Shame Without End: 
Darfur and "the Responsibility to Protect"

By Eric Reeves

In March 2004, at the height of the most violent phase of the Darfur genocide, Mukesh Kapila approached the end of his yearlong tenure as United Nations (UN) humanitarian coordinator for Sudan. He used the occasion to make a series of extraordinary and institutionally unconstrained comments: “The only difference between Rwanda and Darfur now is the numbers involved...[The violence in Darfur] is more than just a conflict, it is an organized attempt to do away with a group of people.”

Despite transparently mendacious claims by the National Islamic Front regime in Khartoum in early February 2004 that it had brought the situation in Darfur under total military control, Kapila insisted, for all who would listen that, “The pattern of organized attacks on civilians and villages, abductions, killings and organized rapes by militias is getting worse by the day and could deteriorate even further.” Four years on, there has been no prompt action; Kapila’s ominous premonition has come fully to pass.

What is less widely known than these frequently cited remarks is that behind the scenes, Kapila had been carrying the same message to senior UN and UK officials for months. He went public with his assessment because he no longer had to fear for his job, and because despite his urgent warnings, the UN was not responding. We know from Kapila’s extensive testimony before a British Parliamentary committee, and from comments reported in October 2006 by The Times, what he had been saying for months prior to March 2004, and how his warnings were received: “There was a fundamental feeling among very senior people that Darfur was a very inconvenient development and they would rather not know about it.”

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What we are seeing today in Darfur is a product of this feeling that genocide in a remote, arid, impoverished, and geopolitically inconsequential region of Africa is simply “inconvenient.” Rather than confront the difficult challenges in halting vast, ethnically targeted human destruction, all international actors of consequence settled for political and diplomatic half-measures, or merely symbolic measures. This has too often allowed, for convenience, the crisis to be defined as essentially humanitarian in nature, with an overlay of unfortunate tribal conflicts animated by competition for diminishing natural resources. Yet this gross misrepresentation of the catastrophe still finds an audience in many quarters, as the desire to ignore the urgency of Darfur’s crisis, and its political and historical origins, overwhelms the need to look honestly at what is happening.

What are the consequences of five years of looking at Darfur chiefly as a political and diplomatic inconvenience, most conspicuously during the final stages of Sudan’s North-South Naivasha peace negotiations in 2004, a year that was perhaps the most destructive of human life and livelihood in the entire course of the Darfur genocide? UN aid chief Jan Egeland stated in his August 28, 2006 briefing to the UN Security Council: “...insecurity is at its highest levels since 2004; access at its lowest levels since that date; and we may well be on the brink of a return to all-out war...I cannot give a starker warning than to say that we are at a point where even hope may escape us and the lives of hundreds of thousands could be needlessly lost.”

More than a year and a half later, there is still no significant action of the sort the UN Undersecretary for Humanitarian Affairs called for; humanitarian organizations continue to withdraw or severely contract their operations; malnutrition is rising for the first time since major humanitarian deployment; both Secretary General Ban Ki-moon and UN Head of Peacekeeping Operations Jean-Marie Guéhenno have recently reported that security has declined significantly in recent months; and civilians in Darfur and eastern Chad are on the verge of cataclysmic destruction.

There have been many UN Security Council resolutions addressing the Darfur catastrophe; all of them have been ignored or flouted by Khartoum; most notably the UN Security Council passed Resolution 1706 on August 31, 2006, under Chapter VII authority of the UN Charter, which authorized 22,500 civilian police and troops and provided a clear and robust mandate for civilian and humanitarian protection. Significantly, Resolution 1706 also provided for the monitoring of Sudan’s borders with Chad and the Central African Republic, neighboring countries into which Darfur’s genocidal destruction continues to bleed in highly destabilizing fashion.
But Khartoum appears to have simply refused to accept the UN force. This failure of an authorized UN peace support operation to deploy is without precedent in the history of the organization. For almost a year, Khartoum’s defiant refusal to accept the UN mission allowed insecurity to increase dramatically. The weak African Union monitoring force on the ground was hopelessly under-equipped, under-manned, and without an appropriate mandate. It was unable to protect itself, let alone civilians in the camps holding some 2.5 million people, or rural areas still subject to Arab militia predations and attacks by Khartoum’s regular military forces.

