

## **The Genocide in Darfur and the Intervention that does not take Place**

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The humanitarian crisis in Darfur, Sudan, had its initial moments less than ten years after the genocide in Rwanda had occurred, when the international community, with the connivance of the United Nations (UN), abandoned approximately 800,000 people to their tragic destiny and the horror of an announced genocide. The almost total lack of action of the UN and the main powers, in the case of Rwanda as well as in the war in Bosnia Herzegovina, had taken these international actors to develop concrete actions with the objective of preventing the repetition of similar tragedies in the future. It was in this renewed political and institutional international context that the UN acted in specific cases, such as in the Balkans again (Kosovo), in West Africa (Liberia and mainly Sierra Leone), in the regions of the Great Lakes (in Rwanda and neighboring Burundi as well as in the Democratic Republic of Congo) and in East Timor.

However, the attack, in February 2003, of the Sudanese Liberation Army (SLA), which was then a recently formed rebel group, against the airport of El Fasher, a city of northern Darfur, provoked an extremely violent reaction of the Sudanese regular army, as well as of its allied militias. From then on, the mass murders, the rapes and the intimidations against the civilian population in Darfur only got worse and generalized, without any significant and decisive international reaction. Until mid 2007, that is, almost 4 years after the beginning of the armed phase of the conflict, the numbers are appalling and shameful: something between 250.000 and 300.000 were brutally murdered, more than 2 million people are displaced persons and are living away from their houses, lands and villages -depending almost exclusively on

humanitarian aid- some of which are living in refugee camps within Sudan whereas more than 250,000 refugees are in neighboring Chad.

In this paper, after I briefly discuss some relevant historical aspects that I deem relevant to understand the current situation in Darfur, I emphasize the actions and reactions of different international actors in this crisis, and locate their action within the general framework of the debate on international interventions. In particular, I emphasize the action of the UN, and of its Security Council, as well as the role played by the African Union (AU), a recently established regional organization that assumed an important role in this crisis.

### **The Crisis**

Sudan is amongst the poorest countries in Africa. Its GDP, even in PPP terms, is amongst the lowest in the world, and it presents one the highest infant mortality and illiteracy indexes in the world, as well as amongst its lowest life expectancy data. The distribution of all these very negative data is also highly unequal, since some groups and one specific region are clearly favored, i.e., the ruling elite and its closest allies, and the capital Khartoum. An illustrative example of this disequilibrium is the localization of one of the three universities of the country in the capital, whereas the whole region of Darfur, for instance, does not have one.

The crisis, if one could refer to the humanitarian tragedy in so mild terms, was initiated in 2003, after the above mentioned violent and destructive reaction of the Sudanese army to an attack of the rebels of the SLA/M against the airport of El Fasher, in Northern Darfur. Three tribes in Darfur have been the main targets of the action of the Sudanese army and its allies: the Fur (the tribe that gives the name to the region: Dar-Fur meaning House of Fur), Massalit and Zaghawa. But why in 2003, and why in Darfur? This is not a trivial question since Darfur has been the stage of several tribal conflicts over its history, and more particularly since the 1980's.

Sudanese authors such as Tijani Mustapha Muhamad Salah (1999) and Ali Ahmad Haqar (2003) report multiple violent clashes among local groups and successive –and failed- mediating initiatives among the fighting parties, and warn of the imminence of wider and more violent conflicts if strong measures were not taken. Moreover, Darfur is not the only discriminated against region in Sudan, so why is it the single most violent region of Sudan in terms of inter-tribal clashes?

To answer these two questions, it is inevitable to discuss the recently concluded conflict between the Sudanese government and the former-rebels of the South. Indeed, Sudan is composed of 70% of Muslims, 25% of animists and 5% of Christians. Since its early independence, its successive governments have attempted to establish the Islamic law (or Sharia) as the exclusive source of law in the whole country. This took the Southern region, where a majority of animists and Christians of Sudan live, to question the legitimacy of the successive central governments since the first moments of independence in 1956. The obvious concern of these groups from the South is to prevent the imposition of the Sharia in detriment of their proper laws and traditions. The rebellion of the South against the central government of Khartoum can be divided in two distinct phases, the first one between 1956 and 1972, and the second between 1983 and 2005. When General Jaafar Nimeiri led a Coup d'Etat in 1969 and became president of Sudan, one of his main stated political objectives was to reach a negotiated solution to the conflict with the Southern rebels. He achieved that objective in 1972, when a negotiated peace agreement was finally signed in Adis Abeba, the Ethiopian capital and the headquarter of the now defunct Organization of African Unity (OAU), between the government and the rebels. Among the main terms of the agreement was a statute of autonomy for the South and the inclusion of former rebels from the South as soldiers in the regular national army. However, the

