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# The Darfur Name Game: Use of Realpolitik by the United Nations in Decision-making and Intervention

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THE DARFUR NAME GAME: USE OF REALPOLITIK BY THE UNITED  
NATIONS IN DECISION-MAKING AND INTERVENTION

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## ABSTRACT

### THE DARFUR NAME GAME: USE OF REALPOLITIK BY THE UNITED NATIONS IN DECISION-MAKING AND INTERVENTION

Angela Overton  
Old Dominion University, 2014  
Director: Dr. Dawn L. Rothe

Violence has plagued the westernmost region of Sudan, known as Darfur, since 2003. The conflict contains elements of political and ethnic divisiveness, desertification, and resource scarcity. The violence there continues to date. Many have declared genocide in Darfur while others maintain that the conflict is instead a crime against humanity. The labeling of the conflict is critical because this process determines the interventions available. This paper focuses on the decision-making process of the United Nations and its Security Council to determine if the labeling of the conflict impacted the discourse and intervention decisions by those bodies. Discourse analysis results indicate that the labeling did impact intervention decisions and that realpolitik played a large role in the discourse and decision-making of the UN Security Council in relation to Darfur. Most importantly, labeling the events in Darfur as crimes against humanity and war crimes permitted the UN and its Security Council to circumvent the intervention mandate in the Genocide Convention. Finally, the paper suggests that the variable realpolitik be added to the integrated theory of state crime model to bridge the gap between the criminological and international relations theories in order to better describe and explain state reaction to the state criminality of other states.

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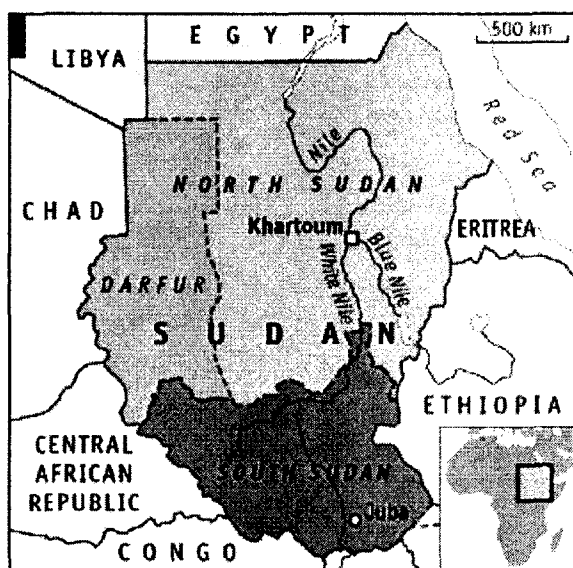
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## CHAPTER I

### INTRODUCTION

Sudan lies on the western shore of the Red Sea in eastern, sub-Saharan Africa (see Figure 1). It was colonized by the United Kingdom in 1916 through indirect rule (Mullins and Rothe 2007; 2008; Prunier 2005), which meant that few major changes were made in the manner in which the government ran. There were important consequences of Colonialism, however. One such issue was the diversion of the flow of resources through the capital, Khartoum (Mullins and Rothe 2007; 2008; Prunier 2005), because as funds and resources were funneled through, the economic benefits from Colonization remained

Figure 1. Map of Sudan with Darfur and South Sudan Regions Noted.



Source: Geographic Travels (2011) (see also Appendix C)

in and around the capital city and the Northern Province. This left other parts of the country in distress and poverty as Khartoum prospered (Mullins and Rothe 2007; 2008; Prunier 2005). Although Sudan gained independence in the 1950s, the country has been plagued by intermittent violence. Since 2003, much of the violence has been, and remains, concentrated in the westernmost region of Sudan known as Darfur, whose violent roots of conflict lie in this division of income and resources that remains from Colonial times (Mullins and Rothe 2007; 2008; Prunier 2005).

Along with resource deprivation, the Darfuri conflict also contains an ethnic element (Mullins and Rothe 2007; 2008; Prunier 2005). The northern part of Sudan, including Khartoum, was traditionally populated by tribes that identified themselves as Arab, while Darfuri tribes traditionally identified themselves as African (Mullins and Rothe 2007; 2008). Despite this, the various tribes coexisted in peace and any conflicts that erupted were resolved amicably. The African and Arab tribes intermarried in this region for many centuries (Mullins and Rothe 2008). However, politicians running for office in the late 1960s began to utilize a discourse of separation and difference that created a fracture between the Arab and African ethnicities (Mullins and Rothe 2007) that led to African tribes supporting one candidate and Arabs another. This rhetoric was then used to maintain the central power and resources in the capital, which led to the neglect of Darfur (and other regions) and consequently furthered the divide between the tribes identifying themselves as Arab and those identifying themselves as African (Mullins and Rothe 2007). This divisiveness laid the groundwork for violence between those creating the marginalization and those who were marginalized. In fact:

[Darfur] is widely regarded as the first genocide of the twenty-first century: the deliberate slaughter – as well as a slower death through

displacement, starvation, thirst, and disease – of more than 450,000 people from three tribes (the Fur, Zaghawa, and Masalit) in the Darfur region of Sudan. (Markusen 2009:95)

Hundreds of thousands have been murdered and displaced. The United Human Rights Council (2013) estimates 400,000 killed and 2.5 million displaced by the conflict. Of the 6 million in the region, 4.7 million have been impacted by the violence (United Human Rights Council 2013).

Although many states and the United Nations (UN) have provided humanitarian aid, the violence rages on. As one of the major institutions of social control, the UN is charged with addressing conflicts between states and other matters. More recently, this organization has been called upon to address internal state conflicts that do not cross international borders, as well (Claude 1996; Evans et al. 2001; Ruggie 2010). In fact, the United Nations Security Council (UNSC) is the permanent international body tasked with “maintenance of international peace and security” (United Nations N.d.). With no evidence of cessation of violence in Darfur, one must question: why has the UN stayed the course of humanitarian intervention? Are there specific duties or responsibilities for states and international institutions of social control in the face of massive loss of life and violations of human rights? How do states and international institutions of social control define these conflicts resulting in human rights abuses, death, and displacement?

Despite a vast body of research focused on Darfur, relatively little has addressed the definitional component of the conflict—genocide versus crimes against humanity<sup>1</sup>—

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<sup>1</sup> The major differentiation between crimes against humanity and genocide is the intent behind the execution of the violence. Genocide is a crime that intends to exterminate a group based on a shared characteristic and is systematic in this desire to eliminate said group. Alternately, crimes against humanity may involve similar acts of violence but lacks the intent required for genocide.

and the repercussions that accompany these labels. The definition of the situation is vital because these labels dictate the array of interventions available. In fact, genocide is unique in international law because it is the only crime that *requires* intervention in accordance with the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (United Nations 1948) (see next chapter for a detailed explanation). This work focuses on this labeling process of the conflict in Darfur to understand the international political response and the decision-making processes of the UNSC and its permanent member states (P5) in relation to intervention in the conflict.

The conflict in Darfur has sparked much attention, as have the interventions applied to the conflict. There is an abundance of scholarly literature available regarding the prolonged hostilities. For example, law scholars have analyzed the conflict from a legalistic perspective (e.g., Happold 2006; Jafari and Williams 2005; Williams et al. 2004), while political science scholars have focused on the state and international politics impacting the continued violence (e.g., Collier 2008; Heinze 2007). Intergovernmental organizations (IGOs) such as the United Nations (UN) and the African Union (AU; formerly known as the Organization for African Unity), as well as nongovernmental organizations (NGOs) including Human Rights Watch (HRW) and Amnesty International (AI), have also written reports documenting various aspects of the conflict. These writings include information regarding displacement, victimization, specific events occurring as the violence continues, peace talks, and aid that has been sent to the region (e.g., Amnesty International 2009; Human Rights Watch 2004; 2005a; b; 2006a; b; c; d; 2008a; b; Organization for African Unity 2004a; b; 2005; United Nations 2005l; 2008j). Overall, however, this body of literature neglects the definitional labeling of the conflict.

Due to the importance of genocide in international law, one would expect criminological literature related to the conflict in Darfur to explore the labeling process and associated repercussions. Yet, criminological literature has essentially ignored this facet of the conflict with a few notable exceptions (i.e., Hagan and Rymond-Richmond 2009; Heinze 2007; Jafari and Williams 2005; Mullins and Rothe 2007; Rothe and Mullins 2007; Straus 2005). Each of these will be discussed at length in the literature review. In addition to the four criminological analyses of the labeling process, there are three in other disciplines that focus on the labeling of the conflict: Jafari and Williams (2005), Heinze (2007), and Williams and colleagues (2004). These works analyze the content of the discourse related to Darfur in relation to the labeling of the conflict but do so through a legal or politico-legal framework.

Legal and political analyses are only two of the many approaches taken to study the conflict in Darfur and the associated definition of the situation. Using a historical analysis to study the conflict in Darfur and its similarities/differences to previous genocides is helpful in understanding the origin of such conflicts. However, historical analysis will not get at the heart of this work, which seeks to understand why effective intervention has not been implemented to stem the violence. Because intervention has not occurred in response to previous genocide events, historical analyses fall short. Political science analyses also fail to reach an understanding of intervention decisions because they center on governments and state organizations alone. International relations, which is a branch of political science, is a major contributor to this work but does not allow for a holistic understanding of the decision-making process because it does not ask how and why such decisions are made. Focusing solely on the decisions of

the UN and member states removes the gravity and importance of understanding those decisions in the context of the millions of lives impacted by these egregious crimes. In fact, genocide has often been identified as the crime of all crimes, thus placing it directly in the scope of criminology.

Criminological analysis permits a concurrent study of the crime itself, as well as the measures undertaken to prevent or stop the violence. It is here that a more holistic understanding of the conflict in Darfur may be found. It is this lens through which the following research questions will be addressed: do those tasked with intervention in the Genocide Convention circumvent that responsibility? If so, what justifications are used?

It is crucial to determine if these decisions are influenced by what has been described as *realpolitik*<sup>2</sup>. Hagan and Rymond-Richmond (2009), Mullins and Rothe (2007; 2008), Rothe and Mullins (2007) have provided criminological case studies on the conflict and discussed intervention and *realpolitik* in brief. However, there is a gap in this literature because of a lack of criminological studies focusing on the decision-making process of the UNSC and its member states in relation to genocide intervention. No previous works have delved into this process and applied criminological theory to understanding the how and why of decision-making related to Darfur. Further, I seek to determine how and why particular interventions, including the use of force, have been avoided. It is here that this work is vital in filling gaps in the existing literature. Most

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<sup>2</sup> The term *realpolitik* was coined by August Ludwig von Rochau (1972 [1853]) and is defined as a state's own self interest. "Nation-states pursue their own national interests and conceive these national interests primarily in terms of power" (Totten 2013:7-8). National Security Council Paper Number 68 (National Security Council 1950) established the three components now commonly attributed to *realpolitik*: political interests, military interests, and economic interests.

importantly, I seek to understand why the cries of “never again” related to genocide<sup>3</sup> remain empty promises. To do so, I focus on the UN conflict intervention decision-making process.

Conflict intervention falls under the purview of the United Nations as the major agent of international social control and provider of international peace and security. To that end, the UN has implemented mechanisms that seek to prevent a host of prohibited behaviors that include wars of aggression, violence against women, and violations of human rights, among others. The crime of genocide is prohibited through the UN Convention on the Prevention and Punishment of the Crime of Genocide (1948).

Prior to delving into discussions of genocide and international violence, Chapter II reviews the foundational and relevant literature. Chapter III proceeds with the theoretical foundations that inform this work, including Rothe’s (2009b) integrated theory of state crime, realism, and realpolitik. Chapter IV details the methods employed in this research. Chapter V provides a brief narrative of Sudan and the events occurring in Darfur. Chapter VI contains the data findings. Chapter VII contains the theoretical analysis. Finally, Chapter VIII explains the policy implications, future directions for research, and conclusion.

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<sup>3</sup> After the Holocaust, many cried “never again” would genocide occur. This has been the cry before, during, and after every genocide. In fact, Power (N.d.:1) called this “the world’s most unfulfilled promise.”



## CHAPTER II

### REVIEW OF THE LITERATURE

Language and discourse are used daily to express ideology, execute personal interactions, and explain complex situations. This may be done through speech, writing, electronic communication, the media, and hundreds of other outlets for communication. This language and discourse is often seen as merely a method of interaction, leaving its deeper meanings and latent implications overlooked. Bourdieu ([1982] 2003:2) explains that:

everyday linguistic exchanges [are] situated encounters between agents endowed with socially structured resources and competencies, in such a way that every linguistic interaction...bears the traces of the social structure that it both expresses and helps to reproduce.

An examination of the discourse used to describe events, conflicts, emotions, political positions, and millions of other concepts is critical to truly understanding what the originator is not only *saying* or *writing*, but also what may be *implied* or *assumed* through the discourse itself. In fact, Bourdieu ([1982] 2003:164) explains that language may be a form of “symbolic power...that invisible power which can be exercised only with the complicity of those who do not want to know that they are subject to it or even that they themselves exercise it.” It is for these reasons that an analysis of the discourse and words used to describe the conflict in Darfur may shed light on the latent factors underlying the decision-making process.

## THE GENOCIDE CONVENTION AND ITS OBLIGATIONS

Labeling the situation a crime against humanity rather than genocide impacts how the conflict is defined, understood, perceived, and identified by those in power. Labeling dictates possible interventions available to address the situation. Understanding the events and intervention decisions in Darfur requires some discussion of genocide and the unique mechanisms of social control at the international level in response to this crime. Genocide<sup>1</sup> may be generally defined as the systematic killing of individuals based on a shared characteristic and seeks to intentionally eliminate the entire group exhibiting that characteristic. These behaviors were evident in the genocide that occurred during the Holocaust, which served as the impetus to the creation of the Genocide Convention. This work centers on obligations engendered by becoming party to the Genocide Convention.

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<sup>1</sup> Genocide was codified in The UN Convention on the Prevention and Punishment of the Crime of Genocide (UNGC; also known simply as the Genocide Convention). The Convention was approved by the UN in 1948 and became enforceable in January 1951 (1948).

The Genocide Convention defines genocide as:

*Article I.* The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

*Article II.* In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

*Article III.* The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide. (United Nations 1948)

These responsibilities take two forms: those of individual states and those at the international level. These are separate and distinct debates that require discussion.

Article I of the Genocide Convention indicates that parties, which are individual states, bear some responsibility to “prevent and punish” genocide (United Nations 1948). However, these individual responsibilities are by no means straightforward. Some suggest that individual states bear the burden of protection from genocide while others deny that such an intervention responsibility exists. Kelly (2007-2008:159) sums the debate up by detailing:

[t]wo schools of thought are forming... The non-interventionist school denies a legal duty based on a plain reading of the Genocide Convention. This school admits, however, the moral and political responsibility, and even advocates undertaking all other actions short of military intervention (economic sanctions, embargoes, etc.). The *option* of intervention is also on the table, under a newly developed theory of a sovereignty waiver if states commit genocide against their own people. Whether or not to exercise that option is in the discretion of each state. Meanwhile, the interventionist school is a natural outgrowth of the post-war human rights movement. This school holds that a duty to intervene arises once genocide has been determined, and states with the capacity to act that do not do so are in breach of an international legal obligation. Widespread acceptance of humanitarian intervention by states, as well as the U.N. leadership in the 1990’s, forms the basis for this school’s underlying theory. Coupled with widespread acknowledgement that Rwanda’s genocide was preventable (followed by the public contrition by states, including the United States), this school relies heavily on the moral and political weight of 800,000 dead Rwandans to buttress its legal argument.

Further, Toope (2006:189) explains the prevention of genocide as, “an erga omnes obligation...of such importance to the international community that all states have a care towards its fulfillment...individual states are burdened with a duty under customary law to enforce the obligation.” Both sides of the debate do acknowledge some sort of individual state responsibility inherent in the Convention (Kelly 2007-2008). However,

the two schools of thought differ greatly in terms of appropriate intervention, specifically in relation to the use of military force.

Those believing that individual states are tasked with military intervention explain that such intervention is required by the Convention. For example, Brunnée (2007:50) states that:

each State has a *legal* obligation to participate in protective efforts...As we have seen, the Draft Articles are careful in sketching out the measures that individual States can take in the name of collective concern, especially as far as the use of force is concerned. Here, the concept of responsibility to protect clarifies that, in cases of extreme crisis, the duty to cooperate to bring an end to grave human rights abuses does extend to military measures.

Brunnée (2007) is only one example of those who conceptualize individual state responsibility as encompassing a use of force component — but this individual use of force is far from commonly understood under the Genocide Convention.

Militaristic intervention aside, an accepted legal norm of individual state responsibility leaves several questions unanswered. Exactly how or when should such an intervention occur? Is every state responsible to intervene? How would that work in practice?

Although the Convention is very ambiguous in respect to individual state intervention (e.g., Fowler 2006; Kelly 2007-2008), the United States (US) must have perceived some intervention responsibility because politicians danced around use of the genocide descriptor in relation to Rwanda (e.g., Kagan 2006; Power 2002; N.d.). Power (2001:6) explains:

[a] discussion paper on Rwanda, prepared by an official in the Office of the Secretary of Defense and dated May 1, testifies to the nature of official thinking. Regarding issues that might be brought up at the next interagency working group, it stated[:] Genocide Investigation: Language that calls for an international investigation of human rights abuses and possible violations of the genocide

convention. *Be Careful. Legal at State was worried about this yesterday— Genocide finding could commit [the U.S. government] to actually "do something."* [Emphasis added.]

This US policy document confirms that there may be some obligation perceived, although the level or requirements of such responsibility remains ambiguous.

If intervention by individual states is so ambiguous as to prevent action, then the explicit responsibility to intervene in cases of genocide must fall to some organization at the international level. In fact, the Convention (1948) specifically delineates this responsibility to “competent organs of the United Nations to take such action under the Charter of the United Nations” which may only be understood as the UNSC<sup>2</sup>.

If the UNSC is ultimately tasked with genocide intervention under the Convention, what interventions are required? Current UN Secretary-General Ban Ki-moon (N.d.) outlined the intervention obligations of both individual states and the UN:

[a]t the [UN World] Summit, world leaders also agreed that when any State fails to meet that responsibility all States (the “international community”) are responsible for helping to protect peoples threatened with such crimes and that they should first use diplomatic, humanitarian and other peaceful methods. Then, if peaceful methods are inadequate and if national authorities are “manifestly failing” to protect their populations, they should act collectively in a “timely and decisive manner” – through the UN Security Council and in accordance with the Charter of the UN – by using force.

Power (2002:504) calls this progression the “continuum of intervention.” This continuum may be conceptualized as least-aggressive interventions on one end, such as humanitarian aid (Jones 2006), moving to mid-range actions, such as sanctions (Jones 2006), and ending with the most aggressive, epitomized by militaristic force (Jones

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<sup>2</sup> The UNSC is comprised of five permanent members, known as the “Big Five” or “Permanent Five”: China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, along with ten rotating members on terms of two years each (United Nations Security Council N.d.).

2006). Ki-moon (N.d.) provides more detail in stating that prevention of genocide is vital. To that end, UN Peacekeepers may be called upon to intervene. These peacekeepers may be charged with a variety of tasks, including disarmament, protection, and situation monitoring. Once all peaceful mechanisms have proven unfruitful, Ki-moon (N.d.) states that the next step is to “take swift action, including the use of military force.” Lippman (2008:428) elaborates:

the international community through the United Nations has the responsibility to protect populations from genocide. This entails an obligation to take collective action through the Security Council under Chapters VI and VII ‘should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide.’

Use of force and security decisions rest solely in the hands of the UNSC and are at the center of many intervention debates.

The UN Charter (1945) specifies that nonprocedural issues require nine favorable votes by members of the UNSC, including all five permanent members. Overt use of force without permission of the sitting state government for protection of civilians is not codified in the United Nations Charter. However, the UN has acknowledged and accepted such responsibility in the World Summit Outcome Document (WSOD) and embedded authorization to employ such force in the UN Charter Chapter VII mandate governing the use of force:

[w]e [the UN] reaffirm that the relevant provisions of the Charter are sufficient to address the full range of threats to international peace and security. We further reaffirm the authority of the Security Council to mandate coercive action to maintain and restore international peace and security. (United Nations 2005a:Paragraph 79)

Acknowledgement of a responsibility to protect aside, intervention into intrastate conflict remains under much debate internationally.

The Genocide Convention (1948:Article 8) specifies that intervention is warranted and that, “[a]ny Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide.” The UN organization referenced here is the Security Council. Although signatory states *may* request that the UNSC intervene in cases of genocide, the UNSC itself is required to act to prevent or punish genocide. In fact, genocide holds a unique place in international law as it is the only crime that triggers a *required* intervention by the UNSC through Article 1 of the UNGC (1948): “The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.” By authoring the document, the UN is the primary contracting party and thus duly bound to this responsibility through the appropriate mechanism to address the problem: the UNSC.

