

# Dithering over Darfur?

## A preliminary review of the international response

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The systematic atrocities of the counterinsurgency war in Sudan's western province of Darfur have coincided with the tenth anniversary of the Rwandan genocide. This has led many people to see Darfur as something of a test case by which to judge whether the international community has got any better at responding to genocide and crimes against humanity in the past decade. The UN Secretary General, Kofi Annan, explicitly raised the link between international responsibility in respect of Rwanda and Darfur in his memorial address for the Rwandan genocide in Geneva on 7 April 2004. Talking of ethnic cleansing in Darfur, he said that 'the international community cannot stand idle' in the face of such widespread human rights violations.<sup>1</sup> What, then, is the story of the international response to Darfur? Has it been one of bystanding and denial, as it was in the case of Rwanda, or has there been decisive action this time? Has the international community been idle, as Annan feared it might, or has it been busy? And, if it has been busy, has it also been effective?

With the suffering still far from over, a preliminary review\* of international political and humanitarian action on Darfur in the past 18 months shows that the international community has been busy—but only after a very late start. The international community has not denied, but it has delayed and dithered. Once engaged, it also fumbled and took far too long to achieve a united and sufficiently assertive response. The UN Security Council did not hold a major discussion on Darfur until 7 July 2004, immediately after Colin Powell and Kofi Annan returned from visits to Sudan but many months after it had become obvious what was going on in Darfur.

Traditional international reluctance to use the 'G-word', genocide, has been a persistent feature of the Darfur crisis, as it was in Rwanda, until Secretary of State Powell suddenly announced the US government's conclusion that 'genocide

\* This article was developed in close association with Andrew Marshall, Deputy Director of the Centre for Humanitarian Dialogue, who has led the Centre's work on Darfur since early 2003.

<sup>1</sup> Kofi Annan, address to the UN Commission on Human Rights, Geneva, 7 April 2004, UN News Service, <http://www.un.org/apps/news/printnewsAr.asp?nid=10377>.

has been committed in Darfur ... and may still be occurring' on 9 September 2004.<sup>2</sup> Until then, reaction to Darfur showed little improvement in the international community's desire to distinguish between the very different types of violence and war requiring its attention.

Curiously, the world's media also come out of this review very badly. Where were they? Where too were Arab and Islamic states, either bilaterally or multilaterally through the Arab League or the Organization of Islamic Countries? Islamic states that worked so hard in response to ethnic cleansing in Bosnia have been conspicuous by their silence and inaction on Darfur, appearing only as very late arrivals in the Abuja process which began in August 2004.

Above all, of course, the government of Sudan must take primary responsibility for what has happened and continues to happen in Darfur. It has both perpetrated atrocities and then blocked the humanitarian response. There has been massive obstruction of humanitarian access from the highest levels in Khartoum, involving the usual ploys of visa restrictions, feigned concern for humanitarians' security, suspended travel permits and news blackouts.<sup>3</sup> The Sudanese government sustained such tactics for months alongside a barrage of denials and empty promises. Such obstruction and denial are typical of those seeking to mask orchestrated killing, terrorizing and forced displacement of civilians, and should have been recognized for what they were by powerful states much earlier. As in south Sudan and the Nuba Mountains in 1992, elements of General Bashir's government have again shown themselves to be brutal exponents of extreme group-targeted violence.

### **The usual tale—with some important differences**

The story of the international response to the Darfur emergency is in one sense a familiar tale. There were tensions between bilateral and multilateral approaches. There were competing political priorities within Sudan, within the region and in the world at large which acted to distract and inhibit political response to what was happening in Darfur. In particular, constant concern about the competing peace process in Naivasha, where talks aimed at ending the civil war in southern Sudan were at a critical point, has been an important, sometimes immobilizing factor. Limited UN mandates, underpledged appeals and an initially weak response by UNHCR in Chad were nothing new. And, of course, in the end, there was the usual mad rush to beat the rains—the logistical nightmare of all humanitarian enterprises in such regions and the only chance for displaced people to plant seeds to ensure a harvest for the year ahead.

But the picture is not all bad. Indeed, there may be indications of some

<sup>2</sup> Secretary of State Colin L. Powell, Testimony before the Senate Foreign Relations Committee, 9 September 2004, Washington DC, <http://www.state.gov/secretary/rm/36042pf.htm>.

<sup>3</sup> Médecins Sans Frontières were still reporting that it was taking two months from recruitment to arrival to place a medic in Darfur in May 2004: Ton Koene, MSF Emergency Coordinator, statement to the UN Security Council on behalf of MSF on 24 May 2004 at <http://www.msf.org/countries/page.cfm?articleid=DB8843B3-F57D-4054-82D6530A..>

positive new twists to the usual tale of avoided responsibility and late response. The Darfur emergency also shows key elements of the international community working to very high standards and with a consciousness unmistakably influenced by the experience of Rwanda.

Some impressive UN fact-finding and advocacy work was done on the ground in Chad and Darfur—notably by the missions of the UN High Commissioner for Human Rights, the UN Office for the Coordination of Humanitarian Affairs and the Secretary General. The US government's public use of satellite images to show clearly the pattern and extent of destruction and displacement in Darfur was also a significant contribution to countering Khartoum's policy of denial. UN reports and US pictures were complemented and strengthened by equally unambiguous field reports from humanitarian and human rights NGOs.

