

At a Glance

AN EDUCATIONAL TOOL BY THE INTERNATIONAL COALITION FOR THE RESPONSIBILITY TO PROTECT

Q&A: THE RESPONSIBILITY TO PROTECT (RtoP) AND DARFUR

Note: For more details on the crisis, as well as sources and links for all the information provided below, please visit our [website](http://www.responsibilitytoprotect.org): www.responsibilitytoprotect.org.

Q: What is happening in Darfur?

A: In 2003, Darfuri insurgent groups, citing decades of political and economic marginalization by the Sudanese government of Darfur, rebelled against the Sudanese government.¹ The Sudanese government responded brutally, recruiting militias, including the group known as the “Janjaweed”, to quash the uprising. These militias subsequently engaged in an ethnically-targeted campaign of mass killings, forced displacement, destruction of property, and the use of rape as a weapon of war. The clashes have killed over 300,000 people, internally displaced 2.7 million, with another 250,000 seeking refuge abroad, leading many in the international community to accuse the Government of Sudan of genocide (see below).

After eight years of fighting, the Sudanese Government and the Liberation and Justice Movement (an umbrella organization for several rebel factions) signed the Doha Document for Peace in Darfur (DDPD) in July 2011, which created the Darfur Regional Authority (DRA) and proposed power-sharing and a more equal distribution of wealth.

Q: So is the conflict over?

A: No. The DDPD was not signed by the main rebel groups in Darfur and intermittent fighting continued, including aerial bombardment by the Sudanese Armed Forces, in violation of a UN Security Council Resolution passed in 2005. Some 2 million people have remained continually displaced and in refugee camps in Chad. In addition, the three main Darfuri rebel groups (the Justice and Equality Movement (JEM) and the two factions of the Sudan Liberation Movement) have refused to sign the DDPD and joined the Sudan Revolutionary Front, a coalition with a rebel group fighting in the Nuba Mountains and Blue Nile in Sudan.

There was a devastating resurgence in violence in 2013. Moreover, since 2010, government-sponsored militias continue to engage in land-grabbing, extortion, smuggling, and robbery. Government auxiliary Rapid Response Forces have integrated a number of Janjaweed fighters. The Sudanese Armed Forces, meanwhile, have sharply increased military campaigns against civilians in Darfur and restricted the UN’s access to affected areas in 2014. The United Nations Office of the Coordinator of Humanitarian Affairs (OCHA) estimates that some 400,000 people were displaced by violence in 2013, the highest number for a year since 2004. The number of newly displaced in the first half of 2014 has already reached 322,000.

Q: Why does the international community have a Responsibility to Protect in Darfur?

A: In 2005 (see box at right) UN Member States agreed that they had a responsibility to protect populations from genocide, war crimes, crimes against humanity, and ethnic cleansing. In 2009, after a referral by the United Nations Security Council, the International Criminal Court (ICC) issued an arrest warrant for Sudanese President Omar Al-Bashir on five counts of crimes against humanity (murder, torture, rape, extermination, and forcible transfer) and two counts of war crimes (intentionally directing acts against civilians and pillaging). In 2010, the ICC issued a second arrest warrant for Bashir on three counts of genocide (genocide by killing, genocide by causing serious bodily or mental harm, and genocide by deliberately inflicting on each target group conditions of life calculated to bring about the group’s destruction). The ICC has also issued arrest warrants against two other government officials, one militia leader, and three rebels.

Q: How has the international community upheld its RtoP in Darfur?

A: The responsibility to protect falls on many actors, including international and regional organizations, states, and civil society.

THREE PILLAR FRAMEWORK OF THE RESPONSIBILITY TO PROTECT

United Nations (UN) Secretary-General Ban Ki-moon established the three-pillar framework of the Responsibility to Protect (RtoP, R2P), in his 2009 Report *Implementing the Responsibility to Protect*:

- **Pillar One:** The state bears the primary responsibility to protect their population from genocide, war crimes, crimes against humanity and ethnic cleansing.
- **Pillar Two:** The international community, i.e. the UN, regional organizations, governments and civil society, must assist states in fulfilling their protection obligations.
- **Pillar Three:** When a state manifestly fails to protect its population or is in fact the perpetrator of these crimes, the international community has a responsibility to take collective action in a timely and decisive manner to prevent or halt the commission of mass atrocities. Such action must be on a case-by-case basis using a broad range of political, economic, and humanitarian measures and should peaceful means prove inadequate, coercive measures, including the use of force as authorized by the Security Council and in accordance with the UN Charter.