The intervention responsibility, however, has been circumvented as evidenced in the more recent cases of genocide (e.g., Rwanda, Yugoslavia). In response to this inaction, an international panel of scholars convened the International Commission on Intervention and State Sovereignty (ICISS). They focused on a central question: “the so-called ‘right of humanitarian intervention’: when, if ever, it is appropriate for states to take coercive—and in particular military—action against another state for the purpose of protecting people at risk in that other state” (Evans et al. 2001:vii). The ICISS report (Evans et al. 2001) situates intervention within the context of a state’s duty to protect its citizens. If the state does not, or is not willing to, execute this responsibility, the international political community is tasked with providing protection to the citizens of

said state. The responsibility to protect (R2P) entails three components: “the responsibility to prevent[,]. . . the responsibility to react[,]. . . and the responsibility to rebuild” (Evans et al. 2001:xi). Finally, this responsibility to protect is structured in a tri-level hierarchy: the first line of defense belongs to the state involved; the second with “domestic authorities acting in partnership with external actors”; and lastly and ultimately, with the states of the world both individually and collectively (Evans et al. 2001:49).

This emerging responsibility to protect doctrine is important to the Darfur case because it is central to understanding the intervention decision discourse. This is a major concern of this study because the responsibility to protect doctrine entails a legal, ethical, and moral responsibility to intervene in cases of genocide, crimes against humanity, or war crimes where the state does not provide adequate protection of its citizens (Evans et al. 2001). This responsibility is collectively shouldered by every state (United Nations 2004x). Such intervention may take the form of aid for victims or, as a last resort, the use of military force (Evans et al. 2001). To date, the R2P has not been codified into international law and, thus, is not binding (Luck 2010; Mennecke 2009) “but is often described as ‘evolving’ in that direction” (Mennecke 2009:170).

The responsibility to protect against genocide, war crimes, and crimes against humanity was embraced internationally at the 2005 UN World Summit (Hubert 2010) and in the World Summit Outcome Document (WSOD) (United Nations 2005a). It was also confirmed by the UNSC in 2006 (United Nations Security Council 2006). Both former United Nations Secretary-General Kofi Annan and current Secretary-General Ban



Ki-moon are major supporters of the responsibility to protect and have sought to bring international attention and acceptance to the concept. Ki-moon (2007:1) stated that:

[a]ll the world's Governments have agreed in principle to the responsibility to protect. Our challenge now is to give real meaning to the concept, by taking steps to make it operational. Only then will it truly give hope to those facing genocide, war crimes, crimes against humanity and ethnic cleansing. Preventing genocide is a collective and individual responsibility. Everyone has a role to play: Governments, the media, civil society organizations, religious groups, and each and every one of us. Let us build a global partnership against genocide. Let us protect populations from genocide when their own Government cannot or will not.

This acceptance of the responsibility to protect those unprotected or harmed by their own government(s) is inherent in the Genocide Convention and the responsibility to protect doctrine and falls under the mandate of the United Nations and its Security Council, as a primary agents of international social control.

The Genocide Convention and responsibility to protect doctrine are important international instruments aimed at protecting civilians and preventing genocide; both are very idealistic. Thus, it is important to understand how these protection mechanisms work realistically versus theoretically. To that end, the following section focuses on the manner in which the conflict in Darfur has been previously analyzed. It also includes a section on realpolitik, which is hypothesized to influence intervention decisions in this case.

#### LITERATURE ON THE LABELING OF THE DARFURI CONFLICT

The authors contributing to the discourse of the conflict in Darfur have taken different perspectives. The vast majority of these works are case studies that center on the origin of the conflict and the underlying causes of the continuing violence. However,

few works differentiate the conflict itself from the discourse used to describe the conflict. These are, in fact, separate and distinct concerns. There are only seven works that focus on the labeling and associated repercussions of such labels (Hagan and Raymond-Richmond 2009; Heinze 2007; Jafari and Williams 2005; Mullins and Rothe 2007; 2008; Rothe and Mullins 2007; Williams et al. 2004).

Three of these seven discourse-focused works are outside of the field of criminology. Jafari and Williams (2005) center their discussion on the labeling of the conflict from a legal perspective and frame the conflict in terms of the legal ramifications of these labels. Heinze (2007), however, analyzes these conflicts from a political perspective. Jafari and Williams (2005) seek to challenge the UN's Report on the International Commission of Inquiry into Darfur (RICID) determination that "in some instances individuals, including government officials, may commit acts with genocidal intent," while abstaining from defining the conflict itself as genocide due to a lack of intent to exterminate the Darfuri (see Chapter VI for a detailed analysis of this report). The authors explain that the UN report determined that the "intent was to 'drive victims from their homes for the purposes of counter-insurgency warfare'" (Jafari and Williams 2005). The authors compare the situation in Darfur to Rwanda, which was retroactively defined as genocide. In order to deconstruct the logic of the UN's determination, they compare these two contemporary conflicts. One of the major concerns identified by Jafari and Williams (2005) is that the violence in both Darfur and Rwanda has/d multiple roots-causes or goals but that does not disqualify either conflict as genocide. Another flaw is that the UN report indicates that there was selective killing with some left alive in the targeted villages. These individuals, however, may have later been killed for other

reasons, such as being accused of perpetrating crimes. The report indicates that this is a lack of intent, but Jafari and Williams (2005) explain that “secondary motives” do not mitigate the genocide occurring in Darfur or in Rwanda. Jafari and Williams (2005) describe the UN’s use of “word games” by finding that genocidal acts, but not genocide, have occurred in Darfur. Additionally, they state that the reason for these “word games” is to circumvent the Genocide Convention’s intervention trigger.

Williams and colleagues (2004) share the position of Jafari and Williams (2005) by stating that the existing conflict in the country is extraneous to a determination of genocide. They explain that the International Criminal Tribunal for Rwanda (ICTR) faced a similar challenge due to an existing conflict between the Rwandan Armed Forces (RAF) and Rwanda Patriotic Front (RPF). However, the ICTR determined that, “the fact that the genocide took place while the RAF was in conflict with the RPF can in no way be considered as an extenuating circumstance for it” (as cited in Williams et al. 2004:10). They further explain that this is no different than the war between the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM) and does not mean that genocide has not occurred.

The use of this genocide label versus other terminology is also analyzed in Heinze’s (2007) work. Heinze’s (2007) views are similar to Jafari and Williams (2005) in that he focuses on the “word games” related to the genocide while also comparing the conflicts in Rwanda and Darfur. Heinze (2007:359) centers his work on the “rhetoric of genocide” and the United States’ refusal to identify genocide in Rwanda despite the evidence for doing so. He also focuses on the alternative willingness of the US to proclaim genocide in Darfur with far less supporting evidence at the time. Heinze (2007)

specifically mentions *realpolitik* in his narrative in regard to the manner in which the Clinton and G.W. Bush administrations approached the definition of the conflicts in Rwanda and Darfur. This is particularly significant, as *realpolitik* is the variable of interest in this research. Additionally, he takes great care in explaining that the Clinton administration did not use the word genocide (instead choosing the label “genocidal acts”) because of the desire to avoid the intervention trigger embedded in the Genocide Convention. However, Heinze (2007:373) explains that “original and secondary sources on the Genocide Convention now suggest that the treaty does *not* confer an *obligation* to intervene militarily” (emphasis in original). This implies that international legal scholars had developed a different interpretation of the Genocide Convention during the time between the conflicts in Rwanda and Darfur. The Bush administration was then willing to state that genocide was occurring in Darfur “without an expectation of intervention” (Heinze 2007:362), as the more recent US interpretation of the Genocide Convention simply requires some sort of action to prevent or punish future genocidal acts. In September 2004, speeches by both US Secretary of State Colin Powell (Powell 2004a; b) and then President George W. Bush (United Nations 2004i; 2007b; r) identified the acts in Darfur as constituting genocide. It was after these statements that the US requested the UNSC investigate the situation. It seems to be that this reinterpretation of the Genocide Convention buttresses Powell’s statement that “some seem to have been waiting for this determination of genocide to take action. In fact, however, no new action is dictated by this determination” (Hagan and Raymond-Richmond 2009:xviii). However, there is much international legal scholarship that refutes nonintervention as an acceptable course of action associated with a determination of genocide as described by Heinze (2007).

This genocide descriptor is very important to understanding how the terminology applied to the conflict dictates the arsenal of interventions that may be utilized to address the violence. This was discussed in both Jafari and Williams (2005) and Heinze (2007). However, they do not situate themselves in the criminological literature as does this research.

The four existing works that are situated within the criminological literature (Hagan and Rymond-Richmond 2009; Mullins and Rothe 2007; 2008; Rothe and Mullins 2007) discuss, in a cursory manner, realpolitik in relation to the labeling of the conflict. These works do not seek to determine or understand if, how, or why realpolitik may influence the labeling of the conflict. Nonetheless, these four works remain highly relevant because the authors frame the conflict through a criminological lens.

Hagan and Rymond-Richmond (2009) attempted to determine the number of deaths and displacement that have occurred throughout the course of the conflict. Further, they focus on the “flip-flopping” associated with determining whether the crimes meet the definitional requirement of genocide or should be classified as crimes against humanity. This work is a major step in advancing the integration of victimology and genocide research, which has been long overlooked by criminology. Victimology in humanitarian conflicts has always been a high priority for human rights and aid organizations, but rarely have those instruments been used to better understand the conflicts from a criminological perspective. The authors also make great strides in advancing the study of the criminology of genocide by applying criminological theory to the events, resulting in their collective action theory of genocide. This theory utilizes concepts from techniques of neutralization, anomie, differential association, collective

efficacy, and opportunity structures (Hagan and Rymond-Richmond 2009). The theory may be summarized as aimed at understanding the “social efficacy by militia leaders in mobilizing and organizing genocidal violence as a joint criminal enterprise” (Hagan and Rymond-Richmond 2009:136). Hagan and Rymond-Richmond (2009) do offer theoretical insight to the conflict but do not delve into the intricacies of the conflict labeling.

Mullins and Rothe (2007) and Mullins and Rothe (2008) discuss the importance of the label applied to the conflict. Both lay out the case study of the Darfuri conflict with a historical contextual description of the conflict and the factors associated with it. However, these works differ from Hagan and Rymond-Richmond (2009) as they advance the study of the conflict by undertaking a discussion of both individual state and international societal repercussions that identifying the conflict as genocide may entail. In fact, it was a single sentence in Mullins and Rothe (2008:185) that sparked this work: “The selection of terminologies here is critical, both legally and politically.”

Mullins and Rothe (2007) use criminological theory at multiple levels of analysis through the application of Rothe’s (2006) integrated theory of state crime’s components of motivations, opportunities, controls, and constraints. Although *realpolitik* is implied in the integrated theory, it is not fully explicated in the work. It is here that this work seeks to add to the criminological literature by exploring *realpolitik* as the variable exerting the most influence on the decision-makers within the UNSC both individually and collectively.

The fourth and final criminological work on the labeling of the conflict in Darfur is Rothe and Mullins (2007). It is this work that is most closely associated with the

research at hand. The authors detail and define the concepts of genocide and crimes against humanity as laid out in treaty and international law. Further, they deconstruct the decision by the UN's Commission of Inquiry into Darfur (UNCID) indicating that the conflict is a crime against humanity. There are three central questions that must be answered in the affirmative for a determination of genocide to be made: "(1) Did the actions exist on a widespread and systematic level? (2) Do tribal groups constitute a protected population under the genocide and crimes against humanity conventions? (3) Was the specific intent of destroying an entire category of persons present?" (Rothe and Mullins 2007:20). Each of the three questions is analyzed at length and the logic of the UN's decision is challenged drawing on evidence from the conflict. The authors find that the three critical elements for genocide are present. Thus, there must be other reasons to apply terminology to the conflict that is neither factually or legally accurate.

Rothe and Mullins (2007) undertake a discussion of the importance of the label applied to the conflict and the associated ramifications. They state that "Western powers who hold permanent seats in the UNSC, and thereby veto power, developed their own strategies and agendas for the continent [of Africa]" (Rothe and Mullins 2007:101). Further, President Bill Clinton's Presidential Decision Directive 25, "in essence...states that the US will be selective in what peacekeeping actions it supports both with its UNSC vote and its own troops" (Rothe and Mullins 2007:102). It was these two statements that pushed the current work into fruition, and it is here that this research endeavors to situate itself in an effort to understand the decision-making process by the United States and other members of the UNSC in relation to intervention in Darfur.

It is important to note that these four criminological works centering on Darfur (Hagan and Rymond-Richmond 2009; Mullins and Rothe 2007; 2008; Rothe and Mullins 2007) were completed in 2007, 2008, and 2009, a mere four to six years, respectively, after the conflict began. However, since 2009, there have been no criminological analyses of the conflict, now in its eleventh year, and there have been no further attempts by criminologists to understand the decision-making process of states in relation to international conflict intervention. It is in this literature gap in which this work is situated.

The major contribution of this work is to explicitly apply *realpolitik* to an analysis of the decision-making process of the UN and UNSC in relation to Darfur through the integrated theory of state crime. State crime may be defined as:

[a]ny action that violates international public law, and/or a state's own domestic law when these actions are committed by individual actors acting on behalf of, or in the name of the state, even when such acts are motivated by their personal economical, political, and ideological interests. (Rothe 2009b:6)

Under this definition, the genocide in Darfur is a state crime. Analyses utilizing the integrated theory of state crime have often drawn on *realpolitik*, as states frequently place their own legitimacy and self-interests above all else. For example, a state may be quashing threats to its own legitimacy by executing genocide or crimes against humanity. State crime has always implicitly considered the economic, military, and political goals of states in relation to understanding state criminality. This is not the only application of the theory, however.

The integrated theory of state crime has also been used to understand the reaction of states to the state criminality of others. I hypothesize that this reaction is influenced by *realpolitik*. For example, does the longstanding oil trade relationship between Sudan and



China mitigate the manner in which China voted in relation to Darfur conflict interventions? Could it be that Chinese economic interests may be impacted by certain interventions into the conflict? This is an application of realpolitik-influenced decision-making that this project hopes to shed light upon. It is also an example by which the integrated theory of state crime may be used to understand the reaction of states to the state criminality of others. Those who have written on the reaction to state criminality and have applied realpolitik to the issues are discussed in the following section.

Steinmetz (2012) and Rothe and Steinmetz (2013) analyze the manner in which the US reacted to the leaking of classified information by WikiLeaks and found realpolitik to be a factor. The focus on state security and legitimacy at all costs was at the root of the treatment of Private First Class Bradley Manning, the whistleblower in the case. This state reaction as seen through the lens of realpolitik explains the internal decision-making process related to the case. This concept may also be extrapolated to illustrate the ways that states react to the criminality of other states, as well. These individual state reactions by the Permanent Five (P5) on the UNSC are especially important in relation to this case.

Several scholars have analyzed the behavior of the P5 through a lens of realpolitik, finding that it does influence individual decision-making. Logically, therefore, realpolitik must also ultimately impact UNSC interventions. In illustration of this point, Forsythe (2012:841) asks critical questions about the use of realpolitik by the UNSC:

[a]re they consistently committed to holding individuals responsible for violations of international law as a feature of principled world order after the Cold War? Or do their policies reflect mostly varying tactical maneuvers put at the service of expedient notions of narrow national interests?

However, Totten (2013:217) sees this as a foregone conclusion: “[r]ealpolitik, of course, drives decision making at the national and international levels, including at the UNSC and among the members of the P5” (Totten 2013:217). Further, Forsythe (2012:841) explains that “[i]n much foreign policy, the reality is that political choice drives reference to law and legal interpretation. Thus, many analysts conclude that the Security Council is first a political body and only secondarily a legal one.” This is realpolitik at work.

If one accepts this perspective, intervention decisions made by the UNSC may seek to serve the interests of the P5 primarily before executing its mandate of ensuring international peace and security secondarily. In terms of intervention decisions, Forsythe (2012:842) explains that:

the most important members of the Security Council usually approach the subjects of criminal law not primarily or uniquely with a long term and strategic view of what should transpire for the common good in a lawful world order, but rather with strong consideration of how they can adequately manage to protect their immediate subjective national interests given various pressures and power realities. As one scholar [John G. Stoessinger,] perceptively noticed some time ago, the major states “have tried to use the United Nations as a vehicle for the advancement of their individual, antithetical foreign-policy interests.

Forsythe (Forsythe 2012:852) further illustrates the point in use of this example:

[a]fter the Prosecutor had secured arrest warrants for Sudanese President Omar Hassan al-Bashir and others, China received al-Bashir on an official visit in 2011, rather than arresting him. Other states, like Kenya, also hosted him rather than apprehending him and turning him over to ICC authorities. While there were more than thirty African states that were party to the Rome Statute, there was growing concern across Africa about the ICC. In some circles of African opinion, people believed that the Prosecutor had not paid sufficient attention to African views regarding when arrest warrants were appropriate. Again, one can see that Chinese policy was affected by its many African contacts: while it was reluctant to exercise a veto in criminal law matters, it was not really committed to vigorous action by the ICC and its prosecutor. Especially when developing countries were not enthusiastic about ICC actions, China limited its cooperation as well.

This is not the only instance of such *realpolitik*-influenced decision-making by members of the P5. There are numerous examples detailed in the works of these scholars and others.

The role of *realpolitik* in P5 decision-making behavior is at the center of this work. *Realpolitik* appears to exert influence over individual state reaction to the criminality of other states. *Realpolitik* also appears to impact intervention decisions by the P5. Totten (2013:219) sums the role of *realpolitik*, state reaction, and the P5 in this manner:

many, if not most, of the P5's votes regarding intervention in genocide in the past have been driven by *realpolitik*. In other words, the P5 have not been concerned primarily with the fate of the potential victims of genocide but much more focused on whether intervening would be good for themselves or their allies. As the cliché goes, nation states do not have consciences. Concomitantly, the type of mission—Chapter VI (peacekeeping) or Chapter VII (peace enforcement) of the Charter of the United Nations—is largely dictated by the P5 as well. Thus, instead of sending a robust mission in a timely fashion with a mandate that allows the mission's troops to handle a job properly, the P5 play politics and often approve missions that are sorely inadequate for the job. This is true for a whole host of reasons, but the main point here is that the P5 virtually take on the God-like role of deciding who will live and who will die.

It is here that this work situates itself, within the integrated theory of state crime, by analyzing state reaction to the state crime of others, namely the genocide in Darfur. The theory underlying this project is discussed in the theoretical framework that follows.

## CHAPTER III

### THEORETICAL FRAMEWORK

A holistic understanding of complex events, such as crimes against humanity, genocide, or states' responses to these crimes committed by other states, requires the application of theory and concepts from a variety of disciplines. This work utilizes the integrated theory of state crime to explain state criminality as well as issues associated with controlling such acts. In relation to the conflict in Darfur, the theory will be used to explain states' reactions to the crimes of Sudan against Darfuri including the decision-making at the UNSC. The use of the integrated theory to understand states' reactions to the criminality of others has never been fully outlined in previous research, especially in relation to the defining of such behaviors as crimes. Accordingly, a discussion of the integrated theory of state crime follows; the components of organizational and international relations theories implicit in the theory will be drawn out more fully. A discussion is provided detailing why bringing these theoretical perspectives to a more central role in the integrated theory of state crime may provide additional answers to the processes of state control responses that are addressed in this work.

#### INTEGRATED THEORY OF STATE CRIME

For many decades, criminological theory has focused on offenses committed by those without great economic or social power (Barak 1990), with an inordinate emphasis on street crime (Rothe 2009b). An intellectual shift in the latter part of the 20<sup>th</sup> century brought about novel ways of thinking and theorizing about crime, including research

focused on the specific subsets of the population that were under-researched in previous traditional criminological theories. This approach led to several new theories that were centered on populations or crimes that went further than much of the traditional criminological theories. This period also brought theoretical integration with criminology and other fields to better understand phenomena. One of these emerging multidisciplinary theories was the integrated theory of state crime. It encompasses both traditional criminological theories and concepts from other disciplines to understand state crime. It has often been used with a focus on controls, or lack of effective controls, that may lead to state criminality.

Theoretical frameworks utilized to analyze state crimes are varied. The most comprehensive theoretical frameworks combine existing criminological theories into a more integrated approach in an effort to holistically understand state crime. The first theoretical framework was proposed by Kramer and Michalowski in their (1990) integrated theory of state-corporate crime in which they discuss the criminal collusion between states and organizations. This theory was further elaborated upon by Kauzlarich and Kramer (1998:148), who identify “three catalysts for action[:]... (a) motivation or performance emphasis, (b) opportunity structure, and (c) the operationality of social control” (see also Kramer and Michalowski 2006). Motivations are the factors that make the commission of deviance an attractive option. Opportunities are created when deviance is permitted or may be executed under a specific set of circumstances. Controls are mechanisms of social control that prevent the deviance from occurring. Controls must fail if deviance is to occur. Further, these catalysts are analyzed at three levels: institutional environment, organizational, and interactional (Kauzlarich and Kramer 1998;

Kramer and Michalowski 2006) which stem from existing criminological theories used to study organizational deviance (see also Kramer, Michalowski, and Kauzlarich 2002).