Continuous and determined diplomacy by individual states, notably Chad, the United States, the Netherlands and the UK, and by Germany mobilizing political commitment within the European Union, was an important feature. The African Union (AU) made a significant appearance from the start—soon taking over as the official mediator from Chad and sending armed forces and monitors in on the ground. Early humanitarian mediation by the Centre for Humanitarian Dialogue, working as a non-state intermediary between the Sudanese rebel groups and the formal state system, helped bring both the Sudan Liberation Army and Movement (SLA/M) and the Justice and Equality Movement (JEM) into international talks. Finally, in the talks themselves, the strategy of moving seamlessly between humanitarian and political discussion of the crisis has been a highly significant tactic that has enabled the negotiation process to retain some fluidity and preserved fallback positions.

Nevertheless, despite these positive aspects, there has been no quick fix to Darfur, and no concerted diplomatic lift-off was achieved until far too late. More than a million people have suffered terribly, and continue to do so, because of international reticence, the skilled diplomacy of the Sudanese government, and the draconian policy of Khartoum and its militia proxy the Janjaweed.

The remainder of this article attempts to tell the story of international engagement with Darfur over the past 18 months and to explore some key features of the international response.

## **The Chadian prelude**

The SLA and JEM began guerrilla operations in earnest in early 2003, meeting concerted government retaliation from February 2003 onwards. International awareness of the crisis was very slow to gather during 2003 and never achieved a critical mass of any kind that year. Instead, the government of Chad took the lead and in September, after several high-profile SLA attacks, government retaliation and significant population displacement, mediated the first ceasefire, which lasted 45 days. By this time, UN and NGO humanitarian agencies were already anticipating considerable civilian suffering within Darfur and across the

border in Chad. This led the UN in Khartoum to put out an initial appeal for US\$139 million for Darfur on 15 September 2003.

For the remainder of the year political efforts continued to be confined to the persistent and naturally self-interested mediation efforts of the government of Chad. After three sessions of these talks, a final round broke down in N'djamena on 10 December. The Chadian solo effort was clearly not enough, nor was it ever likely to be. President Deby's political relationship with the Sudanese government is complicated. Khartoum had supported his invasion of Chad from his exile in Darfur. At the same time, Deby is also a member of the Zaghawa people who spread across the Sudanese–Chadian border. This group is suffering a major part of Khartoum's violence, and much of the SLA leadership is Zaghawa. While Deby made a creative and acceptable mediator, his own loyalties were deeply split and the Chadian process lacked the political leverage necessary to give the talks credibility and weight.

Within Sudan itself in late 2003, some European embassies—particularly the Dutch and the British—were well aware of conditions in Darfur and were engaging the government on the subject, but with little effect. Khartoum gave the Dutch the impression that they might be potential mediators, but this proved to be a stalling tactic and was never translated into reality. Meanwhile, many governments seemed focused on a policy of dealing with events in sequence, and consequently determined to secure the Naivasha agreement before moving on to Darfur.

Very little progress was made in humanitarian action on the ground in 2003 because of sustained and systematic obstruction by the government of Sudan. Agencies were not being idle: several humanitarian and human rights organizations, notably Amnesty International and Médecins Sans Frontières, were lobbying hard, but they were being very effectively thwarted by Khartoum.<sup>4</sup>

Meanwhile, the world's media were never mobilized, being editorially diverted by Iraq and physically prevented from entering Darfur by Khartoum's news blackout. Nor did they ever really try to cover the war or enter Darfur in 2003. It was only in January 2004 that an independent British film-maker entered Darfur with the rebels and then got his footage onto US (CNN), British, German and Australian television.

The tragedy, of course, is that while humanitarian agencies were prevented from working in late 2003 and early 2004, the opposite was true for the Sudanese army and air force, both of which were working extremely hard alongside the Janjaweed militia. Khartoum-led military activity between February 2003 and April 2004 was completely disproportionate to the targeted guerrilla warfare of the two Darfur insurgent groups. Systematic and widespread government and Janjaweed assaults on civilians, their villages, their infrastructure and their livelihoods went well beyond the separation and interdiction doctrines of measured counterinsurgency, indicating an evident strategy of male massacre, rape,

<sup>4</sup> See for example Amnesty International, 'Looming crisis in Darfur', 1 July 2003, AFR 54/041/2003; MFR press release, 'The top ten most underreported humanitarian stories of 2003', 6 Jan. 2003.

forced displacement and land-grabbing, intended to make it impossible for the terrorized and evicted populations to return.

This was undeniably group-targeted violence, rightly described by many in civil society as genocide within the terms of the 1948 convention. The only area of dispute concerned the key question of specific government intention, as was pointed out by Justice Africa, perhaps the most insightful of the various NGO commentators on Sudan: 'Is this a crime planned at the highest level of the Sudanese state and executed according to a carefully designed central plan? Or is it counterinsurgency that has got out of control, running wild beyond the designs of its sponsors? It would seem to be a bit of both.'<sup>5</sup> Whatever the right legal label, such extreme policies operated by the Sudanese government demanded a concerted, immediate and assertive international political and humanitarian response. No such response emerged in 2003.

