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Africa Action Talking Points on How to Stop Genocide in Darfur, Sudan

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Nothing short of international intervention will stop the genocide in Darfur. Africa Action believes that the U.S. must do everything necessary to secure a United Nations (UN) Security Council Resolution authorizing a multinational intervention force, under Chapter 7 of the UN Charter, to stop the genocide and protect humanitarian efforts in Darfur.

1. What is Genocide?

The **international legal definition of the crime of genocide** is found in Articles II and III of the 1948 Convention on the Prevention and Punishment of Genocide. Article II describes the two elements that constitute the crime of genocide:

- (i) The mental element, meaning the "**intent** to destroy, in whole or in part, a national, ethnic, racial or religious group, as such", and
- (ii) The physical element, which includes **five types of violence** described in sections [a] through [e] as follows: [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.

2. What is happening in Darfur is Genocide

(i) Genocidal Intent: The intent of the Sudanese government to destroy, in whole or in part, three African ethnic communities (the Fur, Zaghawa and Massaleit), is clear from at least four categories of evidence: **[a]** Documentary evidence; **[b]** Legal inference based upon the systematic perpetration of culpable acts directed against specific targeted groups; **[c]** Testimony of witnesses who are survivors of the genocide; and **[d]** Government efforts to eliminate all traces of mass graves.

[a] Documentary evidence: Sudanese Government documents obtained and released by Human Rights Watch, make clear government intent through its actions of arming, equipping and transporting Arab militias to destroy, in part, targeted groups. In violation of UN Security Council Resolutions, the government has withheld other documents requested by the UN such as flight logs for aircraft (planes and helicopter gunships) used by the government in Darfur, as well as the minutes of meetings of government security officials on Darfur. Such documents would likely provide further

documentary evidence of genocidal intent. According to The New York Times on February 23, 2005, African Union observers have also uncovered a document that indicates a policy of genocide on the part of the government.

[b] International legal precedent (from the International Criminal Tribunals for Rwanda and the former Yugoslavia) holds that genocidal intent can be inferred from the context of the perpetration of culpable acts when they are systematically directed against a group. For more than two years the government of Sudan has established a pattern of atrocities including mass killings, mass rapes, bombings, burning and pillaging villages, and destruction of water wells and crops, systematically directed against the targeted groups.

[c] The testimony of survivors of genocide in Darfur consistently reports that the perpetrators of the atrocities frequently and clearly stated their intent to destroy these groups as part of a broader government-inspired effort.

[d] According to witnesses and documentary evidence, the government of Sudan has sought to erase all trace of large mass graves of executed civilians in Darfur. It has prevented researchers from obtaining forensic evidence from such sites.

(ii) Genocidal Actions: In Darfur during the past three years, the physical acts of violence that have been systematically directed against the targeted groups have included all five categories of violence listed in the International Genocide Convention. **These acts have resulted in the deaths of more than 400,000 people¹:**

The following letters correspond to the five categories of genocidal violence listed under the legal definition of genocide at the beginning of this document):

[a] more than 200,000 people have been killed by government forces and militias from 2003 to the end of 2004, and the killing continues;

[b] bodily and mental harm has been inflicted upon thousands of women and young girls raped by soldiers and militias. Such physical and mental harm will continue to affect these women and their families for years to come;

[c] an additional 200,000 lives have been lost through the deliberate destruction of homes, crops and water resources and the physical displacement of more than two million people which have resulted in conditions of famine and disease epidemics, both in inaccessible areas and in camps for displaced people;

[d] the killing of pregnant women; and

[e] the use of rape as a weapon of genocide as many perpetrators have stated that their intent is to change the ethnic identity of the child conceived by rape.

¹ Accurate estimates of the death toll in Darfur have been difficult to ascertain because of obstruction on the part of the Sudanese government and because of UN unwillingness to offer an official estimate. The best regular estimates of mortality rates in Darfur have been provided by Prof. Eric Reeves of Smith College (among others), who makes use of extensive data and scientific formulae for projecting death rates in comparable conditions. (<http://www.sudanreeves.org/>). The Coalition for International Justice also released a report in April 2005, confirming that the death toll in Darfur is close to 400,000.

