

# **What Now for Darfur?**

## **Bridging the Gap between Humanitarian Concerns and Political Challenges**

Report on the Migration Policy Institute's Roundtable  
September 8, 2004

### ***Summary***

The Migration Policy Institute hosted a roundtable on “What Now for Darfur? Bridging the Gap between Humanitarian Concerns and Political Challenges,” on September 8, 2004. The roundtable was attended by 25 individuals representing a broad spectrum of political, advocacy, humanitarian, UN and US government agencies. The goal of the event was to bring together this wide variety of actors – all focusing on the crisis in Darfur from various perspectives – to discuss the evident gap between the immediate humanitarian needs in Darfur and Chad and the longer-term political challenges of ending the conflict and promoting sustainable peace and security in the region.

The discussion was divided into three broad topics: humanitarian imperatives in Darfur and Chad, US government and multilateral initiatives in Darfur, and next steps for Darfur and the international community. Within this framework, there was lively debate about the merits and drawbacks of a potential declaration of genocide (the event occurred just one day before US Secretary of State Colin Powell's official statement on the matter), the complications of eventual return, as well as the role and status of the Naivasha talks between the government of Sudan and the Sudan People's Liberation Movement (SPLM).

The remainder of this report is organized by subject matter and not chronologically. Where necessary, details and statistics have been updated to reflect changed circumstances in the weeks since the roundtable took place. New information is bracketed and italicized within the main text.

### ***Humanitarian Imperatives in Darfur and Chad***

#### **UNHCR's Perspective:**

**Kolude Doherty, UNHCR's Regional Representative for North America and the Caribbean (and former UNHCR Africa Bureau Director)** began the discussion by updating participants on UNHCR's current activities in Chad. There are nine camps in Chad which were hastily constructed before the onset of seasonal rains [*a tenth camp opened on September 27<sup>th</sup>*]. Before the construction of these camps, refugees were spread out in spontaneous settlements along 600 kilometers of the border between Darfur and Chad. Of the estimated 200,000 refugees in Chad, UNHCR estimates that between 140,000 and 150,000 are now in camps [*estimates have increased to more than 186,000 as of mid-October*]. Approximately 30,000 internally displaced people (IDPs) are thought

to be congregating on the border inside Darfur, waiting to cross in Chad at the end of the rainy season. *[As of mid-October such large numbers have not yet crossed the border, though deteriorating conditions inside Darfur may still result in large movements]* More than one million additional IDPs are estimated to be remaining further inside Darfur and more than 30,000 people have been killed. *[UNHCR announced in mid-October that it would “substantially increase” its presence inside western Darfur]*. UNHCR is also particularly concerned about the use of sexual and gender-based violence as a tool of the conflict.

Security was a key issue in construction of the camps. UNHCR undertook a huge effort to move the refugees away from the border after reports of air raids and Janjaweed attacks inside Chad. In retrospect, Mr. Doherty acknowledged, UNHCR’s performance in this crisis has not been up to the agency’s standards. An internal UNHCR evaluation found that the preoccupation with moving refugees from their spontaneous settlements has meant that food, water and other concerns have fallen behind. The agency is now working to catch up and stabilize its operations, though Mr. Doherty also noted that, given the poor infrastructure and conditions in Chad, the operations there would not be sustainable over an extended period of time. Protection problems become increasingly apparent as more and more refugees fall under UNHCR’s care. It is therefore imperative to find political solutions in Darfur.

### **The International Rescue Committee’s perspective:**

**Sandra Mitchell, Vice President for Government Relations at the International Rescue Committee (IRC)**, gave an update on the situation on the ground in Darfur, particularly for the many NGOs operating in the region. She also underscored the operational difficulties in Chad. Like UNHCR, she noted, NGOs have been criticized for their response in Chad. However, the situation there is also very difficult, and it has therefore been difficult to meet needs effectively.

Currently, IRC is active in both North and South Darfur, and about to begin operations in west Darfur *[IRC’s west Darfur operations were officially launched but are still in beginning stages as of mid-October]*. Each camp in which IRC operates holds between 45,000 and 70,000 IDPs, for a total of approximately 500,000 beneficiaries *[the total number of beneficiaries remains steady as of mid-October]*. IRC is focusing especially on health care, water and sanitation, and protection needs.