discovery of oil in the South by the end of that decade resulted first in General Nimeiri unilaterally modifying the constitution in 1977, which was seen by some in the South as an implicit partial rejection of some of the terms of the 1972 peace agreement, and then, in 1983, in the rejection, by the Nimeiri regime, of the Adis Abeba peace agreement as a whole.<sup>1</sup> If one adds to these events the fall of the Nimeiri regime, as well as a new attempt by the new regime to impose Sharia to the whole country, it becomes clear why the rebels view their options shrink to only one: back to armed struggle.<sup>2</sup> A major change in this new rebellion is that it was clearly led by the Christians of the South, and in particular by the dominant figure of John Garang, who had created the Sudanese People Liberation Army (SPLA). This second phase of the civil war between the Khartoum regime and the SPLA was more violent and bloodier, and it attracted the attention of the world public opinion more than the previous one. One of the newly interested international actors in the Sudanese civil war was the United States (US), where conservative forces, allied to the Reagan administration, started to insist on the importance of defending the freedom of worship around the world, and in particular the freedom of Christians to practice their religion around the world. This conflict lasted for 21 years, i.e., between the end 1983 and January of 2005, when the so called Comprehensive Peace Agreement (CPA) was finally signed by the government and the SPLA.

Before the CPA, and during that long and protracted conflict, several attempts at mediating the conflict took place, among which we should mention the attempts of some African countries and other attempts by the US. However, the impossibility of a military victory by either part, added to the high costs of keeping the civil war going as well as the above mentioned international mediating efforts, forced both parts to accept to sit at the negotiating table, make concessions, and reach a peace settlement.

The first significant mediation in the conflict occurred in 1994. It was a regional mediation, lead by Sudan's neighbors Ethiopia, Eritrea, Kenya and Uganda, within the context of IGAD, the Inter-Governmental Authority for Development. However, power struggles within the SPLA as well as the lack of means of pressure on the part of these mediators resulted in the failure of this first initiative. Others mediations attempts followed that first failure until July 2002, when the government and the SPLA signed in Kenya a framework agreement of the peace accord. Even with that agreement in hands, in September 2002, the government tried to drop off the negotiations based on the framework agreement. However, it faced multiple pressures, regional as well as international, which forced it to return to the negotiating table in October of the same year. In May 26, 2004, the government and the SPLA finally signed a power sharing agreement in the Southern regions of Sudan, agreements that included the participation of the South in the central government, as well as the self-government of the South. In January 9, 2005, and despite the sudden death of the historical leader of the SPLA, John Garang, the above mentioned CPA between the government and the rebels of the South was signed, starting thus a transition period of 6 years at the end of which a referendum of self-determination will be held in that same region. The CPA stipulated that a 10.000 soldiers UN based peace force, called UNMIS (United Nations Mission In Sudan) would monitor the implementation of the agreement. Among the other most significant measures of the agreement, two are worth mentioning: on the one hand, the incorporation of former rebels from the South, and in particular from the SPLA leadership, in the power structures of the central government, including the position of vice president. On the other hand, the Sudanese army, which was forced to accept within its own ranks former rebels from the south, had to, progressively but comprehensively, withdraw from the South.<sup>3</sup>

In practical terms, the CPA meant for Darfur 1) that the central government was free of its main security concern – i.e., the two decade-long civil war with the South, and 2) given that the CPA stipulates the organization of a self-determination referendum in the South in 2011, which can eventually –and probably will- result in the independence of that region, any rebellion – including the one in Darfur- represented an existential threat to the central government, and 3) other regions realized that resorting to weapons and to armed struggle against the central government could eventually result in tangible and positive consequences for those regions. The signing of the peace accord between the government and the rebels of the South improved the image of Sudan in the international community, and the Sudanese government took full advantage of that new prestige in order to improve and diversify its links with the West in general, and the US in particular. The terrorist attacks of 9-11 against the US were another opportunity for the Sudanese government to strengthen its relations with the US, since it widely cooperated with the Bush administration in its called War against Terror.<sup>4</sup> It is within this Sudanese political context that the Darfur conflict should be understood.

As for the reasons that took the crisis to blow up in Darfur and not in other regions of the country, it is worth mentioning that many observers expected new crises to take place in many regions of Sudan, such as in the North where the Nubians can initiate a rebellion at any moment. However, Darfur has a very peculiar situation in Sudan. It borders three other states (Lybia, Chad and the Central African Republic). Because of the desert, the borders with Lybia are not problematic, although over the last few years, an intense movement of commerce and smuggling took place over that border, due in particular to the long UN imposed boycott against Lybia. With the two other states, the borders were inherited from the colonial period, and do not reflect any geographical or populational divide. They are easy to cross, and hard to control, and the

