry had stated that war crimes and crimes against humanity also required the international community to act."<sup>84</sup>

For the purpose of this monograph, the same detail in the narrative of events at the United Nations and in Darfur for the remainder of 2005 and 2006 is not necessary. The points are clear, remorseless, ugly, and indisputable. The parallels with the previous case studies are obvious. A *New York Times Magazine* cover on April 2, 2006 read "The U.N. is not going to stop the genocide in Darfur. The African Union is not going to stop the genocide in Darfur. The US is not going to stop the genocide in Darfur. The European Union is not going to stop the genocide in Darfur."<sup>85</sup> Arab nations disregarded genocide of a Muslim population by a Muslim state. The African Union continued to accommodate Sudan with the policy of "African Solutions for African Problems," and would not and could not by itself upgrade its force in Sudan to protect rather than just to monitor. And as long as Sudan's permission remained necessary for any changes, they were obviously out of the question, since such changes were not going to be accepted by Sudan. Monitoring meant recording and reporting events to the AU, a documentary record that was never made public and was only rarely leaked.

Samantha Power asked: "The real question—on Darfur and on atrocity prevention in general—is: Where are the Europeans? Where is the public pressure in various European countries? Why don't they mobilize? Why don't the French or the Belgians—with their guilt over Rwanda—harness that guilt to do more for Africa today?"<sup>86</sup> The U.S. and U.K. militaries were occupied in Iraq and Afghanistan. Canada and German claim that they have all the troops that they can spare in Afghanistan, a dubious claim at least for Germany. France was strongly opposed to

European units going to Darfur despite the fact that it had contingents of its own military forces based in Chad. France rejected informal suggestions that its aircraft based in Chad monitor the “no flight” prohibitions against Sudanese government helicopter gunships and strike aircraft. At least some other NATO and EU countries also opposed involvement, allegedly on the grounds that European countries should not go to Africa, at least not if a U.S. ground contingent is not part of the proposed force. The Dutch Secretary General of NATO was adamant that no NATO ground forces would go to Darfur.<sup>87</sup> Sudan, of course, lobbied all through the latter half of 2005 and early 2006 against either a NATO or a UN force being sent to Darfur, even suggesting that al Q’aida would attack Western countries that contributed troops destined for Darfur.

At the World Summit in September 2005, Heads of State “had adopted the norm of the responsibility to protect vulnerable populations, not only from genocide but from ethnic cleansing and massive violations of human rights.” By April 2005 the most detailed compilation of deaths in Darfur reached 400,000.<sup>88</sup> In the course of the year the size of the African Union’s observer force, the African Mission in Sudan (AMIS), was increased to 7,000 personnel with financial and logistical support from the United States and the EU, but it was no more able to impede Sudanese and janjaweed military operations than it had been before.<sup>89</sup> In the judgment of the Secretary-General’s special adviser, Mendez, the situation early in 2006 had gotten progressively worse over the preceding twelve months. He pointed out that the government of Sudan “was ‘playing games’ with the consent that it originally gave to the African Union mission, by, for example, refusing from time to time to give them jet fuel and in effect grounding their helicopters and planes, as well as refusing for months to let them import the armored personnel carriers that had been donated.”<sup>90</sup> Thus, the “African solution.”

This situation led to an unsuccessful six-month effort to convince Sudan to permit a larger UN authorized international mission with a strengthened mandate to enter Darfur to replace the AU force.<sup>91</sup> The United States used the opportunity of holding the chair of the Security Council to press for the proposal. President Bush spoke of “NATO stewardship” of the proposed enhanced peacekeeping mission, but the U.S. certainly did not have NATO support for the proposal. In any case, Sudan’s President Bashir rejected the proposal.<sup>92</sup> Sudan’s chief negotiator at the Darfur

peace talks in Abuja “accused African governments that supported a UN deployment of wanting to create ‘masters in the West and slaves in Africa’,” and that a UN authorized force would be a “neocolonialist infringement of Sudanese sovereignty.”<sup>93</sup> Some of Sudan’s neighbors subscribed to the rhetoric: Libya, Ethiopia, and Egypt opposed an enhanced UN force. China opposed any application of sanctions against Sudan, and in 2005 it supported strong Sudanese opposition to replacing the African Union observer force in Sudan by a larger UN force with a stronger mandate.<sup>94</sup> As for the U.S. Congress, after resolutions labeling the events in Darfur as genocide, Congress refused the U.S. Department of State’s request of \$50 million to support the African Union mission in Darfur in a defense budget authorization bill totaling \$453 billion—or 0.01 percent of the total.<sup>95</sup>