Conditions in Darfur, though easing in recent months, are still extraordinarily difficult, Ms. Mitchell noted. NGOs still face restrictions on their movements, due to both security and logistical concerns, including poor roads and lack of fuel (though logistics are better in more urban areas). The government of Sudan has eased some restrictions on NGO activities, though these restrictions can change from shipment to shipment and are difficult to predict. Living conditions for staff are also extremely difficult, and Ms. Mitchell estimated that IRC is understaffed by about 50%. *[By mid-October, IRC had increased its staffing to approximately 75% of its target]*.

IRC receives funding from USAID's Office of US Foreign Disaster Assistance (OFDA), the US State Department's Bureau of Population, Refugees and Migration (PRM) (for its refugee operations in Chad), the European Humanitarian Aid Office (ECHO), various UN agencies, the British and Dutch governments, and private foundations. There has been significant funding for the activities, but needs are still unmet due to lack of capacity.

Ms. Mitchell then outlined IRC's three main imperatives in Darfur: security, gaps in humanitarian response, and resources.

- **Security:** Ms. Mitchell stated unequivocally that violence is the cause of the crisis in Darfur. Stopping the violence will stop the crisis. According to a recent mortality report by Médecins sans Frontières, as of early September 2004 violence was still the primary cause of mortality. Attacks have continued even after people have been displaced from their homes and villages, and large swathes of affected populations are still completely inaccessible. Further, congregations of IDPs increases the possibility of epidemic disease and other problems.

**Gaps in Humanitarian Aid:** acknowledging that IRC does not have anywhere near full access to all affected populations, of those that IRC is aware of, there is a 38% gap in food aid (down 42% between July and August); a 47% gap in shelter; a 64% gap in water (down only 2% between July and August); an 82% gap in sanitation; and a 50% gap in primary health coverage. [*As of the October UN Humanitarian Profile on Darfur, these gaps had decreased to 22% for food, 43% for shelter, 57% for water, 55% for sanitation, and 27% for primary health coverage*].

- **Resources:** Ms. Mitchell stressed that the Darfur conflict has not only cost tens of thousands of lives, but has destroyed livelihoods, especially in Western Darfur. Patterns of violence and destruction have been different in different areas of the region, and return and reconstruction needs and abilities will also therefore vary from area to area.

The northern part of Darfur has been the headquarters of the rebel movements and because of this, has been "punished." The economy of the region was completely broken, followed by a relatively quick pullout by the Janjaweed, which is for the most part not holding territory in the area. Accordingly, there has been some return.

In the western region of Darfur (the most arable and lucrative), the Janjaweed is holding captured territory. According to Ms. Mitchell, this is the most difficult region as it is clear the Janjaweed will have to be neutralized before any returns are possible. This region will also have long-term dependency on the international community, due to the level of devastation.

The situation in the southern region of Darfur is a mixture of the situations in both the north and the west.

Ms. Mitchell acknowledged that there has been some improvement in the international response in Darfur, but that it is still only working at approximately 50% of what is needed [*In mid-October IRC cited UN-OCHA's estimates that humanitarian agencies in Darfur are meeting approximately 70% of needs*]. As additional resources become available, however, more needs arise. There are currently 30 international NGOs with an expatriate staff of approximately 500 (a number which includes both UN and NGO expatriate staff) now on the ground and operational. According to Ms. Mitchell, at least one thousand expatriate staff are still needed as the international community attempts to vastly ramp up its response. [*As of mid-October IRC reported that there are more than one thousand expatriate staff on the ground in Darfur, as well as additional operational NGOs*].

The coping mechanisms of the population has collapsed. The result is that the international humanitarian community is only reaching approximately 40% of vulnerable populations, and the populations themselves cannot supplement this lack of access (as displaced people so often do) because rampant insecurity makes it impossible for them to leave the camps in order to search for food and other needs. [*By mid-October IRC estimates that it is able to access approximately 80% of vulnerable populations*].