during the 1980's, the Chadean fighting factions of Driss Deby and Hissen Habré staged major battles on Sudanese territory. Moreover, Darfur was the last region to become part of Sudan, and that only occurred in 1916. Before that, Darfur was the territory of successive local dynasties and the target of successive charm initiatives by several foreign forces in the region. Since Darfur joined the rest of Sudan, the local population has constantly complained from being totally forgotten by the central government, in political, economic and social terms. Moreover, since the mid 1980's, Darfur went through one of its worst draughts, which resulted in the humane made famine of 1984, a major humanitarian crisis that lasted from August 1984, when it became clear that the harvest of grains would fail and people started gathering wild grains, to November 1985, when the mortality rate returned to normal standards in the region.<sup>5</sup> This crisis provoked a humanitarian, political and social crisis of great proportions in the Darfur region.<sup>6</sup> To this respect, the so called "Black Book", a manifesto of a sort launched in the early 1990's by Darfurians disenchanted by the very dire conditions of their region, was very revealing of the hard living conditions in the region, and the lack of almost everything: infrastructure, schools, hospitals, and jobs. In this Black Book, the Darfurians ironically observed that the population of the region - formed by Muslims- was less represented in the national government than the population from the South -formed by amethysts and Christians- against which the central government was still at war.

The advance of desertification and the scarcity of water resources increased inter-communal hostilities. Hence, the fact that there are two kinds of populations in the region, a sedentary and a nomadic, became a source of growing tensions: the sedentary population whose main activity is agriculture felt threatened by the nomadic population, whose main activity is pastoral. Indeed, if in normal conditions, the incursions of nomads in the lands of the sedentary

represent a source of conflict, in times of water scarcity, the conflicts become even more violent. This unstable situation becomes more complex when one notices that most of the nomadic population is made of Arab tribes, and most of the sedentary tribes is made of African tribes. Hence, a conflict of economic nature became tribal and identity linked. The situation is even more ambiguous as we notice that Darfur presents an ethnic composition that can seem hostile to the mainly ethnically Arab government of Khartoum, since the majority of its population is of African tribes, although they are also Muslim. Finally, a split within the dominant party in Sudan, the National Islamic Front (NIF), between its founder, Hassan Al-Turabi, and the current president of the country, Omar Al Bashir, can have important consequences on Darfur: Al-Bashir has consistently accused Al-Turabi to be behind the Justice and Equality Movement (JEM), one of the main rebel groups in Darfur, which has arguably received funds from Al-Turabi followers in Sudan as well as from the Gulf. Despite all this talk of an identity component of the Darfur conflict, it is important to mention here that many Darfurians have migrated to the capital, studied at the national university, graduated and then “arabized” their names and identities, and occupied important positions in government. This means that ethnic identities are neither fixed nor permanent, and that both Arabs and non-Arabs deal with them very flexibly.

The Sudanese government has confronted the rebels of Darfur in a violent and systematic way. While it is true that the Sudanese army does not operate directly against the civilian population, the militia called Janjaweed (from the Arabic Jan – the devil- and Jaweed - horse, that is, a horse mounted by the devil), has widely attacked and burnt whole villages, assassinating its populations, raping its women, and operating what can be called ethnic cleansing. This militia receives the explicit and direct support of the government, it operates in total impunity, and almost without restrictions, weren't it for the presence of the African Union

force (presence that will be detailed immediately afterwards). A satellite image ordered by the US government clearly shows that the attacks aim at three particular tribes: the Fur, the Massalit and the Zaghawa. It is worth mentioning here that the majority of the SLA commanders and soldiers are from the Zaghawa tribe, the same to which belongs the former SLA leader and now the president special advisor Mini Manawi. Meanwhile, the biggest African tribe of Darfur is the Fur, the same one of the vice leader of the SLA Abdel Wahid.

The result of the Janjaweed attacks has invariably been one of the two following: they either kill the local population, or they compel it to run away and hide in refugee camps, both in Sudan, and in neighboring Chad. Consequently, agricultural activities have been suspended, and the local population runs a major risk of famine. The rebel movements (the SLA and the JEM) both have answered the Janjaweed aggressions by attacking Arab tribes, as well as regular forces. Although in 2003, the rebels obtained important military victories against the army, they have lost control of important territories since then. By the third semester of 2004, a new movement was created, the National Movement for Reform and development (NMRD). However, it was very quickly suspected to have been created by the regime to weaken the SLA and the JEM. And indeed, by December of 2004, the NMRD reached an agreement with the central government and has since then acted against the two other rebel groups.