From December onwards, international agencies continued to press Khartoum for humanitarian access to Darfur. As part of this effort, UN and NGO agencies within Sudan sought to reveal the facts about the situation, directly or through third parties. Much of this advocacy took place privately, both with the government in Khartoum and locally in Darfur, because many agencies judged that 'going public' against Khartoum might mean the end of any immediate chance of access.

Uncharacteristically, but encouragingly, the UN proved most vocal of all in the end. Jan Egeland, Under Secretary General of the UN OCHA, spoke out when he was himself refused access. Then, in the first week of March, the UN's Humanitarian Coordinator in Khartoum, Mukesh Kapila, spoke openly and forcefully about ethnic cleansing in Darfur to the BBC and drew a direct comparison with the early stages of Rwanda's genocide. This had virtually no tangible effect on the ground other than to increase Khartoum's intransigence. Visas and permits for humanitarian workers were still stalled, blocked or rationed, even though Bashir had announced victory in Darfur three weeks earlier, on 9 February. But Kapila's widely broadcast statements did begin to raise the political tempo around the conflict, and introduced important new language of ethnic cleansing and genocide which then had to be discussed.

### **'Do something!'**

The critical moment in any crisis—whether it arrives slowly or suddenly—is the wake-up call, when sufficient information and political concern are generated to mobilize the international community. This is the 'do something moment': a moment of relative disarray when the international community musters its forces, gathers its facts and decides on its strategy, while all the time ensuring that it is seen to be doing so by its respective publics. In UN-speak, this is the moment when a critical mass of states first becomes 'seized' of the

<sup>5</sup> Justice Africa briefing, 'Prospects for peace in Sudan', March–May 2004, 19 May 2004, <http://www.justiceafrica.org/bulletin.htm>, 19 May 2004, p. 6.

matter, even if they do not know what to do about it. Keeping them seized so that they actually agree on something effective, and then do it, is the main challenge in this phase.

Darfur's was a slow seizing. An effort to convene humanitarian talks on the crisis in Geneva in February 2004 failed, and it was not until March that the international community only became truly gripped by the killings, displacements and village destructions that were taking place. After Bashir's January offensive, the increasing weight of evidence emerging from Darfur, in the form of testimonies from refugees, displaced people and humanitarian workers, along with indisputable US government satellite photography, painted a picture of systematic atrocity. International interest and self-interest then began to coalesce around Darfur from January 2004 onwards. Something had to be done. Key players in the international community started to push for talks to restart. But this time it was obvious that they wanted these talks to have teeth and to be fully internationalized.

A particularly regrettable feature of the 'do something' phase is that it also represents a 'last chance moment' for the perpetrators of the violence. Typically, they get something of a breathing space as the spotlight moves from their violent actions to public discussion of international action or perceived inaction. Thus, while the political heat is on the responders—who are often not easily able to stop the atrocities—it may come off the perpetrators. For an important political moment (a 'moment' which can last for weeks) the responding international community often becomes the central villain of the piece in media and NGO rhetoric. The real villains know this, and even seem able to plan for such extra time. While potential responders argue over what they can do, how they should do it and who is best placed to do it, the perpetrators continue to kill; indeed, they usually step up their efforts in this predictable last window of opportunity. The final push in most final solutions is delivered in this last chance moment between international acknowledgement and action.

The Sudanese government certainly used its last chance moment between January and April 2004 when, together with the Janjaweed, it launched its major offensive in Darfur and thereafter continued its policy of raiding, razing and displacing while the international community was still getting its act together.

### **Late crescendo**

International activity finally gathered form and pace throughout February and March 2004, but reached an effective pitch only in April. After a typical tussle over venues, participants and chairing in February, talks were finally scheduled for late March in N'djamena. While Chad hosted the talks and remained the official mediator, a wider group of 'international facilitators' also participated in the meeting. This group included the United States, the EU (represented by the French), the French, British, Dutch, the African Union, the UN envoy to Sudan and Geneva's Centre for Humanitarian Dialogue.

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The N'djamena talks started with eight days of getting nowhere. The government of Sudan fought shy of substantive discussions and attempted to sow division among the rebel groups and the international community. Serious differences of opinion and interest also emerged within the international facilitators. Some, like the French, prioritized political talks over humanitarian talks. There was also competition for lead roles in the process as some questioned the particular 'mandates' of other parties to be there at all. The rebels had few developed political or humanitarian positions and were preoccupied with their own personal security.

After the deft personal intervention of President Deby, which refocused discussion from political onto humanitarian matters, and some creative UN drafting, an agreement was finally signed on 8 April. While referring to ultimate political requirements ('the establishment in Darfur of a democratic political culture to guarantee to the populations of the region their political, economic and social rights'), this was essentially an agreement to a military pause to enable humanitarian access, and was duly called the 'Humanitarian Ceasefire Agreement on the Conflict in Darfur'. Agreeing an initial 45-day ceasefire, it also set up a Ceasefire Commission and made it quite clear that Khartoum was to 'neutralize the armed militias'.