One further travesty played itself out in the course of a full year. A UN Security Council resolution adopted in March 2005 authorized an asset freeze and travel ban “on individuals who defy peace efforts, violate international human rights law or are responsible for military overflights in Darfur,” and the resolution requested that an expert panel draw up a list of individuals to whom sanctions might be applied.<sup>96</sup> The panel presented a list in December 2005, which reportedly included the Sudanese Minister of Defense, Minister of Interior, and head of the Sudanese intelligence agency, among others.<sup>97</sup> Qatar and China blocked the transmission of the recommendation to the UN Security Council. Several months of debate ensued until an apparent list of ten names was whittled to four, with Chinese and Algerian opposition to the imposition of the minimalist “targeted” sanctions against anyone. Within the U.S. government, the Department of State favored more than four individuals being targeted, while the Department of the Treasury and “other U.S. agencies”—almost certainly the CIA (because of U.S.-Sudanese intelligence cooperation on anti-terrorism)—opposed. UN Resolution 1672 came to a vote on April 25, 2006, and was passed, with China, Russia, and Qatar abstaining.<sup>98</sup> The list of four individuals named were the Sudanese general commanding all military forces in the West of Sudan, the senior janjaweed leader, and the heads of the two largest insurgent movements. None of these individuals were likely to have assets held in banks outside of Sudan or have intended to travel outside of Sudan.

At the end of 2005 tribally-affiliated dissidents in Chad’s military forces began moving to Eastern Chad along the Sudanese border and joining with insurgent Chadian

groups supported by Sudan which operated from bases inside Sudan. In addition, in February 2006 janjaweed units as large as 500 strong in convoys of vehicles mounted with heavy machine guns began raiding unprotected refugee camps inside Chad. Refugees from Darfur were either massacred in the camps or had to flee once more.<sup>99</sup> In March, combat between Chad's military forces and these groups broke out as the government attempted to reassert control over its eastern border region.<sup>100</sup> Sudan put together a force of 1,200 fighters in 75 pickup trucks mounted with heavy caliber weapons which fought its way to Ndjamena, the capital of Chad, in an abortive attempt to topple the government. The force was composed of a combination of rebel Chadian military, Central African mercenaries, and "child soldiers from refugee camps in the Darfur region," recruited by Sudanese security forces and trained in Sudan.<sup>101</sup> The Sudanese-instigated expeditionary force was defeated in a matter of days.<sup>102</sup>

The spring of 2006 brought yet another problem. A joint Sudanese government and janjaweed campaign against villages in Southern Sudan reduced security levels to the point that UN agencies reduced their presence in the area.<sup>103</sup> Jan Egeland, UN Emergency Relief Coordinator, said that direct "attacks against relief workers have been relentless . . . staff, compounds, trucks and vehicles are being targeted literally on a daily basis."<sup>104</sup> Reductions in UN agency presence, however, increased the vulnerability of the local population still further. The International Organisation for Migration announced that the first three months of 2006 showed the highest quarterly figure of people displaced from their homes in Darfur over a period of three years.<sup>105</sup> The Sudanese government also took the opportunity to prevent Egeland from entering Darfur to assess conditions in the refugee camps.<sup>106</sup> Aggravating this problem, international donations to relief assistance agencies had dropped sharply in the preceding months. The World Food Programme announced that it was lacking 80 percent of the funds that it needed and would have to cut food deliveries in Darfur by half. UNICEF reported that it had only one third of the funds that it needed.<sup>107</sup> The Sudanese government refrained from releasing grain from its own very large strategic reserve. It was estimated that 750,000 people were beyond the reach of aid workers.<sup>108</sup>

At the end of April and in early May 2006, the seventh negotiating session between the Sudanese government and insurgent groups from Darfur was held in the