In May 5<sup>th</sup> 2006, and after long negotiations, particularly under an American mediation led by Robert Zoellick, the then Assistant Secretary of State, the government and one part of the SLA, the one led by Mini Manawi, signed an important peace accord on Darfur, called the Darfur Peace Agreement (DPA). The terms of the DPA were the following: disarmament and demobilization of the rebels, and their inclusion in the regular Armed Forces, gradual disengagement of the army from the region, and the inclusion of Darfurians in the power

structure of the central government in Khartoum, in order to make its voice heard. However, a major split over the negotiations and the signing of the DPA occurred among the rebels, and a split group of the SLA led by Abdel Wahid as well as the JEM refused to either sign or accept it. Two consequences resulted from this agreement. On the one hand, the SLA split and the JEM unified their ranks since then in what has been known as the National Redemption Front (NRF) and continue to reject the DPA. On the other hand, the followers of Mini Manawi, now a special advisor to the presidency of the Republic, has joined the official army as well as its old enemies, the Janjaweed and have started to fight their former allies from the SLA split. Nevertheless, the rejection of the DPA by the SLA split and the JEM have hindered the implementation of the agreement since its signature by the government and Mini Manawi. In the second half of 2006, with the continuation of the attacks against the civilians in Darfur, it became clear that the DPA had been born dead, and that its implementation would be impossible, no matter how positive its terms might have been.

In the second half of 2006, the rebels of Darfur have made a major come back and have inflicted important defeats to the Sudanese army, bringing two types of consequences. On the one hand, the battle defeats of the army question its capacity of militarily defeating the rebels. On the other hand, the recent battle victories of the rebels have convinced them of the possibility of militarily defeating the regular army, and have hence reinforced the option of those among the rebels who have bet on the validity of military action in detriment of political negotiations. The rebels military victories were the occasion of a major incident between the Sudanese government and the UN, when the UN General Secretary Representative for Darfur announced on his personal blog on the Internet one of those victories, which motivated his expulsion from Sudan by the government by the end of October 2006. To deal with all these negative succession of

events, the government forces and their Janjaweed allies have intensified their attacks against the refugee camps both in Sudan and in Chad, running the risk of regionalization of the conflict.

### **International Actors**

Much has been said and written lately about the practice of international interventions in general, and more particularly on the specific practice of humanitarian interventions, which is the main relevant discussion here. R. J. Vincent was one of the first scholars in the field of International Relations (IR) to discuss the issue of intervention in his 1974 book, soon followed by another eminent member of the English School of International Theory, Hedley Bull, who also dealt with the same issue. Since then, in Britain and out of it in the field of IR, the debate has been framed in Vincent Vs. Bull terms, or as Nicholas Wheeler and Alex Bellamy wrote on different occasions, the Solidarist Vs. Pluralist debate.

The issue in point in the debate between Solidarist Vincent and Pluralist Bull regards the kind of international society we live in. To be more specific, when the norm of sovereignty comes to a clash with the norm of solidarity, which one should one follow becomes a major issue. Living in an international society without a superior authority with the legitimate monopoly in the use of violence makes the rule of non intervention a central one in the co-existence among states. However, and as both Martha Finnemore and Nicholas Onuf show, each one on his own way, this is not a debate of the last two decades of the twentieth Century. Interventions have existed in world politics for more than two centuries, even though the terms of the debate have changed. According to Onuf, talk about the specific kind of *humanitarian* interventions started during the second half of the nineteenth century and the establishment of the International Red Cross, in what he calls the Red Cross movement and the central role played by someone like Henri Dunant in his attempt to deal with the very humanitarian aspect of wounded

soldiers in battle camps.<sup>7</sup> Quoting Anthony D'Amato, Onuf discusses the case for humanitarian interventions in terms of D'Amato's three paradigm cases for humanitarian interventions: slavery, widespread torture and genocide. On the other extreme of a continuum in which these three issues would be placed, there are human rights violations, which would not be granted the emergency and the relevance of humanitarian interventions. Based on events of the last decade of the twentieth century, Onuf goes on to affirm the necessity of doing something even in the case of these "secondary" human rights violations.

Finnemore's take on the debate is also a relevant one to my argument here.<sup>8</sup> According to her, neither interventions nor humanitarian interventions represent a novelty in world politics. What has changed, however, is the framework within which these interventions have taken place, the current interventions being more likely to happen within a multilateral framework, and with a non-materialistic basis for intervention being constantly presented. Finnemore affirms that most of the political debate regarding interventions is framed in terms of portraying a paradox between utilitarian and normative positions. As the utilitarian argument goes, states would intervene only when intervention is beneficial to them, in a way or another. The normative argument she presents, that others might as well call the solidarist argument, sees a duty to intervene when harm is done to human beings, anywhere, anytime. Finnemore affirms that the portraying a paradox between those two positions is artificial and she defends the necessity of mixing them both. According to her, in order to understand and analyze international interventions, the utility of the intervention to those who lead them is intertwined with its legitimacy. States and their associates are permanently looking for a legitimizing process, even when they are defending what they see as their own national interest. At the end of the twentieth century, states were more

willing to talk about interventions than about wars, even when they were willing to use force to defend what they defined as their national interest.