The IRC has acknowledged that the crisis in Darfur has reached the level where the use of military logistical support for humanitarian assistance is clearly necessary. IRC further supports a no-fly zone in Darfur. It is also key that the international community fully backs the African Union's efforts in the region, both financially and technically – as Ms. Mitchell stated emphatically, “we cannot let them fail.”

### **Mercy Corps' perspective:**

**Randy Martin, Director of Global Emergency Operations for Mercy Corps**, had recently returned from the region and gave a further update on conditions and relief activities in Darfur. Mercy Corps is working predominately on water and sanitation for a population of approximately 190,000 IDPs along the Chadian border in western Darfur, in an area called the Zalingei Corridor.

Mr. Martin described the many uniformed armed nomads roaming the area as “particularly disturbing.” There are also dubiously mandated checkpoints throughout the region, and it is unclear in most instances who are police and who are militia members. Though there has been some stabilization of the situation in late August-early September, including an increase in the number of NGO staff working in the region, the displaced are still truly frightened. The west Darfur countryside is very much controlled by Janjaweed forces, and protection is a huge concern.

There have not been a large number of significant influxes of new IDPs into the region, but the situation remains very fragile – as an example, the World Food Program (WFP)

delivered less food in west Darfur in August than it did in July. *[Though in September, WFP recorded its largest food distribution in Darfur since the beginning of the crisis. The agency accessed 1.3 million beneficiaries – 100,000 more than its target].* At the moment, the biggest impediment is Mercy Corps' own lack of capacity and resources, not restrictions imposed by the Sudanese government. *[Mercy Corps has been able to increase its capacities throughout the early fall, though the security situation, according to Mr. Martin, has become even more difficult].*

What is strikingly evident, however, is the long-term nature of this crisis. Even in the best case scenario now – if the conflict were to end tomorrow – it will take years to re-achieve self-sufficiency. The key will be to address root causes.

### **Discussion:**

- **Kathleen Newland, Director of MPI**, asked the humanitarian agency representatives to comment on what would seem to be the incongruence between the Janjaweed's destruction of livelihoods, farms, wells, etc., with the land grabs and occupation about which IRC, Mercy Corps and USAID spoke. **Ms. Mitchell** noted that the Janjaweed are traditionally herders and therefore may not need the land for the same purposes as the farming communities they have displaced. **Dick Owens of USAID's Office of US Foreign Disaster Assistance (OFDA)** said it may be too early to draw conclusions, since no one yet has a full picture of the situation. However, it is clear that the level of destruction in the north, as Ms. Mitchell noted, was punitive. There has been less "scorched earth" activity in the west, where the goal has been more to run people off their land. **Lee Schwartz of the US Department of State's Bureau of Intelligence and Research (INR)** added that the fact that the north was the focus of the SLA and JEM rebel movements changed the nature of the conflict there. Further, the Janjaweed is relatively small, and probably does not have the capacity to extend large enough numbers of men to accomplish the same level of destruction throughout all of Darfur. The most accepted estimate of the total number of Janjaweed members is somewhere around 15,000. However, this is an admittedly fungible estimate and is not meant to be an accurate measure of their actual capacity.
- **Omer Ismail, Program Director of Darfur Peace and Development**, asked the humanitarian agency representatives to comment on the scale of the crisis in the territories still held by the rebel groups. He added that only half of Darfur's story – that of the government-held areas – is currently being told. **Fidele Lumeya of Refugees International** responded that a recent RI field visit to Darfur found that the SLA and JEM wanted UN assistance, but were concerned that such assistance would result in government infiltration of their ranks and territory. The challenge, Mr. Lumeya noted, is therefore on the SLA and JEM themselves. Further, the rebels must prove that they are capable of providing security for potential humanitarian convoys into rebel-held areas. **Dick Owens** added that the UN and rebel groups met outside of Sudan to negotiate humanitarian access protocols, and that the World Food Program (WFP) had begun some food distribution in some rebel-held areas. However, there is no clear command and control structure to allow reliable and consistent

communication with rebel leaders, and the rebels are opposed to any use of Sudanese national staff out of fear that they are government informants. The rebel groups have been hijacking aid convoys – all of which led Mr. Owens to state that the rebels are “shooting themselves in the foot” when it comes to receiving international humanitarian assistance.