Nigerian capital of Abuja under conditions of unusual pressure from the international community. The interventions of Nigerian President Obasanjo, other senior African Union officials and intermediaries, representatives of the EU, and Deputy U.S. Secretary of State Robert Zoellick finally led to a peace agreement on May 5, 2006 between the government and the largest of the individually tribal-based insurgent factions, the Sudanese Liberation Movement (or Army, SLA) backed by the Fur tribe. The Justice and Equality Movement (JEM) and a third group, a break-away faction of the SLA based in the herding Zaghawa tribe, refused to sign the agreement, ostensibly over issues of power-sharing in the Sudanese government.<sup>109</sup> The two parties that did sign the agreement, the government in particular, have a very poor record in keeping previous agreements, and there are many things that may interfere with this being a final end to fighting and to genocide in Darfur.<sup>110</sup> Perhaps the most problematic provision in the agreement is that it leaves the responsibility for demobilizing the janjaweed militias solely to the Sudanese government.<sup>111</sup>

During 2005, the government of Sudan had said that it would permit a UN peacekeeping force in Darfur only when a peace agreement had been achieved. Since the agreement was signed, however, statements by Sudanese officials have varied and been ambiguous. Some senior Sudanese officials reiterated the earlier position, while others opposed it.<sup>112</sup> This is a critical issue, since few countries have expressed a willingness to offer forces as part of a UN mission, and some, such as Morocco, Pakistan, Ukraine, and Russia have made tentative offers dependent on Sudan's agreement to accept a UN force. Sudan delayed permission for a UN assessment team to visit Darfur, which was necessary before mission planning at the United Nation could proceed. It was expected that there would be "a minimum six-month delay" before a UN force would arrive in Sudan, providing sufficient opportunity for the peace accord to break down.<sup>113</sup> In the weeks before and after the signing of the agreement, major fighting broke out between the Fur and Zaghawa tribes that had previously been fighting the government due to an apparent effort by the far better armed Zaghawa to occupy more territory.<sup>114</sup> The Zaghawa were accused of precisely the same atrocities as those the Sudanese military and janjaweed had committed before them: burning huts, killing, looting and raping. The AU monitoring force was once again left to record.<sup>115</sup> The African Union, which has extended the mandate for its current force only until September 30, therefore quickly authorized a transition to a UN peacekeeping force. The AU's AMIS force

commander urged that UN troops arrive in the region quickly, while the UN's Egeland called for an enhanced AU force in the interim until UN peacekeepers could arrive.<sup>116</sup> There were 17,000 blue-helmeted UN personnel in the Congo, another 17,000 in Sierra Leone, and 15,000 in Liberia; the area of Darfur is three times that of Liberia. Both suggestions were obviously desirable.

On May 16, 2006, the UN Security Council unanimously passed Resolution 1679 authorizing the United Nations to replace the struggling African Union force in Darfur.<sup>117</sup> It remains to be seen whether Sudan will in fact permit this to take place, whether the Sudanese government will bring the janjaweed predations to a total halt, whether tribal factions that fought the government will continue to fight each other, or whether any or all of these will renew the fighting and nullify the current peace agreement—before a UN force arrives in four, six or more months' time. At the time of this writing, it was impossible to foresee how the situation would develop. If things continue as they were prior to May 5, 2006 and if the motivations and actions of the parties remain the same as they were for the previous three years, fighting and genocide will continue.

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<sup>1</sup> The events in Somalia, Bosnia, Rwanda and the Congo – as well as much additional information – are discussed in a longer monograph by Milton Leitenberg, *Deaths in Wars and Conflicts in the 20<sup>th</sup> Century*, Ithaca, NY: Peace Studies Program, Cornell University, 2006, [http://www.einaudi.cornell.edu/peaceprogram/publications/occasional\\_papers/Deaths-Wars-Conflicts.3rd-ed.pdf](http://www.einaudi.cornell.edu/peaceprogram/publications/occasional_papers/Deaths-Wars-Conflicts.3rd-ed.pdf). The section on Darfur in that study is also much longer than is presented here, and it was graciously reduced in size for the journal by its editor, Jason Brookhyser.

<sup>2</sup> "Sudan: 'Greatest Humanitarian Crisis'," *New York Times*, Humanitarian Crisis," *Washington Post*, March 20, 2004.

<sup>3</sup> Warren Hoge, "UN Aide Says Sudan is Tolerating Ethnic Cleansing," *New York Times*, April 3, 2004; "Humanitarian Issues in Darfur, Sudan," HPG Briefing Note, Humanitarian Policy Group, Overseas Development Institute, April 2004.

