



## Late is Better Than Never: Ending the Violence in Darfur

By Golzar Kheiltash  
Legal Analyst, International Law and Justice Program  
Citizens for Global Solutions

The mantra “never again” was coined by the international community in response to the heinous atrocities committed after World War II, and reiterated after the Balkan war and the Rwandan Genocide in the 1990s.<sup>i</sup> Following the staggering loss of life resulting from these conflicts, state leaders and non-state actors such as non-governmental organizations (NGOs) acknowledged the need to prevent the commission of war crimes, crimes against humanity, and genocide. Yet while the deaths resulting from these conflicts shocked the collective conscience, their recurrence in the 21<sup>st</sup> century seems to have degraded “never again” into a mere slogan as opposed to an assertively enforced reality.

Located in the western part of Sudan, the Darfur region was once home to six million Muslim inhabitants of Arab and non-Arab ethnicity.<sup>ii</sup> In 2004, this previously unknown region attained international recognition as an area devastated by a relentless campaign of ethnic cleansing. As early as January 2003, gangs of Arab militia, called the Janjaweed, singled out the non-Arab population of Darfur by razing thousands of villages, systematically raping women and girls, abducting children, and destroying food and water supplies.<sup>iii</sup> Notwithstanding the Sudanese government’s adamant denials, it is becoming increasingly clear that the Janjaweed are government-supported.<sup>iv</sup> Indeed, aside from carrying out their attacks freely and in plain view of security police, the Janjaweed also engaged in aerial bombardments of countless villages in Darfur with government planes and helicopters.<sup>v</sup> This overt support provided by the Sudanese government is tantamount to complicity in the crimes committed by the Janjaweed.

Many, including prominent human rights activists, argue that the root cause for the attacks against the non-Arab population of Darfur is racially or tribally motivated.<sup>vi</sup> However, “some experts instead attribute the causes to competition between sedentary farmers and nomadic cattle-herders who compete for scarce resources.”<sup>vii</sup> Regardless of the underlying causes, the stark fact remains that genocide is still raging in Darfur, claiming over 500 lives a day.<sup>viii</sup> This astounding number is in addition to the over 400,000 lives already lost, 2.4 million people displaced, and 3.5 million left hungry and without water.<sup>ix</sup>

In June 2005, more than two years after the crisis began, President Bush referred to the ethnic cleansing in Darfur as genocide.<sup>x</sup> Many NGOs and others active in humanitarian efforts in Darfur hoped that the use of this term would invoke the Convention on Genocide and thereby legally obligate the U.S. and the international community at large to take decisive action in ending the ethnic cleansing in Darfur. Yet, the official use of the term genocide by President Bush has not resulted in any concrete action by the Administration. In fact, in light of the deteriorating situation in Iraq and the growing debate on Iran, the genocide in Darfur is all but forgotten. Still, notwithstanding the Administration’s lack of attention, “genocide, whether spoken or not, continues unabated [in Darfur].”<sup>xi</sup> If the principle of “never again” is to ever become more than a hortatory cliché, the U.S. must lead the international community in refocusing its attention on Darfur and take unwavering, consistent efforts in ending the violence there.



## Citizens for Global Solutions

On March 31, 2005, the U.N. Security Council referred the situation in Darfur to the International Criminal Court (ICC),<sup>xii</sup> the first permanent international criminal court to hold individuals accountable for war crimes, crimes against humanity, and genocide.<sup>xiii</sup> The U.S., a staunch opponent of the ICC,<sup>xiv</sup> abstained from the Security Council vote in favor of the referral. Months prior to the ICC referral, the African Union (AU) deployed 1,700 troops to monitor the existing, yet increasingly fragile ceasefire between Northern and Southern Sudan in the wake of the Darfur genocide.<sup>xv</sup> However, the ICC referral and the AU monitoring force are far from sufficient to stop the violence in Darfur. In addition to these efforts, the U.S. and the international community must take four key targeted steps to ensure an end to a humanitarian catastrophe that has gone on for far too long. These steps include refocusing international, and in particular, U.S. attention back on Darfur, expanding both the number and mandate of AU forces deployed in Darfur, enforcing a no-fly zone over the region, and lending full support to the ongoing ICC investigation.<sup>xvi</sup>

To take concrete steps toward ending the violence in Darfur, the international community must first refocus on the crisis and make the prevention of continued violence a priority. In the U.S., the situation in Darfur has received minimal media coverage at best. According to Camille Jackson of Tolerance.org, “[s]ince slavery, U.S. media coverage of crimes against humanity, including the recent Sudanese genocide, has been woefully inadequate – even though press attention has the power to save lives.<sup>xvii</sup> Indeed, “the major network and cable television stations devoted 50 times more coverage to the child molestation trial against Michael Jackson [in June 2005] than to events in...Darfur.”<sup>xviii</sup> And while the Senate and House of Representatives have each introduced two bills on Darfur,<sup>xix</sup> the bills have encountered obstacles and have yet to become law. It would not be inaccurate to say that the crisis in Darfur is simply not a concern among the U.S. public or a priority among decision makers. It is therefore critical that the legal, humanitarian, and political communities working on the genocide amplify their efforts through targeted advocacy and lobbying. To this end, all stakeholders need to drive home the point with both the U.S. public and policy makers that the genocide in Darfur is not a distant, foreign problem, but rather a monumental, unnecessary tragedy that tests the collective morality of the entire international community. By galvanizing support at the constituent level, advocates can then pressure U.S. officials to act in partnership with their EU and UN counterparts.