The attitude of the rebels is not the only factor inhibiting the deployment of aid convoys to rebel-held territories, however. Mr. Owens added three additional complications: 1). The fact that there is still insufficient capacity in areas that the international community *has* been able to access reliably; 2). pervasive insecurity; and 3). the government of Sudan has been expanding its military and police into previously rebel-controlled areas, and the UN has refused to use these same roads for their convoys.

**Ms. Mitchell** added that in many cases the families of Janjaweed members are also in need of assistance, but again, international humanitarian actors have no confidence that they will be able to secure the routes into those areas.

- **Emira Woods of Foreign Policy in Focus** asked to what extent the international humanitarian agencies operating in Darfur were working with local organizations, and whether or not such cooperation could help to bridge some of the security concerns? **Ms. Mitchell** responded that the situation for local staff is very difficult. First of all, there are few qualified local staff outside of urban areas. Secondly, the displaced populations themselves are traumatized. And lastly, many of the local staff of international organizations have been threatened or intimidated by Sudanese government officials. Currently there is a total of about 4,000 local staff working for international NGOs in Darfur. She added, however, that no matter how many humanitarian workers are put on the ground in Darfur, humanitarians alone cannot solve the problem.

**Mr. Martin** added that the Sudan Council of Churches has been very active, but that he was not aware of other similar local organizations. He agreed with Ms. Mitchell that the constraints on local staff were extremely difficult to manage or overcome. Any prospective candidate for a position with an international NGO is forced to apply through the Sudanese government’s Humanitarian Affairs Commission, which pre-screens them. The result of such a laborious process has been a disproportionately high level of expatriate staff.

**Mr. Ismail** noted that an umbrella group of 21 local, grassroots NGOs called SudanNet, has been working with Darfur Peace and Development and is currently present in some otherwise inaccessible areas. However, the organization lacks real capacity: it has trained approximately 230 volunteers, but has no outside funding. Further, it would be screened out by the Humanitarian Affairs Commission if Darfur Peace and Development were to identify it for international NGOs.

**Mr. Lumeya** suggested that the role of local organizations has also been a part of the traditional north-south debate. Often a question about local skills and capacities becomes strictly “can they manage money?” Instead, Mr. Lumeya posited, the issue should be building confidence that local partners can become implementing agencies in their own right.

### ***US Government and Multilateral Initiatives in Darfur***

#### **USAID:**

**Dick Owens** noted that USAID sees many of the same issues and problems in humanitarian assistance as were detailed by UNHCR, IRC and Mercy Corps. There has been marginal improvement in access and capacity among relief agencies, though resource levels overall remain “dismal.” The original \$365 million appeal has so far only been funded at \$177 million [*this figure has increased to \$210 million as of early October*].

Though access has improved somewhat in recent weeks, security has not. US Ambassador to the United Nations John Danforth has directly disagreed with US Special Envoy for Sudan Jan Pronk’s conclusions that security improved following the signing of the Darfur Plan of Action at the end of July. Further, access remains a problem in some areas, particularly for AU monitors, who are still obstructed from doing their job by the Sudanese government. There have also been continuing attacks on civilians, especially in north and west Darfur, as well as attacks on humanitarian convoys as recently as last week [*attacks on camps, civilians and humanitarian convoys continue into October*]. There are entire regions now occupied by Janjaweed members and their families, who are farming stolen land under the protection of the Sudanese government. The hard work of NGOs, particularly Médecins sans Frontières (MSF) and the International Committee of the Red Cross (ICRC) is the only reason that mortality rates have not been even higher than they are.

#### **US Department of State:**

**Margaret McKelvey, Director of the Office for Africa of the US State Department’s Bureau of Population, Refugees and Migration (PRM)**, noted that she was pleased there had been discussion about the situation in Chad, since it too often gets overlooked, a fact which has both practical and political implications. It is not helpful to separate humanitarian and political implications – rather, we should be talking about mutually reinforcing tracks. The goal of both tracks is to save lives.