<sup>4</sup> Julie Flint and Alex de Waal, *Darfur, A Short history of a Long War* (London: Zed books, 2005).

<sup>5</sup> Lydia Polgreen, "Refugee Crisis Grows as Darfur War Crosses a Border; 20,000 in Chad are Uprooted by Attacks," *New York Times*, February 28, 2006.

<sup>6</sup> U.S. Department of State, *Report to Congress: Northern Uganda Crisis Response Act*, February 2, 2005, especially pp. 6–7. See also Tim Judah, "Uganda: The Secret War," *New York Review of Books* 51:14 (September 23, 2004): 62–64, and Katherine Southwick, "Investigating War in Northern Uganda: Dilemmas for the International Criminal Court," *Yale Journal of International Affairs* 1:1 (Summer-Fall 2005): 105–19.

<sup>7</sup> See the report by an NGO coalition, Civil Society Organisations for Peace in Northern Uganda, *Counting the Cost: Twenty Years of War in Northern Uganda*, Kampala, March 20, 2006.

<sup>8</sup> Examples of this material include Office of the UN Resident and Humanitarian Co-ordinator for the Sudan, *UN Humanitarian Situation Report, Darfur Crisis, Sudan* ["Darfur Sitrep"], March 16, 2004; International Crisis Group, *Darfur Rising: Sudan's New Crisis*, Africa Report #76, March 25, 2004

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(<http://www.crisisgroup.org>); Overseas Development Institute, *Humanitarian Issues in Darfur*, Sudan, HPG Briefing Note, London: The Humanitarian Policy Group, ODI, April 2004; United States House of Representatives, Committee on International Relations, Hearing and Markup: *The Crisis in Darfur: A New Front in Sudan's Bloody War; and Condemning the Government of the Republic of Sudan for Its Attacks Against Innocent Civilians in the Impoverished Darfur Region of Western Sudan*, 108th Congress, 2nd Session, Washington, DC: U.S. Government Printing Office, May 6, 2004; Human Rights Watch, *Darfur Destroyed: Ethnic Cleansing by Government and Militia Forces in Western Sudan*, Washington, DC, May 2004, <http://www.hrw.org>; United States Department of State, *Documenting Atrocities in Darfur*, Publication #11182, Washington, DC, September 2004; Ted Dagne and Bathsheaba Everett, *Sudan: The Darfur Crisis and the Status of North-South Negotiations*, RL 32643, Washington, DC: Congressional Research Service, U.S. Library of Congress, October 22, 2004; Amnesty International, *Sudan: Arming the Perpetrators of Grave Abuses in Darfur*, November 2004; Human Rights Watch, *Entrenching Impunity: Government Responsibility for International Crimes in Darfur*, Washington, DC, 2004, <http://www.hrw.org>; United Nations, Security Council, *Report of the Secretary General on the Sudan pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of resolution 1564 (2004) and paragraph 17 of resolution 1574 (2004), S/2005/10, January 7, 2005*; Human Rights Watch, *Targeting the Fur: Mass Killings in Darfur, A Human Rights Watch Briefing Paper*, January 21, 2005; *Report of the International Commission of Inquiry on Darfur to the United Nations Secretary General, Pursuant to Secretary Council Resolution 1564 of September 18, 2004*, January 25, 2005; International Crisis Group, *Crisis in Darfur, 2005*, <http://www.crisisgroup.org>; International Crisis Group, *Darfur: The Failure to Protect. Africa Report #89*, March 8, 2005, <http://www.crisisgroup.org>; Ted Dagne, *Sudan: Humanitarian Crisis, Peace Talks, Terrorism and U.S. Policy*, IB98043, Washington, DC: Congressional Research Service, U.S. Library of Congress, March 11, 2005; David C. Gompert et al., *Learning from Darfur: Building a Net-Capable African Force to Stop Mass Killing*, Defense and Technology Papers no. 15 (Washington, DC: Center for Technology and National Security Policy, National Defense University, July 2005), [http://www.ndu.edu/ctnsp/Def\\_Tech/DTP%2015%20Darfur.pdf](http://www.ndu.edu/ctnsp/Def_Tech/DTP%2015%20Darfur.pdf); International Crisis Group, *Unifying Darfur's Rebels: A Prerequisite for Peace*, Africa Briefing #32, October 6, 2005, <http://www.crisisgroup.org>; International Crisis Group, *The EU/AU Partnership in Darfur: Not Yet a Winning Combination*, Africa Report #99, October 25, 2005, <http://www.crisisgroup.org>; International Crisis Group, *Sudan: Saving Peace in the East*, Africa Report #102, January 5, 2006, <http://www.crisisgroup.org>; Physicians for Human Rights, *Darfur, Assault on Survival: A Call for Security, Justice, and Restitution*, 2006; Gerard Prunier, *Darfur, the Ambiguous Genocide*, Ithaca, NY: Cornell University Press, 2005; Julie Flint and Alex de Waal, *Darfur, A Short History of a Long War*, London: Zed Books, 2005; Coalition for International Justice, *Chronology of Reporting on Events Concerning the Conflict in Darfur, Sudan*, (Washington, DC: February 2006); International Crisis Group, *To Save Darfur*, Africa Report no. 105 (March 17, 2006), <http://www.crisisgroup.org>; Joyce Apsel, ed., *Darfur: Genocide Before Our Eyes*, 2nd ed. (New York: Institute for the Study of Genocide, 2006); and Human Rights Watch, *Ensuring Protection in Darfur: The UN Mandate*, Briefing Paper no. 2, New York, April 2006, <http://hrw.org/backgrounders/africa/sudan0406/>.