Kramer and Michalowski's (1990) state-corporate crime theory was later revised by Kauzlarich and Kramer (1998) and further revised by Rothe (see Mullins and Rothe 2008; Rothe and Mullins 2006; Rothe 2006; Rothe and Mullins 2011). Rothe's (2006) integrated theory of state crime follows in the footsteps of Kramer and Michalowski's (1990) original theory of state-corporate crime by incorporating several types of criminological theories, including disorganization, control, anomie, and deterrence, as well as organizational theories, into an integrated theory. Rothe (2006) departs from Kramer and Michalowski (1990) and Kauzlarich and Kramer (1998) in two significant ways. First, she adds an additional catalyst: constraints. Constraints are roadblocks or obstacles to deviance that must be circumnavigated for the acts to occur. Second, Rothe (2006) continues to utilize the original levels of analysis (macro/structural, meso/organizational, and micro levels), but also adds a fourth, the international level, to obtain a holistic understanding of the acts and the intricate nature of such crimes. In the integrated theory of state crime, the international is separate and distinct from the macro because the factors working at the macro domestic and macro international levels may be very different and impact the commission of deviance in very different manners (see Figure 2 for a full detail of the theoretical ideologies interwoven into the integrated theory of state crime). The integrated theory of state crime has been used often by critical criminologists to explain state deviance and criminality (e.g., Mullins 2009; Rothe and Mullins 2006; Rothe 2009a)

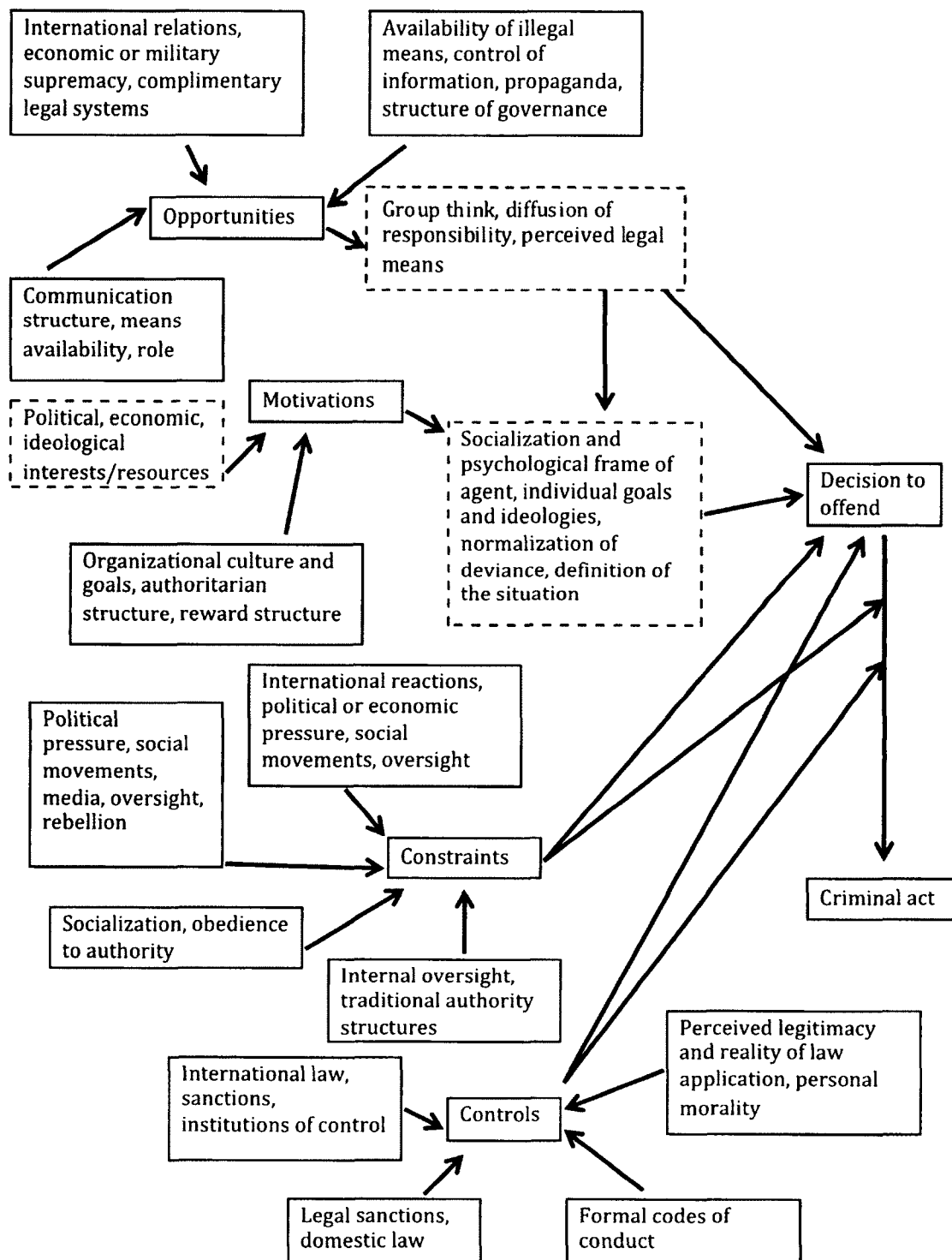
This work seeks to clarify a specific component of the integrated theory of state crime by explicating the variable of *realpolitik*. I propose that the variable *realpolitik* be added to the model as a motivation. Rothe (2009b) already includes the concept under the terminology “political, economic, ideological interests/resources” in motivations. Remember that *realpolitik* is based on three theoretical components: military, political, and economic interests that states seek to protect above all else. By clarifying that these are actually *realpolitik*, we may bridge the criminological and international relations bodies of literature for a deeper understanding of these complex international mechanisms in action.

It is not only the theoretical component noted above that is central to this work. The dotted boxes in Figure 2 indicate the specific parts of the theory that are applicable. Rothe’s (2009b) theory is strong on integration of criminology and other disciplines, which is required to study a phenomenon as complex as this work attempts. The following sections will draw out the theories implicit in the integrated theory of state crime that are relevant in explaining intervention decision-making by the P5.

### *Diffusion of Responsibility*

This component draws from organizational theories and is applied in the integrated theory of state crime at the organizational level (Rothe 2009b). Organizational theories have been used in the study of white-collar crime to explain that the organization, itself, may actually promote criminality (Kauzlarich and Kramer 1998). This body of theories has also drawn upon criminological theories to understand organization behavior, specifically anomie (Merton 1949). Kauzlarich and Kramer (1998:145) explain that:

Figure 2. Rothe's (2009b:112) Integrated Theory of State Crime's Causal Logic Model with Integrated Theory Variables.





[o]rganizations...are extremely goal oriented and concerned with performance, while norms governing the mean to achieve these goals may be weak or absent. Thus, legitimate means to achieve goals may be unavailable or blocked in some way. The emphasis on goal attainment, combined with blocked legitimate means, may induce “strain” and compel organizations to “innovate” and use illegitimate means to achieve their goals.

In this way, organizations may seek to fill operational goals in ways that may include criminality in order to achieve success.

One factor that permits the use of illegitimate means by organizations is the diffusion of responsibility. Feldman and Rosen (1978) define the term in this way:

[b]asically, group members share in the culpability for the negative outcomes of the group's actions, whereas persons acting alone have sole responsibility for the negative outcomes of their actions. Hence, the single individual, acting by himself, feels a greater degree of individual responsibility than do the group members.

This is applicable to the work at hand because all of the decision-making in this dataset occurred in groups. The group dynamic of the United Nations and the UNSC may permit members to vote in ways that may seem acceptable when executed in a group situation but may not be as morally or socially acceptable if similar decisions were made without the group dynamic. This diffusion of responsibility, where the level of responsibility in a group dynamic is less than the level of responsibility for sole decision-making, is of critical importance to this work. Although individual decisions are published and member states may be held responsible for those individual voting decisions, the decision to intervene or in what manners to intervene are decided by overall group votes. This may permit voters to feel less responsible for actions taken by the group or mitigate their own self-interests based on the group dynamic.

### *Definition of the Situation*

The definition of the situation variable in Rothe's (2009b) model is also at the center of this work. Perinbanayagam (1974:523) explains:

there are two dimensions to human conduct—one a series of responses to objective situations and another to a series of responses to meanings. Such a distinction between objects and meanings is an untenable and indefensible one in terms of human conduct.

Thus, the definition of the situation includes not only the literal facts of the situation but the manner in which individuals interpret a situation. Perinbanayagam (1974) writes in terms of individuals, but this idea may be extrapolated into group dynamics as well. In a group, individuals gather and define the situation based on literal facts and a compilation of individual interpretations, resulting in a collective definition of the situation. The key here is the gap between reality and perception of the situation (Perinbanayagam 1974) and the manner in which both individuals and groups join the two to ultimately define it.

This project focuses on the definition of the situation and how that label dictates the interventions available. This theoretical component will be relied upon heavily in the analysis. The objective definition of the situation as opposed to the perception of it is critical to understanding the labeling of the conflict in Darfur. Realpolitik is hypothesized to impact the subjective definitional process at the international level, and in the case of Darfur particularly.

### *Strain*

Strain is the result of desiring goals that one does not have the means to achieve (Agnew 1987; Merton 1949; Messner and Rosenfeld 2001). It was originally theorized by Robert Merton (1949) who described strain as resulting from the inordinate focus on

financial accumulation and visible signs of success in US culture that leaves many Americans desiring the trappings of success but lacking the mechanisms in which to obtain such items legitimately. Deviance may result when individuals utilize other means to achieve desires, including criminal behavior. Merton (1949) applied these ideas at the individual level, where he identified four types of adaptations to strain, as well as at the societal, macro-level to explain rates of criminality in the US. When discussing strain at the macro-level, he identified social structure as a major component of strain, which may be seen in the vast disparities between socioeconomic statuses that still exists in US society to date.

Merton's (1949) strain theory was later adapted into general strain theory by Robert Agnew (1987; 1992), but Agnew ignored the social structure. Ignoring the social structure removes much of the explanatory power of strain at the international level. Although Merton (1949) focused on the United States and the desire for capital accumulation that has led to social structural imbalances that cause strain, his theory may be applied at the international level as well. There are many instances in which a state may have desires that may be unobtainable through legitimate means and deviance may result. The goals/desires/wants versus means problem for states may be simply a problem of competing interests. An understanding of these competing interests is crucial.

### *International Relations Theory*

Rothe (2009b) includes international relations theories implicitly in her model and I seek to draw this out. The two international relations theories that are applicable here are realism/neorealism and realpolitik. Each will be reviewed in turn.

*Realism and Neorealism.* The central concept of the realism school, now known as the neorealism school, is “motivation by pragmatic self-interest” (Hutchings 1999:15). The realism school is often traced to Thucydides and his writings of the Peloponnesian War in the early 400s B.C. (Wayman and Diehl 1994). It is Machiavelli, however, who is cited as one of the earliest and most prominent realist scholars. He wrote of the social contract obligor and state ruler as a “prince” (Machiavelli [1532] 1979). Yet, this prince is no benevolent figure; he is “a great hypocrite and a liar” (Machiavelli [1532] 1979:134) who should make every effort to be a good steward but “should know how to enter into evil when necessity commands” (Machiavelli [1532] 1979:135). Machiavelli ([1532] 1979) explains that a prince should maintain appearances of proper and just behavior but execute his duties as he personally sees fit. The prince should seek to make his kingdom fear rather than hate him, and do whatever necessary to maintain the kingdom and its sovereignty. A lack of morality and deceit are hallmarks of the prince he describes, one who does whatever necessary to obtain goals and prosperity.

This lack of accountability on the part of those in power is important because realism insists that foreign policy is guided by a desire for greater wealth accumulation and power rather than moral interests (Bjola 2009) and rests on the state sovereignty established in the Treaty of Westphalia (1648). Further, the entanglement of morality into foreign policy only makes such decisions complex and ambiguous (Bjola 2009). Realist scholars proscribe to a moral relativism in which morality is pertinent in some, but certainly not all, aspects of governance (Bjola 2009). Legitimacy and morality are mutually exclusive. Morgenthau (Bjola 2009; Yunus 2003), however, theorizes a moral component in foreign relations in a survival-of-the-fittest typology (see also Kissinger

1977); morality has a place in foreign relations when it is used to ensure continued existence of the state (Bjola 2009). After all, “[m]orality without security is ineffectual; security without morality is empty. To establish the relationship and proportion between these goals is perhaps the most profound challenge before our government and our nation” (Kissinger 1977:66).

Hobbes, alternately, specifically denounces the idea of security in the international arena. Rather, the Hobbesian theory of international relations centers around his definition of the state of nature as one of constant turmoil (Williams 2006) or “*bellum omnium contra omnes*...the state of nature = international relations = the war of all against all” (Wight 2005:144-5). Due to this unending threat, states must remain in a constant readiness to prepare against attack, and self-defense must be a top priority for any state (Bjola 2009). In fact:

[the Hobbesian] state of nature derives from precisely the *lack* of any such commonality...individuals construct their own realities, their own understanding of what is good and bad, desirable and undesirable, threatening and unthreatening, and act on the basis on these beliefs. Lacking agreement on what the world *is*, as well as over what it ought to be, the state of nature is anarchic in a sense far deeper than that captured by...rationalist thinkers...The state of nature is defined not just by a lack of trust, but much more fundamentally by a condition of epistemological indeterminacy which renders even the universal fear of death at best a partial remedy, and the existence of conflict and mistrust endemic (emphasis in original). (Williams 2006:256-7)

This mistrust may be evidenced in the military build-up of states, especially in industrialized nations. The proliferation of nuclear arms is an example of the constant state of readiness required for self-protection of states, as is the possession but secrecy surrounding the type or numbers of such weapons. Hobbes makes clear that states cannot and should not trust each other because the individualized interests possessed by each

state make true allies difficult to find; states must be prepared to defend against friend or foe at any time.

Lack of trust between states at the international level has existed since states began forming. Hutchings (1999:16) explains that this is consistent with realism as “the forces of *ought* and *is* push and pull against each other in a perpetual tug of war, but they do not combine, either in terms of synthesis or in terms of one subsuming the other.”

Further:

[m]odern political realism takes on board two of Hobbes’s [sic] most important arguments...the notion of order as a central political value which is the effective presupposition of right...[and] the idea of a strict distinction between state and inter-state politics in general...the norms governing politics in general (domestic and international) tend to be derived from the fundamental interest in security. (Hutchings 1999:19)

International political realism differentiates between the ideologies of right versus might; states may see certain behaviors or interventions as the right or moral course of action.

However, states may refuse to commit to such because they may be inconsistent with the opposing, but equally strong, desire for protection of self-interest and security at all costs.

It is this duality of roles that ushered in the neorealist school of thought.

The neorealist school of politics places domestic and international politics into separate spheres (Hutchings 1999). Kenneth Waltz, the most prominent neorealist, explains “[t]he conception of the international is, in line with political realism, one which stresses the international as being fundamentally anarchic, lacking a principle of order” (Hutchings 1999:20). Neorealism may be summarized in this manner: “[i]nternationally, states operate in a context of anarchy which dictates certain kinds of priorities and behaviors and a single conception of the good for all states, that is, to ensure international order and a relative advantage within it” (Hutchings 1999:20). It is clear that the realist

and neorealist schools are related but differ in that the neorealist school moves away from the duality of right versus might. The focus of the neorealist school is state-centered individualized interests in relation to international politics, which is often described as *realpolitik*.

*Realpolitik*. *Realpolitik* was coined by August Ludwig von Rochau's (1772 [1853]) *Grundsätze der Realpolitik, Angewendet auf die Staatlichen Zustände Deutschlands (Principles of Realpolitik, Applied to the State Circumstances in Germany)* and is simply defined as a state's own self-interest: "nation-states pursue their own national interests and conceive these national interests primarily in terms of power" (Wayman and Diehl 1994:5). The concept is generally considered to involve three components: political interests, military interests, and economic interests (Bassiouni 2008; Rothe 2010; Wayman and Diehl 1994). *Realpolitik* plays a major role in foreign policymaking. Yunus (2003:166) explains the idea well:

Morgenthau gives his vision of world politics as, 'all nations, our own included, as political entities pursuing their respective interests defined in terms of power...we are (then) able to judge other nations as we judge our own and, having judged them in this fashion, we are then capable of pursuing policies that respect the interest of other nations, while protecting and promoting those of our own. Moderation in policy cannot fail to reflect the moderation of political judgment.

The central issue here is that the state's own interests come before those of others.

Gumplowicz (as cited in Aho 1975:49) explains, "the social structure is no longer founded upon blood relations but upon domination relations." Gumplowicz wrote of the blood relations of kinship, but this may also be extrapolated to the blood relations and interconnectedness of humankind in today's global village. His statement still rings true

in this fresh definitional application, as imperialism and realpolitik may be perceived as superseding the protection of basic human rights.

Cohen (1975) explains realpolitik as a cost versus benefit analysis where power is the central goal and the security of a nation is a direct result of the amount of power held.

He describes realpolitik's propositions as follows:

[t]he security of a state will be most readily enhanced if it follows policies which will ultimately result in increases in its own power or decreases or at least no increases in its opponent's power ...power is of the essence...states must constantly seek to increase their power relative to actual or potential opponents...the policies of a state, which are the ways in which the power of a state is exercised, must be properly designed to gain the desired goals...[and] a proper policy will maximize gains of power and security while minimizing costs and risks. (Cohen 1975:172).

Further, he states emphatically that, “[o]nly by the practice of realpolitik can a state become secure or remain secure” (Cohen 1975:173). Also, states employing realpolitik “are skeptical of international law, of the United Nations, and of any ideals...that attempt to transcend or replace nationalism” (Wayman and Diehl 1994:5). In these terms, state power and security transcend all else.

Wayman and Diehl (1994) add the concept of strategy to their realpolitik definition. Because “security is a function of power and power is a function of military capabilities” (Kegley and Raymond 1994:187), realpolitik may be considered on a continuum ranging from the most strategic to the least strategic decisions in relation to national interests (Kegley and Raymond 1994). Further, Kegley and Raymond (1994:207) classify humanitarian intervention as the “least strategic” of all state decisions. For the current work, however, realpolitik must be analyzed from a criminological perspective.



In sum, it is the integration of criminological, organizational, and international relations theories that provide the strongest theoretical foundation in which to frame this study. This is done through the use of the integrated theory of state crime. Because these research questions are geared toward a comprehensive understanding of a complex topic, a qualitative analysis is the most appropriate method. It will provide the reader with a holistic and detailed understanding of how and why realpolitik may or may not influence Darfur intervention decisions by the UNSC. The methods are outlined in the section that follows.

## CHAPTER IV

### METHODS

An integrated methodological approach will be employed, including a conflict narrative and a qualitative analysis. A brief description of the conflict in Darfur will be provided. Then, a case study will detail a timeline and description of interventions applied to the conflict in Darfur by the UN and its member bodies. A qualitative analysis will follow seeking to understand why such interventions were selected, as well as if *realpolitik* may have played a role in UN and UNSC intervention decisions. The intervention case study and the analysis will center on the UN and UNSC decisions.

In an effort to explain this decision-making process by the P5, the qualitative case study method will be used. This work seeks to determine if the P5 individually and collectively as the UNSC circumvented forceful intervention as authorized and mandated by the Genocide Convention and, if so, what justifications were used to do such. These questions are a perfect match to a qualitative case study approach because, as Yin (2003:13) explains, “[a] case study is an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident.” Case studies are heuristic (Merriam 1988), inductive (Greene 2007; Merriam 1988; Stake 2000; Yin 2003), holistic (Merriam 1988; Stake 2000), and permit the emergence of new or unknown variables or interactions (Merriam 1988). It is this ability to let the previously unknown emerge that makes the case study the most appropriate method for this work.

To date, the conflict in Darfur has not been studied in a manner that allows the themes related to avoidance of effective interventions to emerge and permit an understanding of both how and why thus-far inadequate interventions have been chosen. Many have undertaken the study of the factors related to the violence and the causation; however, taking a different approach and focusing on the decision-making process of the UNSC's Permanent Five individually and collectively will allow for a more holistic and complete understanding of the conflict response.