The biggest challenge in Chad right now is response capacity. This challenge should be solvable, Ms. McKelvey suggested, because the security situation in Chad is not (yet) a large problem. The current predicament of inadequate aid is a black eye on the international humanitarian community, and garnering the political will to fix it will be an important issue.

The most immediate priority is to push for talks between the contending parties. [*The “Abuja talks” are peace talks sponsored by the African Union and held in the capital of the AU’s current chair, Nigeria. Both rebel groups (the SLA and the JEM) and the Sudanese government are participants, as well as a range of international observers including the UN and member governments. The talks opened on July 23<sup>rd</sup> but have been beset by complications ever since*]. Participants at the Abuja talks have so far concluded a “humanitarian protocol,” though the final language has not yet been agreed upon. This protocol is meant to be the first in a series that will eventually be signed. As Ms. McKelvey noted, the document “says all the right things” about access, etc., but implementation is a whole different issue. In Abuja, the State Department is trying to get the parties to discuss root causes, perhaps in a manner modeled after the Naivasha accords. Ms. McKelvey stressed that it is important not to discount the role of Chad and Libya in the political equation, and lastly, that there must be “pressure, pressure, pressure” on the Sudanese government to stop the violations. [*The talks in Abuja have continued, on and off, throughout September and October. They have yet to result in even a formalized agenda*].

There have also been many discussions at the UN this week on a second Security Council Resolution on the situation in Darfur. The US government has been clear that any resolution must put maximum pressure on the Sudanese government, something that many international actors have been reluctant to agree to. [*A second Security Council resolution on Darfur, number 1564, was passed on September 18<sup>th</sup>, 2004. Though the US was the principle author, the final language was considered watered-down, expressing only “grave concern” and threatening “additional measures” if the government of Sudan did not comply with demands for an end to the violence, prosecution of Janjaweed leaders, an international investigation and increased AU presence. Algeria, Pakistan, Russia and China abstained from the vote.*]

### **Funding:**

**Ms. Mitchell** interjected by asking Ms. McKelvey about the US government’s plans for funding crisis response in Darfur in 2005. Ms. McKelvey noted that some of the \$95 million appropriated in 2004 would spill into 2005, but beyond that, requests for additional funds would have to come from the White House. The US government is also only now beginning to get a real sense of what the UNHCR, ICRC, etc., budgets will be. However, she warned that too often, rather than admitting there is not enough money for a particular “job,” we will “redefine the job.” There has been no discussion so far about using the transfer authority from the Iraq supplemental, though some money for the African Union force has come from Iraq funds.

**Mr. Owens** added that USAID has been talking to the Office of Management and Budget more on Darfur than on any other crisis in recent memory, including both Afghanistan and Iraq.

**John Fredriksson of UNHCR** said the question of funding must now be looked at from a long-term perspective, something that has huge implications. The displacement crisis is now likely to look more like the Balkans than any short-term problem. UNHCR has already doubled its (calendar year) 2004 appeal for Chad alone; the number of refugees in that country could increase to 400,000.

What must be avoided, Mr. Fredriksson stressed, is a situation in which the international community and/or individual donors are forced to “rob Peter in order to pay Paul.” There is no excess funding in the system, and any increase in the budget for Sudan will have to come from other crises.

**Ms. Mitchell** noted that there has been a reluctance by the humanitarian community to be too critical of the US government’s funding for the Darfur response because the US has been strong on the issue politically. However, she noted, humanitarian action in the midst of a genocide *will* cost more than a “traditional” crisis. It is time, she stressed, for the US government to “put its money where its mouth is.”

### ***Next Steps for Darfur and the International Community***

The final part of the morning’s discussion revolved around four major themes: the root causes and nature of the conflict in Darfur; the potential of and complications associated with return and reconstruction; the genocide question; and the role of the Naivasha talks and other broader peace frameworks for Sudan.

#### **Root causes/nature of the conflict:**

**Randy Martin** noted that addressing the root causes of the conflict is the only way to re-achieve long-term self-sufficiency of the affected populations. But, as many participants made clear, the roots of the conflict – or even the very nature *of* the conflict – are also very complicated.