Also in April, the UN sent three important fact-finding missions to the area. First, the Secretary General sent a mission of the Acting High Commissioner of Human Rights to Chad between 5 and 15 April to visit and interview Sudanese refugees. Its powerful report was initially kept under wraps for fear that Khartoum would block a hoped-for second mission into Darfur itself. A second mission was finally given permission to visit Khartoum and Darfur, and did so between 20 April and 3 May.

This mission produced a forceful and impartial report on the situation, based on detailed and verified testimonies of atrocities and suffering.<sup>6</sup> The mission made it quite clear that far greater responsibility for human rights violations rested with the government of Sudan and its militia proxies than with the insurgent or rebel forces. The report described 'a reign of terror in Darfur' and characterized government violations as 'systematic' and forming a 'widespread pattern' that 'may constitute war crimes or crimes against humanity'.

Much of the detailed empirical analysis of these two important reports immediately formed the basis of international description of the conflict and gave international discussion on the situation a new authority and urgency. Also in April, Human Rights Watch in New York published the results of its inquiries along the Chad border.<sup>7</sup> In their account and analysis these were very similar to the UN findings. Human Rights Watch was uncharacteristically slow off the mark in Darfur, but its report, when it came, was thorough and unambiguous.

<sup>6</sup> 'Report of the Acting High Commissioner on the Human Rights Situation in Darfur', E/CN.4/2005/3 dated 7 May 2004.

<sup>7</sup> Human Rights Watch, *Darfur in flames: atrocities in western Sudan* (New York: HRW, April 2004).

As a result of the N'djamena agreement, the UN Secretary General also sent a third team, the High-Level Mission, to Darfur between 27 April and 2 May 'to assess the humanitarian situation and make appropriate recommendations'. Its report was equally forceful in its description of violations and suffering and its emphasis on the likelihood of future famine resulting from forced displacement.<sup>8</sup> It also set out the immediate priorities for humanitarian operations. Running to just six pages of clear language, it was a model of brevity and directness which future UN reports would do well to emulate.

Towards the end of May the government of Sudan began to authorize visas for international humanitarian staff, although they still stalled humanitarian logistical work by their restrictive import procedures. Humanitarian access increased and large-scale operations eventually became possible for UN agencies and NGOs. However, funding for such operations was still far short of what was needed. The UN called a donors conference for Darfur in Geneva on 3 June. In advance of the conference, Oxfam pointed out the discrepancy between international funding for Iraq and for Sudan. In the first three months of 2003 the appeal for Iraq had received US\$2 billion. So far, the appeal for the whole of Sudan had received only US\$200 million out of an appeal for nearly US\$639 million for the country. The Geneva conference appealed for US\$236 million to aid the 2.2 million people affected; yet it raised pledges of only US\$126 million.

All these missions, reports, international talks, funding and humanitarian programmes came very late in the day. For this, Khartoum's obstruction must take primary responsibility; but the international community and NGOs must take some secondary responsibility for not being more concerted and assertive sooner. If a major diplomatic effort had been mounted at the end of Khartoum's official offensive in February, the humanitarian and political response to the conflict might have been quicker and so better.

The international effort was late because the political weight and shape required to lever Khartoum into line was slow and difficult to build. Such difficulty seems to be a structural feature of international response. Acknowledgement of the problem, alliance-building, common purpose and practical action take time to develop. But another key factor that may have particularly affected the process on Darfur was a profound international reluctance to see a strong military intervention in the wake of the invasion of Iraq. There was also a new African determination—supported by the major powers—for the African Union to lead a regional process that would shape an African solution to Darfur. Khartoum's deft diplomacy exploited this tension to great effect, and continues to do so.

<sup>8</sup> High-Level Mission to Darfur, the Sudan, 27 April–2 May 2004, *Mission Report* (Khartoum: United Nations, May 2004).



## **Raising the tempo in New York and Abuja**

After Kofi Annan's and Colin Powell's visits to Khartoum and Darfur in late June the UN Security Council finally came into its own, and the next phase of international response was firmly focused through the United Nations in New York and the African Union in Abuja.

The United Nations and the government of Sudan issued a joint communiqué on Darfur from Khartoum on 3 July.<sup>9</sup> For the first time this spelt out specific obligations and actions to be taken by the Sudanese government—with UN support—in respect of the humanitarian, human rights, security and political aspects of the crisis. Many of these points were then elaborated as UN Security Council demands under Chapter VII of the UN Charter in Resolution 1556, finally passed on 30 July.<sup>10</sup> This gave the government of Sudan 30 days to comply with requirements on facilitating humanitarian access, the disarmament of militias, civilian protection, and the investigation and punishment of human rights violations. It also called on the international community to increase its support for humanitarian assistance and AU monitoring efforts.