3. The Humanitarian Crisis

- It is estimated that **6,000 people are dying each month** in Darfur and that this figure could rise significantly if humanitarian operations continue to be obstructed by violence. In January 2006, the UN Secretary-General confirmed that the situation in Darfur was deteriorating, as he reported new large-scale attacks against civilians.
- **Genocide in Darfur has created the worst humanitarian crisis in the world:** There are more than 2 million people in camps for Internally Displaced People (IDPs) in Darfur and another 200,000 in camps in neighboring Chad. There are an unknown number of additional IDPs in inaccessible regions of Darfur. The UN estimates that up to 4 million people in Darfur do not have enough to eat. There are also real fears of massive outbreaks of cholera and other diseases. The UN has recently had to curtail its operations in some parts of Darfur because of security concerns.
- **The Khartoum government cannot be trusted to address the humanitarian crisis:** For more than a year, it systematically obstructed outside access to Darfur and blocked international efforts to establish a relief campaign. It continues to severely restrict access. The government of Sudan is the author of the ongoing genocide in Darfur, of which the current humanitarian crisis is but one consequence, and Khartoum cannot be trusted to provide security to humanitarian operations there.
- **Security is Essential for Humanitarian Efforts:** Adequate humanitarian assistance cannot be provided to vulnerable and displaced groups in Darfur without military protection. A multinational intervention is necessary to provide security and logistical support to urgent humanitarian efforts.

4. The U.S. Government Acknowledges Genocide, But Fails to Act

- **The U.S. is the only government to have publicly acknowledged that what is happening in Darfur constitutes genocide.** On September 9, 2004, then-Secretary of State Colin Powell declared on behalf of the Bush Administration that, "genocide has been committed in Darfur, and that the government of Sudan and the Janjawid bear responsibility." The White House issued a statement the same day confirming this determination.
- At the same time as he acknowledged that genocide was being carried out in Darfur, Powell also denied logic, declaring, "**no new action is dictated by this determination.**"
- **President Bush has failed to prioritize the genocide in Darfur.** After many months of silence on this genocide, he finally spoke about Darfur during a photo-op in June 2005, but merely promised some additional and limited logistical support for the African Union observer mission.

- U.S. policy towards Sudan is marked by **three competing policy priorities: (1) support for the newly formed government of national unity as part of the North-South peace process, (2) intelligence-sharing with the Sudanese government as part of the so-called 'war on terror', and (3) ending the genocide in Darfur.** The U.S. considers its intelligence partnership and collaboration in the North-South peace process more important than protecting civilian lives in Darfur.
- After almost 6 months in office and travel to 34 countries, Secretary of State Condoleezza Rice finally visited Darfur for the first time in July 2005. **However, a fracas between Sudanese security officers and Rice's entourage generated greater attention and indignation from U.S. officials and international media than has the ongoing genocide in Darfur.**
- The U.S. has a clear **moral and legal obligation to prevent and punish genocide** as a signatory to the Convention on the Prevention & Punishment of the Crime of Genocide.
- The U.S. has provided some transportation and logistical support to the African Union troops on the ground in Darfur, and has engaged in efforts to support the peace process. The U.S. has also introduced UN Security Council resolutions calling for sanctions against the Sudanese government, **but its actions remain wholly inadequate as a response to genocide, and it has failed to take steps to protect the people of Darfur.**

5. The UN Acknowledges Crimes Against Humanity, But Fails to Act

- **The United Nations' International Commission of Inquiry on Darfur** officially delivered its report to UN Secretary-General Kofi Annan on January 25, 2005. The report found that the Sudanese government has committed major crimes under international law, including a pattern of mass killings, rape, pillage and forced displacement and these constitute **war crimes and crimes against humanity.**
- Although the report provided ample evidence of genocidal intent and actions on the part of the Sudanese government, the commission **concluded that it did not find a government policy of genocide in Darfur.** This harkens back to the time of the genocide in Rwanda in 1994, when the international community avoided using the term "genocide" because countries were unwilling to take the action that such a serious charge would require.
- The first conclusion of the report states that the people of Darfur "have been living a nightmare of violence and abuse" and that **"they need protection,"** but the report fails to recommend any measures to provide such protection.

6. The African Union Cannot Respond Alone

- The African Union (AU) has some 7,000 troops on the ground in Darfur – still short of the 7,700 that the AU agreed in March 2005. Jan Egeland, head of UN humanitarian operations, has stressed that **the force in Darfur "needs to be boosted to three times**

the strength of the current” force. Moreover, the AU has no mandate to protect civilians.