<sup>9</sup> Coalition for International Justice, *Chronology of Reporting on Events Concerning the Conflict in Darfur, Sudan*, *op. cit.*, p. 1.

<sup>10</sup> Nicholas D. Kristof, "Genocide in Slow Motion," *New York Review of Books*, 53:2 (February 9, 2006):14–17.

<sup>11</sup> Sebastian Mallaby, "Darfur: Origins of a Catastrophe. Review of Gérard Prunier, *Darfur: The Ambiguous Genocide* (Ithaca, NY: Cornell University Press, 2005)," *Washington Post Book World*, February 19, 2006.

<sup>12</sup> Nicholas D. Kristof, "Dare We Call It Genocide," *New York Times*, June 16, 2004; "As Genocide Unfolds," *Washington Post*, June 20, 2004.

<sup>13</sup> Online PBS Newshour Transcript, June 24, 2004.

<sup>14</sup> Mike DeWine and John McCain, "It's Happening Again," *Washington Post*, June 23, 2004.

<sup>15</sup> "Sudan: Genocide Charged," *New York Times*, June 24, 2004.

<sup>16</sup> "Secretary-General Observes International Day of Reflection on 1994 Rwanda Genocide. Launches Action Plan to Prevent Genocide Involving UN System in Speech to Commission on Human Rights," Press Document, United Nations, April 7, 2004.

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<sup>17</sup> Kofi Annan, "The Centrality of the UN to Prevention and the Centrality of Prevention to the UN," address to the Presentation of the Final Report of the Carnegie Commission on Preventing Deadly Conflict, New York, February 5, 1998. Annan also noted the Carnegie Commission report urged that "when employing force for preventive purposes, states should only do so with a UN Security Council resolution." There are instances, however, when obtaining a Security Council resolution is impossible, due to a veto or threat of a veto by one of the five permanent members, exactly as occurred in the case of Bosnia. Annan pointedly corrected the Commission, noting that the UN Charter authorizes "the unilateral use of force . . . in certain circumstances."

<sup>18</sup> Gareth Evans, "Sudan's Darfur: An International Responsibility to Protect," *International Herald Tribune*, May 14, 2004; "Sudan: Tens of Thousands Could Die of Hunger and Disease in Darfur," IRIN News Network, UN Office for the Coordination of Humanitarian Affairs, May 18, 2004; "Ethnic Cleansing in Darfur: A New Front Opens in Sudan's Bloody War," Testimony of John Prendergast (International Crisis Group), Committee on International Relations, U.S. Congress (House), May 6, 2004.

<sup>19</sup> "Idle on Darfur," *The Washington Post*, May 13, 2004.