Working closely with the Sudanese government and other governments, the UN Secretary General's new Special Representative to Sudan, Jan Pronk, set up the Joint Implementation Mechanism to prioritize and monitor government actions in line with the resolution. The Secretary General's report after the allotted 30 days declared Khartoum's compliance to be good in parts and mixed or bad in others.<sup>11</sup> Humanitarian access had improved, including into rebel areas, but needs had likewise increased. There were 2,000 new police, but most of these were working in the towns and major settlements for displaced people, without much penetration into the surrounding countryside. Some of their number were thought to be members of the Janjaweed in a new guise, suggesting the possible paradoxical outcome that UN measures are enabling Khartoum to make Darfur into the worst kind of police state. Disarmament seemed token, possibly genuinely difficult and mainly confined to the Popular Defence Forces rather than the Janjaweed; consequently, violence against civilians was continuing in several areas, as revealed by the arrival of 30,000 new displaced people in south Darfur in the last three days of August.<sup>12</sup> The investigation, prosecution and punishment of human rights violations was making very slow progress, and a massive lack of confidence between the people and the government continued to stall voluntary return of the displaced.

At the time of writing, the Security Council's response to Sudan's 30-day performance is undecided, but US proposals for an expanded AU military

<sup>9</sup> Joint communiqué by the government of Sudan and the United Nations on the occasion of the visit of the UN Secretary General to Sudan, 3 July 2004, <http://www.reliefweb.int/w/rwb.nsf/vID/746B9FE7CD9B97D485256D8001140EE?>

<sup>10</sup> UN Security Council Resolution 1556 (2004), 30 July 2004, S/Res/1556(2004).

<sup>11</sup> UN Security Council, Report of the Secretary General pursuant to paras 6 and 13–16 of Security Council Resolution 1556 (2004), S/2004/703.

<sup>12</sup> 'Aid agency warns of tens of thousands of newly displaced people in South Darfur', Oxfam Press release, 10 Sept. 2004.

presence, a no-fly zone, aerial monitoring, a commission into genocide and a final conclusion to the Naivasha talks seem likely to be central to it.

On 23 August, new AU-mediated talks in Abuja got under way. These were immediately stalled by the insistence of Khartoum that disarmament of the militias should include the rebel groups. Khartoum's negotiators also warned, with Arab League support, that any heavy-handed intervention from states and organizations beyond the African Union 'would only complicate matters' which should be dealt with by the AU alone.<sup>13</sup> This represented a continuation of Khartoum's consistent policy of trying to divide the international community so that African-Arab solidarity might be a match for major power pressure. Political deadlock thus dominated the early session, which was salvaged only by both parties reverting to talks on the humanitarian track. This resulted in a joint 'protocol on the improvement of the humanitarian situation in Darfur', which assured 'unimpeded access' for humanitarian agencies to all areas and similar commitments to the protection of civilians.<sup>14</sup>

### **What progress since Rwanda?**

As the wheels of trucks bearing humanitarian aid and workers finally roll into Darfur along with AU monitors and troops, what stands out about the international community's initial response to the violence in Darfur?

The study of international response to wars, genocide and disasters is by no means a new field of enquiry and concern. The wake of every big emergency since the Second World War has brought with it a now familiar ritual of recrimination, evaluation, lesson-drawing and renewed promises. This cycle routinely followed Biafra, Bangladesh, Cambodia, Ethiopia, Somalia and Bosnia. In each episode of hand-wringing the central question of international responsibility for stopping intrastate violence remained central but unanswered: morally, legally, practically and institutionally.

This cycle was broken to a significant degree by the first truly intergovernmental evaluation, led by the Danes, after the Rwandan genocide in 1994.<sup>15</sup> This evaluation marked a step change in the seriousness with which international political and humanitarian action was scrutinized. Its main conclusion—that states had equal political and humanitarian responsibility to respond in the face of massive violations of human rights—does seem to have been taken on board and internalized by the international community as a new post-Rwanda consciousness. This political consciousness—which may even represent an embryonic international conscience—is most evident in the increasing commitment of the UN Security Council over the past ten years to the principle and practice of

<sup>13</sup> Associated Press report, 7 Sept. 2004.

<sup>14</sup> 'Protocol on the improvement of the humanitarian situation in Darfur', African Union press release, Abuja, 1 Sept. 2004.

<sup>15</sup> *The international response to conflict and genocide: lessons from the Rwanda experience* (Copenhagen: Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, March 1996).

civilian protection.<sup>16</sup> This has generated a new international norm for intervention and protection in armed conflicts which is perhaps best encapsulated as ‘the responsibility to protect’—the title of the Canadian-funded international commission on humanitarian intervention that reported in 2001.<sup>17</sup>

Many states now share a moral and activist consensus around civilian protection in war and genocide. Most powerful democratic donor states are also far more sensitive to the charge of bias in their response to crises and to the accusation that they are opting for humanitarian action as a cover for political neglect. This charge—known as the humanitarian fig-leaf syndrome—is now keenly felt and avoided by most donor governments. Most powerful western states now pursue, and want to be seen to pursue, a twin-track approach that combines equally engaged political and humanitarian strategies. The fact that NGO rhetoric also asks them to do this without integrating or ‘blurring’ these two tracks is, of course, somewhat challenging in practice and a typical example of unrealistic NGO demands.