A case study of the interventions applied aims to bring to light the associated political processes involved in such decisions at both the P5 state and international levels. From domestic documents detailing P5 discussions, hearings, and investigations related to Darfur, as well as UNSC hearings and resolutions, the analysis will focus on the actual text, along with the associated contextual and latent meanings of the words used and labels applied to the conflict throughout these documents. By placing the labels and discussions related to the conflict in context with the intervention decisions, I seek to deconstruct the discourse related to the conflict. I aim to contextualize the social, political, economic, and militaristic influences on the conflict terminology and resultant intervention decisions by the P5 and UNSC. Through application of the integrated theory of state crime, I seek to determine the possible influence of realpolitik in this decision-making process.

Analysis of this discourse will begin with triangulation of the obtained data through multiple sources to ensure validity. Next, the data will be arranged chronologically to permit a thorough understanding of the documentation, discussions,

and reports from the origination of the conflict and the initial mention of Darfur discussions and UNSC meetings from 2002 to the mid-2012.

Once arranged chronologically, each document will be read individually for themes related to the discourse of the conflict. Because the case study method will be used, unexpected patterns and themes may emerge. The analysis will be sensitive to such. The variable under study is *realpolitik* and its potential influence on use of force decisions permitted in cases of genocide in accordance with the Genocide Convention. Data will be analyzed for discourse related to decision-making behavior of the P5 individually and collectively as the UNSC.

## DATA

The primary and secondary data used in this work will come from a variety of sources. The primary data are derived from two sources: (1) domestic reports generated by the five states holding permanent seats on the UNSC, including investigations into the situation in Darfur, hearings, and statements, and (2) intergovernmental reports generated by the United Nations and its Security Council, including mission reports, UNSC presidential documents, UNSC meeting documents, UNSC resolutions, and UN Secretary-General documents, statements, and press releases related to Darfur. Domestic investigations and reports compiled by the United States will be obtained through the Congressional and White House official websites. Chinese reports will be gathered from the Ministry of Foreign Affairs website. French documents are available through the websites of its Senate and National Assembly. The Russian Federation (RF) also provides access to public documents on the website of its Ministry of Foreign Affairs.

Reports from the United Kingdom of Great Britain and Northern Ireland (UK) are available on the website of their Parliament. United Nations documentation will be obtained from the public domain official website and archives of the United Nations and its Library of Documents. The conflict in Darfur was a much-discussed topic by the United Nations, as evidenced by the total of 3,939 documents referencing the issue between January 1, 2002 and June 30, 2012.

The United Nations offers a tremendous amount of documentation of meetings and actions on its website. The United Nations Bibliographic Information System (UNBISNET) houses documents related to voting, speeches, and bibliographic data. The United Nation Official Document System (UNODS) is a more general documentation service which “covers all types of official United Nations documentation, beginning in 1993...including access to the resolutions of the General Assembly, Security Council, Economic and Social Council, and Trusteeship Council from 1946 onwards” (United Nations 2012b). Finally, UN press releases are housed in a separate database.

An Internet search of the UNODS found approximately 31,800 documents with the words “Sudan” or “Darfur” within them from 2002 to 2012. When only those documents in English were specified, approximately 15,879 documents dated between January 1, 2002, and June 30, 2012. Many of the mentions of the word “Sudan” without “Darfur” were in relation to the hostilities and subsequent secession of South Sudan as well as other matters pertinent to the state of Sudan but not directly related to the conflict occurring in Darfur. Because this work focuses solely on the conflict in Darfur, the documents with “Sudan” but not “Darfur” in them were eliminated from the analysis. When searching for only “Darfur” in the documents, 3,588 documents were returned

from UNODS. The press release database yielded 281 documents. UBNISNET held 20 voting records, 299 speech records, and 1,032 bibliographic documents. Therefore the total number of documents from the UN document services totaled 5,220. After combining the documents into a single list, many duplicates were identified. Once removed, 3,939 documents containing the word “Darfur” were identified.

Each document was read to determine content. Some of the documents discuss Darfur in terms of water quality or other peripheral issues unrelated to the conflict or the interventions applied by the United Nations. Many of these documents were various UN member state representatives speaking of concerns about the conflict but had no direct relation. These documents were also removed from the analysis. Once the non-relevant documents were removed, a total of 2,380 documents referencing Darfur remained. Of those 2,380 documents related to the conflict in Darfur, only 390 contained discussions of the conflict relevant to this work. Along with these primary sources, secondary data will also be used.

Secondary data was used to triangulate information obtained in primary sources, as well as to provide context to the primary source data. Secondary data was drawn from multiple sources, including reports and press releases issued by intergovernmental organizations such the African Union and the European Union, as well as nongovernmental organizations such as the International Committee of the Red Cross, Amnesty International and Human Rights Watch. These reports and documents were accessed through the public domain websites of each organization. Books written on the conflict were also used (e.g., Cockett 2010; Flint and de Waal 2008; Jok 2007; Prunier 2005). There were also hundreds of reports related to Darfur available from newspaper

and other media outlets. Secondary data was verified by triangulating primary data with at least two secondary sources to ensure the validity of the data obtained.

## LIMITATIONS

A major and commonly cited limitation of the case study method is a lack of generalizability that may exist due to the use of a single case (Merriam 1988; Stake 2000). Other problems involved in case study research may involve reliability and validity (Merriam 1988). These issues rest on the ability to replicate findings, or lack thereof, due to use of a single case, as well as each researcher's ability to execute the study without bias. After all, each individual harbors biases, conscious or unconscious, that impact research, from the choosing of an area of research to the approach taken to undertake such and the variables chosen for the analysis. These limitations may be mitigated in the use of triangulation of multiple sources to validate data obtained (Merriam 1988; Silverman 2005; Stake 2000; Yin 2003).

There are other limitations to this work due to the nature of the phenomenon under study. One of the most glaring limitations is the availability of data. Research of a highly politicized and sensitive topic involves some insurmountable issues, such as confidential meetings, confidential or unreleased documents, undocumented meetings held behind closed doors, redacted documentation, and classification of documents that prevents release to the public. The United States government, as well as the governments of the other four permanent members of the UNSC, uses discretion in permitting access or publication of documents, hearings, and decisions regarding relations with other countries. The largest obstacle in this research is the inability to obtain all of the

documents that pertain to the decision-making process of member states of the UNSC in regards to the labeling of and response to the events in Darfur. The only way in which to mitigate this limitation is to obtain every relevant document available to create the most complete depiction possible of the actual discussions and meetings related to Darfur.

Another issue is accessibility to data. The data released by states in relation to discussions or decisions related to other countries, may be biased or politically sanitized. As detailed above, states will not create documents for all meetings in relation to other countries, and may not release documents that are created. Therefore, researchers must question the validity and integrity of the available documents. The documents and data that are available may not elicit a full and unbiased understanding of the situation, as states may find it in their own interest to remain politically correct. When the released documents are analyzed, they must be done so with the understanding that the documents may not fully explicate the unbiased position of the state.



## CHAPTER V

### DARFURI CONFLICT NARRATIVE

Although this work focuses on the labeling and discourse applied to the Darfuri conflict by international institutions of social control, understanding the conflict is important to such an analysis. At its roots, I suggest that the conflict is politically based. Moreover, these political differences were socially constructed to exacerbate divisiveness where little had existed historically.

#### SUDAN

Today, Sudan is home to “Africa’s longest running civil war” (Cockett 2010:159). It lies directly west of the Horn of Africa and is a large and vibrant country of approximately 40 million citizens (e.g., Cockett 2010; Flint and de Waal 2008; Jok 2007; Prunier 2005). Sudan was colonized by the British in 1899 and it is here that the dangerous division between the regions of Sudan as a political construct began. Cockett (2010:31) details that:

[t]he British were, essentially, only interested in the riverain centre. The two other parts of what they handed on as ‘Sudan’ [at Sudanese independence] in 1956 were only late additions. Darfur, as big as France, home to the non-Arabized, Muslim tribes such as the Zaghawa and Fur, was only vaguely joined to the lands ruled from Khartoum when the British conquered it in 1916. South Sudan, formerly known as Equatoria, entirely different in every conceivable way, geographically, religiously and ethnically, was admitted as an almost completely separate country by the British and only grafted onto ‘Sudan’ a few years before the end of colonial rule.

Colonialism is at the root of some of problems that will later erupt into violence in Sudan.

The Darfur area of Sudan has been traditionally home to many tribes. *Dar* means “tribal homeland” (Cockett 2010) or “country” (Prunier 2005) in Arabic, so Darfur translates as homeland or country of the Fur, one of the major tribes living in the area. Others include the Masalit and the Zaghawa. The areas inhabited by the tribes are identified as *Dar Masalit* or *Dar Zaghawa*; however, the entire western region of the Sudan has come to be called Darfur despite the fact that the region is home to many more than the Fur. Thus, when discussing the region of Darfur, it is important to remember that the term is not used in the strictest sense (*Dar Fur*) but, rather, references the westernmost region of Sudan that has come to be collectively identified as such and encompasses three states: North Darfur, South Darfur, and Western Darfur.

This amalgamation of regions under a single state is a one major reason underlying both the secession of South Sudan (now the independent Republic of South Sudan as of July 2011) and the twenty-plus years of conflict in Darfur. However, this was not the only social structural concern remaining when Sudan finally gained independence in 1956. A second British remnant is also a major factor in both conflicts: the focus on Khartoum, capital of Sudan, at the expense of the other regions.

When colonized by the British, Sudan continued to run under a tribal administration system similar to the way in which it had been functioning (Mullins and Rothe 2008:168). The British did not seek to make major changes in the way that the government ran other than to begin to accumulate resources in the capital of Khartoum. This concentration of economic, political, educational, health care, and other resources left the remainder of the country suffering from deprivation and neglect (Mullins and Rothe 2008; Prunier 2005). In fact, more than half of all state “income and assets”

(Prunier 2005:25) remained in and around Khartoum (Cockett 2010:30). Very few resources eventually made it to Darfur (Mullins and Rothe 2008). Khartoum has historically been, and continues to be, the center of cultural and economic life of the country. Cockett (2010:19) explains:

[t]his paradox of Khartoum, of a core of wealth and optimism surrounded by rings of extreme poverty, injustice and political exclusion, is also the paradox of Sudan...its post-independence story...can seem like nothing more than a long series of armed struggles between the centre of the country and the peripheries – Darfur, the south and east – as people fight to claim what they feel is theirs from a self-absorbed ruling elite in Khartoum.

Additionally, the oil that undergirds much of Sudan's economy comes from regions near the center of the country but is pumped north towards Khartoum, where the profits stay (Cockett 2010). Sudan's economy is heavily reliant on this oil production, with over half of government revenues and almost 95% of exports stemming from the resource (Cockett 2010). Meanwhile, the men and women who live above the oil reserves gain no benefit from the resources right below their feet (Cockett 2010). This is but one example of the focus on Khartoum at the expense of other regions of the country. Prunier (2005) calls this "benign neglect," while Cockett (2010:32) explains that the British "purposefully underdeveloped Darfur in order to keep it under control."

### *Drought, Desertification, and Famine*

Another major contributing factor to the violence is the extreme environmental conditions that have plagued Sudan, and specifically Darfur, over the past few decades (Cockett 2010; Mullins and Rothe 2008; Prunier 2005). There were a series of droughts and associated famine throughout the 1980s (Cockett 2010; Mullins and Rothe 2008), which led to the death, and displacement of hundreds of thousands (Cockett 2010;

Mullins and Rothe 2008; Prunier 2005); almost 100,000 Darfuri had starved to death by the mid-1980s (Cockett 2010). Darfuri interviewed by Cockett (2010) discussed at least seventeen droughts between the 1970s and 2004, with the most severe in 1984-1985, 1991, 2001, 2002, 2003, and 2004.

The changing environmental conditions are very important as they led tribes to alter their means of survival to combat the degradation.

The Arab pastoralists normally moved from south to north to follow the rain, but from 1990 onwards, because of the lack of rainfall and the subsequent shortage of grass, they would cut short the time they spent in the north from seven months to just two or three. Instead, they started encroaching on the more fertile areas in the centre and south of Darfur, particularly around the Jebel Marra, the mountainous heart of Darfur... This area was mainly populated by the African Fur, Masalit and other tribes. Thus, the Arab nomads began attacking the settled farmers to claim a share of the available water and grazing land. (Cockett 2010:172)

These encroachments had typically been handled locally and the groups successfully resolved such conflicts in that manner for decades. However, as the political climate of Sudan began to emphasize the differences in the tribes, such conflicts became more difficult to resolve locally through longstanding traditional tribal mechanisms (Cockett 2010). Additionally, Mullins and Rothe (2008:170) warn that, “[t]he focus on desertification assumes that this is a natural and uncontrollable process.” Although the environment played a major role, the conflict cannot be explained simply in terms of environmental degradation and changing sustainability patterns of tribes. These factors were cumulative to the use of ethnic labels and divisive political rhetoric, as well as the heightened attention to such.

## DIVISIVE POLITICAL DISCOURSE

Although the tribes living in Darfuri states had coexisted peacefully for centuries, with traditional ways of resolving conflicts, much of the literature on the conflict focuses on the more recent history of the tribes pitted against one another. It is vital to note that these tribes did not readily identify themselves as Arab or African, nor were these labels needed or important (Mullins and Rothe 2008; Prunier 2005). They simply lived their lives as they had for centuries and had little conflict amongst the groups.

This changed when politicians began to construct distrust and fear between the groups in order to further their own political desires (Mullins and Rothe 2008; Prunier 2005). One point at which this is readily seen is when the Constitutional Committee was formed in 1965, where politicians proposed three different ideologies. South Sudan desired a constitution based on secular ideology, the Islamic Charter Front pushed for a fully Islamic constitution, and the Unionists wanted a constitution based in Islam (Mullins and Rothe 2008). It is here that the first “Arab” versus “African” split began to form, whereby Arabs were socially constructed as the “ruling elite” (Mullins and Rothe 2008:170)—consistent with the majority Arab Khartoum that remained at the center of politics and modernization in Sudan.

A few years later, this “Arab ruling elite” would gain greater momentum. The tribes of Darfur were traditionally Madhist and their political party was the Umma (Cockett 2010; Mullins and Rothe 2008; Prunier 2005). The Umma never gained political power in Sudan, leaving Darfur further politically neglected and unrepresented (Cockett 2010; Mullins and Rothe 2008). In the late 1960s, a split in the Umma party left two major political players: Sadiq al-Mahdi and his uncle Imam al-Hadi (Mullins and

Rothe 2008; Prunier 2005). While campaigning during the 1968 election, al-Madhi sought support from the “African” tribes while al-Hadi courted the “Arabs” (Mullins and Rothe 2008; Prunier 2005). This split was exacerbated by the accompanying political rhetoric, which built upon the Khartoum-centric frustrations of the African tribes and made it appear that the Arabs themselves were the root of the problem (Mullins and Rothe 2008; Prunier 2005). The “Fur, Masalit, and Zaghawa eagerly accepted this belief, given that historically their presence and representation was absent from the power center of Khartoum” (Mullins and Rothe 2008:170). This political ideology brought decades of resource deprivation and neglect frustrations to the surface and gave it a face: an Arab face.

Soon after this political chasm began to form, Libya’s Ghadaffi attempted to take Darfur as part of Libya in the 1970s. This invasion further intensified the precarious “Arab nomadic tribes” versus “Fur settled farmers” divide in Darfur, as well as filled the area with arms (Cockett 2010:46). In fact, leaders of the Justice and Equality Movement (JEM) labeled Ghadaffi’s plan as the “Arabization” or “Islamization” of Darfur (Cockett 2010). “It was this Arabization of the struggle...that brought the taint of racism and ethnic cleansing that would shape the conflict from the late 1990s onwards, leading many to characterize it later as ‘genocide’” (Cockett 2010:175). Further, Prunier (2005:46) describes that the:

rough handling of Darfur by the Libyans, the Chadians, and Khartoum forces decisively worsened the regional ethno-political landscape. Tribes that had seen themselves primarily in local terms were suddenly catapulted into a broader artificial world where they were summoned to declare themselves as either “Arab” or *zurga*. The “Arabs” were “progressive” or “revolutionary”, while the “Africans” were “anti-Arab” and “reactionary”.

The political split between Arabs and Africans, where none had existed before, is what many journalists have identified as the root of the conflict. This is how the conflict was labeled an ethnic conflict while neglecting all other contributing factors such as resource deprivation and desertification as discussed above. This complex conflict cannot be reduced to such simple explanations. In fact, Cockett (2010:174) explains that the leaders of the rebels groups in Darfur told him it was “primarily a political war.”

### REBEL GROUPS STRIKE

When the Darfuri frustrations reached a boiling point, several groups formed to address the inequality in the social structure, or to simply strike back at their oppressors. The two major rebel groups, the Justice and Equality Movement (JEM) and the Sudan Liberation Army (SLA), are most often linked to these causes. The JEM is a Zaghawa rebel group (Prunier 2005), who published a “Black Book” in 2002 circulated in Khartoum, listing many of the problems that the Darfuri had with the government and Khartoum (Cockett 2010). This became the manifesto of the movement. The JEM wasn’t focused on Darfur solely, but, rather, desired larger social change that would enable more social equality (Cockett 2010). Alternately, the Sudan Liberation Army (SLA) was focused on Darfur and sought more political equality and representation in Khartoum (Cockett 2010). The JEM had a larger, macro-level list of concerns whereby the SLA simply wanted more for Darfur, which their demands narrowly focused upon (Cockett 2010).

Both groups were implicated in the attack identified as the impetus to the increase in violence that led the Government of Sudan (GoS) to arm militias to address the rebel groups.

[O]n 26 February a group of about 300 men supported by thirty “technical” attacked the small town of Golu, killing nearly 200 soldiers...word “insurrection” used for first time...Darfur was not simply armed looting or an action of road-cutter, as the government alleged...a certain “acceptable” level of violence in the Western province had been routine, and nobody was very worried by “normal” killings. But 300 men and their technical—this was a level of organization which was new. (Prunier 2005:93)

After the attack, the GoS gave the perpetrators ten days to surrender, promising a military solution within 24 hours if surrender did not occur (Prunier 2005). Once that deadline had passed, the low-intensity violence that had occurred in Darfur for years intensified greatly (Prunier 2005). In Darfur, violence had always been followed by negotiations of peace, which was always later followed by more violence leading to further peace negotiations. This vicious circle continued for decades until this attack in February 2003, which became the point of no return in the conflict (Mullins and Rothe 2008).

## JANJAWEEED

The Janjaweed is a militia group that has existed in Sudan since the 1980s (Mullins and Rothe 2008). *Janjaweed* comes from the Arabic *jinn* meaning “spirit” and *jawad* meaning “horse” and may be “roughly translated into ‘ghostly riders’ or ‘evil horsemen’” (Prunier 2005:xv). The vast majority of the literature on the conflict in Darfur, however, commonly defines the word as translating into “devil on horseback.” Despite these definitional variations, all agree that this Arab militia rides in on horses and maims, burns, rapes, and kills the things and people in its path.



The Janjaweed are a vital part of the conflict narrative because they have been funded, armed, and supported by the GoS (Cockett 2010; de Waal 2007; Mullins and Rothe 2008; Prunier 2005). “[T]hese rough armed bands had existed since the late 1980s in an undeterminate [sic] zone half-way between being bandits and government thugs” (Prunier 2005:97). However, they were promoted to government henchmen when President al-Bashir’s Special Task Force on Darfur solidified the relationship between the government and the Janjaweed. This relationship is evidenced by the Sudanese military uniforms, including rank emblems, provided to the Janjaweed (Cockett 2010; Flint and de Waal 2008; Mullins and Rothe 2008; Prunier 2005). The Government of Sudan denied such an alliance but the evidence was undeniable.

In Sudan, “the word “*Janjaweed*” first appeared in September of [2003] when the attack on the small town of Jebel Marra was reported” (Prunier 2005). Around the same time, Dr. Mukesh Kapila, UN Chief in Sudan, met with a member of al-Bashir’s administration in September 2003, where he was told that the President wanted “a final solution in Darfur” (Cockett 2010:170). Prunier (2005:100) describes the brutal tactics utilized by these government-sanctioned killers:

[a]fter the Antonov’s [Russian planes] had finished their grisly job [dropping crude bombs], combat helicopters and/or MiG fighter-bombers would come, machine-gunning and firing rockets at any large targets such as a school or a warehouse which might still be standing. Utter destruction was clearly programmed. When the air attacks were over, the *Janjaweed* would arrive, either by themselves or in the company of regular Army units. The militiamen would be mounted on horses and camels and often be accompanied by others riding in “technicals”. They would surround the village and what followed would vary. In the “hard” pattern they would cordon off the place, loot personal belongings, rape the girls and women, steal the cattle and kill the donkeys. Then they would burn the houses and shoot all those who could not run away. Small children, being light, were often tossed back in the burning houses. In the “soft” pattern, the militiamen would beat up people, loot, shoot a few recalcitrant men, rape the females, often scarring them or branding them with a hot iron so that they would

become recognizable as “spoilt” women in the future. It is during these “soft” attacks that the insults were hurled at the villagers and the references were made to their “African” origins which, said the *Janjaweed*, justified their fate as they were “*zurga* [black]” and the land “now belonged to the Arabs”. Some groups of men and boys were taken away and executed. Girls and women were also abducted but, contrary to what happened before in the South, they do not seem to have been sold as slaves. They were simply used as sexual toys for a few days and then either let go or murdered.