**Kolude Doherty** suggested that the terms “refugee” and “internally displaced person” are often conceptualized differently in Africa because the idea of borders does not always apply. This is particularly true, he stated, between Darfur and Eastern Chad, where several ethnic groups, languages and customs span political and international borders. Nor, he added, was the violence of this conflict respecting those borders.

Why do some people cross borders when fleeing and others do not? Mr. Doherty acknowledged that the question was impossible to answer with any certainty, but suggested that sometimes the path of flight to a border is too dangerous, other times there may be a lack of information about the “other side,” and still other times the displaced may prefer to remain as close to their homes, families and livelihoods as possible.

Mr. Doherty added that the war in Sudan is in fact a conglomeration of many wars that have been ongoing for years or even decades.

**Fidele Lumeya** noted that the situation in Darfur is more than just the “first level” political conflict. Rather, there are overlapping conflicts, resulting in different levels and types of violence throughout the region. The “second level” of conflict, less often noted by the international press, is that the SLA and JEM are also violent and are also pushing Arabs off of their lands. These Arabs are often then not assisted by the international community, which brands them as supporters of the government and/or the Janjaweed. However, Mr. Lumeya acknowledged, it is true that the aims of the antagonists are different – for example, one does not hear of patterns of sexual violence on the part of the rebel movements. The “third level” of violence in the region is the banditry that has now become endemic throughout Darfur. Mechanisms exist, he said, to solve the second level of conflict, but they have been suppressed by the Sudanese government. The situation is ripe for international involvement in peace and conflict resolution, particularly with the assistance of elders in the two communities.

**Kolude Doherty** added a “fourth level” to Mr. Lumeya’s list: the aerial bombings in Darfur. Such bombings, Mr. Doherty stressed, are clearly *not* the work of the Janjaweed, but rather of the Sudanese government. Such actions raise the question of whether or not there is also a proxy war occurring.

**Salih Booker** of Africa Action noted that he would include the government’s use of helicopter gunships, etc., against civilian populations with the aerial bombings in Chad and stressed that such action is in fact a part of the first – political – level of violence. In looking for solutions, it is this first level of violence that is key, and is the only thing that will allow the other aspects of the conflict to be resolved. Most displacement is a result of this first level.

As for the “second level” described by Mr. Lumeya, Mr. Booker stressed that the original SLA and JEM actions were against the government, not civilians, and that the rebels’ current actions are now predominately retaliatory.

### **Return and reconstruction:**

**Dick Owens** stressed that, beyond the critical issue of humanitarian needs, a key question is how to resettle the victims of this conflict, reconstruct their livelihoods and get them to live together again when lands are occupied and traditional tribal dispute resolution mechanisms have been destroyed?

**Margaret McKelvey** noted that there has been significant speculation as to how and when to get the displaced back to their homes. There are at least two competing views on this issue: one states that the international community cannot allow ethnic cleansing to take place or go unchallenged, and that return is the strongest way to make this clear. Further, the displaced now in camps are not self-reliant and long-term sustainability will be increasingly difficult.

The counterargument, however, is fear of what could happen were return attempted too soon. The political situation in Darfur right now is extraordinarily difficult, and peace will not be a short-term process – the south has taken more than twenty years. Though many would suggest that it is defeatist to believe that people may have to remain in camps in the long-term, it would not be the first time the international community has had to sustain camps in horrible conditions for long periods of time – look at the camps in the Palestinian territories, the Somali refugee camps in Ethiopia, etc..

No one is suggesting that long-term camp life is a desired solution, but the concerns about premature return are valid. Regardless, returns have in some cases already occurred or are in the works – the topic was mentioned in the UN/Government of Sudan’s July 2004 Action Plan for Darfur and, in August, the International Organization for Migration signed a Memorandum of Understanding with the Sudanese government on a “Management and Coordination Mechanism” to manage some IDP returns, ensuring that they were conducted “voluntarily and appropriately.” However, how can “safe areas” in Darfur be identified in the midst of ongoing conflict? How can anyone ensure that they are really safe?