Most of those in the camps are women and children, and as a recent Amnesty International report makes clear, these populations, some of which have endured camp life for over four years, are falling into desperation. The camps are transforming into increasingly seething cauldrons of rage and despair; they are awash with weapons, and the authority of traditional leaders—the sheiks and omdas — is being lost to angry young men with weapons. The African Union mission lost the confidence of these people, and today peacekeepers are at risk if they enter most camps.

The African Union mission was burdened by crippling restrictions imposed by Khartoum, and political cowardice on the part of AU leaders who refused to confront Khartoum over the lack of a civilian protection mandate and the regime’s ongoing policy of harassment and obstruction. It was during this time of African Union deployment that violence in Darfur became overwhelmingly chaotic, particular after the signing of the poorly conceived and disastrously consummated Darfur Peace Agreement of May 2006. Rebel groups factionalized, and banditry and opportunistic violence exploded in a land without meaningful authority.

In July 2007, the UN Security Council passed another resolution on Darfur that was nominally acceptable to the Khartoum regime because it was a “hybrid” UN/African Union operation. In fact, this hybridization has proved a disaster and the major reason the mission is failing. Resolution 1769, which only had the qualified support of Security Council permanent member China, authorized the deployment of 26,000 troops and civilian police with a Chapter VII mandate for civilian and humanitarian protection. But nine long months after the passage of Resolution 1769, there has been no meaningful deployment of the personnel or resources necessary for the mission to function as planned. As a consequence, security continues to deteriorate.
Khartoum’s obstructionist tactics have crippled planning efforts and blocked the deployment of key elements of engineering and rapid-response teams. Khartoum has also prevented, without evident fear of consequence, construction of barracks and infrastructure necessary for this complex mission. In turn the failure of militarily capable Western nations to provide the critically necessary transport and tactical helicopters has made Khartoum’s efforts all too easy.

A grim truth continues to define Darfur, however “inconvenient:” UN forces authorized by the Security Council, both in August 2006 and again in July 2007, represented the potential for saving hundreds of thousands of innocent lives, if they had been rapidly deployed with adequate resources for military and security personnel. Instead, we have seen only obstructionism from the National Islamic Front génocidaires in Khartoum. These are the same men who over the past five years have relentlessly, systematically, and savagely targeted the non-Arab or African tribal populations of Darfur as a means of crushing the insurgency that emerged in February 2003.

**History of the Conflict**

In considering these issues, it is important to take a closer look at the history of the conflict. Darfur’s insurgency grew out of many years of acute economic and political marginalization of the African tribal populations of the regions, and a policy on Khartoum’s part of asymmetrically arming Arab militia groups. This policy ultimately derived from the regime’s desire to expand its narrow political base of support to the minority Arab populations of Darfur.

Not directly related to the twenty-one year conflict in southern Sudan, the rebellion in Darfur found early and remarkable success against Khartoum’s regular military forces. But this success had a terribly ominous consequence: the regime switched from a military strategy of direct confrontation to a policy of systematically destroying the African tribal groups perceived as the civilian base of support for the insurgents. The primary instrument in this new policy was the Janjaweed, a loosely organized Arab militia force of perhaps 30,000 men, primarily on horse and camel, though increasingly provided with motorized transport by Khartoum.

The Janjaweed, while originating in the years before the insurgency war, was dramatically different in military strength and purpose from previous militia raiders. Khartoum ensured that the Janjaweed were extremely heavily armed, well-supplied, and actively coordinating with the regime’s regular
ground and air forces. Indeed, Human Rights Watch obtained in July 2004 confidential Sudanese government documents that directly implicated high-ranking government officials in a policy of support for the Janjaweed.

Peter Takirambudde, executive director of Human Rights Watch’s Africa Division, said at the time: “It’s absurd to distinguish between the Sudanese government forces and the militias—they are one. These documents show that militia activity has not just been condoned, it’s been specifically supported by Sudan government officials.” An extensively researched Human Rights Watch report of December 2005 conclusively demonstrated that responsibility for Janjaweed recruitment, support, and military deployment goes to the very top of the National Islamic Front leadership, including President Omar al-Bashir, Vice-President Ali Osman Taha, and security chief Saleh Abdalla "Gosh." These are the primary architects of the Darfur genocide.

