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

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Nothing short of an international intervention will stop the genocide in Darfur. Africa Action calls on the U.S. to do everything necessary to secure the rapid deployment of a robust peacekeeping operation to protect civilians and humanitarian efforts. The United Nations (UN)/African Union (AU) hybrid force authorized by UN Security Council Resolution 1769 is an important step in this direction, but it is essential that the UN maintain ultimate command and control of any new peacekeeping mission deployed to 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 by Human Rights Watch make clear government intent through its actions of arming, equipping and transporting Arab militias to destroy 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 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 indicating 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 four years, the government of Sudan has established a pattern of atrocities including mass killings and 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. Attackers' statements, such as "we will kill all the black," are documented in an International Criminal Court report from June 2006.

**[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 four 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 Genocide Convention. **These acts have resulted in the deaths of between 450,000 and 500,000 people**, based on data collected by UN officials and nongovernmental researchers<sup>1</sup>:

*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]** between 220,000 and 270,000 have been killed by government forces and militias from 2003 to the present time, and the killing continues;

**[b]** bodily and mental harm has been inflicted upon thousands of women and young girls raped by soldiers and militias;

**[c]** an additional estimated 260,000 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 has resulted in conditions of famine and disease epidemics;

**[d]** the killing of pregnant women;

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<sup>1</sup> 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 was then close to 400,000. Applying the most comprehensive and rigorous estimates of the loss of life to date yields a death toll of between 450,000 and 500,000 people, perhaps even as high as 530,000 (<http://www.sudanreeves.org/Article181.html>).

[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.

### **3. The Humanitarian Crisis**

- **Genocide in Darfur has created the worst humanitarian crisis in the world.** As the violence worsens, recent estimates from the UN, compiled by Eric Reeves, place the number of conflict-affected people in Darfur and eastern Chad at around 4.7 million. A UN spokesperson reported in August 2007 that almost 250,000 people have been newly displaced since the beginning of the year. Contrary to the Sudanese government's assertions this summer that internally displaced persons (IDPs) have begun to resettle en masse, very few displaced persons have been able to return home or leave the overcrowded and dangerous camps they reside in for more than a few days.
- **Security is Essential for Humanitarian Efforts:** Adequate humanitarian assistance cannot be provided to vulnerable and displaced groups in Darfur without military protection. In September 2007, Oxfam warned that, due to violence, it was considering permanently closing down all operations in Darfur, where it supports 500,000 conflict-affected individuals. A continued collapse of aid operations will jeopardize additional hundreds of thousands of lives in Darfur.
- **Violent attacks on humanitarian relief workers have risen 150 percent in 2007, causing many international agencies to significantly draw down the number of their foreign staff.** During this same time period, the number of conflict-affected people rose by over half a million. UN Assistant Secretary General for Humanitarian Affairs Margarita Wahlstrom described the humanitarian crisis as increasingly critical, with unprecedented rates of hunger and malnutrition.
- **The Khartoum government cannot be trusted to address the humanitarian crisis.** Across the region, government tactics such as routine harassment of aid workers and the imposition of bureaucratic obstacles stand in the way of effective relief efforts, documented in the September 2007 Human Rights Watch report "Chaos by Design". Additionally, bombings on villages in Darfur orchestrated by the Sudanese government in recent months have displaced thousands of people.

### **4. An International Peacekeeping Force Must be Deployed Immediately**

- As the genocide continues in Darfur, **stopping the genocide and protecting the people of Darfur must be the first priority of the international community.** There is a clear international consensus that a robust peacekeeping force is needed in Darfur.
- In September 2005, member states of the UN affirmed an international "responsibility to protect" civilians from genocide and crimes against humanity. **The response to Darfur now tests this principle.**

- **A peacekeeping intervention would serve four critical purposes:** (1) stop the killings, rapes and pillaging in Darfur and enforce a cease-fire; (2) provide security to facilitate urgent humanitarian assistance programs; (3) create stable conditions conducive to political negotiations; and (4) ultimately facilitate the voluntary return of displaced people to their land by providing a secure environment.
- In August 2006, the United Nations Security Council passed Resolution 1706, authorizing a robust peacekeeping operation with a mandate to use force to protect civilians and humanitarian workers. The government of Sudan opposed this force.
- **On July 31, 2007, the United Nations Security Council passed a second resolution authorizing the creation of a combined UN and African Union (AU) hybrid force (UNAMID) that will supplement and eventually replace the poorly supported African Union peacekeeping force currently in Darfur.** The new mission will be equipped with greater resources to protect civilians and humanitarian workers and to oversee implementation of a tenuous peace agreement.
- In the past Khartoum has purported to “accept” peacekeepers in the interest of political expediency, only to renege on its promises. Characteristically, the Sudanese government initially consented to Resolution 1769 but is currently throwing up a variety of roadblocks to delay or deny UNAMID’s deployment. **Khartoum must be held to account, and rapid deployment of a robust peacekeeping force must begin now.**
- The government of Sudan insists that despite the hybrid nature of the proposed peacekeeping force, the AU should maintain essential command of the operation and that non-African troops are unnecessary. These misleading statements are simply a ploy to diminish the force’s effectiveness. **UN command and control is absolutely vital to the success of the mission.** The international community must not pander to Khartoum in hopes of achieving the elusive promise of support by the government of Sudan.
- Although many nations have volunteered to contribute troops, UNAMID is already falling behind the schedule outlined in Resolution 1769. As the attacks on African Union soldiers and brutal government bombings in the Darfur town of Haskanita demonstrate, the current AU force cannot manage the situation alone. **Until the UN acts, the African Union will continue to bear the brunt of this growing catastrophe,** and it will likely be blamed for failing to act sufficiently and in time to save hundreds of thousands of lives. **The attacks on AU soldiers also reflect the growing distrust of the African Union by the people in Darfur, making clear that UN command and control is essential for UNAMID to be accepted by the people on the ground in Darfur.**