Thomas G. Weiss and K.M. Fierke present us with a different kind of debate. Weiss analyzes the phenomenon of humanitarian intervention as essentially a new one, although he acknowledges the existence of former versions of the same phenomenon in the past.<sup>9</sup> He also defines it as linked to conflict situations, as well as to wars. According to him, humanitarian interventions are a new type of intervention and are consequences of what some authors such as Mary Kaldor call new wars, and result from a new duty in international politics, the duty to protect and to intervene. This “responsibility to protect” goes way beyond the mere protection of victims during humanitarian crises and admits new duties such as preventing conflicts and helping war torn societies to rebuild. In this sense, all these obligations and duties are consequences of us living in an international society, and hence, of sharing rights as well as obligations with the other members of this society. Meanwhile, Fierke attempts at presenting a wider definition of intervention, a definition that includes moral, legal, military, economic, cultural and therapeutic interventions.<sup>10</sup> According to her, all these are possible forms of intervention. In the specific case of humanitarian interventions, Fierke affirms that they face several handicaps, among which she emphasizes factors such as the legitimacy of those who declare an humanitarian intervention, and in particular the UN, as well as the complexity of the new conflicts, intra-state conflicts, deprived of a central authority. Fierke considers that these conditions, very similar to the conditions of Just War Theories, raise serious problems when applied to concrete post-Cold War situations. Hence, when she attempts to check whether the so-called humanitarian interventions in Somalia and in Kosovo were truly humanitarian

interventions, she reaches a negative conclusion, although this does not make her reject the principle of humanitarian interventions altogether.

In this sense, humanitarian interventions are defined by many scholars –and policy-makers- as Just Wars, since they are wars the objective of which is to defend the victims and the unprotected against the perpetrators of these crimes. Alex Bellamy is a prominent voice among these scholars.<sup>11</sup> Very aware of the potential for manipulation when one is talking about just wars, Bellamy explores the conditions according to which a specific intervention would qualify as a true humanitarian intervention, and hence, as a just war. According to him, the primordial conditions that make a humanitarian intervention a just war is for it to be declared so by a legitimate authority, and to be declared on behalf of a just cause. Besides these two primordial conditions, Bellamy adds subaltern conditions such as the good intentions of those who intervene, the proportionality of the intervention to the forces involved on the field, as well as to show the necessary prudence in order not to harm those who are supposed to be helped. All these are traditional conditions of the Just War Tradition, and their application to humanitarian interventions is most of the time tricky. It is precisely this aspect that Anthony Burke criticizes when he discusses this same issue.<sup>12</sup> Burke’s argument is that the norm of sovereignty, precisely the one that defines the debate between solidarists and pluralists, is nothing more than a social construction. Both solidarists and pluralists accept it as a given, as something that is there and that has to be dealt with, whereas Burke defines it as an essentially problematic concept that needs to be questioned and reconsidered, but that is not passing, as other such as Hardt and Negri affirm. This leads Burke to affirm that one of the main problems of Just War tradition is that it reaffirms and sanctifies the “Raison d’Etat”, re-affirming through this the necessity of having a state in order to deal with situations in which “innocent human lives are endangered”.

How does the Darfur crisis fit in this debate is the relevant question that remains here. Indeed, Darfur certainly qualifies in what Onuf, following D'Amato, calls humanitarian crises. The US Congress as well as the US government have called the situation in Darfur a genocide, and UN officers, including former Secretary General Kofi Annan, called it the worst current humanitarian crisis. Over 250.000 people have already died, and around 2 million people have been displaced, most of which are living in deplorable conditions in refugee camps, both in Sudan and abroad. So even if one, for some reasons, does not want to speak of a genocide – which it really is- there is certainly a case for a major humanitarian tragedy. It is a very important region in the world, rich in oil, and increasingly targeted by China as a major energy partner, and there is an international outcry, reverberated by NGO's and other groups of the global civil society, regarding the need to do something in that region, allowing for both the utilitarian and the solidarist argument. Two international organizations –as we will see- are deeply involved in the crisis, the UN and the African Union, which provides for a high level of legitimacy, and all efforts are made in order to obtain the authorization of the Sudanese government for an intervention, avoiding to resort to chapter 7 of the UN charter, and basing all possible action in its chapter 6. All this makes the Darfur crisis a clear cut issue. Nevertheless, this is –as I will show in the following pages- not the case.