Despite the very late response of the international political community to the atrocities in Darfur, there seems little doubt that key states, UN organizations and NGOs did respond with this new post-Rwanda sense of responsibility. They were never in denial about Darfur. They never downplayed the violence or misrepresented it as something other than it was. All UN reports and many states expressed their concern in the new post-Bosnia and post-Rwanda language of civilian protection, human rights violations, war crimes and international responsibility. Many of them—the UN in particular—were acutely alert to the possibility that the violations reported in Darfur could add up to genocide, although they never used the term, resorting instead to alternatives like ethnic cleansing, war crimes and crimes against humanity. Again, it was left to NGOs, for example, the US Refugee Committee, various church groups in the United States and the Aegis Trust in the UK to use the term ‘genocide’.

The tragedies of Rwanda and Bosnia do seem to have worked to prime international consciousness to inhibit recourse to denial. But although awareness may have been greater in respect of Darfur, international action was still hard to achieve. Why? Here, in the realm of action, Darfur seems to throw up six particularly interesting features of international response.

## **Factors in the international response**

### *Naivasha and competing priorities*

As so often, politicians could not easily treat the violence in Darfur in isolation from other political goals they were trying to achieve—in this case an end to

<sup>16</sup> See e.g. UNSC Resolutions 1265 (1999) and 1296 (2000) on the protection of civilians in armed conflict, and the Secretary General’s four subsequent reports to the Council on the subject.

<sup>17</sup> *The responsibility to protect: report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001).

Sudan's southern war, the talks on which, drawing to a conclusion at Naivasha, stood on the brink of success and failure throughout the first year of the Darfur emergency. These talks created a particular dynamic that affected both Sudanese and international policy towards Darfur, both Khartoum and the international community fearing that the situation there had the potential to unravel their interests.

Key members of the Sudanese government elite feared that a Darfur insurgency—with support from their reviled enemy Hassan Turabi—had the potential to become the vanguard for a widespread northern movement for regime change that could easily unravel their regime. Darfur was suddenly a much more dangerous threat to their rule than the south.<sup>18</sup> This perceived threat meant that government interest in implementing Naivasha did indeed wobble. It also allowed government ideologues to argue for extreme measures in Darfur and for the ensuing military campaign to 'annihilate' the insurgency announced by President Bashir.

For its part, the international community feared that international confrontation with Khartoum over Darfur could unravel the precious Naivasha process, achieved only after a long struggle. Initially, the enormous importance of these talks both distracted and inhibited the international community, until they were able to make a strong linkage between the two under US leadership from May 2004 onwards.

It took considerable courage to see that peace in Sudan had to be treated comprehensively rather than piecemeal. But even a policy of linking the conflicts together could not be done too forcefully if it risked bringing down Bashir. To many, the prospect of Sudan without Bashir at this particular time seemed likely to produce a total unraveling of the country and a situation of near anarchy that might even be worse than the tragedy involved in taking one conflict at a time. So even linkage required the international community to avoid outright confrontation with Khartoum, whose leaders it needed both to keep at one table in Naivasha and also to get to a new one in N'djamena.

These competing political priorities were real. An earlier embrace of linkage might have been far more effective than the tacit sequencing strategy which predominated in early 2004 and which involved dealing with one war after the other. A sequencing policy would get around to Darfur eventually, but it would not stop the terrible atrocities in the meantime.

This key political choice between sequencing and linkage merits more reflection from politicians and diplomats so as better to inform future decisions around competing priorities of this kind. The need to choose between linkage and sequencing is bound to come up again. Indeed, the Naivasha–Darfur dynamic is eerily resonant of that prevailing in respect of Arusha and Kigali in 1994, when all international political energy was focused on believing in and implementing the Arusha Accords while Hutu extremists in Kigali had agreed that Arusha was a disaster and had decided upon genocide.

<sup>18</sup> Justice Africa, 'Prospects for peace in Sudan', p. 4.

### *Multilateral strategy-making*

As international concern was concentrated around the N'djamena meeting at the end of March, it was equally clear that the various parties making up the international community in the Chadian capital had still not agreed on the requirements of any agreement or on their respective roles in the process. The extreme desert heat of the three-week N'djamena meeting was as essential to forging international consensus as it was to thrashing out terms between Khartoum and the rebels.

Reconciling French, British, Dutch and American positions and deciding the various roles of the AU, the EU, the Chadians and the UN was time-consuming. Tensions arising from other areas of international politics like Iraq, potential oil deals and concerns over spheres of influence are always played out in the immediate business of building and configuring an international alliance and shaping a strategy. Antagonism over who is and is not prepared to back any agreement with ready money also creates tensions as a pecking order emerges among states around the table.

The time it takes to form a coherent and assertive international response when people are being killed is always surprising. And, once again, over Darfur it took far too long.

### *The West is late but where's the rest?*

The typical predominance of western power in driving and funding a process of international response was obvious once again over Darfur. However, there were exceptions, namely Chad and the African Union. Working through its new Peace and Security Council, the AU issued several informed and critical communiqués making known its concern about the violence in Darfur.<sup>19</sup> Through its envoy and then also its offices in Addis Ababa, the AU gave important support to the N'djamena process and immediately became committed to seeing it through on the ground. As the official mediator in the Abuja process, the AU now has the chance to show that it has the will, the expertise and the technical capacity to deliver critical diplomatic results. If the Darfur crisis proves the AU to be effective and successful both in the conference room and on the ground, then the world will have a major new player in the management of political and humanitarian crises.