Once the international community turns its attention back to Darfur and recognizes the vital importance of preventing further death and destruction in the region, it can then take targeted, effective steps to achieve this goal. The logical first step is to bolster the AU forces in the region. The current AU force in Darfur lacks both the strength and mandate to protect Darfur’s civilians from violence. With about 7,000 forces currently deployed, the AU force is far too small to adequately address the ongoing crisis in the region. If its presence is to have a deterrent effect, the number of AU forces should be increased to at least 12,000 to 15,000, according to the prominent International Crisis Group.<sup>xx</sup> Echoing humanitarian NGOs on the ground, General Wesley Clark has also urged the UN Security Council “to request and authorize NATO to deploy a multinational ‘bridging force’ to bring the combined level of force in Darfur immediately up to 12,000 to 15,000 troops while the African Union prepares and deploys its own forces.”<sup>xxi</sup> Moreover, a substantial increase in the number of AU forces must be complemented with a broader mandate – a mandate that extends to the affirmative protection of civilians being targeted by the Janjaweed militia and by extension, the Sudanese government. Currently, the AU troops’ mandate is to oversee the 2003 ceasefire between Northern and Southern Sudan by monitoring the ceasefire force on the ground.<sup>xxii</sup> Such a limited mandate is far from sufficient to address civilians’ urgent need for protection from systematic ethnic cleansing. In an effort to increase its size and expand its mandate, the U.S., EU,



and NATO must lend their full support to the AU. Former Secretary of State Madeleine Albright has also called on an AU-NATO alliance to protect civilians and provide security and stability to the region.<sup>xxiii</sup> While the AU countries have been adamant about refusing non-African aid, they must recognize that the genocide in Darfur is not an African problem, but rather, in General Clark's words, a grave crime against "all humanity."<sup>xxiv</sup>

In addition to a stronger, more assertive AU force, a no-fly zone over Darfur must be established and enforced in order to protect innocent civilians. In 1993, the UN Security Council authorized a no-fly zone over Bosnia and Herzegovina during the Balkan War.<sup>xxv</sup> Enforced by NATO, the no-fly zone was crucial in preventing Serb forces from engaging in aerial attacks against Bosnian civilians.<sup>xxvi</sup> A NATO-enforced no-fly zone over Darfur is also critical – much of the death toll has resulted from the Janjaweed's systematic aerial bombings of towns and villages.<sup>xxvii</sup> A no-fly zone would prevent attacks as well as send a clear message to the Sudanese government that their complicity in this genocide will not be tolerated.

In conjunction with stronger AU forces and a no-fly zone, preventing further violence also requires the international community's full cooperation with the ICC's investigation of the Darfur crisis. While the Court is conducting a full-scale investigation,<sup>xxviii</sup> the fact remains that it has limited funds and capabilities. World leaders, in particular those representing ICC member states, must push their governments to lend full financial, technical, and logistical support to the Court. From conducting arrests and transferring accused individuals to The Hague, to contributing to the Victims Trust Fund<sup>xxix</sup>, states must provide a wide range of resources to the Court to ensure an effective and thorough investigation and trial. Furthermore, given the stringent evidentiary standard of the crime of genocide under the Rome Statute<sup>xxx</sup>, the Court is faced with the challenging task of proving that the Sudanese government and/or the Janjaweed militia carried out attacks with an intent to destroy the non-Arab population of Darfur. It is therefore critical that all entities on the ground, namely international NGOs, aid organizations, and journalists monitor the genocide, gather evidence, and provide critical information, resources, and other assistance to the Court. By providing key information to the ICC Prosecutor on the commission of genocide, the international community can work toward ensuring that genocide—perhaps the most heinous crime committed against humanity, is on the list of the Prosecutor's indictments.

World leaders are loathe to admit they missed yet another opportunity to make "never again" a reality. Yet the truth remains that over three years after the first civilians were killed, the genocide in Darfur rages on, emboldened by a lacking will on the part of the international community to end the violence. For Darfur, it is too late for "never again." But this unfortunate fact in no way exempts world leaders and their constituents from now working to end the violence in Darfur. With over 15,000 lives lost each month, late is still better than never.