The humanitarian crisis in Darfur is characterized by the roles played by the following actors: the Sudanese government, the Darfur rebels, the International Non-Governmental Organizations (INGOs), which were the first whistle blowers in this dramatic situation, and the International and Regional Organizations and some of their more influential members. Rules and norms of authority and legitimacy result from the actions –or lack of- of these different actors – that in other circumstances, I would call agents-. Hence, and although the Darfur rebels are not

internationally officially recognized as representatives of the region, they are invited to the different rounds of negotiations, and their positions are seriously taken into consideration by both INGO's and the regional and international organizations. This is so because they exercise some kind of authority and do enjoy some level of legitimacy among the local population of Darfur. Indeed, in some refugee camps, they are deemed to be the only legitimate representative of the population. These different degrees of authority and legitimacy of the different local players in the Darfur crisis –as well as in other crises in Africa- have made the action of international actors extremely complicated.

In the specific case of Darfur, the INGO's were struck by the gravity of the situation in that region and alerted the media and some key governments and key international organizations to it. The systematic attacks - already mentioned here- of some militia forces against the villages of some specific tribes (Fur, Zaghawa and Massalit), burning their houses, killing their inhabitants, raping their women, and pillaging their production were what called these INGO's attention to the situation in Darfur. With the support of the international media, these INGO's publicized the extension of the killings, bringing the UN and some governments, and in particular, the US government and congress, to react in strong terms to what was happening in Darfur.

The situation in Darfur has been declared a genocide both by the US Congress, and by the Bush administration. As for the United Nations, the term genocide has still not been used, even if its former General Secretary, Kofi Annan, called Darfur the worst humanitarian crisis currently taking place. In the lack of a more decisive international action, the local crisis has developed into a major humanitarian tragedy, and as of today, all groups, government and rebels, from all sides, have been accused of war crimes, such as mass killings, rapes, and other types of

major crimes. The International Criminal Court (ICC) was set in motion in the case of Darfur, and despite US opposition to it, the office of the attorney general for this case has declared that it has enough evidence to prove that crimes against humanity have been perpetrated in Darfur. These accusations were transmitted to the Sudanese government who did not take action, neither to stop those actions against the civilian population, nor to punish those responsible for those acts. By acting this way, the Sudanese government has opened the way for the ICC to act in order to engage punitive actions against those individuals involved in crimes against humanity.

It is important to emphasize here that the first external intervention in the crisis of Darfur was initiated in 2003 by the African Union through its force of intervention AMIS. After a slow start, the presence and performance of the 7.000 AMIS soldiers has been important for the civilian population, to the point that the UN Security Council considered to act through it rather than through its own intervention force. The main contingent of AMIS are from Nigeria and Rwanda and its performance, even limited, has been important in order to bring some stability to some villages as well as some refugee camps. The main limitations of AMIS are its reduced mandate – which consists of merely monitoring the evolution of the political and military situations in the region- as well as its poor equipments, light weapons designed for defense rather than offense, and its poor communication and transport capabilities.

As for the UN, one can argue that it has had a rather ambiguous role in Darfur. On the one hand, and as I already mentioned here, its former General Secretary, qualified the events in Darfur the worst humanitarian contemporary crisis. He also constantly called the attention of the international public opinion, as well as that of its leaders, to the gravity of the situation in that region of the world. He also took two important initiatives: he appointed a special envoy for that region, showing the relevance of the issue to him, and looking for ways to pressure the Sudanese

government, and he constantly tried to mediate a negotiated solution for the crisis. The question then is: why these actions have failed in bringing about a more decisive international response to the crisis in Darfur?

One set of explanations might be circumstantial. The CPA, i.e., the peace agreement referring to the South, represents a major conquest that the UN and some major international actors are not willing to harm. Indeed, the UN and its partners –mainly the US- understand that the conquest of the agreement of January 2005 between the government and the rebels of the SPLA, cannot be put at risk now. According to this argument, one population cannot be put at risk in order to save another one, and the risks of antagonizing the Sudanese government by forcefully acting in Darfur are big, which would put at risk the implementation of the CPA by the government. Both the presence of a UN force in the Sudanese territory, the UNMIS, and the mission of the UN General Secretary to monitor the return of the refugees from the South to their places of origin, indicate the relevance and the importance of the CPA success to the UN. And here goes the legitimacy of an eventual UN intervention in Darfur, as put forward by Finnemore.

A second explanation of the lack of international action resides at the UN Security Council. China, and in a certain way, Russia, have both consistently resisted all the calls for a decisive humanitarian intervention in Darfur. Such Russian, and mainly Chinese, refusal of UN action in Darfur might be linked to humanitarian issues in both Russia and China, issues that might, one day, provoke appeals for a humanitarian intervention. But in the Chinese case, its resistance is also related to its needs in terms of oil supplies. Thus, 60% of the Sudanese oil export and exploitation agreements are with China. The imposition of sanctions by the UN Security Council against the Sudanese government are thus considered to be totally counter-productive by the Chinese government. A related issue might also be that the US government

might also be interested in weakening the Sudanese government of Al Bashir in order to control the Chinese oil supplies. And here goes the lack of ambiguity and legitimacy from the intervening party.