<sup>20</sup> Statement by Andrew S. Natsios to the Joint United Nations-United States-European Union Donor Consultation on Darfur, Geneva, Switzerland, June 3, 2004. See also Colum Lynch, "Sudan Accused of Blocking Darfur Relief," *Washington Post*, May 28, 2004; Susan Rice and Gayle Smith, "The Darfur Catastrophe," *Washington Post*, May 30, 2004; "Darfur in Flames: Atrocities in Western Sudan," Human Rights Watch, Update, Spring/Summer 2004; Jerry Fowles, "In Sudan, Staring Genocide in the Face," *Washington Post*, June 6, 2004; "World Leaders Must Act on Darfur," International Crisis Group News Release, June 6, 2004; "300,000 Deaths Foretold," *Washington Post*, June 7, 2004; Marc Lacey, "White House Reconsiders Its Policy on Crisis in Sudan," *New York Times*, June 12, 2004; Nicholas Kristof, "Dare We Call It Genocide," *New York Times*, June 16, 2004; and "As Genocide Unfolds," *Washington Post*, June 20, 2004.

<sup>21</sup> Emily Wax, "In Sudan, Death and Denial: Officials Accused of Concealing Crisis as Thousands Starve," *Washington Post*, June 27, 2004; Tom Maseland, "Living and the Dead," *Newsweek*, July 5, 2004, pp. 38-40; and Emily Wax, "Sudanese Refugees Told to Stay Silent on Government, Militia Abuses," *Washington Post*, June 28, 2004.

<sup>22</sup> "Crisis in Sudan," Interview with Andrew Natsios, USAID Administrator, and Dr. Jennifer Leaning, Physicians for Human Rights, PBS Newshour, June 24, 2004.

<sup>23</sup> Nina Shea, "General Bashir's Genocide, Again," *National Review Online*, June 30, 2004.

<sup>24</sup> Emily Wax, "For a Small Girl in Darfur, a Year of Fear and Flight," *Washington Post*, November 26, 2004.

<sup>25</sup> Emily Wax, "'We Want to Make a Light Baby': Arab Militiamen in Sudan Said to Use Rape as Weapon of Ethnic Cleansing," *Washington Post*, June 30, 2004.

<sup>26</sup> Christopher Marquis, "Powell to Press Sudan to Ease the Way for Aid in Darfur," *New York Times*, June 30, 2004; Christopher Marquis, "Death in Darfur," *New York Times*, July 3, 2004; Christopher Marquis and Marc Lacey, "Powell and Annan See Hints of Disaster in Darfur," *New York Times*, July 1, 2004; and Glenn Kessler, "Powell, in Sudan, Presses for Action," *Washington Post*, July 1, 2001.

<sup>27</sup> Marc Lacey, "Sudan Camp is Moved before UN Visit," *New York Times*, July 2, 2004; and Emily Wax, "Refugees Moved before Annan Visit; U.N. Leader Arrives to Find Sudan Camp Emptied of Residents," *Washington Post*, July 2, 2004.

<sup>28</sup> IRIN, "Sudan: Rebel-held Villages in Southern Darfur Reportedly Bombed," July 2, 2004.

<sup>29</sup> Emily Wax, "Sudan Pledges to Disarm Militias, Protect Refugees," *Washington Post*, July 3, 2004.

<sup>30</sup> "Sudan: Darfur Atrocities Spill Into Chad; Despite Ceasefire, Sudanese Troops and Militias Continue to Kill, Rape and Loot," *Human Rights Watch News*, June 22, 2004.

<sup>31</sup> IRIN, "Africa: Annan Tells AU Leaders of the Need for 'Urgent Action' on Darfur," July 6, 2004; IRIN, "Sudan: African Union to Send Protection Force to Darfur," July 6, 2004. The AU estimated at this time that Africa had witnessed some 30 conflicts "since the 1960s...claiming a total of seven million lives and costing U.S. \$250 billion." It is clear from the numbers in Table 1 of this monograph (see page 15) that this is a gross underestimate. Totaling the numbers for Africa in Table 1 and adding 3.5 million for the Congo one reaches 12.25 million killed counting only the largest sums.



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- <sup>32</sup> "Vicious Attacks in Western Sudan Uproots 1 Million, Critical Aid Supplied by International Rescue Committee," *The IRC At Work*, Summer 2004, pp. 1,4; Erin Patrick, *How Many People Have to Die in Darfur Before We Care; The Role of the International Community in Darfur*, Policy Brief no. 5, Washington, DC: Migration Policy Institute, July 2004.
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