Too often, Ms. McKelvey noted, the international community’s method of bridging the humanitarian/political divide is to over-intellectualize, with return becoming the only method of judging success. But the timelines of the international community and the displaced people themselves may be quite different; and the attention of the international community is likely to wander. Both possibilities must be kept in mind when thinking about long-term implications of the current crisis.

**Lee Schwartz** posed a number of questions about the appropriate role of accountability mechanisms in the discussion of return and reconciliation. Is the idea even practical, he asked? In looking at a wide variety of post-conflict situations, have accountability processes been absolutely necessary to get people back to their homes and begin community reconciliation? Accountability is, of course, important, but where should accountability mechanisms fall on a priority list of how best to achieve return and reconciliation? And must this be done by the international community, or can it be achieved at the local level?

**Mr. Owens** added that, in reality, the links between the leaders meeting in Abuja and the people in the camps may be tenuous at best. Those participating in the talks are not necessarily representative of the people on whose behalf they started the rebellion. People in camps will return to their homes when they feel secure enough to do so – whether or not Abuja has succeeded.

### **The genocide question:**

**Lee Schwartz** was asked by participants to comment on the upcoming report by the US State Department that was expected to result in a decision as to whether or not the crisis in Darfur amounted to genocide.

Mr. Schwartz began by clarifying that the survey being conducted (upon which the report is based) was not designed necessarily to determine genocide, but to provide a methodological chronicle of atrocities. Mr. Schwartz reiterated that he does not speak for the State Department on this issue, but that his understanding is that there has been no set way of going about making a genocide declaration by the State Department. In the recent past, the Legal Bureau of the State Department has conducted research and provided information and advice to the Secretary of State as to whether the criteria for genocide have been met in a given crisis. The ultimate decision has resided in the hands of the Secretary. [*On September 9<sup>th</sup>, the US Department of State's Bureau of Democracy, Human Rights and Labor issued a report entitled "Documenting Atrocities in Darfur." The report found a "consistent and widespread pattern of atrocities committed against non-Arab villagers." Citing this report, US Secretary of State Colin Powell announced in testimony to the Senate Foreign Relations Committee on September 9<sup>th</sup> that "genocide has been committed in Darfur and that the government of Sudan and the Janjaweed bear responsibility and genocide may still be occurring."*]

Mr. Schwartz stressed that a declaration of genocide would *not* solve the security or humanitarian crisis and would *not* necessarily increase the resources needed for solving land disputes, agricultural reconstruction, etc.. The real use of a genocide declaration is in the context of accountability, not for solving a humanitarian crisis. He noted that it might set in motion calls to establish an international tribunal and possibly help shift the focus from that of looking to solve a short-term crisis to looking for long-term solutions.

**Salih Booker** responded by acknowledging that the declaration of genocide does not trigger immediate international humanitarian mechanisms. However, it does create enormous moral and political obligations to act, and takes away the notion that the government of Sudan is a partner in resolving the crisis. Instead, it makes clear that the government of Sudan is an active *participant* in the crisis. The normal forces of law and order cannot be called upon to solve the crisis in Darfur because they are culpable. The situation therefore *requires* international involvement to provide security. A declaration of genocide also mobilizes people and assets, such as the media. He added that the genocide is not over because the definition of genocide includes creating conditions incapable of sustaining life – an ongoing problem in Darfur.

A discussion ensued about whether or not there were drawbacks to a genocide declaration. **Kathleen Newland** suggested that a genocide declaration would delegitimize the government of Sudan, making it even more difficult to work with them in either the political or humanitarian realm. **Mr. Schwartz** and **Ms. Mitchell** agreed that getting and maintaining humanitarian access requires the ongoing cooperation of the Sudanese government – might not the government retaliate against a declaration of genocide by again cutting off access? Ms. Mitchell also suggested that unless a declaration were immediately accompanied by real action – so-called “boots on the ground” – there would likely be a drastic decline in the humanitarian situation in Darfur, including restrictions on access and more. **Omer Ismail** countered that the Sudanese government has survival as a priority. Given this priority, it will continue to interact with

the international community – albeit at a bare minimum level – as a means of ensuring its own survival.