A third set of explanations resides in the lack of means of pressure of the US government against that of Sudan. Indeed, the US government might be, in the case of Darfur, carrying the right message, but it is the wrong messenger. Indeed, the invasion of Iraq represents two handicaps. On the one hand, when the US invaded Iraq, it pretended it could prove to the world that it was doing it because the Saddam regime represented a threat for the stability of the world in general, and of the Gulf in particular. However, the US has never been able to prove those allegations, losing its credibility as a “world prosecutor” and a legitimate defender of humanitarian interventions. On the other hand, when it invaded Iraq, the US lost its credibility among Arab citizens, and when it talks of a humanitarian intervention in Darfur, what many Arabs see –correctly or not- is yet another US attempt to invade an oil rich Arab country. Despite these inherent fragilities, the US has been extremely vocal in relation to the crisis in Darfur, blocking for instance, since 2003, some US\$ 1,453 billion in terms of assistance to the Sudanese government, as well as US\$ 1,030 billion in terms of humanitarian aid. In 2006, US\$ 499.1 Million were approved by the American Senate in terms of humanitarian assistance to the refugee camps in Darfur and the East of Chad.<sup>13</sup> The US government as well as the US Congress have both called the situation in Darfur a genocide and it has consistently defended an international intervention to protect the civilian population in Darfur. But since the Sudanese government does not depend on the US oil market, and since the US might be the wrong messenger in defense of a humanitarian intervention in Darfur, it should not be a surprise that

even when President Bush announces new unilateral sanctions against the Sudanese authorities, the effect of those sanctions can only be a very limited one.

Despite all these divisions, hesitations and fragilities, the UN Security Council has several resolutions on Darfur. Resolution 1590 can be mentioned here for example, of March 24, 2005, which recommends a collaboration between the African Union force in Darfur, AMIS, and the UN force in the South, UNMIS, and foresees the involvement of UNMIS in the peaceful resolution of the Darfur crisis, as well as in the protection of the civilians and the refugees. In August 31, 2006, resolution 1706 foresaw the substitution of AMIS by an UN led intervention force of intervention of 20.000 soldiers, which would be responsible for monitoring the region of Darfur, to protect the civilian population, and to stop the perpetuation the crimes against the civilian population that have been committed in the region. In December of 2006, after the African Union Summit in Abuja, Nigeria, a joint initiative of the UN and the AU took form in Adis Abeba, Ethiopia, based on the following compromise: a hybrid UN and AU force, with 17.000 soldiers and 3,000 policemen would start to intervene in Darfur in three stages. The first stage (which was started to be implemented since the beginning of 2007) consisted of leading an exploratory mission of the UN in Darfur, which consisted in very small numbers. The second phase would consist of 1,800 soldiers specialized in transport, engineering, logistics and medicine, to prepare the field for the arrival of a large number of soldiers. The third phase would consist of reaching the total force of 17.000 soldiers and 3,000 policemen. This way, AMIS would progressively be complemented and reinforced by a UN contingent, acting under a hybrid command. However, stages two and three have been stalled. Since then, several rounds of negotiations between the UN and the Sudanese government, as well as between this latter and the rebels have taken place in Geneva, Abuja and Cairo, with no success. The Sudanese government

has been stonewalling and refusing any significant increase in the role of the UN in Darfur, although many promises to the contrary.

So, why is the Sudanese stalling all progress in Darfur? Three reasons might be cited. The Sudanese believes that the UN Security Council is not united, and that it can play with the rivalries within the council in order to remain safe from stricter global sanctions. This way, the Sudanese government takes advantage of the passing time in its favor –and this is the second reason why the Sudanese government has been stalling-: it believes that it can win the war against the rebels. Finally, the Sudanese government sees a major threat in a UN force in the country, since that force might allow an unrestricted action to ICC prosecutors, threatening Al Bashir and his allies the way ad hoc tribunals have been acting in the Balkans, in Sierra Leone and in Rwanda.

### **Conclusion**

Despite all of this, the Arab League has been almost totally absent from the Darfur scene. The first time Darfur was mentioned by the Arab League was at the last Arab summit in Saudi Arabia, when Arab states affirmed that the crisis in Darfur should not be solved at the expenses of the Sudanese sovereignty. Up until recently, the Arab League did not admit the large killings in Darfur, and joined the Sudanese government in recognizing very fewer deaths than the actual data shows.