## **5. The U.S. Acknowledges Genocide, But Fails to Take Necessary Action**

- **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 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 defied logic, stating, "**no new action is dictated by this determination.**"
- U.S. policy towards Sudan is marked by **three competing policy priorities: (1) support for the 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. 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 announcement on October 11 that the Sudanese People's Liberation Movement (SPLM) has suspended participation in the national unity government indicates the importance of strengthening the North-South peace process. But such efforts must not detract from the priority of getting the 26,000 international UNAMID peacekeepers and support personnel in place in Darfur without delay. **The U.S. approach to Sudan must be comprehensive, applying at least as much diplomatic pressure to achieve a UN peacekeeping operation in Darfur as renewing the North-South peace process.**
- In June 2007, the L.A. Times exposed the **extensive collaboration between the U.S. and Sudan in the "war on terror,"** as Sudan is reported to provide intelligence on the insurgency in Iraq. Furthermore, a U.S. State Department report from April 2007 praised Sudan as a "strong partner in the War on Terror." **The U.S.' inability to stand firm on a clear message of opposition to genocide has undermined the global response on Darfur and contributed to the stalling of the Sudanese government.**
- The U.S. has provided generous humanitarian aid in Darfur, and it has engaged in efforts to support the peace process, but it can do more to press the government of Sudan to participate in peace negotiations in good faith and to abide by ceasefire agreements. Overall, U.S. actions remain wholly inadequate in response to genocide, and **the United States has failed to commit to a successful strategy to protect civilians in Darfur.**

## **6. The UN Acknowledges Crimes Against Humanity, But Fails to Protect**

- **The United Nations' International Commission of Inquiry on Darfur** delivered its report to then UN Secretary-General Annan in January 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 that 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 dodged the term "genocide" to avoid the obligations that such a serious charge would invoke.

- The passage of Resolution 1706 in April 2006 and the subsequent approval of Resolution 1769 in July 2007 marked important steps, authorizing 26,000 new international troops and civilian police for Darfur. UN Secretary General Bam Ki-Moon has been optimistic in his prognosis for UNAMID's deployment, but the process is already stalling in the face of Sudanese government opposition
- Khartoum still has allies on the Security Council, who collaborate in delaying effective action. China is the single largest investor in Sudan's oil sector, while Russia is Khartoum's major arms supplier. **The U.S. and other powerful nations must engage in new and strategic diplomatic efforts to bring China and Russia around, and to exert multilateral pressure on Sudan to resolve the command and control issues and accelerate UNAMID's deployment.**

## **7. The African Union Cannot Respond Alone**

- As the violence in Haskanita demonstrates, peace operations supported solely by the African Union lack the robust technical capabilities and sophisticated equipment necessary to stop the ongoing genocide. With over a dozen African countries volunteering peacekeeper contributions to the new hybrid force, sheer manpower is not the problem. As Romeo Dallaire stated in an open letter to the UNAMID commander, **"It is beyond dispute...that African states themselves simply cannot provide nearly 20,000 qualified troops (nor enough police). UNAMID needs attack helicopters, engineers...communications and other capabilities that African states also cannot provide."**
- In addition to African forces and the offers of contributions from countries like Bangladesh and Thailand, a handful of European states have volunteered to supply troops. This is important, but equally so is the responsibility of the international community to provide the logistical and technical support necessary for UNAMID to deploy quickly and effectively.
- **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 yet equipped to respond to a crisis of this magnitude. Faced with such a grave challenge, the international community cannot allow the AU to fail, but rather must immediately support, reinforce and expand upon its efforts in Darfur.
- **The UN Must Maintain Clear Command and Control of UNAMID.** The much larger planning and operations capacities of the UN Department of Peacekeeping Operations are better suited to integrating AU units than the reverse hierarchy, and any ambiguity over the chain of command will delay deployment and weaken troops on the ground. Despite agreeing in July to allow a UN-led hybrid peacekeeping force into Darfur, Khartoum is clinging to a minimalist reading of Resolution 1769 that rejects non-African peacekeepers and recognizes only AU leadership of the mission. This is a stalling tactic, and **the international community should press forward to secure the cooperation to quickly deploy the hybrid force in full capacity under UN command and control.**

## **8. What the U.S. Should Do:**

- As the genocide continues in Darfur, **the U.S. must use its leverage with the government of Sudan and in the UN Security Council to address the command and control issues and follow through on immediate deployment of a robust peacekeeping operation.** The U.S. must expend the necessary diplomatic capital to overcome any objections from China, Russia or Khartoum to the rapid deployment of the full UN/AU hybrid force.
- **The U.S. should contribute its fair share of funds for UNAMID, estimated at \$725 million for the fiscal year starting October 1, 2007.** Working with NATO and its allies in the European Union (EU), the U.S. must press for other countries to contribute the equipment, resources and support personnel necessary to bring UNAMID to the robust capacity authorized by Resolution 1769. The timeframe is urgent. **Genocide is still occurring, and Amnesty International warned on October 8 that government forces are preparing for a major assault on northern Darfur.** Waning unity among rebel factions and the potential collapse of the North-South peace agreement further imply that there is no time to waste in deploying UNAMID.
- **Thirteen years ago, the U.S. blocked UN action as genocide unfolded in Rwanda. Now, the Bush Administration faces growing public pressure for action to stop the genocide in Darfur.** By achieving the deployment of a robust peacekeeping mission in Darfur, the U.S. would demonstrate its commitment to protecting the people of Darfur and fulfill those calls for leadership in the face of the first genocide of the 21<sup>st</sup> century.