---

<sup>i</sup> <http://news.bbc.co.uk/1/hi/world/africa/4211621.stm>

<sup>ii</sup> <http://www.merip.org/mero/mero072204.html>

<sup>iii</sup> <http://www.hrw.org/reports/2004/sudan0404/4.htm>

<sup>iv</sup> <http://www.humanrightswatch.org/english/docs/2004/07/20/darfur9095.htm>

<sup>v</sup> [http://www.globalsolutions.org/programs/peace\\_security/facts\\_reports/AU\\_mission.html](http://www.globalsolutions.org/programs/peace_security/facts_reports/AU_mission.html)

<sup>vi</sup> Dr. Gregory H. Stanton, President of Genocide Watch, argues that the Janjaweed, which are comprised of local Arab tribes, are targeting deliberately the black African population in Darfur. Dr. Stanton's article is available at <http://www.genocidewatch.org/Never%20Again.htm>.

<sup>vii</sup> [http://en.wikipedia.org/wiki/Darfur\\_conflict](http://en.wikipedia.org/wiki/Darfur_conflict)

<sup>viii</sup> [http://www.genocideinterventionfund.org/GIF\\_index.php](http://www.genocideinterventionfund.org/GIF_index.php);

<sup>ix</sup> <http://www.savedarfur.org/go.php?q=situationInDarfur.html>

<sup>x</sup> "In Break With U.N., Bush Calls Sudan Killings Genocide." Jim VandeHei, Washington Post, June 2, 2005 pg. A19.

<sup>xi</sup> Eric Reeves, "The Deployment of New African Union Forces to Darfur: What it does and doesn't mean, October 25, 2004," available at

<http://www.genocidewatch.org/SudanTheDeploymentofNewAfricanUnionForcestoDarfur25oct2004.htm>

<sup>xii</sup> [http://www.icc-cpi.int/pressrelease\\_details&id=107.html](http://www.icc-cpi.int/pressrelease_details&id=107.html).

<sup>xiii</sup> For general information on the International Criminal Court, see <http://www.icc-cpi.int/>.

<sup>xiv</sup> President Clinton signed the Rome Statute establishing the International Criminal Court in December 2000. In an unprecedented move however, President Bush "unsigned" the treat in 2002 and pushed for the passage of anti-ICC legislation such as the American Servicemembers Protection Act.

<sup>xv</sup> [http://www.globalsolutions.org/programs/peace\\_security/peace\\_ops/conflicts/AU\\_Briefing\\_Paper.pdf](http://www.globalsolutions.org/programs/peace_security/peace_ops/conflicts/AU_Briefing_Paper.pdf).

<sup>xvi</sup> These recommendations have previously been urged by key human rights and humanitarian organizations such as Human Rights Watch and International Crisis Group.

<sup>xvii</sup> [http://www.tolerance.org/news/article\\_tol.jsp?id=1208](http://www.tolerance.org/news/article_tol.jsp?id=1208).

<sup>xviii</sup> <http://www.ipsnews.net/news.asp?idnews=29472>.

<sup>xix</sup> In late 2005, the House of Representatives introduced the Darfur Genocide Accountability Act of 2005 (H.R. 1424) and the Darfur Peace and Accountability Act of 2005 (H.R. 3127). The Senate also introduced the Darfur Accountability Act of 2005 (S. 495) and its own version of the Darfur Peace and Accountability Act of 2005 (S. 1462).

<sup>xx</sup> <http://www.crisisgroup.org/home/index.cfm?l=1&id=3547>

<sup>xxi</sup> "NATO Forces Needed in Darfur" by Gen. (ret.) Wesley Clark, NPR "Morning Edition" August 22, 2005.

<sup>xxii</sup> African Union Press Release, May 28, 2004.

<sup>xxiii</sup> "NATO to Darfur" by Madeleine Albright, et al. International Herald Tribune, May 26, 2005.

<sup>xxiv</sup> "NATO Forces Needed in Darfur" by Gen. (ret.) Wesley Clark, NPR "Morning Edition" August 22, 2005.

<sup>xxv</sup> <http://www.nato.int/issues/sfor/evolution.html>

<sup>xxvi</sup> Id.

<sup>xxvii</sup> [http://en.wikipedia.org/wiki/Darfur\\_conflict](http://en.wikipedia.org/wiki/Darfur_conflict)[http://en.wikipedia.org/wiki/Darfur\\_conflict](http://en.wikipedia.org/wiki/Darfur_conflict)

<sup>xxviii</sup> [http://www.icc-cpi.int/pressrelease\\_details&id=107.html](http://www.icc-cpi.int/pressrelease_details&id=107.html)

<sup>xxix</sup> The Victims Trust Fund was created under Article 79 of the Rome Statute establishing the ICC. It will collect and disperse reparations to victims of crimes within the jurisdiction of the ICC. For more information, see [http://www.globalsolutions.org/programs/law\\_justice/faqs/aboutvtf.html](http://www.globalsolutions.org/programs/law_justice/faqs/aboutvtf.html).

<sup>xxx</sup> Article 6 of the Rome Statute defines the crime of genocide as the following:

For the purpose of this Statute, "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.