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Bruising debates within the human rights and humanitarian communities have centered on the numbers who have died in Darfur, the use of the term genocide, the efficacy of military vs. political solutions and the extent to which human rights advocacy can undermine humanitarian programmes on the ground.

() This wide range of estimates has generated intense disputes about how the statistics have been developed, time frames used and whether all causes of death (killings as well as starvation and disease) have been included. Deliberately underestimating the numbers can contribute to international inaction but, on the other hand, exaggerating death tolls in order to raise the alarm can undermine credibility and put into doubt all statistics. It can also make constructive dialogue more difficult and lead the Sudanese regime to put further obstacles in the way of aid deliveries since it makes no distinction between advocacy groups and relief suppliers.

() For many NGOs and experts, particularly in the US, there is little doubt that the government of Sudan and the Janjaweed have committed genocide by means of deliberate killings, deportations, rapes and destruction of livelihood. Physicians for Human Rights has found irect evidence of genocidal intent and trong circumstantial evidence upon which genocidal intent may be inferred. The US government concluded in 2004 that genocide had been committed while the Parliament of the European Union has called what happened antamount to genocide.r

() The use of the term genocide has also been called a political liability, with relief groups criticising human rights advocates for undermining humanitarian operations on the ground. The term has been said to make the rebels, as well as the Sudanese government and the Arab militias, more intransigent. In fact, sometimes to facilitate negotiations with the government of Sudan, UN officials have downplayed the ethnic component of the conflict, emphasising instead its environmental roots desertification, ecological degradation and water scarcity.

The debate over genocide has detracted from the most salient issue the need to protect people when atrocities are committed, whatever their legal categorisation. It has enabled Sudan and its supporters to make it appear that the crimes committed are not so serious since genocide has not been officially determined. Francis Deng, Special Representative to the UN Secretary-General for the Prevention of Genocide and Mass Atrocities, persuasively argues that when a situation involves massive suffering and death like Darfur, attention should not be focused on labels and legalities but rather on what should be done to stop or prevent this.

The disarray over the use of the term genocide suggests the need to explore whether it is feasible to set up an expert body under the Genocide Convention to help with determinations on whether or not genocide is occurring. The mandate of the Special Representative does not allow him to make such determinations and, unlike other international human rights treaties, the 1948 Genocide Convention contains no implementation machinery. The ICC can find individuals guilty of genocide after the fact but a body of recognised experts, aided by satellite technology, could be tasked with making speedy determinations of what is occurring, monitoring the states

actions and providing guidance on the obligations of other states under the convention. To be sure, adding a protocol to the convention or reopening the text would come with considerable risks. But the experiences of Cambodia, Bosnia, Kosovo, Rwanda and Darfur, with the debate and uncertainty over the use of the term and the steps states should take in response, point to the need for establishing an authoritative mechanism.

Military vs. political solutions

Many commentators, politicians and humanitarians have called for military action. They point out that over the past four years Sudan has broken every pledge to halt the violence and understands only one language the credible threat or use of force. Without armed intervention, they argue, lives will continue to be lost in Darfur, while Khartoum, awash with oil revenue and arms, will continue on its criminal path. Former Clinton Administration officials mindful of their failure to prevent the 1994 Rwanda genocide are at times at the forefront of those urging the US to take military action.

() Whatever the merits of the case, it has become clear that neither the UN nor a coalition of willing states is likely to undertake coercive military action in Darfur to oblige the government of Sudan to disarm the Janjaweed and halt its own military operations. Darfur is not a national security priority for any Western state. The US military is overstretched in Iraq, NATO is engaged in Afghanistan, and Sudan can rely upon China, Russia and the Arab League to shield it from robust international action.

A more realistic option

() The time frame for deploying UNAMID needs to be speeded up, equipment and training provided, and flexibility introduced with regard to Sudan and the AUs insistence on predominantly African troops and police. Since the resolution includes no sanctions in the event Sudan should obstruct deployment, a coalition of governments, including African and Arab states and regional bodies, is needed to systematically prod Sudan with both sanctions and incentives to allow in the force and, most importantly, to reach a political agreement with the rebels, as called for in the resolution. China will need to be encouraged to use its leverage with Sudan, while rebel groups will need to be pressed to negotiate and compromise as well. After all, the much-touted **responsibility to protect (R2P)** means not only military action but also a series of diplomatic, humanitarian, political and economic steps to take prior to coercive action. One small step forward would be to strengthen the offices of the soon-to-be-appointed Special Adviser to the UN Secretary-General on the

Responsibility to Protect

and the Special Representative for the Prevention of Genocide and Mass Atrocities. Both need staff, resources and political support, from outside and inside the UN, in order to map out and raise awareness of the steps needed for prevention and to operationalise

R2P

both for Darfur and other serious situations.

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