Further, Prunier (2005:102) explains that the Janjaweed spoke to their victims as if they understood the gravity of their genocidal acts:

genocidal elements were present in the oft-repeated remarks and insults of the attackers who derided their victims as “Blacks” or “like slaves”, who in the future would not be allowed to live in Darfur. Some of the attackers would even clearly spell out the economic and ecological motivations for the actions, as when one attacker said “You are in the fields, the rest is for our horses. You have nothing for yourselves.” Then the facts that the government supported the attacks was repeated *ad nauseum*, as if the perpetrators needed to convince themselves of their good fortune.

The government both knew and sanctioned the Janjaweed to execute the violence described above in the villages of African tribes. However, as international pressure to find a peaceful solution to the conflict in Darfur and South Sudan grew, the government placed the blame on the militias and denied collusion or complicity in their acts (Cockett 2010; Prunier 2005).

The conflict in Darfur is not a spontaneous eruption of violence. Rather, it is the result of longstanding neglect and political underrepresentation that led rebels groups to strike out to demand equality. These attacks were then met with great violence by a government-backed militia that sought to destroy villages of the opposition, typically African tribes, to the point of no return to the village after the attack.

Violence continues to date. When international institutions of social control and other States called for peace and urged the GoS to work towards a resolution, the

conflicts in Darfur and South Sudan were often lumped together. Although the conflicts were very different, violence in southern Sudan muddied the waters of the Darfur conflict because they ran concurrently for a time. Essentially, the South Sudan conflict and secession involved the opposition of an Islamic government by the primarily Christian and animist believers in the south (Prunier 2005). It was this conflict that the peace meetings centered upon. In fact, Prunier (2005) notes that Darfur was not a part of the Comprehensive Peace Agreement at all. The peace process will be discussed in great detail in the next chapter as the UN and other organizations played a major role in how the process evolved. It is mentioned here only generally to point out that the GoS had no real desire to bring peace to Darfur. The data findings in the next chapter will review the interventions discussed and applied by the UN from 2002 through the end of June, 2012. The discussion of genocide itself and the power of labels were not present in this narrative because they are discussed at length in the analysis.

## CHAPTER VI

### DATA FINDINGS

The conflict described in the previous chapter was often discussed at the United Nations and within the UNSC. Many of the discussions by UN General Assembly (UNGA) members focused on fiscal matters related to intervention, were general reports on the deployment of UNAMID (African Union – United Nation Mission in Darfur)/UNMIS (United Nations Mission in Sudan), or discussed matters related to Darfur but not specific to the conflict. The documents included in the sample (n=390) contained only those documents with meaningful discussions, (i.e., a member of the P5, the EU, AU, or the offices of the Secretary-General were involved in the discussion and the conflict was discussed specifically and directly). The documents that made up the sample will be discussed in detail chronologically.

Table 1. Documents Included in Sample by Year.

Year	N
2002	1
2003	5
2004	90
2005	92
2006	60
2007	53
2008	27
2009	19
2010	17
2011	18
2012	8
Total	390

It is important to note that there were literally hundreds of decisions that extended mandates for UNMIS, UNAMID, and other UN mechanisms or requested reports from stakeholders and investigators. In an effort not to overwhelm with each and every discussion/decision related to Darfur, the major items follow. The complex nature of the Darfuri conflict and intervention decisions required that findings be analyzed chronologically. That permitted a more holistic understanding of how the discussions evolved over time.

The rebel strike in February 2003 is the incident most often identified as the turning point in the protracted Darfuri conflict (Mullins and Rothe 2008; Prunier 2005). The analysis period extended to the year prior in an effort to determine if Darfur was on the agenda of the United Nations or UNSC prior to that point. This was important because violence had been a part of life in Darfur for more than twenty years before it erupted onto the international agenda. There was a single Darfur related document in August of 2002 in which some from the Masalit villages, “claimed that the depopulation of villages, displacement and changes in land ownership are allegedly part of a government strategy to alter the demography of the region” (United Nations 2002:9). The Government of Sudan (GoS) maintained that, “the conflict in Darfur results from intertribal disputes deriving from the competition for land between pastoral and crop farmers in the area” (United Nations 2002:9).

Greater attention was awarded the violence and conflict after February 2003. For example, in March 2003, two NGOs, the World Federation of Democratic Youth and African Society of International and Comparative Law and Interfaith International, reported that the Darfuri conflict had undergone a change. The joint statement detailed

that the militia was being used to remove Africans from villages and replace them with Arabs, even going so far as changing the names of villages to Arabic names (United Nations 2003c:3). The report identified the roots of the conflict as resource scarcity and desertification (United Nations 2003c).

The UN Commission on Human Rights (UNCHR) supported Amnesty International's request for a UN inquiry based on the fear that continuation of the conflict may "destabilize the whole country" (United Nations 2003b:2). Various terms were used to describe the conflict, such as a "deteriorating security situation" (United Nations 2003d:372), ethnic conflict (United Nations 2003d), and "gross, systematic atrocities committed against the indigenous people of the Darfur region" (United Nations 2003a:3).

The word Janjaweed was first used in discussion at the UN in July 2003 (United Nations 2003d). It was also at this point that the UN was told that the government was arming the Janjaweed, and had been for three decades (United Nations 2003a). Finally, the conflict was described as one that required attention and quick resolution (United Nations 2003a).

Greater attention was paid to Darfur in 2004. The European Union weighed in for the first time in March 2004, stating that it was "alarmed at reports that Janjaweed militias continue to systematically target villages and centres [sic] for internally displaced persons in their attacks" (United Nations 2004w:2). The first mention of the Fur, Zaghawa and Masalit as the three groups targeted in the attacks occurred in April 2004 by the UN Commission on Human Rights (United Nations 2004z).

A special expert on the situation of human rights in the Sudan was appointed in April 2004 and asked to report findings to the General Assembly in later sessions (United

Nations 2004ae:11). The report indicated that the GoS was supporting the Janjaweed and that the conflict contained ethnic elements (United Nations 2004ad): “[i]n other words, and worryingly, what appears to have been an ethnically based rebellion has been met with an ethnically based response, building in large part on long-standing, but largely hitherto contained, tribal rivalries” (United Nations 2004ad:6). It was also here that the African versus Arab nature of the conflict was first used in a UN document, where “[t]hose interviewed invariably described the Janjaweed as being exclusively “Arab”, as opposed to the victims who were described as “black” or “African” (United Nations 2004ad:11). The report summed up the conflict in this way: “[a]lthough the mission accepts that there are complex tribal and resource dimensions permeating the current conflict, it considers that there are other powerful undercurrents rooted in the systematic marginalization of certain groups” (United Nations 2004ad:21).

Despite calls for peace, the word genocide was first mentioned in relation to Darfur on February 4, 2004 but only in question format as to the extent and motivation of violence. Acting United Nations High Commissioner on Human Rights (UNHCHR) Egeland was asked if the genocide label was appropriate to the events occurring there; he instead defined it as a “systematic depopulation of areas” (United Nations 2004y:2). A few months later, on June 25, 2004, United Nations Secretary-General (UNSG) Annan was asked a similar question in a press conference where he stated:

Let me say that, on the question of what is happening in Darfur, there has been lots of discussion as to whether it is genocide or ethnic cleansing, and I, myself, in Geneva had indicated that, from the report I was getting, it was bordering on ethnic cleansing. But let me say that the issue is not to discuss what name to give it... We don't need a label to propel us to act, and so I think we should act now and stop arguing about which label to put on it. (United Nations 2004an)

The labeling of the conflict, however, became a major issue in later intervention discussions. The Peace and Security Council of the African Union stated that the conflict in Darfur could not be categorized as genocide (United Nations 2004l; t) and the Arab League agreed (United Nations 2004l). The NGO World Education Fund disagreed and implored UNSG Annan to invoke the Genocide Convention (United Nations 2004c; e). In July 2004, the US Congress declared the events in Darfur genocide (United Nations 2004al).

With continued violence, a September 2004 UNSG press release detailed actions taken in response to claims of genocide in Darfur.

As you know, the Security Council is discussing the resolution on Darfur, which may require me to appoint an international commission to decide whether acts of genocide have been committed...But I want to make it clear that, no matter how the crimes that are being committed against civilians in Darfur are characterized or legally defined, it is urgent to take action now...*This is the first time in the Council's history that it has ever been seized under article 8 of the Genocide Convention*, and it seems to me inconceivable that it should fail to respond (emphasis added). (United Nations 2004q:1)

The International Commission of Inquiry into Darfur was officially requested from the UNSG by the UNSC on September 18, 2004 (United Nations 2004aj), with the support of the EU (United Nations 2004v). The Commission of Inquiry was chaired by Italian Antonio Cassese, former President of the International Criminal Tribunal for the Former Yugoslavia, along with Thérèse Striggner Scott of Ghana, Mohamed Fayek of Egypt, Hina Jilani of Pakistan, Diego García-Sayán of Peru, and Dumisa Ntsebeza of South Africa (United Nations 2004s).

A call to action under the Genocide Convention was not the only avenue of intervention discussed at the UN. The responsibility to protect was also mentioned in relation to Darfur in 2004, here, as will be discussed in the analysis, the use of R2P has



significant meaning in the discourse, framing, and labeling of the conflict. The Canadian UN representative explained:

[w]e must not let debates about definitions become obstacles to action...Put simply, there is still no explicit provision in international law for intervention on humanitarian grounds. The responsibility to protect is intended to fill that gap. It says that we should have the legal right to intervene in a country on the grounds of humanitarian emergency alone. We should be able to do so when the Government of a country is unwilling or unable to protect its people from extreme harm as a result of internal war, repression or, simply, State failure. (United Nations 2004j:30-1)

The UNSG supported a similar position before the UNSC where he said that, “[t]he whole world is watching this tragedy unfold, and it is watching us. No one can be allowed to sidestep or ignore their responsibility to protect the innocent civilians... Whatever name we give it, it imposes responsibilities on all of us” (United Nations 2004ao:1).

In 2004, the words to describe the conflict include “reign of terror” (United Nations 2004ac:2), “ethnic cleansing” (United Nations 2004d; j; United Nations 2004u:1; United Nations 2004y:3; United Nations 2004ah:3), “one of the world’s worst, and one of its most neglected, humanitarian crises” (United Nations 2004y:1), “ethnicity-induced and tribally-motivated conflict” (United Nations 2004aa:4), war crimes (United Nations 2004a; United Nations 2004ab:121), “world’s worst humanitarian crisis” (United Nations 2004am:2), “gross and systematic violations of international humanitarian law” (United Nations 2004p:2), crimes against humanity (United Nations 2004a; r; United Nations 2004ab:12), and genocide (United Nations 2004c; e; i; j; United Nations 2004k:31; United Nations 2004al).

The following year, 2005, the International Commission of Inquiry into Darfur was formed under the precepts of the Genocide Convention. The Report of the

International Commission of Inquiry into Darfur (RICID), published in February 2005 (United Nations 2005l), was significant as it was the bedrock for many policy decisions. The report's most important finding was that genocide was not occurring in Darfur but that the violence may have genocidal components.

Genocidal intent was ultimately not found based on a several factors. One of those factors was "the attackers refrained from exterminating the whole population that had not fled, but instead selectively killed groups of young men" (United Nations 2005l:139). Also, those displaced from attacked villages were allowed to live in camps that were not targeted by the Janjaweed. The Commission summed their logic by explaining that the Government of Sudan lacked genocidal intent. The Commission found "discriminatory and persecutory intent" in the attacks upon the Fur Masalit, and Zaghawa tribes and found the Government of Sudan responsible for "murder as a crime against humanity...[and] persecution as a crime against humanity" (United Nations 2005l:141). The report found war crimes and/or crimes against humanity had occurred and asked that the UNSC have the International Criminal Court (ICC) conduct an investigation into the events in Darfur in relation to individuals who may be responsible for said crimes (United Nations 2005l). Soon thereafter, the UNSG (United Nations 2005x:1) stated that "[t]he Commission has established that the Government of Sudan and the Janjaweed are responsible for crimes under international law."

After the release of the RICID, the UNCHR appointed Emmanuel Akwei Addo as an independent expert on the situation of human rights in the Sudan (United Nations 2005k). Despite the RICID, UNSG Annan wanted the African Union to run point on Darfur rather than "'cannibalise' [sic] the United Nations [northern/southern Sudan]

peacekeeping mission there for the sake of Darfur” (United Nations 2005y:1). Although these conflicts were very different in nature and dynamic, they were often lumped together as ‘Sudanese conflicts’ and seen as a single problem. It was specifically stated that Darfur should not derail peace in the South (United Nations 2005y), although the conflicts were mutually exclusive. However, because the conflicts ran concurrently, they were often addressed jointly in UN and UNSC discussions, impacting the framing, labeling, and perceived definition of the situation, as will be discussed more fully in the following chapter.

The UNSC then established the United Nations Mission in Sudan (UNMIS) on March 24, 2005 (United Nations 2005o) to work in collaboration with the African Union Mission in Sudan (AMIS) already underway. On March 31, 2005, the UNSC went on to refer the situation in Darfur to the ICC despite opposition from China and the US – primarily based upon the protection of sovereignty (see analysis section for details) (United Nations 2005p).

Although not directly labeling the conflict a genocide, many references were made to Rwanda and learning a lesson about waiting too long to get involved (United Nations 2005j; 2006o; 2008k). Others similarly compared Bosnia/Srebrenica (United Nations 2004g; 2005f; g; j; 2006m; 2008l) and Yugoslavia (United Nations 2004f; g; h; aa; ai; 2005i; j; 2007h; 2012a) with Darfur. “UN Human Rights Coordinator for Sudan, Mukesh Kapila...declared that Darfur was “the world’s greatest humanitarian crisis” and that “the only difference between Rwanda and Darfur is now the number involved” (Prunier 2005:126).

Descriptors of the conflict during 2005 included genocide (United Nations 2005d; i; w), crimes against humanity (United Nations 2005l; x), war crimes (United Nations 2005l; x), “scorched earth policy” (United Nations 2005m:1), and ethnic cleansing (United Nations 2005b). The Special Representative of the Secretary-General for the Sudan, Jan Pronk, called the conflict “civil war” (United Nations 2005s:3).

During 2006, the Panel of Experts described that the conflict had once again changed in nature, “[w]hereas previously the large-scale attacks perpetrated by the parties to the conflict...posed the most critical threat to the right to life, now the pattern has changed to reflect a large number of discrete violations (rather than large-scale violations)” (United Nations 2006e:7). These “discrete violations” are described as “violations of the right to life, violations of the prohibition of torture...rape and other forms of sexual violence; and arbitrary arrest and detention of individuals” (United Nations 2006e:7).

Another change began in February 2006 with discussions of conversion from an African Union-led mission in Darfur (AMIS) to one led by the UN – the United Nations Mission in Darfur (UNAMID) (United Nations 2006s), here again, depicting diffusion of responsibility as will be discussed more fully in the analysis. Before such implementation could occur, however, the UNSC deployed UNMIS into Darfur (United Nations 2006k).

Conflict descriptors remained much the same as in previous years and included war crimes (United Nations 2006r), crimes against humanity (United Nations 2006r), ethnic cleansing (United Nations 2006c; j), and genocide (United Nations 2006a; m). UNSG Annan also called Darfur “currently the world’s largest relief operation, some

13,000 aid workers are struggling to assist 3 million destitute people— half of Darfur’s population” (United Nations 2006h:38). The responsibility to protect doctrine (R2P) was also discussed several times this year in relation to Darfur (e.g., United Nations 2006g; o). UNSG Annan used the word “test” in relation to Darfur when he addressed the R2P and Darfur, calling for immediate action.

By 2007, another international body had taken great interest in the matter: the International Criminal Court (ICC). The ICC handed down arrest warrants related to the Darfuri conflict, finding that Ahmad Muhammad Harun, who was previously the Sudanese Minister of State for the Interior, and Ali Muhammad Ali Abd-Al Rahman, also known as Ali Kushayb, head of the Janajweed, conspired together to raid villages and attack civilians in Darfur. Both men were charged with crimes against humanity and war crimes. These two arrest warrants were not the last issued in relation to the crisis.

In addition to protesting the arrest warrants, the Government of Sudan continued to protest the conversion of AMIS to the hybrid mission combining UN and AU efforts—the African Union/United Nations Hybrid Operation in Darfur (UNAMID)—due to the resulting infusion of non-African troops into the area. At the Abuja peace talks, it was agreed that the UN and AU would jointly appoint certain leadership positions within UNAMID, with heavy African involvement in the mission (United Nations 2007i). UNAMID was described as “an unprecedented partnership between the United Nations and the African Union. It is an expression of our collective commitment to end the tragedy of Darfur” (United Nations 2007r:2). However, AU Chairperson Konare remained hesitant in this endeavor; he explained “that despite the crucial importance of partnership with the international community, and as much as the African Union needed

its promised support, it was essential that Africa's partners not intervene unduly. The era of colonialism was over" (United Nations 2007a:1). This delicate balance between intervention without the perception of interference in state affairs and sovereignty was a constant theme in relation to aiding Darfur.

UNAMID was not the only operation established in 2007. The United Nations Mission in the Central African Republic and Chad (MINURCAT) was created in September 2007 to address the conflict that spilled across the borders shared with Darfur.

Conflict labels applied in 2007 included war crimes (United Nations 2007g), crimes against humanity (United Nations 2007g), genocide (United Nations 2007b; c; d; r; u), "gross and systematic violations of human rights and grave breaches of international humanitarian law" (United Nations 2007f:8). President George W. Bush stated that the "world's greatest humanitarian disaster is happening [in Darfur]" (United Nations 2007r:17) and continued to identify the conflict as genocide at the UN (United Nations 2007b; r). The UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Sir John Holmes, spoke on the three-year anniversary of the first brief to the UNSC related to Darfur and warned that "the politicization and militarization of camps have become a fact of life, creating a time bomb just waiting to go off" (United Nations 2007p:4). Ban Ki-moon was appointed UNSG in January 2007 and continued former-UNSG Annan's lead in campaigning for peace in the area and brought attention to Darfur often and passionately. He identified the crisis as his "top priority" or "most urgent priority" on several occasions (e.g., United Nations 2007e:3; United Nations 2007k:2; United Nations 2007n:1). ICC Chief Prosecutor Moreno-Ocampo summed up the situation and his investigation by stating that "[a]ll information points not to chaotic

and isolated acts, but to a pattern of attacks...[c]alling those crimes chaos or ‘sporadic violence’ or ‘inter-tribal clashes’ is a cover up” (United Nations 2007s:4).

In 2008, attention to Darfur continued. However, much of the discussions related to the crisis focused on UNAMID and its deployment, budget, staffing, and other technical matters rather than the conflict itself (i.e., see United Nations 2008a; f; h).

Moreno-Ocampo continued to try to obtain custody of Harun and Kushayb, to no avail (United Nations 2008l). The GoS sustained its denial that it was subject to the jurisdiction of the ICC, thus ignoring the arrest warrants (United Nations 2008l). In June of 2008, the EU began discussing the possibility of sanctioning the GoS for failure to cooperate with the ICC (United Nations 2008g). The UNSC considered drafting a statement in relation to the ongoing lack of Sudanese cooperation with the ICC but the measure was not passed; Moreno-Ocampo placed the blame for preventing the issuance of the statement primarily on China (United Nations 2008g) (for more details, see next chapter). Further complicating matters, one of the indictees, Harun, was appointed Minister of Humanitarian Affairs (United Nations 2008g).

A related major event in the chronology of Darfur occurred in July 2008, when ICC Chief Prosecutor Moreno-Ocampo asked for arrest warrants for President al-Bashir (United Nations 2008i). The charges were genocide, crimes against humanity, and war crimes based on al-Bashir’s statement that he “want[ed] no prisoners or wounded, only scorched earth” in Darfur (United Nations 2008n:2). Noted here is the labeling of the conflict back to genocide as well as crimes against humanity. The request to indict President al-Bashir created a host of negative responses in the United Nations and the UNSC. The UK (United Nations 2005u), China (United Nations 2008c; n), the Russian

Federation (United Nations 2005u; 2008n), the AU (United Nations 2008n), and the League of Arab States (United Nations 2008n), among others, spoke in reference to the impact an attempt to indict the President of Sudan might have on the peace process (United Nations 2005u). Several states, as well as the AU, requested that the ICC either terminate or suspend attempts to indict Sudanese President Omar al-Bashir (United Nations 2005u).