Mr. Schwartz added that it was highly unlikely there would be any direct link between a declaration of genocide and “boots on the ground.” There is no mechanism attached to a genocide declaration that would force or even call for military action. The argument has been made that such a declaration would unnecessarily antagonize and embolden the government without requiring requisite – and sufficient – force to do anything about it.

**Taylor Seybolt of the US Institute of Peace** further questioned whether military intervention was an appropriate way to promote a political solution. He added that the Genocide Convention is a mechanistic, legal mechanism, whereas military intervention is a political action. A declaration of genocide can put pressure on decision-makers and add gravitas, but it is not an inherently political tool.

Mr. Ismail agreed that a genocide declaration would embolden the government, and suggested that a “war of semantics” would not solve anything. However, a declaration of genocide, he believed, would still be important in curbing the government. In Sudan’s judicial system, he explained, there is a difference in the way the terms “innocent” and “not guilty” are understood: the government of Sudan sees the lack of a genocide declaration as proof that it is “innocent of committing genocide.” An official declaration would force it to abandon this misrepresentation. **Emira Woods** added that “calling a spade a spade” would be crucial in terms of garnering forceful international pressure on the Sudanese government – and in that sense, a genocide declaration *can* be a political tool.

**Mr. Doherty** noted that it is clear the international community must look strategically at what needs to be done in Darfur – and one of the only ways to get the international machinery in motion to accomplish this is to call the conflict genocide. Mr. Doherty asked rhetorically what the difference was between Darfur and Rwanda. In Rwanda, he noted, the international community at the time did not know or acknowledge that the violence was indeed genocide. With Darfur, the international community is trying to avoid making the same mistake of downplaying the seriousness of the conflict. In his opinion, in a situation like Darfur, it is better to overreact than to under-react.

**Mr. Martin** suggested that the government of Sudan fears the US, and believes that a declaration of genocide is merely a tool to allow international intervention in Sudan. A declaration would carry more weight, Mr. Martin suggested, were it to be supported by the Arab League, the AU, or other international actors. In the end, the declaration of genocide is a tool in a toolbox – and not the most appropriate tool to be using at this point. The UN/Sudanese government Joint Communiqué of July 2004 is a better framework for the current situation. It is true that the Joint Communiqué is imperfect and has in some instances resulted in the incorporation of Janjaweed members into the local police forces. But it must be seen as a slow and incremental process, addressing one issue at a time. It will require sustained international pressure to succeed; and only such sustained international pressure will cause the Sudanese government to open up and yield to demands – the international community has seen this play out many times over *years*

of experience with the Sudanese government. The Sudanese government understands only one language – that the international community is willing to do *something*, whatever that is.

### **The Naivasha talks and the role of the African Union:**

**Mr. Booker** noted two more complications: the partnership of the governments of Sudan and the US in the war on terror, and the concern that the African Union is being set up by the UN Security Council for failure. Mr. Booker suggested that the UN is getting ready to place the entire burden of peace and security in Darfur onto the AU without sufficiently supporting it, financially or politically. Not only is the AU a new institution without significant precedent in this area, but Sudan itself is an AU member and is set up to take over as chair – what would this mean for the AU’s willingness or capacity to act in Darfur? **Mr. Owens** said he believed a genocide declaration could be the “kiss of death” for possible AU action in Darfur.

**Mr. Lumeya** countered by emphatically stressing that there was no way the AU would allow any non-African troops in Sudan; and that therefore the AU itself was the only solution. It is time to begin empowering local mechanisms to solve local problems.

**Mr. Ismail** responded by suggesting that Darfur itself is in fact the future of the AU. It is important to link both the Naivasha talks [*between the southern rebels and the government*] and the Cairo talks [*between the opposition National Democratic Alliance and the government*] to the Darfur talks – even though the Sudanese government has an interest in keeping them separate.

**Mr. Lumeya** disagreed. He noted that RI’s conversations with key southern rebel leaders found that the religion issue was very important for them, and that southerners saw few linkages between themselves and the Muslim rebels of Darfur. Further, the southerners very much want to be able to call the Naivasha process a success and are reluctant to accept any changes that might put this success in jeopardy. Lastly, whereas the US has a strategic interest in the south, it does not in Darfur, and is therefore less likely to be engaged.