In comparison, the absence of significant multilateral support for the international response from either the Organization of Islamic Countries or the Arab League was depressing. The Arab League's strong criticism of US military action in Fallujah and of Israeli military action in the Palestinian occupied territories in 2003 and early 2004 made a stark contrast to its silence over the violations in Darfur. The Arab League played no explicit role in the N'djamena

<sup>19</sup> See e.g. section A of the communiqué on 'The solemn launching of the tenth meeting of the Peace and Security Council', African Union, 25 May 2004, PSC/AHG/Comm. (X).

process, although it turned up for the signing of the agreement in Addis Ababa on 28 May. Its main role in the Abuja process so far seems to have been to support Khartoum in its efforts to keep US and European intervention at bay, but without offering any troops of its own to support an expanded international presence in Darfur.

### *Combining humanitarian and political negotiation*

A particularly important aspect of international engagement over Darfur was the way in which international talks moved seamlessly between humanitarian and political ground. As well as ensuring that vital progress was eventually made on humanitarian access, the humanitarian track of the Darfur talks acted as a critical fallback position for all parties. It meant that contact and talks could keep going on humanitarian matters when the politics got too hard.

This fallback to humanitarian talks happened at crucial moments in both N'djamena and Abuja. With broad political talks and conference procedure still in crisis after the first eight days in N'djamena, President Deby intervened personally to chair a neat sidestep into essentially humanitarian talks around which the parties were able to regroup and from which emerged the final ceasefire agreement—which was nevertheless imbued with political principles about Darfur's future. In Abuja, when similar deadlock was reached over the disarmament issue in the first week of September, the AU mediator, Hamid Algabid, was able to refocus the parties onto a humanitarian protocol.

The principle of making humanitarian priorities the cutting edge of such international talks is an important one. Urgent humanitarian discussions rightly have a priority of their own in such situations, but can also play an important vanguard role in engaging the parties around a process of talks which may then become wider and turn to matters of political substance. Equally, such talks can then revert to humanitarian matters when progress on politics stalls. The Darfur talks clearly showed that humanitarian mediation of this kind has both a path-breaking role in engaging the parties and a fallback role in keeping them engaged at low points in any political talks. The trick, of course, is to ensure that humanitarian fallback does not become political procrastination.

The need to develop the practice of humanitarian mediation may be a strong lesson for international policy to emerge from the Darfur process. Leading any mid-conflict talks with a humanitarian edge makes both moral and diplomatic sense. It can stop people suffering and dying—which must be the international community's first priority in such extreme situations—and it can also create conditions for working on deeper political negotiations on the causes and structure of that suffering.

### *Political leadership*

Even if it arrived late because of anxieties about the Naivasha process, strong political leadership for international engagement did emerge in April 2004 and proved critical. The real strength of this leadership came from the United States, which complemented mediation by Chad and the AU with firm political pressure.

US determination at the table in N'djamena was backed up by key phone calls to Khartoum from leading members of the US administration and by the June visit of Secretary of State Powell—the highest-ranking US official to visit Sudan since Cyrus Vance. US will over Darfur gradually became obvious. It might have been obvious sooner if the policy of linkage between Naivasha and Darfur which was presented to the Senate Committee on Foreign Relations on 15 June had been envisaged earlier in the year. US political leadership of the international response was also backed up fast with ready money, alongside funds from Britain and the EU, at the Addis meeting on 28 May. These contributions immediately secured the ceasefire commission process.

Political leadership was much slower to emerge through the UN Security Council, which seemed to play only a walk-on part until July 2004. On 25 May the Council issued a presidential statement in response to a letter from the Sudanese ambassador and continuing reports of atrocities since the N'djamena agreement.<sup>20</sup> It also made a passing reference to Khartoum's responsibilities in Darfur in Resolution 1547 of 11 June 2004, which welcomed the Naivasha agreement. These documents focused on the protection of civilians, humanitarian access and the Sudanese government's responsibilities for both. But they were essentially statements of concern. They neither threatened nor sanctioned any coercive UN measures against the government of Sudan. Such strategies did not begin to be publicly discussed in the Security Council's deliberations until the second week of July.

The Security Council was not used early enough over Darfur. It must be asked whether a much stronger and earlier Security Council resolution on Darfur—a resolution with teeth, like 1556—would have increased the leverage on Khartoum and made international demands obvious to all before or immediately after N'djamena. The international response to Darfur shows clearly that strong political leadership is essential in such conflicts; often it comes from the United States, but is still best conveyed through the UN Security Council, which was conspicuous by its initial silence and inaction over Darfur.