The word genocide was now linked to Darfur by the request for an arrest warrant for the Sudanese President on charges of war crimes, crimes against humanity, and genocide. There were a few other significant ways in which the conflict was discussed in 2008. For example, the UN Representative from Switzerland portrayed the conflict in this manner:

[t]he situation in the Sudan was characterized by a lack of fundamental freedoms, persistent human rights violations and devastating poverty. It was regrettable that the Government had nominated as head of a commission to investigate the human rights situation in Darfur a person who had been by indicted the International Criminal Court. The situation in the Sudan continued to warrant the Council's full attention. (United Nations 2008d:2)

The Executive Secretary of the International Conference on the Great Lakes Region called Darfur “[t]he biggest humanitarian crisis of this decade” (United Nations 2008e:2). Darfur was also lumped in with the northern-southern Sudan conflict as “the longest civil war in Africa.” (United Nations 2008b:1). Along with the arrest warrant and evidenced-based charges of genocide, the year 2008 was also a turning point in the discourse of the conflict and marked decline in the quantity of discussions of Darfur at the UN over the next few years (see Table 1 and Table 2).

The following year, in early 2009, the charges of genocide were rejected by the Pre-Trial Chamber of the ICC. The appeal on the genocide charge was denied based “on



the issue of the correct standard of proof at the arrest warrant stage” (United Nations 2009b:2). This decision was met with much opposition at the UN and UNSC. The Russian Federation and China continued to be vocal in their disapproval using words to justify their opposition in relation to sovereignty (United Nations 2009c). The AU also disagreed with the indictment (United Nations 2009c).

Most of the discussion in 2010 centered on the arrest warrants issued by the ICC in relation to Darfur. Importantly, Moreno-Ocampo announced that once the standard of proof used was corrected, “[o]n 12 July 2010, Pre-Trial Chamber I issued a second warrant of arrest with respect to three counts of genocide” (United Nations 2010b:3). This lack of discussion on Darfur continued through 2011 with only a few notable statements

The same pattern continued in 2012. The arrest warrants remained a concern, along with the lack of cooperation of states. There were few other meaningful discussions related to Darfur in 2012. The analysis period extended through the end of June, 2012.

This chronology delineates the progression of discussions related to Darfur. They began slowly and grew to be a large part of the UN and UNSC agendas in 2004, 2005, 2006, and 2007. From 2008 through the end of the analysis period at the end of June, 2012, both the quantity and quality of the discussions turned from the conflict itself to the issues surrounding it, such as the funding and make-up of UNAMID, arrest warrants and compliance, and other concerns that brought the focus from the conflict and victims to other, more administrative issues. The following, Table 3, lists the words used to describe the conflict.

Table 2. Number of Documents per Year.

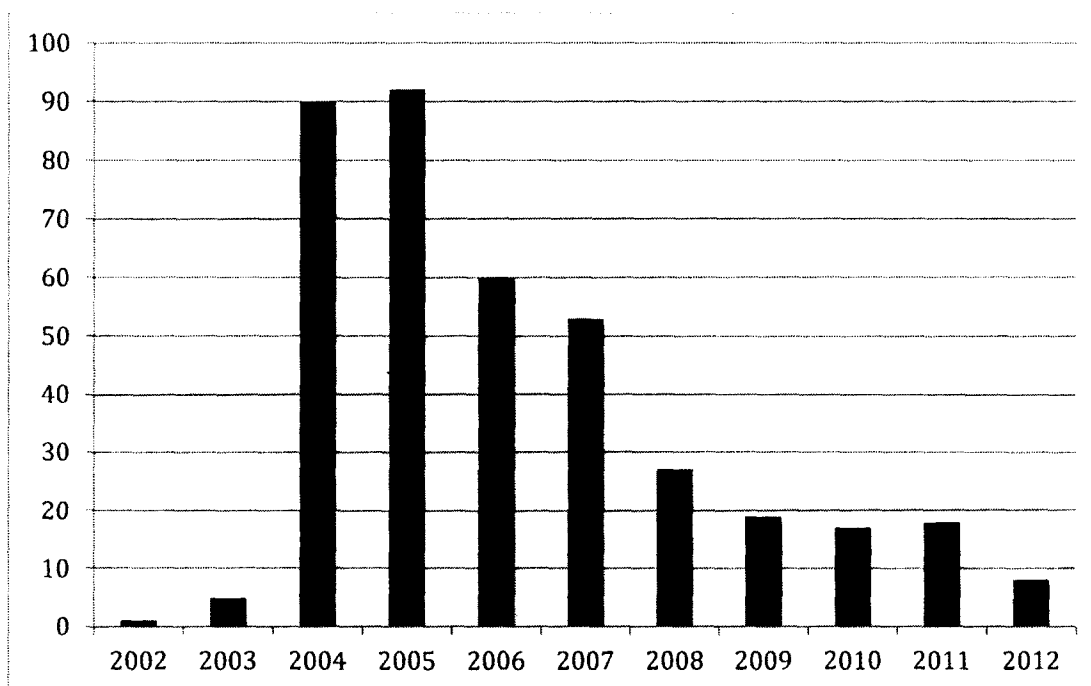


Table 3. Words Used to Describe the Conflict by Year.

Year	Descriptors	UN Document Number
2002	“depopulation of villages, displacement and changes in land ownership are allegedly part of a government strategy to alter the demography of the region”	A/57/326
	“intertribal disputes deriving from the competition for land between pastoral and crop farmers in the area”	A/57/326
2003	Government of Sudan linked to arming of Janjaweed.	E/CN.4/Sub.2/2003/SR.19
	The conflict was described as one that required attention and quick resolution.	E/CN.4/Sub.2/2003/SR.19
	The word Janjaweed first used at UN.	E/CN.4/Sub.2/2003/NGO/27
2004	crimes against humanity	A/C.3/59/L.48, A/59/319, S/2004/881

Table 3. Continued.

Year	Descriptors	UN Document Number
2004	“ethnic cleansing”	E/CN.4/2004/SR.60, A/59/PV.5, S/2004/505, Press Briefing on Humanitarian Crisis in Darfur Sudan, E/2004/SR.11
	“ethnicity-induced and tribally- motivated conflict”	E/CN.4/2004/NGO/203
	genocide	E/CN.4/Sub.2/2004/SR.2, E/CN.4/Sub.2/2004/NGO/2, A/59/PV.3, A/59/PV.5, A/59/PV.6, S/PV.5015
	“gross and systematic violations of international humanitarian law”	A/59/282
	“one of the world’s worst, and one of its most neglected, humanitarian crises”	Press Briefing on Humanitarian Crisis in Darfur Sudan
	“reign of terror”	A/59/36
	“world’s worst humanitarian crisis”	E/2004/SR.37
2005	“civil war”	S/PV.5109
	crimes against humanity	S/2005/60, SG/SM/9700- AFR/1101
	ethnic cleansing	E/CN.4/2005/NGO/233
	genocide	E/CN.4/Sub.2/2004/SR.3, A/S-28/PV.1, A/C.3/60/SR.32
	“no action” vote	E/CN.4/2006/NGO/3
	“scorched earth policy”	S/2005/68
	war crimes	S/2005/60, SG/SM/9700- AFR/1101
2006	crimes against humanity	E/CN.4/2006/71/Add.6
	“currently the world’s largest relief operation, some 13,000 aid workers are struggling to assist 3 million destitute people— half of Darfur’s population”	A/61/1(SUPP)
	ethnic cleansing	E/CN.4/2006/NGO/225, A/61/275
	genocide	A/61/PV.10, S/PV.5434
	related to the responsibility to protect doctrine	SG/SM/10633, S/PV.5520
	“test” of the responsibility to protect doctrine	SC/8823
	war crimes	E/CN.4/2006/71/Add.6

Table 3. Continued.

Year	Descriptors	UN Document Number
2007	“All information points not to chaotic and isolated acts, but to a pattern of attacks...[c]alling those crimes chaos or ‘sporadic violence’ or ‘inter-tribal clashes’ is a cover up”	S/PV.5789
	crimes against humanity	A/HRC/4/80
	genocide	A/62/PV.4, A/62/PV.9, A/62/PV.10, S/PV.5749, A/C.3/61/SR.40
	“gross and systematic violations of human rights and grave breaches of international humanitarian law”	A/HRC/4/SR.5
	“The continuing conflict in Darfur has put at stake not only innocent lives and the moral imperative to protect them, but also the credibility of the United Nations.”	A/62/1(SUPP)
	“The persistence of that situation was a badge of shame for the international community.”	A/HRC/4/SR.5
	“the politicization and militarization of camps have become a fact of life, creating a time bomb just waiting to go off”	S/PV.5655
	UNSG Ki-moon’s “top priority” or “most urgent priority”	A/62/PV.27, A/62/1(SUPP), SG/SM/11153-AFR/1582
	war crimes	A/HRC/4/80
	“world’s greatest humanitarian disaster”	S/PV.5749
2008	“Darfur shows the urgent needs that yet have to be met.”	S/PV.5868
	“The biggest humanitarian crisis of this decade”	S/2008/125
	“the longest civil war in Africa.”	DSG/SM/391-AFR/1692

Table 3. Continued.

Year	Descriptors	UN Document Number
2008	“The situation in the Sudan was characterized by a lack of fundamental freedoms, persistent human rights violations and devastating poverty. It was regrettable that the Government had nominated as head of a commission to investigate the human rights situation in Darfur a person who had been by indicted the International Criminal Court. The situation in the Sudan continued to warrant the Council’s full attention”	A/HRC/6/SR.34
	“The situation remains grim today, as then, if not worse. Violence targeting civilians, including women and girls, continues at alarming levels with no accountability, or end, in sight.”	SG/SM/11496-AFR/1675
2009	None. Discourse centered on arrest warrants of President al-Bashir and repercussions.	
2010	None. Discourse centered on arrest warrants of President al-Bashir and repercussions.	
2011	None. Discourse centered on arrest warrants of President al-Bashir and repercussions.	
2012	None. Discourse centered on arrest warrants of President al-Bashir and repercussions.	

While the significance of the discourse used to define the situation in Darfur will be analyzed in the following section, it is essential to note how many times each P5 state was involved in the discourse related to Darfur (see Table 4). It is also important to

connect the discourse to the chronology of UN interventions and policy decisions as noted in Table 5.

Table 4. Breakdown of P5 State Discourse.

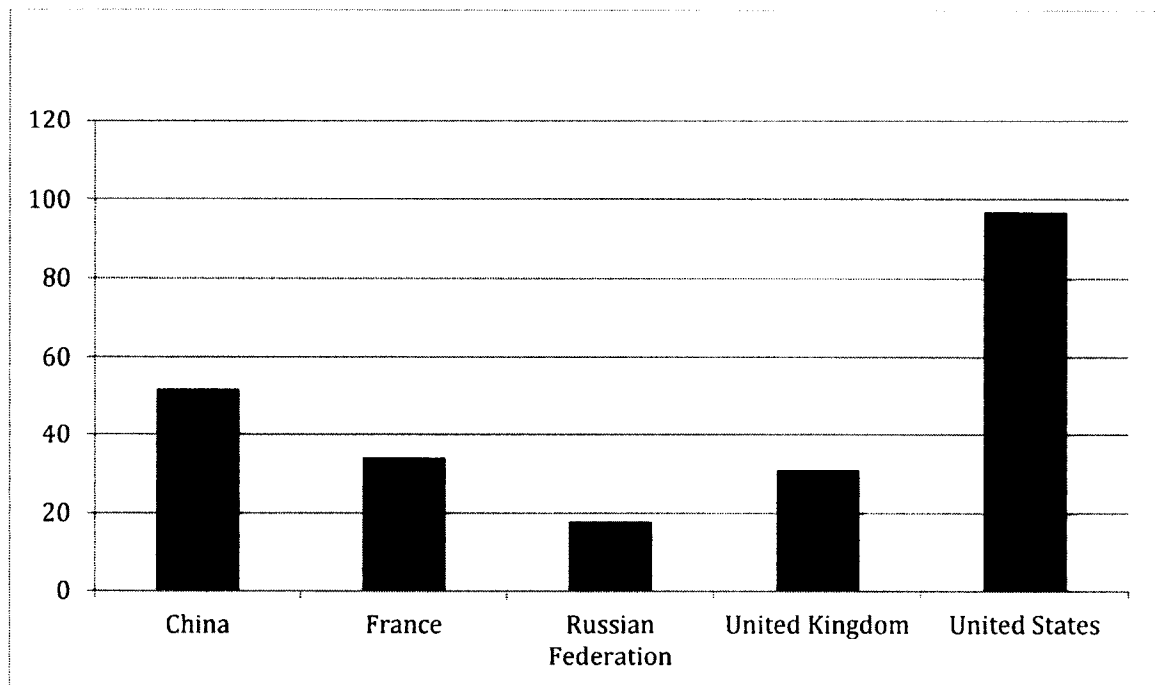


Table 5. Summary of UN Decisions and Interventions Included in Case Study.

Date	UN Document Number	Decision/Intervention	Abstentions
23-Apr-2004	E/CN.4/2004/L.11/Add.8	UN Commission on Human Rights (UNHRC) asks for appointment of an Independent Expert on the Situation of Human Rights in the Sudan	
11-Jun-2004	S/RES/1547	UNSC created UNAMIS (UN Advance Mission in Sudan) as a "special political mission" to address the peace process	
30-Jul-2004	S/RES/1556	UNSC demands disarmament and prosecution of Janjaweed, establishes arms embargo, state that further non-military options will be used if GoS noncompliant, asks for monthly reports from UNSG on the situation	China
7-Aug-2004	A/58/PV	UNSG creates Special Advisor on the Prevention of Genocide (and other massive violations of human rights)	
18-Sep-2004	S/RES/1564	Requested UNSG create International Commission of Inquiry into Darfur to determine if conflict genocidal, also threatened sanctions on oil sector (proposed by US and UK, among others)	China, Russian Federation
18-Sep-2004	AFR/1027-HR/4793	United Nations High Commissioner and Special Adviser on the Prevention of Genocide visit Darfur	
11-Oct-2004	S/2004/812	UNSG creates Commission of Inquiry requested in S/RES/1556 and delineates their goals. Requests that it report findings within 90 days.	
31-Oct-2004	S/RES/1569	UNSC plans meeting in Nairobi for November 18-19, 2004 to talk peace in Sudan	
1-Feb-2005	S/2006/60	Report of the International Commission of Inquiry into Darfur. Request referral of Darfur to ICC for possible war crimes and crimes against humanity	
1-Feb-2005	SG/SM/9700-AFR/1101	UNSG supported referral to ICC but noted that is something only UNSC can carry out	

Table 5. Continued.

Date	UN Document Number	Decision/Intervention	Abstentions
28-Feb-2005	E/CN.4/2005/11	UN Commission on Human Rights appoints Independent Expert on the Situation of Human Rights in the Sudan	
24-Mar-2005	S/RES/1590	UNSC created UNMIS to work alongside AMIS and focus on the CPA and peace in Darfur (Comprehensive Peace Agreement) (UNMIS replacing UNAMIS)	
29-Mar-2005	S/RES/1591	Requested the UNSG appoint Panel of Experts, created assets freeze and travel bans related to Darfur	China, Russian Federation
31-Mar-2005	S/RES/1593	UNSC refers Darfur to ICC. ICC to report within three months then semiannually thereafter	China, United States
12-Apr-2005	S/2005/82	UNSG appoints Special Rapporteur on the Situation of Human Rights in the Sudan	
23-Sep-2005	S/RES/1627	UNSC extended UNMIS mandate and request quarterly report of the mission by the UNSG	
3-Feb-2005	S/PRST/2006/5	UNSC request UNSG create plan for transition from AMIS to AU/UN Joint Mission in Darfur (UNAMID)	
25-Apr-2006	S/RES/1672	UNSC imposed travel bans and froze the assets of Major General Gaffar Mohamed Elhassan (Commander of the Western Military Region for the Sudanese Armed Forces), Sheikh Musa Hilal (Paramount Chief of the Jalul Tribe in North Darfur), Adam Yacub Shant (Sudanese Liberation Army Commander), Gabriel Abdul Kareem Badri (National Movement for Reform and Development Field Commander) for failure to comply with UNSC decisions	
26-Apr-2006	S/2006/341	UNSC to visit Sudan and Chad	
28-Jul-2006	S/2006/591	UNSG proposed UNAMID to begin 01/01/07 (pending consent by GoS)	



Table 5. Continued.

Date	UN Document Number	Decision/Intervention	Abstentions
31-Aug-2006	S/RES/1706	UNSC support UNAMID recommendation	China, Russian Federation
4-Dec-2006	A/HRC/S-4/L.1	UNHRC to send "urgent assessment mission to Darfur"	
9-Feb-2007	A/61/530/Add.2	UNHRC sends High Level Panel to address violations of human rights in Sudan	
7-Mar-2007	A/HRC/4/80	UNHRC report indicates AU, UN/UNSC actions thus far ineffective at stemming tide of violence in Darfur. Both sides of conflict violating decisions by UN and its bodies	
22-Mar-2007	A/HRC/4/L.7	UNHRC sends Special Rapporteur on the Situation of Human Rights in the Sudan, Special Representative of the Secretary-General for Children and Armed Conflict, Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Special Representative of the Secretary-General on the Situation of Human Rights Defenders, Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, Representative of the Secretary-General on Human Rights of Internally Displaced Persons, Special Rapporteur on the Question of Torture, and the Special Rapporteur on Violence against Women, its Causes and Consequences to Darfur	
31-Jul-2007	S/RES/1769	UNSC authorizes UNAMID deployment	
25-Sep-2007	S/RES/1778	UNSC establishes the United Nations Mission in the Central African Republic and Chad (MINURCAT) to aid refugees and IDPs from Darfur	

Table 5. Continued.

Date	UN Document Number	Decision/Intervention	Abstentions
14-Feb-2008	S/RES/1778	UN Under-Secretary General for Peacekeeping Operations went to Darfur to iron out remaining details of UNAMID deployment with GoS	
16-Jun-2008	S/PRST/2008/21	UNSC asks for GoS cooperation with ICC arrest warrants	
31-Jul-2008	S/RES/1828	UNAMID mandate renewed	United States
7-Jan-2011	S/2011/7	UNSC "visited the Sudan in order to reaffirm the commitment of the international community to and its support for the full and timely implementation of the Comprehensive Peace Agreement and to encourage a peaceful, comprehensive and inclusive resolution for the situation in Darfur"	

## CHAPTER VII

### THEORETICAL ANALYSIS

The previous chapter discussed the data that emerged from the discourse of the conflict and a chronology of the decisions and interventions by the UN into Darfur. The discourse and subsequent decision-making in terms of intervention has significant implications. The following will address this drawing from the theoretical framework presented in Chapter III.

When Darfur emerged on the international agenda, it was identified as a tribal or ethnic conflict (United Nations 2003d) or as rebels striking out against their government. This continued to be the case until 2004 when the International Commission of Inquiry into Darfur was sent to investigate the reports of genocide in Darfur (United Nations 2004s; af; ag). The labels of crimes against humanity and war crimes applied by the UN in 2005 with the RICID (United Nations 2005l) dictated every decision and intervention that followed. This early discourse framed perceived definitions of the situation of the international political players as well as caused strain and subsequent diffusion of responsibility.

Following the RICID (United Nations 2005l:4), the determination “that the Government of Sudan has not pursued a policy of genocide” meant that UN or UNSC intervention was no longer mandatory. It is important to note that the RICID (United Nations 2005l) contradicted findings by other international actors and scholars. Armenia was the first to call Darfur “the twentieth century’s first genocide” (United Nations 2005l), but would not be the last (e.g., Hagan and Raymond-Richmond 2009; Heinze

2007; Jafari and Williams 2005; Markusen 2009; Mullins and Rothe 2007; 2008; Prunier 2005; Rothe and Mullins 2007; United Nations 2004i; m; 2005e). In 2004, the US Congress called Darfur a genocide (United Nations 2004m:17), as did President George W. Bush in a speech at the UN (Markusen 2009; Prunier 2005) and the European Parliament (United Nations 2004al). “The increased level of international interest in the Darfur crisis following the invocation of the term “genocide” seems to confirm the power of the “G-word”” (Mennecke 2009:168).

Some of the findings that contradicted the RICID were completed after the initial report however. This included the involvement of the ICC and subsequent arrest warrants for three counts of genocide against Sudanese President Omar al-Bashir in 2010 (United Nations 2010b). Additionally, individual statements by the US (United Nations 2004i) and the European Parliament (United Nations 2005e) identified Darfur as a genocide. Despite the use of the genocide label by others, the UN and UNSC stood behind the determination of crimes against humanity. This gap between the reality of the situation and the perception of it by the UN and UNSC (Perinbanayagam 1974; Rothe 2009b), I believe, highlights the impact on the political player’s definition of the situation.