¹ Although the rebellion initially focused on the marginalization of all Darfuris, the conflict quickly mobilized around “Arab” and “African” identities. According to ICRtoP Member the International Refugee Rights Initiative, these identities, create a false but powerful dichotomy. The labels should be treated with caution and understood as fluid and constantly shifting: they reflect a person or group’s perception of their own – or someone else’s – identity rather than a fixed form of race or ethnicity, often revealing people’s political positioning.

Regional Efforts: The African Union deployed a mission (AMIS) of 7,700 troops to monitor a ceasefire agreement in 2004. In 2009, the AU High-Level Panel on Darfur recommended the establishment of a hybrid court system to try war criminals in Darfur but was rebuffed by the government. The AU now participates in the joint AU-UN peacekeeping operation UNAMID (see below). The European Union's Parliament repeatedly called on the UN to "act on its responsibility to protect" in Darfur, while urging the Sudanese Government to accept a UN peacekeeping operation.

At the United Nations: In a series of resolutions, the UN Security Council prohibited arms transfers into Darfur, barred the government from using its air force for attacks on the ground, and imposed a travel ban and asset freezes against certain individuals. The Council also passed Resolution 1769 in 2006, authorizing a transition from AMIS to a joint UN-AU peacekeeping operation known as UNAMID. The Human Rights Council, meanwhile, has passed 16 resolutions on Darfur since 2005, dispatching a High-Level Mission to investigate abuses in Darfur and appointing a Special Rapporteur on the situation of human rights in the Sudan.

Civil Society: Civil society has been vocal in urging action and raising awareness of Darfur from the earliest days of the crisis. Amnesty International and ICRtoP Member International Crisis Group were among the first to draw the world's attention to the situation in 2003, and the mass movement that later developed around the genocide in Darfur depended on the analysis and reporting of these groups. In July 2004, political, religious, and human rights groups formed 'The Save Darfur Coalition'; while 'The Genocide Intervention Network' was established in October 2004, with the crisis of Darfur and RtoP at its core. These two groups have now merged to form ICRtoP Member United to End Genocide. The Save Darfur Coalition had a significant influence in the appointment of a U.S. Special Envoy for Sudan and The Genocide Intervention Network worked to double the media coverage of Darfur, and the U.S. legislation placing sanctions on Sudan. Meanwhile, the Darfur Consortium (now the Sudan Consortium) formed a coalition of 50 African-based NGOs to advocate for a just and sustainable peace.

Q: How has the international community failed to uphold its RtoP in Darfur?

A: Many have noted that the international community's attention to the crisis in Darfur has "ebbed and flowed" since 2003. Actors have occasionally muted their condemnations of the conflict in Darfur in order to ensure the success of negotiations on other Sudanese issues (including the Comprehensive Peace Agreement ending the Second Sudanese Civil War, which created the country of South Sudan.) Several media sources have accused UNAMID of failing to exercise its mandate to protect Darfuris and neglecting to report government attacks against both civilians and peacekeepers to the Security Council, fearing that the Sudanese government would then withdraw its consent for the peacekeepers' presence. The African Union has also frequently resisted non-African efforts to protect populations in Darfur, including by initially opposing a UN peacekeeping operation. Both the Arab League and the African Union have denounced the ICC warrants against Al-Bashir, with many signatories to the ICC (including Chad, Eritrea, Kenya, Djibouti, Egypt, Kuwait, Nigeria, and Democratic Republic of the Congo) neglecting to arrest Bashir during state visits to such countries, in open contradiction to their obligations under the Rome Statute of the ICC. Furthermore, several states, including members of the Security Council, have reportedly flouted the Council's own sanctions regime by supplying arms to the Sudanese government.

Q: What is likely to happen in the future in Darfur?

A: The situation in Darfur is likely to worsen, as the conflict becomes increasingly intertwined with the crisis in South Kordofan and Blue Nile and in South Sudan. Indeed, the situation in neighboring South Sudan has now become so grave that refugees have fled into Darfur. Looking forward, many voices, including that of International Crisis Group and United to End Genocide, argue that piecemeal deals on local and regional levels are no longer appropriate, especially due to the conflict's entanglement with others in Sudan and the region. Instead, solutions must reflect the national nature of the crisis. At the international level, UNAMID should be pressured by the Security Council, UN officials, and civil society to fulfill both its protection obligations and reporting requirements. Many have also stressed the need for the international community to further supply UNAMID with adequate resources and political backing to carry out its mandate successfully. Finally, countries need to be reminded of their obligations to comply with Security Council-mandated sanctions and the Rome Statute of the ICC.



INTERNATIONAL COALITION FOR THE RESPONSIBILITY TO PROTECT

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The International Coalition for the Responsibility to Protect convenes and collaborates with civil society, Member States, and regional and sub-regional organizations to continue close scrutiny of the consistent implementation of the third pillar and develop effective methods to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.

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