The nature of conflict and genocidal destruction in Darfur has changed significantly since the extraordinary levels of violence in 2003-2004, which saw eighty to ninety percent of all African villages in Darfur destroyed. But what must not be forgotten is how comprehensively destructive village-assaults typically were, including demolishing or poisoning precious water wells and irrigation systems; destroying food- and seed-stocks, as well as agricultural implements and water vessels; cutting down mature fruit trees; and looting or killing livestock, often representing generations of family wealth.

Such deliberately destructive violence, along with mass executions, the systematic and racialized use of rape as a weapon of war, torture, abduction, and other forms of violent abuse have produced the staggering numbers of deaths, displaced persons, and civilians who are now critically in need of humanitarian aid. But people are also dying from the disease and malnutrition that have come in the ghastly wake of these violent attacks. The 1948 UN Genocide Convention makes clear that these deaths are no less genocidal in nature: the deliberate, ethnically targeted destruction of livelihoods and the ability to live is also genocide.

Article 2, clause C, of the 1948 Convention explicitly defines as genocidal those actions, “deliberately inflicting on group[s] conditions of life calculated to bring about [their] physical destruction in whole or in part.” Why is it apparently irrelevant to Darfur that in April 2006 the UN Security Council unanimously adopted Resolution 1674, which is explicitly framed so as to supersede claims of national sovereignty such as those Khartoum has so insistently made? This resolution explicitly “reaffirms the provisions of paragraphs 138 and 139 of the World Summit Outcome Document regarding
the responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.”

The answer to this question says much about how the history of the Darfur genocide will be written in the coming years, a history that will lack neither detail, nor precise chronology, nor the clearest possible evidence of individual, institutional, and governmental responsibility. Certainly there has never in the history of genocide been such a fully documented episode of sustained, systematic, deliberate destruction of human beings on an ethnic basis, and this will inevitably be the most salient fact in the history that must be written. Darfur is the longest genocide of the past century.

The Darfur Question

The first and most essential part of any answer to the Darfur question lies in the nature of the brutal security cabal that rules in Khartoum, and continues to be accepted as a legitimate government; indeed it is dutifully referred to by the UN and other international actors as Sudan’s Government of National Unity. But the National Islamic Front, which has innocuously and expediently renamed itself the National Congress Party, completely dominates the merely notional “Government of National Unity” and represents neither the people of southern Sudan, nor the people of Darfur, nor indeed any of Sudan’s marginalized populations.

The most senior political figures of the southern Sudan People’s Liberation Movement (SPLM), essentially the Government of South Sudan, have repeatedly and explicitly called for deployment of UN forces, as has Minni Minawi, the ruthless rebel leader who signed the ill-fated Darfur Peace Agreement in May 2006. Minawi is nominally the fourth-ranking member of the Presidency in the Government of National Unity and the SPLM’s Salva Kiir is First Vice-President; both are completely irrelevant. And in the camps of Darfur and in the diaspora, there is a virtually unanimous and desperate appeal for international intervention.

Too often ignored in the deferential negotiations with the National Islamic Front, most prominently with President Omar al-Bashir, is the history of this survivalist regime, which seized power by military coup in June of 1989,
deposing an elected government and deliberately aborting Sudan’s most promising chance to negotiate a North-South peace since independence in 1956.

During its nineteen years in power, the National Islamic Front has repeatedly had recourse to genocidal destruction as a domestic security policy. As longtime Sudan analyst Alex de Waal has declared of the actions of this regime in Darfur: “This is not the genocidal campaign of a government at the height of its ideological hubris, as the 1992 jihad against the Nuba Mountains was, or coldly determined to secure natural resources, as when it sought to clear the oilfields of southern Sudan of their troublesome inhabitants. This is the routine cruelty of a security cabal, its humanity withered by years in power: it is genocide by force of habit.”

Yet the international community conferred upon these long-term génocidaires the right to obstruct UN deployment of forces authorized to curtail ongoing genocidal destruction and Resolution 1706 of August 2006 was simply abandoned. Jan Pronk, the Secretary General’s Special Representative for Sudan, capitulated before Khartoum’s obdurate refusal to countenance the UN force authorized by the Security Council and announced that the woefully African Union mission in Darfur would continue to serve as the only source of security for the vast conflict-affected population of Darfur. This was sheer political expediency.