This is the case even though the data detailed in the findings chapter indicated that there was sufficient evidence available to the International Commission of Inquiry into Darfur and major political players to identify the conflict as genocide. Consider the statement that later came out of the Sudanese government:

Adam Hamid Musa, recent Governor of South Darfur, [who] threatened that there would be ‘more genocide such as has never before been seen by anyone’ if President Al-Bashir were indicted; and President Al-Bashir himself said, ‘We are

not looking for problems, but if they come to us, then we will teach them a lesson that they will not forget.' (United Nations 2008n-3)

These statements indicated that Sudanese government officials themselves were identifying the conflict in Darfur as genocide while the UN was not. Additionally, there were a host of others that found genocide was occurring in Darfur, most importantly the International Criminal Court (United Nations 2010b).

The contradiction between labels, discourse and subsequent labeling of the conflict can only partially be attributed to perceived definition of the situation, given that such perceptions are often formed to align with state interests (as will be discussed more fully below). The perceived definition of the situation also allows the justification for diffusion of responsibility that was a factor in the years covered in this case study.

Additionally, with the RICID findings of non-genocide, the UNSC was able to defer the situation, regardless of individual players perceived definition of the situation and calls for intervention, to other organizations, including the ICC (United Nations 2005I). In this manner, the UNSC deferred responsibility for further investigation to the ICC and could maintain a "hands clean" position, accepting or neutralizing their decisions based off of the official RICID findings. The UNSC could pronounce that the UN had investigated, found crimes against humanity, and referred the matter to another body for further inquiry. Therefore, the UNSC had executed its responsibility fully.

Another example of the diffusion of responsibility may be found in the deployment of the AU for as long as possible in Darfur before the UN stepped in. In the early years of the conflict, the UN and the African Union agreed that the AU should spearhead the interventions and the UN was to provide support only, consistent with the "African solutions to African problems" ideology of the AU and the desire to keep

former colonizers out of the continent to the largest extent possible. The UN stated that “[c]learly everyone’s first preference is for the African Union to stay in the lead in Darfur, but for the rest of us to give it more effective help, while keeping other options open” (United Nations 2005y:1). This diffusion of responsibility allowed the UN to remain bystanders to the conflict for as long as possible, until, ultimately the AU force was deemed insufficient and the joint mission UNAMID was formed in 2007 (United Nations 2007i).

However, after the ICC found evidence of genocide, the original definition of crimes against humanity was never revisited or revised. I will suggest this, too, is based on the contradiction between moral obligations and states’ interests that have played out, from extending the arms of responsibility to others as well as using the ideology of sovereignty to ensure protection of some of the UNSC voting members’ own internal political, economic and military interests.

The diffusion of responsibility was also way for states to neutralize the strain of competing interests, between moral obligation and individual state’s vested economic, political and military interests. Strain was a factor in the UN and UNSC decision-making, primarily in the form of pressure from individual states, NGOs, IGOs, the media, and other activist and/or organizations that called for the labeling of genocide as well as UN action from the onset and as the situation in Darfur worsened. This strain can also be interpreted as the outcome of competing interests of states: moral obligation, political pressure and states vested self-interests. For example, US Senator and Presidential Candidate John Kerry explained simply that the US could not provide more than humanitarian assistance to Darfur was because “we’re [militarily] overextended” (New

York Times 2004:15). Several UN and NGO documents (i.e., Amnesty International 2012; Human Rights First N.d.; United Nations 2009a; United Nations Security Council 2007) link both China and the Russian Federation to ammunition found in Darfur despite the arms embargo instituted by the UNSC in 2004 (United Nations 2004af; 2009a). Sudan has separate oil contracts with the US, France, and China (United Nations 2007j). The vested and competing interests in Sudan by these states created strain in relation to Darfuri intervention. Additionally, the trend of documents that involved discussions of Darfur is the result of this external pressure as evidenced by the increase in documents referencing the situation. There were only five documents doing so in 2003, then 90 in 2004, 92 in 2005, and 60 in 2006 (see Table 2). Pressure to intervene was not the only form of strain present.

As highlighted by international relations theory, states may refuse to commit to the right or moral course of action because it may be inconsistent with the opposing, but equally strong, desire for protection of self-interest and security at all costs. As noted, the competing interests of states, including the ongoing contradiction of some between their perceived definition of the situation (i.e., US) and their support (or lack thereof) for adhering to the Genocide Convention played a major role in the decision-making process at the UN and UNSC. Many states, including the P5, expressed a desire to intervene in Darfur but none provided assistance that would reduce the state's existing level of power. Additionally, there was evidence of strain and competing interests in terms of specific states' interests, much of which translated into arguing for the importance of recognizing state sovereignty.

The deference to Sudan's sovereignty was declared as a major factor in the decision-making for intervention, first by non-use of the Genocide Convention that was 'justified' through the alternative labeling of crimes against humanity and subsequently through discussion of using the R2P ideology or doctrine. The UN's High Level Panel on Threats, Challenges and Change explained the limits to sovereignty when discussing the Responsibility to Protect doctrine:

[t]he successive humanitarian disasters in Somalia, Bosnia and Herzegovina, Rwanda, Kosovo and now Darfur, Sudan, have concentrated attention not on the immunities of sovereign Governments but their responsibilities, both to their own people and to the wider international community. There is a growing recognition that the issue is not the "right to intervene" of any State, but the "responsibility to protect" of *every* State when it comes to people suffering from avoidable catastrophe—mass murder and rape, ethnic cleansing by forcible expulsion and terror, and deliberate starvation and exposure to disease. And there is a growing acceptance that while sovereign Governments have the primary responsibility to protect their own citizens from such catastrophes, when they are unable or unwilling to do so that responsibility should be taken up by the wider international community (emphasis in original). (United Nations 2004g:56-7)

This sentiment was echoed by the ICISS and the World Summit Outcome Document (United Nations 2005a) (see also Hubert 2010; United Nations Security Council 2006), none of which tie these responsibilities to a determination of genocide

Nonetheless, the sovereignty of Sudan was a common theme throughout the data, primarily from several states, including Sudan. Sudan made several demands upon the UN in regards to protection of its sovereignty and the UN/UNSC conceded each time. For example, Sudan demanded that a UNAMID be primarily African to keep former colonizing western nations from interfering (United Nations 2006d; f; 2007a). The UN relented (United Nations 2006i). Sudan denied travel visas into Darfur for UN delegates on several occasions (United Nations 2007g).

The Thirty-Second Session of the Islamic Conference:



Reiterate[d] its full solidarity with Sudan in consolidating peace and stability countrywide and in defending its sovereignty and integral unity, and in this regard calls upon the international community to adhere to the full observance of Sudan's sovereignty and territorial integrity. (United Nations 2005n:65)

The Special Representative of the Secretary-General for the Sudan, Jan Pronk explained that the United Nations' "only aim is to protect the people, while respecting the sovereignty of the Sudanese nation" (United Nations 2006p:5). The UK made a statement that:

We must therefore redouble our efforts — in the United Nations, the AU, the European Union, the League of Arab States and the Organization of the Islamic Conference — as friends of the Sudan and its peoples, to make clear the positive contribution the United Nations will make in Darfur, in full respect of the sovereignty of the Sudan and with a heavy African character to the force, as the Council has repeatedly made clear. (United Nations 2006p:7)

Protection of sovereignty was also important to the P5. For example, although proclaiming to be in support of peace throughout the analysis period, the voting behavior of China did not reconcile with its formal discourse. I suggest that this, in part, is due to China's long standing foreign policy of soft power and non-intervention in sovereign territory as well as its vested interests in the area. Here again, it should be noted that such a position, soft power, is grounded in a deeper self-interest given the historical record of human rights violations and general oppression within China and realistic need to ensure non-external intervention in their domestic affairs. China summed its position in this manner:

China has worked in a consistent, active and responsible manner to advance the peace process in the Sudan, devoting great attention to finding an appropriate solution to the problems of Darfur. We have often pointed out to the Sudan that the only objective of the United Nations in taking over the task of AMIS is to help the Sudan implement the Darfur Peace Agreement. That is also the broad consensus of the international community. We hope that the Government of the Sudan will proceed from the perspective of its long-term development and take a flexible approach. At the same time, we consider that the Security Council should

respect the views of the national Government in question and that no United Nations peacekeeping operation should be imposed. Moreover, we must pay heed to the influence and the roles of the relevant regional organizations. We believe that if all the parties take a frank and pragmatic approach, enhance mutual trust and cooperation and broaden their perspective, we will certainly be able to achieve an outcome that is satisfactory to everyone. (United Nations 2006o:12)

However, a 2007 statement by the Coalition for the International Criminal Court stated:

when Mr. Ocampo had last briefed the Council this past December, it ‘was principally the obstruction of the China that prevented the Council from adopting a statement’. The Coalition hoped that China – ‘with its aspirations to play a leading role on the world stage, with the ‘coming out party’ for that role in the form of the Beijing Olympics just two months away’ – would take a more reasonable and nuanced view as to where it stood in relationship to bringing to justice those responsible for horrific crimes committed against the people of Darfur. ‘It would certainly be sorrowful to see the Olympic Games tainted with an example of Chinese support or complicity for the obstruction of justice by Sudan.’ (United Nations 2008g:1)

China’s voting behavior displayed the state’s government-first, sovereignty above all else stance, as stated, to protect domestic interests and its own self-protection from external intervention. Consider the importance of Sudan to China’s economic and political power; China and Sudan have a history of agreement in return for soft power policy – most notably in terms of economic ‘development’ (United Nations 2007j). “Aside from building Sudan’s oil production infrastructure, such as the 930-mile pipeline from the southern oilfields to Port Sudan, China also invested about \$20 billion in non-oil projects, such as roads, agriculture projects and power stations” (Cockett 2010:273). Sudan is not the only African state in which China invested in development (Cockett 2010; United Nations 2007j). However, “[t]o put that figure into perspective, Britain’s aid development budget in 2006 *to the whole world* was about \$8 billion” (emphasis in original) (Cockett 2010:273). China won a bid to build a \$650 million dam in Sudan in

2004 (Cockett 2010). Additionally, “[i]n 2007, China cancelled Sudanese debts worth \$80m[illion] and also promised to build a new presidential palace worth \$12m[illion]” (Cockett 2010:274) .

Oil was an additional economic impetus for the pro-Sudanese government decisions made by China. China and Sudan have a long-standing oil trade agreement (Cockett 2010; Prunier 2005). That agreement was debated at the UN, where a Chinese representative explained that “[t]he relationship between China and the Sudan was similar to its relations with other African countries. It was nothing special, as China maintained friendly and cooperative relations with all the other African countries” (United Nations 2007j:1). Prunier (2005) places Sudanese exports to China in 2005 at \$3.4 billion, 96% of which were petroleum related. This adds to the evidence of a mutually beneficial relationship that is important to both states and central to the realpolitik evident therein.

Another economic relationship between the two governments is manifest in the proliferation of arms into Sudan that has been linked to China (see Amnesty International 2012; Cockett 2010; United Nations 2009a). Chinese arms were located in Darfur despite the arms embargo levied by the UNSC (United Nations 2009a). “China is also frequently accused of having built two (or maybe even three) small-arms factories in Khartoum that supply the government with weapons” (Cockett 2010:277). There were several reports indicating a twenty-five-fold increase in Chinese arms sales from 2002-2005 (e.g., Cockett 2010; Heavens 2007). Additionally, Reuters (Heavens 2007) reported a 124% increase in trade of weapons through mid-2007 compared to the year before. Cockett (2010:277) interviewed a Chinese embassy representative, who explained that

“China sold some weapons to Sudan, but ‘only on the understanding that they are not used in Darfur.’” In 2009, a panel investigated the proliferation of Chinese-manufactured arms in Darfur in spite of the UNSC arms embargo of S/RES/1556 (2004af) and two stolen Chinese-donated containers of weapons and ammunitions in transit to UNAMID troops (United Nations 2009a). This investigation was not mentioned again in the documents drawn on here.

The data indicated that China’s voting behavior often reflected a very pro-Government of Sudan stance. This may be seen in China’s vociferous disagreement with the indictment of President al-Bashir, the involvement of the ICC in general and the identification of the crimes as less than genocidal (United Nations 2005u; 2008c; m; n; 2009c). China identified the conflict in manners that reduced the seriousness and level of violence in the region (United Nations 2007t), as well as downplayed the extent of the relationship between the two states (United Nations 2007j) and the involvement of the government in Darfur (United Nations 2007q). For example, in “May 2007[,] Liu Giu Jin, China’s new Darfur Special Envoy, returned from a visit to the ravaged region and declared with a straight face that ‘the situation in Darfur is now basically normal’” (Prunier 2005:179). By other accounts described throughout this work, Darfur was far from normal – in 2007 or at any point thereafter. Chinese representatives at the UN and UNSC often made statements against, as well as abstained or voted against, measures aimed at forcing the hand of the Government of Sudan in terms of addressing the conflict (United Nations 2004aj; ak; al; 2005r; 2006n; o; 2007r). ICC Chief Prosecutor Moreno-Ocampo went as far as to make a statement about the level of Chinese support for Sudan:

“when Mr. Ocampo had last briefed the Council this past December, it ‘was principally the obstruction of the China that prevented the Council from adopting a statement’”

(United Nations 2008g:1). Protecting the extensive economic relationship that the two states share was, and is, in the best interest of China as can be seen in Chinese statements and votes throughout the data.

The US was a vocal supporter of Darfur and the achievement of peace. In fact, the US referenced Darfur more than any of the remaining P5. The US Congress labeled Darfur genocide in July 2004 (United Nations 2004al). Soon thereafter, the US representative said, “It is important that we not become bogged down over words. It is essential that the Security Council act quickly, decisively and with unity. We need to fix this humanitarian problem now” (United Nations 2004al:4). The US supported AMIS financially from early in the conflict (United Nations 2004af; am). The US described its actions related to Darfur in this manner:

President Bush was the first head of State to speak out publicly on the humanitarian crisis in Darfur. We were the first to highlight Darfur at the Security Council, the first to state that genocide had occurred in Darfur and the first to call for accountability for perpetrators of violence and atrocities, as well as being a lead donor on humanitarian assistance, with more than \$506 million in food aid to Darfur and eastern Chad since the Darfur crisis began. We appreciate Under-Secretary-General Egeland’s reminder of what remains to be done by us all. (United Nations 2005v:12)

President George W. Bush labeled Darfur genocide at the UN (e.g., United Nations 2004i; United Nations 2007b). In 2004, Secretary of State Colin Powell testified before Congress and called Darfur genocide (Powell 2004b). Also, in 2011, Secretary of State Condoleezza Rice also identified Darfur as genocide (United Nations 2012a).

This is interesting when compared to the US’ use of the word genocide, or lack thereof, to define Rwanda a few years earlier (see Chapter II) (Flint and de Waal 2008;

Heinze 2007; Jafari and Williams 2005; Power 2001; 2002). The US used “genocidal acts” to define the events in Rwanda where 800,000 people were killed in a three-month period in 1994 (Power 2001; 2002). Power (2001:6) explained the US dance around what she calls “the g-word”:

[a] discussion paper on Rwanda, prepared by an official in the Office of the Secretary of Defense and dated May 1, testifies to the nature of official thinking. Regarding issues that might be brought up at the next interagency working group, it stated[:] Genocide Investigation: Language that calls for an international investigation of human rights abuses and possible violations of the genocide convention. Be Careful. Legal at State was worried about this yesterday— Genocide finding could commit [the U.S. government] to actually “do something.”

Menneke (2009) also noted this memo in his writings. The US avoided the use of the word genocide to define the events occurring in Rwanda at the time for fear of triggering an intervention requirement, specifically militaristically, in the Genocide Convention.

This was inconsistent with the US approach to defining Darfur as genocide. In fact, US Secretary of State Colin Powell stated: “some seem to have been waiting for this determination of genocide to take action. In fact, however, no new action is dictated by this determination” (Powell 2004a; b). This was in stark contrast to the Department of Defense memo noted above. It seems that the Genocide Convention was reinterpreted between the Clinton and Bush administrations and that “doing something” was no longer required upon application of the word genocide to a conflict. The Bush administration was then willing to state that genocide was occurring in Darfur “without an expectation of [militarized] intervention” (Heinze 2007:362). The more recent US interpretation of the Genocide Convention simply requires some sort of action to prevent or punish future genocidal acts, which the US felt was satisfied with its request for an investigation by the UNSC into the events in Darfur (Flint and de Waal 2008) (see United Nations 2004o; ag).

This resulted in the formation of an international commission of inquiry, which culminated in the Report of the International Commission of Inquiry into Darfur (RICID) (United Nations 2005l).

This was self-serving because it satisfied the demands for action by several activist groups in the US but distanced the government from any real action, such as that which was feared the determination of genocide would engender in Rwanda. This allowed the US to be seen as a champion of human rights while not requiring the investment of military or economic resources. The humanitarian goodwill achieved by requesting an investigation in Darfur was the return earned on a small political investment by the US. This is an example of the moral relativism in international relations as described by Bjola (2009). Based in the neorealist school of international relations, and seen here, legitimacy and morality were mutually exclusive.

The US financially supported both the AU and UN missions into Darfur many times over the course of the conflict (United Nations 2004n; af; am; 2005q; v; 2006q). The data also indicated that US representatives at the UNSC often spoke of the Darfuri conflict in terms that exhibited a desire to address the situation, as well as called for action to do so (United Nations 2004i; al; am; 2005c; w; 2006b; l; m; n; o; 2007r; 2008l; n; 2009d; 2012a). Statements such as “[t]he Sudan remains a top priority for the United States” (United Nations 2005v:2), “[e]nding the violence in Darfur remains one of the highest priorities for the United States” (United Nations 2006q:10), and “[t]he brutal treatment of innocent civilians in Darfur is unacceptable to the United States” (United Nations 2007q:7) also evidence the US position on the conflict. Additionally, “President Bush made a promise to the people of Darfur... ‘[t]he United States will not avert our

eyes from a crisis that challenges the conscience of the world” (United Nations 2007q:8). Other statements, such as “[i]n Sudan, innocent civilians are suffering repression; and in the Darfur region, many are losing their lives to genocide...The United Nations must answer this challenge to conscience “ (United Nations 2007b:9), “[t]his Council cannot ignore the terrible crimes that have occurred throughout the conflict in Darfur and the massive human suffering that the world has witnessed” (United Nations 2005u:8), and:

[c]an we in conscience leave the people of Darfur to such a fate? Can the international community, having not done enough for the people of Rwanda in their time of need, just watch as this tragedy deepens? Having finally agreed — just one year ago — that there is a responsibility to protect, can we contemplate failing yet another test? Lessons either learned or not, principles either upheld or scorned, this is no time for the middle ground of half measures or further debate. (United Nations 2006o:3)

The US made many statements about addressing Darfur and allotted funds to do the same. However, this appears to be to appease the demands of the public in America in relation to Darfur. The US, as with other countries, took a symbolic appeasement approach to maintain legitimacy while ensuring state interests dictate action. The US was so over-extended militarily that it could not or would not commit soldiers. Senator, and Presidential candidate, John Kerry explained lack of military intervention in Darfur in this way during a presidential debate in September 2004 (New York Times 2004:13, 15):

Senator Kerry: ... And the world is more dangerous. Darfur has a genocide. The world is more dangerous. I'd have made a better choice...

Mr. Lehrer: New question, two minutes. Senator Kerry, you mention Darfur, the Darfur region of Sudan, 50,000 people have already died in that area, more than a million are homeless. It has been labeled an act of ongoing genocide, yet neither one of you or anyone else connected with your campaigns or your administration that I can find has discussed the possibility of sending in troops. Why not?

Senator Kerry: Now, with respect with Darfur, yes, it is a genocide. And months ago, many of us were pressing for action. I think the reason that we're not saying send American troops in at this point is several fold. No. 1, we can do this through



the African Union, providing we give them the logistical support. Right now all the president is providing is humanitarian support. We need to do more than that. They've got to have the logistical capacity to go in and stop the killing. And that's going to require more than is on the table today. I also believe that it is – one of the reasons we can't do it is we're overextended. Ask the people in the armed forces today. We've got guards in reserves who are doing double duties. We've got a backdoor draft taking place in America today. People with stop-loss programs where they're told you can't get out of the military. Nine out of our 10 active duty divisions committed to Iraq one way or the other, either going, coming or preparing. So this is the way the president has overextended the United States.