### *The limits of political will*

Urgent NGO rhetoric around extreme crises typically calls for governments to exert real 'political will'. States and their politicians alike are ceaselessly called

<sup>20</sup> UN Security Council, statement by the President, 26 May 2005, S/PRST/2004/18. This also followed a briefing of the Council by MSF on 24 May.

upon to 'do more', to use 'diplomatic pressure' or simply to 'act now' to end the crisis. The war of words around the violence in Darfur was no exception. The phrase 'political will', was chanted like a mantra by a succession of advocates in humanitarian agencies and human rights organizations once they too were finally alive to the outrages in Darfur. NGO press releases seem to assume complete faith in 'political will' almost as if it is a magical balm which can be rapidly made up and applied to war and disaster with instantaneous results. But, of course, having the will to do something is not the same as knowing what to do or being able to do it. Here is the perennial difficulty of the politics of international response.

From April 2004, albeit far too late, there was obviously significant and powerful political will, led by the United States itself, to stop the suffering in Darfur. However, as described above, competing political priorities and a possibly disastrous interpretation of any use of US and European military force presented the most will-ful politicians with difficult choices. The consummate diplomacy of the Sudanese government also played a key part in spinning along and frequently dividing the international community. Even the most strongly motivated and powerful members of the international community found a masterly opponent in the Khartoum government. Articulate Sudanese politicians continually led the international community to believe that they were responsive to pressure. Khartoum was always able to respond just enough on the ground, to attend the right meetings, to stall on Naivasha and to listen attentively to the succession of visiting ministers expressing their displeasure.

The tragic lesson from Darfur is that when the problem is obvious the solution may not be. Like the states they lobbied so hard, most NGOs and commentators also stopped short of demanding a strong military intervention to challenge Khartoum and the Janjaweed on the ground and so stop the violence. Instead, NGOs preferred ambiguous phrases like 'robust action' in their urging of the international community—never making it clear whether this was code for invasion or not. Some were more specific in their prescriptions. John Prendergast of the International Crisis Group, perhaps the most energetic NGO advocate, did spell out specific actions, such as targeted sanctions against Khartoum officials, an arms embargo against the Sudanese government, the immediate deployment of a 3,000-strong AU peacekeeping force for civilian protection, increased aid and human rights monitors, and even 'unilateral action' by the United States, Britain and Australia.<sup>21</sup> But these proposed solutions were also voiced relatively late in the process, and even then it was not obvious whether they could be either agreed or easily enacted. Of all commentators, perhaps Justice Africa and Alex de Waal were the most consistent and politically realistic in constantly arguing for a build-up of sufficient military, political and humanitarian capacity on the ground in Darfur under the

<sup>21</sup> International Crisis Group, 'Darfur deadline: a new international action plan' (Nairobi and Brussels: ICG, 23 Aug. 2004); also interview with Prendergast, cited by Paul Garwood, 'International community split on ending Darfur conflict', Associated Press, 26 Aug. 2004.



African Union.<sup>22</sup> They were also just as critical of Arab and African denial and inaction as they were of American and European delay, a facet that some NGOs tend to overlook sometimes in their view of the world's problems as essentially of western making.

### **Time for another evaluation**

There is a paradox in the blame game around any discussion of international responsibility for and response to massive human rights violations. This is, quite simply, that the moment international public and NGO attention turns to the question of international response to massive violations by a state or non-state actor, the potential responders can often find themselves under heavier fire than the original violators. In the forceful political discourse that tries to engage and then evaluate international response, a strange inversion of responsibility can take place which tends to transfer primary moral responsibility from perpetrators to responders. States are castigated and lobbied about their failures to respond effectively—often with little real attention to what is actually possible.

Such shaming and blaming may be a necessary part of the complex democratic process of mobilizing states and preventing international bystanding. But it should not be allowed to obscure the fact that responsibility for the killing and destitution in Darfur lies first with those who committed it. Assessing the subsequent international response to this primary violence is an analysis of secondary responsibility.

This initial review shows that the international community has now begun to meet its responsibilities in Darfur, but has done so very late. Key members of the international community failed to achieve critical mass on Darfur early enough. This was not a problem of knowledge or denial but a failure to confront the Sudanese government forcefully, effectively and immediately. And yet there are also positive elements in the response to Darfur from which lessons also need to be learned. Darfur deserves a full investigation.

Ten years after the Rwandan genocide, concerned governments would do well to commission another rigorous intergovernmental evaluation of international response—this time of the Darfur emergency. The post-Rwanda evaluation proved its worth. We now need to see precisely where the international community has improved and where it still needs to do so. Perhaps an African or Arab government could build on the Danish government's efforts in 1994 and lead this new evaluation.

The people of Darfur remain in deep distress. Even if their immediate needs are now being better met, their medium- and longer-term future looks highly precarious, and sustained international engagement will be necessary to ensure three things: first, that their needs for food and shelter are met carefully so that

<sup>22</sup> See Justice Africa's regular Sudan briefings at [www.justiceafrica.org](http://www.justiceafrica.org); Alex de Waal, 'Darfur: make or break for the African Union', *Africa Analysis*, no. 453, 20 Aug. 2004.

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centres for internally displaced people do not become overpopulated disease traps as so many did in the 1980s; second, that people are able to return to their razed villages so that they can plant seeds for next year's harvest and so that the ethnic cleansing of the past year is not allowed to become established; and third, that new violence does not arise. These three challenges alone must keep the international community busy on Darfur for some time to come.