There are now some 4.3 million civilians in a humanitarian theater the size of France, an area much larger and more desperate if we include eastern Chad. This is a population increasingly dependent upon humanitarian operations that are rapidly collapsing. In September 2006, Jan Egeland described these operations as being in “free fall.” In the many intervening months there have been increasingly numerous and desperate communications from humanitarian workers in the field. These are extraordinarily courageous people who often feel as abandoned as the civilians of Darfur, and only marginally less endangered.

Huge areas of Darfur are either totally inaccessible or only tenuously accessible; the areas of inaccessibility grow steadily greater as violence becomes more chaotic. A recent report by Human Rights Watch argued that Khartoum, “continues to stoke the chaos [in Darfur] and, in some areas, exploit intercommunal tensions that escalate into open hostilities, apparently in an effort to ‘divide and rule’ and maintain military and political dominance over the region.” Khartoum’s more direct military campaign continues to be defined by ongoing indiscriminate aerial bombardment of villages and civil-
ian targets, and the use of Janjaweed militias as a weapon of war throughout Darfur, particularly in West Darfur and South Darfur.

China has done most to insulate Khartoum from greater pressure imposed by the UN Security Council. Yet the United States and Europe have failed to convince this potent but callous veto-wielding Security Council member that Darfur matters enough. They have failed to expend the necessary diplomatic and political capital to make Darfur a truly first-tier international issue.

The Arab League has gone through the motions of encouraging Khartoum to accept the UN/African Union hybrid force, but has made clear that it will exert no meaningful pressure on Khartoum. The African Union, which in 2006 announced its inability to continue viably in Darfur, also refuses to confront Khartoum, even as its troops make up the bulk of the approximately 9,000 troops on the ground in Darfur. These peacekeepers are no more capable now, despite the UN blue berets they began wearing on January 1, 2007. An almost complete lack of political and moral courage on the part of the UN Secretariat completes the picture of international impotence.

Egeland’s grim prediction of hundreds of thousands of Darfuri civilians dying needlessly is now being realized as malnutrition continues to grow following the disastrous harvests of this past fall. Given the present level of mortality (which, on the basis of all extant evidence, may be estimated at approximately half a million human beings), the overall death toll could exceed one million following the “hunger gap” of next summer. Because Khartoum refuses to permit the necessary gathering of data and has created intolerable security risks for the last mortality study, it is almost impossible to arrive at any authoritative figure for overall mortality.

There appear to be few encouraging signs without a fundamental change in the security dynamic on the ground in Darfur. Such change will require ending the current diplomatic stalemate at the UN and, particularly, the Chinese role in this stalemate. Without such fundamental change, a remorseless genocide by attrition may continue indefinitely, ultimately assuring Khartoum of a ghastly military victory.

The shameful truth is that we have ended up confronting a terrible symmetry. For while the political reality is clear—the UN has to date shown no political will to make “the responsibility to protect” a reality in Darfur—so too is the moral reality. We have seen genocide proceed for five years, yet we have refused to do what is necessary to halt the ultimate human crime.
The consequences of lacking a standing international force under UN auspices and control are clear in Darfur, where it appears that a ruthless regime of génocidaires can insulate itself from international action simply by claiming "national sovereignty". A Genocide Convention that remains impotent in the face of ongoing, fully reported genocidal destruction will mark in us nothing but the deepest hypocrisy.

-Sinead Hunt served as lead editor for this article.

NOTES

1 “Sudan: Darfur is World’s Greatest Humanitarian Disaster, Says UN Official,” UN Integrated Regional Information Networks, March 22, 2004

2 Ibid. My emphasis.

3 “Is there blood on his hands?” The Sunday Times, October 1, 2006

4 Jan Egeland, Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, briefing before UN Security Council Consultation on the humanitarian situation in Darfur, August 28, 2006


6 This is the consensus range among my many contacts in the Darfuri diaspora

7 Article 2, clause [c] of the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide

8 UN Security Council Resolution 1674, April 2006


10 “Darfur in ‘free fall’ as deadly violence escalates: Egeland,” Agence France Presse, September 12, 2006