The situation in Darfur is extremely precarious from the population point of view, and totally unstable from the political and military point of views. This has considerable consequences for national as well as regional stability. And one of the unexplored political options in this paper resides in the Sudanese government perception that a military victory is possible in Darfur, despite all the international pressure. Indeed, with the new oil wealth and the

wide open Chinese market for that oil, Sudan has the financial resources to provide its army with the necessary means to achieve a military victory against the rebels. And one necessary condition for an eventual military victory is –as perceived by the Sudanese government- to end the support and the refuge the rebels receive at the refugee camps in neighboring Chad. That is why the Sudanese government has been supporting the domestic rebellion against the Driss Deby government in Chad. As Gérard Prunier makes it clear, this is hardly a novelty in the region: since the 1960's, the Chadian rebels find refuge and support in Sudan, and depending on the government in Ndjamea and in Khartoum, the Kadafi government in Libya has supported one or the other.<sup>14</sup> The new element in the current circumstances is that Libya's Kadafi has good relations with both governments, and has been trying to avoid an open and mutually destructive conflict since the beginning the Darfur crisis. The recent agreement between the Sudanese and Chadian government, first achieved under Libyan mediation and then signed in Saudi Arabia, is a clear demonstration of the Libyan concerns to this regard.

The other front to weaken the rebels goes through weakening the rebels by, for instance, attracting to its own ranks the former rebel leader Mini Manawi, who, after the agreements of May 2006, has joined the Janjaweed to fight against his former allies. This is fine as long as the the government does not consider its recent and significant military defeats in Darfur. Moreover, and since January 2005, that is, since the signature of the CPA, the Sudanese government is also split, since it has in its ranks representatives of the former rebels from the South, which also opens ways for an eventual UN intervention in Darfur.

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<sup>1</sup> The discovery of oil in the South of Sudan was a mixed blessing, since it created new incentives for the rebels from the South as well as for the government of Khartoum to harden their respective political objectives. The oil made an eventual independence of the South something possible and viable, which hardened the position of the South in refusing to share that wealth with the North. This same oil made the South become even more valuable to the central government, especially in the sense of keeping a central control of its production and commercialization.

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<sup>2</sup> For more detail on that episode, as well as on politics of Radical Islam in the region, refer to: Alex de Waal and A.H. Abdel Salam, “ Islamism, State Power and *Jihad* in Sudan” In **Islamism and Its Enemies in the Horn of Africa**, Alex de Waal (Ed.), (Bloomington: Indiana University Press, 2004), pp. 71-113.

<sup>3</sup> Some are already speaking of the failure of the CPA. Among the main causes of this failure, the fact that the government has not respected its commitments by failing to totally and completely remove its soldiers up north, as well as by not abiding by the power sharing agreement. Indeed, the government has either co-opted a few rebels from the South for relatively marginal positions or created new and relatively powerless positions for them in the central government. Moreover, the presence of rebels from Uganda –against the Museveni government in Kampala-in the South of Sudan is also a further complications since this has meant the inclusion of Uganda in the solution of the Sudanese political equation.

<sup>4</sup> The cooperation between the Sudanese government and the Bush administration in its War against Terror becomes more significant when one remembers that this same government of Sudan gave political asylum to Osama Ben Laden in the 1990’s, which occasioned a bombardment of a suspect site in Khartoum after the terrorist attacks against the US embassies in Kenya and Tanzania in August 1998. At that occasion, the Clinton administration accused the Sudanese government of hosting a chemical weapons plant. However, it was soon confirmed that that plant was in fact a pharmaceutical plant, as the Sudanese government had consistently sustained.

<sup>5</sup> De Wall points to the economic and administrative mismanagement of the Sudanese economy, and to the year of 1978, as particularly crucial in leaving to what he called the 15 months of hunger. See Alex de Waal, **Famine that Kills – Darfur, Sudan** (Oxford: Oxford University Press, 2005) (Revised Edition)

<sup>6</sup> Gérard Prunier, **Darfur – The Ambiguous Genocide**, (Ithaca: Cornell University Press, 2005).

<sup>7</sup> Nicholas Onuf, “Humanitarian Interventions: The Early Years”, Mimeo

<sup>8</sup> Martha Finnemore, **The Purpose of Intervention – Changing Beliefs about the Use of Force**, (Ithaca: Cornell University Press, 2003)

<sup>99</sup> Thomas G. Weiss, **Humanitarian Intervention**, (Malden: Polity Press, 2007)

<sup>10</sup> K.M. Fierke, **Diplomatic Interventions – Conflict and Change in a Globalizing World**, (New York: Palgrave, 2005)

<sup>11</sup> Alex J. Bellamy, **Just Wars – From Cicero to Iraq**, (Malden: Polity, 2006)

<sup>12</sup> Anthony Burke, **Beyond Security, Ethics and Violence – Wae against the Other**, (New York: Routledge, 2007)

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<sup>13</sup> It is worth mentioning here that the Bush administration has considerably decreased its cooperation with and reliance on the Sudanese government in the fight against terrorism.

<sup>14</sup> Prunier, *Ibid*, pp. 42-44.