- The AU mission in Darfur also **lacks the financial and logistical support necessary to stop the ongoing genocide.** To sustain and expand its operations, the AU needs an estimated \$250 million, but the international community has pledged only \$79 million to date. The AU force has regularly come under fire in Darfur and suffered its first casualties in an armed ambush in October 2005. There were further attacks against AU troops at the end of 2005, and one AU observer was killed in early January 2006.
- The African Union is **sponsoring peace talks** between the Sudanese government and the rebel groups in Abuja, Nigeria. However, rifts within the rebel movements and disagreements between the government and the rebel groups over key elements of a peace deal have resulted in a deadlock in the negotiations, now in their seventh round.
- **Genocide is not an African problem, it is an international problem** and, as such, it requires an international response. The African Union is a young organization (established in 2002) and it is not equipped to respond to a crisis of this magnitude. Faced with such a grave challenge, the international community cannot allow the African Union to fail, but rather must support, reinforce and expand upon its efforts in Darfur.

7. What is needed is an Urgent International Intervention

- As the genocide continues in Darfur, **stopping the genocide & protecting the people of Darfur must be the first priority of the international community.** Unless there is a rapid intervention in Darfur, the violence will continue to escalate and the death toll will continue to mount. Nothing short of an international intervention will stop this genocide.
- In light of the ongoing genocide in Darfur, and the inability of the U.S. and UN to force a change in Khartoum’s behavior or to take action to stop the genocide, **the U.S. government must press the UN Security Council to immediately authorize a multinational intervention in Darfur, under Chapter 7 of the UN Charter.** Such a multinational force must have a mandate to protect civilians in Darfur and to enforce (not just observe) the ceasefire.
- The most efficient way to realize such a multinational force would be to immediately **provide the African Union troops already on the ground in Darfur with a Chapter 7 mandate to protect civilians, turning them into a “blue-helmeted” UN force.** This would save time on deployment, since these troops are already in Darfur, and would provide them with international authority and backing.
- **Once the AU operation has been “re-hatted” as a UN mission with a mandate to protect civilians, the UN should immediately begin reinforcing and expanding that mission with a UN peacekeeping force.** This force should include troops from countries within and outside of Africa, and should comprise at least 20,000 troops.

This number is recommended by experts based either on the ratio of peacekeeping troops to population, or on the ratio of peacekeeping troops to hostile forces in Darfur.

- **An intervention would serve four critical purposes:** (1) Stop the killings, rapes and pillaging in Darfur; (2) Provide security to facilitate humanitarian assistance programs for displaced people and refugees until a formal UN Peacekeeping Operation can be mounted; (3) Enforce the African Union cease-fire between the Khartoum government and the rebel groups in Darfur to allow meaningful political negotiations to move forward, and (4) facilitate the voluntary return of IDPs to their land and the reconstruction of their homes by providing a secure environment.

8. What the U.S. Should do at the United Nations

- **In February 2006, the U.S. will hold the Presidency of the UN Security Council for a period of one month.** This provides the U.S. with a unique opportunity to preside over the adoption of a new UN resolution on Darfur, to “re-hat” the AU mission in Darfur as a UN operation and to deploy a robust international force as soon as possible to provide protection to the people of Darfur.
- The UN Security Council will not act without leadership, and **the U.S. must assert the necessary leadership to ensure UN action to stop the genocide in Darfur.**
- **Unless the UN acts to protect the people of Darfur, the African Union will continue to be left to bear the brunt of this growing catastrophe,** and it will likely be blamed for failing to act sufficiently & in time to save hundreds of thousands of lives.
- The UN Security Council continues to hesitate on Darfur, largely because of the economic and diplomatic interests of its permanent members especially China and Russia, who don't wish to antagonize Khartoum. China is the single largest investor in Sudan's oil sector, while Russia is Khartoum's major arms supplier. **The U.S. must expend the necessary diplomatic capital to overcome their objections to a multinational force to stop the genocide.**
- Many UN member states are also skeptical about U.S. intentions given its un-sanctioned intervention in Iraq under false pretenses. **The U.S. must convince the members of the UN Security Council that the genocide in Darfur requires their urgent attention and immediate international action.**
- **Just over a decade ago, the U.S. blocked UN action as genocide unfolded in Rwanda.** Now, the U.S. must do everything necessary to ensure the passage of a UN Security Council Resolution authorizing a multinational intervention force to stop the genocide & protect the people in Darfur.
- **The Bush Administration faces growing public pressure for action to stop the genocide in Darfur.** By introducing a new resolution at the UN to authorize an international intervention in Darfur, the U.S. government would fulfill those calls for leadership in the face of the first genocide of the 21st century.