The political rhetoric indicated a desire to end the conflict but the words did not seem to match the action. Cohen's (1975) cost versus benefit analysis is applicable as the US would not commit militarily

This divide between the US words and actions, other than financial contributions, appeared to be politically motivated. With the reinterpretation of the Genocide Convention to satisfy demands for action by US activists, the US took the approach of persuasive and often support of addressing the conflict while it avoided intervention that might require investment other than financially. In addition, the US endorsed the R2P in relation to Darfur in stating that:

[u]nless security improves, we face the prospect of having to drastically curtail an acutely needed humanitarian operation. Can we in conscience leave the people of Darfur to such a fate? Can the international community, having not done enough for the people of Rwanda in their time of need, just watch as this tragedy deepens? Having finally agreed—just one year ago—that there is a responsibility to protect, can we contemplate failing yet another test? Lessons either learned or not, principles either upheld or scorned, this is no time for the middle ground of half measures or further debate. (United Nations 2006o:3)

Sudan was characterized as “a top priority for the United States” (United Nations 2005v:2). The US applied economic sanctions against Sudan due to the Darfuri conflict (United Nations 2010a). In 2006, the US sent a Special Envoy to Darfur in an effort to aid the peace process (United Nations 2006a). The US sought intervention and aid to

Darfur from early on and throughout the conflict. Yet, *realpolitik* played a major role in the discourse and action taken by the US in relation to the conflict in Darfur.

Here again, the issue is related to the situation of the United States and its ongoing war on terrorism and efforts to ensure protection of US interests, including the potential backlash to the former political administration and the illegalities that were committed in Afghanistan, Iraq, and Guantanamo. Consider, for example, the US did not agree with the referral of Darfur to the ICC because of the idea that the ICC “should be able to exercise jurisdiction over the nationals, including government officials, of States not party to the Rome Statute...strikes at the essence of the nature of sovereignty” (United Nations 2005u:3). The US abstained on the referral vote (United Nations 2005u). A few months later, the US representative stated:

[w]hile our concerns about the Court have not changed, we would like to move beyond divisiveness on the issue. We share the commitment of parties to the Rome Statute to bring to justice those who perpetrate genocide, war crimes and crimes against humanity. While we have honest differences on how accountability is best achieved, we must work together to ensure that perpetrators of the atrocities are held accountable for their actions. (United Nations 2005h:10)

In further protection of sovereignty, several P5 members spoke of desiring/requiring consent by the GoS before proceeding with interventions. The Russian Federation (RF) abstained in the vote to transition to UNAMID without GoS consent (United Nations 2006n:9). The Russian Federation made several comments during the discussions about obtaining consent and cooperation of the host government before proceeding—here again, a position used to neutralize potential threats to their domestic self-interests and protection. There were also several discussions related to sanctioning the GoS for failure to abide by UNSC resolutions and the ICC arrest warrants. The

Russian Federation abstained from voting in relations to sanctions (United Nations 2004aj; 2005t).

Recall that the discourse related to Darfur was dominated by the United States. In fact, the US had almost twice as many mentions in the data than the second most vocal P5 state, China. France and the United Kingdom followed respectively, leaving the Russian Federation with little participation in the discourse and offering less in terms of political arguments that undergirded voting behavior. This may be related to the P5 consensus with the other states often explaining their voting behavior, while the Russian Federation chose not to do so. It is most likely that the Russian Federation simply had fewer competing interests, desires, or political statements that needed to be vocalized in terms of its voting behavior.

Alternately, the voting behavior of France and the UK was discussed at length. Both states indicated less attention to the protection of Sudan's sovereignty in an effort to achieve peace – aligning more with the historical position of the two countries (post-colonialism). France's voting behavior and discussions indicated a desire for peace and accountability in Darfur. It supported the responsibility to protect in Darfur-related discussions at the UN (United Nations 2006a). France never labeled the conflict in Darfur genocide in the documents reviewed in this work, but it did fully support compliance with the arrest warrants issued by the ICC (United Nations 2008g; 2011). Additionally, French President Sarkozy moved “twenty-fifth France- Africa Summit to avoid meeting with a person who is the object of an arrest warrant” (United Nations 2010c:3). France also linked the R2P to Darfur (United Nations 2006a). When UNAMID supplanted AMIS, France commented:

[t]he coming months will be critical to responding to the high expectations elicited by today's decision and to ensuring that Darfur is no longer, as it is today, a synonym for despair, distress and violence. Let us live up to the challenge by remaining united and by contributing to and cooperating jointly in this long-term effort. France is more than ever resolved to do so. (United Nations 2007q:5)

France also voted in favor of the resolution renewing the UNAMID mandate that included condemnation of al-Bashir, as noted in the previous chapter (United Nations 2008g; United Nations Security Council 2008).

The UK was a strong supporter of the peace process in Darfur and aided in the AMIS mission from early in the conflict (United Nations 2005q). In fact, the UK drafted the transition to UNAMID resolution (S/RES/1706) (United Nations 2006p). When it was passed, the UK stated that, “[t]he resolution gives the United Nations force in Darfur a clear Chapter VII mandate to use all necessary means to protect civilians” (United Nations 2006n:3). Further, it explained that, “[t]he United Kingdom was at the forefront of efforts to secure this [the R2P]. We are very pleased that this is the first Security Council resolution mandating a United Nations peacekeeping operation to make an explicit reference to this responsibility” (United Nations 2006n:4). A representative from the United Kingdom stated that:

there is still a gaping hole in our ability to address the illegitimate threats and use of force against innocent people. It is to our shame that the international community did not act in Rwanda. Darfur shows the urgent needs that yet have to be met. Today there are 28,000 African peacekeepers. But if we are to honour [sic] our responsibility to protect behind borders where there are atrocities, we need to ensure more systematic support for peacekeepers, and we need to build the capacity of vulnerable nations to prevent conflict. (United Nations 2008k:8)

Although the UK representative did not specifically call Darfur genocide here or in other documents in the sample, there is inference in his statement through his reference to Rwanda.

Both France and the United Kingdom supported the referral to the ICC (United Nations 2008g). The French representative stated: “[i]ndeed, resolution 1593 (2005) is based on the fact that the crimes committed in Darfur are of such gravity that, according to the preamble of the Rome Statute, they threaten the peace, security and well-being of the world” (United Nations 2008l:3).

While the referral to the ICC was shrouded in controversy at the P5, it was not nearly as much as the indictment of al-Bashir – both the first arrest warrants for crimes against humanity and war crimes and the subsequent arrest warrant for genocide (see also Chapter VI). A well-known point of contention for the RF was the indictment of President al-Bashir (United Nations 2008m). The RF representative explained:

we note that the ICC’s issuance of a warrant for the arrest of the President of the Sudan, Omer Al-Bashir [sic], does not contribute to a peaceful settlement in Darfur. It is well known that the African Union favours [sic] full guarantees for the safety and security of the President of the Sudan: in other words, progress in the negotiations takes priority over the judicial process, because it is considered that activities under the slogan of judicial fairness are undermining the ongoing peace process. And there can be no doubt that the process is ongoing, albeit with certain complications. (United Nations 2009c:6)

In another statement, the RF ended its remarks related to the ICC and Darfur with “[h]owever, we would call on him [Moreno-Ocampo] to carefully weigh his steps in his work on Darfur and to calibrate them with the challenges of achieving peace and improving the humanitarian situation” (United Nations 2009d:9).

The UK took issue with the condemnation of al-Bashir embedded in the UNAMID mandate renewal resolution, explaining, “[w]e will not stand in the way of a Security Council discussion of whether there is a case for invoking article 16 of the Rome Statute in relation to President Al-Bashir [sic], but that discussion will raise profound questions about the relationship between peace and justice” (United Nations 2008m:3).

A mere four months later, the UK was concerned about the lack of action associated with the ICC arrest warrant for crimes in the Darfur and urged Sudanese cooperation with the ICC (United Nations 2009d). The UK voting behavior indicated the state desired a balance between sovereignty and protection of citizens in Darfur – again, highlighting the importance states place on their actions in relation to their vested interests, especially when those contradict competing interests and moral obligations. One of which was the legitimacy, or perceived legitimacy of the UN and the UNSC, especially at a time when calls had been made to completely restructure the UNSC, expanding the voting rights of global South states. Several discussions revolved around the idea that Darfur became a critical issue in assessing whether the UNSC could remain relevant and effective-legitimacy. In early 2007, the Slovakian representative stated:

[w]e believe that the emergence of new threats to international peace and security requires the constant attention and regular adaptation of the Security Council and its working methods to the new security environment. That is particularly true for some of the most daunting challenges, such as the upsurge in terrorism, the proliferation of weapons of mass destruction, and massive intra-State conflicts with the potential to destabilize entire regions, such as the crisis in Darfur. It is our joint responsibility to intensify our efforts to achieve tangible progress in our work, which should bring people more peace and security, better respect for human rights and fundamental freedoms, and greater prosperity. Words, statements and proclamations need to be transformed into practical measures, making a real difference on the ground. Otherwise, the entire United Nations system, including the Security Council, will lose its relevance and credibility. (United Nations 2007o:6)

Darfur began to be identified as a test for the existing structure and effective functioning of the UN and UNSC as well as the organization's legitimacy. When the UNSG explained that "[t]he most acute of these challenges is, of course, Darfur. Not only are innocent lives at stake, but also the authority of the Security Council, the image of the United Nations in the Arab world and the credibility of the United Nations"

(United Nations 2007m:1). The word “Darfur” was one of the 100 most searched words on the website of the United Nations in 2006, indicating that others were paying attention to the manner in which the situation was being addressed by the body, adding additional pressures for state action, resulting in the strain previously noted (United Nations 2004b).

## SUMMARY

One document, the Report of the International Commission of Inquiry into Darfur (RICID), was the foundation of all UNSC actions. This 2005 report identified Darfur as crimes against humanity and this definition was never revisited despite mounting evidence of genocide and arrest warrants issued by the International Criminal Court. Data indicates that the RICID provided the opportunity for the UN and UNSC to state that responsibilities engendered by the UN Genocide Convention had been fulfilled, which permitted the body to navigate around the required intervention trigger in the Convention. The labeling of the conflict as crimes against humanity rather than genocide rendered the Convention useless outside of the investigation and determination of crimes against humanity. Use of this definition allowed the UNSC to avoid required intervention while applying other interventions to the conflict. This single document provided the avenue for the UNSC to go through the motions but avoid meaningful and effective intervention in Darfur despite the calls for “no more” genocide after the Holocaust – and Srebrenica – and Rwanda. Realpolitik was evident in at least two members of the UNSC P5 and was a useful in understanding the data at hand.

The central theme uniting the findings and theoretical components of the integrated theory of state crime may be summed as competing interests (Merton 1949;

Rothe 2009b) – morally, financially, in terms of resources, and in terms of political will. Both individual states and organizations made up of individual states were trying to meet many goals and many needs at the same time (Merton 1949), and maintaining and/or increasing power and legitimacy was the primary mission. Cohen (1975) identified power as the central goal of every state and the findings here buttressed that concept. Power was wielded both individually and by states collectively in UN and UNSC. The competing interests of morality versus legitimacy were also evident in the terms that Morgenthau (Bjola 2009; Kissinger 1977; Yunus 2003) described where morality was in the survival-of-the-fittest rather than a more traditional form of morality. For states, morality was that which perpetuates the state itself at the current level or to an increasing level of power and domination. The politics and pressures that states experienced at the international level diluted the individual level ideology and/or morality of protecting innocents in other states.

It is here that *realpolitik* (von Rochau 1972 [1853]) was seen in the data as the China and the US exhibited a focus on their own military, political, and economic supremacy at the cost of others. This neorealist desire for domination and power dictated decisions made at the individual and collective level and indicated the states own self-interest above all else in decision-making in relation to the conflict in Darfur. The most strategic actions were those that maintain state power and all other decisions were made at the deference of that power (Wayman and Diehl 1994). Wayman and Diehl (1994) identify humanitarian interventions as the least strategic of state decisions, and the relegation of these interventions fall victim to the lust for power and “domination relations” (Gumplowicz as cited in Aho 1975:49). Support for this concept was found in



the data in relation to the lack of meaningful and effective intervention in Darfur. The morality of effective intervention and protection of life in Darfur simply could not compete with the other, more primal, and self-serving interests of the P5 individually, which was also manifest in the collective decision-making of the UN Security Council. Data indicates that the variable of *realpolitik* exerted a great amount of influence on Chinese and US decision-making in relation to Darfur.

The data in this work provided a strong foundation for adding the variable *realpolitik* to the Rothe (2009b) integrated theory of state crime model. It proved to have explanatory power of state reactions to the behavior of other states, especially in relation to the economic and political interests of China and the political and military interests of the US. It was also central to placing the decision-making discourse by the UN and UNSC into context and understanding why such decisions were made. Adding the variable to the model and uniting the international relations and criminological literature allows bridges to be built between the two bodies of literature. In some instances these bodies of work may be far apart; as evidenced in this project, the two are critically related and the bridges between the bodies of literature will only strengthen the explanatory power of both in situations like Darfur and other conflicts.

Likewise, the perceived definition of the situation impacted voting behavior, though at times, as noted above, they contradicted each other, drawing on terms such as sovereignty and governmental consent. The perceived definition of the situation dictated the labeling and the labeling was the center of the discourse analysis here. The focus on crimes against humanity and war crimes based on the RICID findings dictated decision-making behavior from that point forward. The definition of the situation remained

unchanged from two years into the conflict despite how the conflict evolved over time and outcries from the public and NGO to act during the protracted violence.

These activist and NGO demands for greater intervention into Darfur caused strain for the UN and P5. Each of the P5 had their own self-interests that required balancing with decisions related to the conflict. These competing interests, as noted above, indicated that the P5 used realpolitik to ensure that their own state interests were satisfied before becoming involved in the needs of other states. At times, this meant words of support and encouragement without financial or military support. At other times this strain was manifest in protection of economic interests despite the violence in the region.

This strain also led to a diffusion of responsibility. These strained P5 members could state their desires to aid the victims of Darfur and to stop the violence in the region without being required to put action behind the words. P5 members who continually voted in ways that indicated realpolitik and primacy of their own self-interests meant that some P5 states could do nothing more than express concern and desire for more meaningful interventions. This diffusion of responsibility allowed states to practice realpolitik and to pacify any demands of their own constituency to intervene by making a vocal effort for intervention despite the diffusion of responsibility and dilution of individual votes when a P5 consensus was required on important measures.

This P5 consensus and diffusion of individual responsibility that is inherent therein is vital to this work and is an area in which policy change would make the UNSC function more effectively. The following chapter will discuss additional implications from this analysis in terms of policy.

## CHAPTER VIII

### POLICY IMPLICATIONS AND CONCLUSION

This work has led to two major policy implications: the Genocide Convention is useless due to the way in which it was written and the UNSC requires restructuring to avoid the realpolitik that permeates its current structure.

The Genocide Convention is a utopian document written on the heels of the Holocaust, a time in which emotions were high, as were demands for accountability and assurances that such atrocities would “never again” be permitted. There have been several genocides since and none have effectively invoked the Genocide Convention for protection of those harmed. The Rwandan genocide entailed the death of 800,000 in the short span of three months. Darfur was, and continues to be, the slow death of hundreds of thousands over the course of a decade. If the Genocide Convention cannot address either, it is useless in its current form.

The Genocide Convention was first invoked in Darfur (United Nations 2004aj). This work explained in detail, in many ways, how little that meant. The investigation under the Convention labeled the crime in a way as to prevent further action. Even International Criminal Court arrest warrants for genocide provoked no further action by the UNSC. The Genocide Convention was written in a way that ties its hands and makes the document ineffective. The required intervention trigger means nothing if simply naming the conflict something other than it is allows circumnavigation of the document – as was the case in Darfur.

New mechanisms for addressing genocide are required. Since the cries of “never again” after the Holocaust and the creation of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (1948), genocide occurred in Bosnia, Cambodia, Rwanda, and now in Darfur. Some scholars would also include Burundi and Uganda, among others. The Responsibility to Protect shows promise but if not effectively administered, it could end in the same fate as the Convention – moral and utopian in ideal and supported by many, but with no teeth and completely unenforceable. The R2P can be seen as an ideology that reduces the strain experienced by the practice of realpolitik in lieu of competing interests. The R2P is merely a document that states that certain behaviors by states are unacceptable and should be prevented/stopped/punished. Without clear dictates as to when intervention is required and what types of interventions are permitted, the R2P is merely a broader and updated version of the Genocide Convention. Without such specific alterations, the R2P document itself and the ideology behind it are as easily circumvented through labeling of conflicts at the international level as was the Genocide Convention in this case.

The Genocide Convention and the R2P are not the only problems. The current structure of the UNSC has many flaws that impede its efficacy. More specifically, the UNSC is structured in a way that gives much power to a few and places major decisions related to conflict intervention and other matters in the hands of the most powerful states in the world – China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. Certain decisions by the group require an affirmative vote from all five of these permanent members of the Security Council. A simple abstention, or declining to vote, renders the Council unable

to proceed on such matters. The Report of the High-level Panel on Threats, Challenges and Change in 2004 explained that:

[t]he biggest failures of the United Nations in civil violence have been in halting ethnic cleansing and genocide. In Rwanda, Secretariat officials failed to provide the Security Council with early warning of extremist plans to kill thousands of Tutsis and moderate Hutus. When the genocide started, troop contributors withdrew peacekeepers, and the Security Council, bowing to United States pressure, failed to respond. In Bosnia and Herzegovina, United Nations peacekeeping and the protection of humanitarian aid became a substitute for political and military action to stop ethnic cleansing and genocide. In Kosovo, paralysis in the Security Council led the North Atlantic Treaty Organization (NATO) to bypass the United Nations. Only in one instance in the 1990s - in East Timor - did the Security Council, urged on by the Secretary-General, work together with national Governments and regional actors to apply concerted pressure swiftly to halt large-scale killing. (United Nations 2004x:34)

Similarly, the UN Secretary-General's report on the events in Srebrenica detailed failures by the UN and international community in the prevention or stoppage of the conflict in Srebrenica. It described a:

gulf between mandate and means...pervasive ambivalence within the United Nations regarding the role of force in the pursuit of peace....an institutional ideology of impartiality even when confronted with attempted genocide...range of doctrinal and institutional issues that go to the heart of the United Nations ability to keep the peace and help protect civilian populations from armed conflict. (United Nations 1999b:108)

In Rwanda, “[t]here was a persistent lack of political will by Member States to act, or to act with enough assertiveness. This lack of political will affected the response by the Secretariat and decision-making by the Security Council” (United Nations 1999a:3). All of these statements indicated that the power placed in the hands of a few, with their own national agendas and self-interests at heart, leaves those being harmed by their governments to suffer while the UNSC debates. In the case of Darfur, the debate continues despite the hundreds of thousands killed and millions displaced. The position of the P5 may be explained in this way: “[i]f you can exploit the UN to your own

national advantage then do so; otherwise keep it at arm's length to avoid unwelcome constraints" (Simons 1995:57).

Totten (2013:219) sums the role of realpolitik, state reaction, and the P5 in this manner:

many, if not most, of the P5's votes regarding intervention in genocide in the past have been driven by realpolitik. In other words, the P5 have not been concerned primarily with the fate of the potential victims of genocide but much more focused on whether intervening would be good for themselves or their allies. As the cliché goes, nation states do not have consciences. Concomitantly, the type of mission—Chapter VI (peacekeeping) or Chapter VII (peace enforcement) of the Charter of the United Nations—is largely dictated by the P5 as well. Thus, instead of sending a robust mission in a timely fashion with a mandate that allows the mission's troops to handle a job properly, the P5 play politics and often approve missions that are sorely inadequate for the job. This is true for a whole host of reasons, but the main point here is that the P5 virtually take on the God-like role of deciding who will live and who will die.

This type of concentrated power in the hands of a few means that important international decisions may not be the result of broader international consensus.

To effectively maintain international peace and security, the UNSC must be restructured to balance the power of the Council overall. The ten rotating members allow states that may not have great amount of power internationally to have a role and to play a part in the organization that seeks to serve all members, while also no longer catering to the most powerful nations. The rotating of the ten also permits a variety of viewpoints and ideas to come to bear at the Council. Simply allowing all 15 members of the UNSC to vote on all matters and changing the consensus requirement of all P5 states on certain matters would easily distribute the power more evenly and require little to no change other than during voting. Alternately, all UNGA members could get a vote – one per country – with a majority vote required for a matter to be approved. These two could also be combined with the majority of the 15 UNSC and a majority of the UNGA

required to pass important measures. Either of these options makes the UNSC function more equitably and takes the power from the few and spreads it more evenly to the many.

This more equitable distribution of voting power at the UNSC (and possible inclusion of the UNGA) means that states that rely on realpolitik have a diluted impact on decision-making. The international relations body of literature makes it clear that states will protect themselves and their interests first. However, some of the smaller states will have less interest to protect, which may make them more open to intervention when needed rather than the diffusion of responsibility seen in the current P5 consensus model.

The current P5 structure is made up of the wealthiest and most well protected states. The data here indicates that this colors their voting through the lens of realpolitik. Permitting Rwanda or Burundi or Yugoslavia to vote on how to react to massive violations of human rights gives those with first-hand experience of such violence a voice in preventing it from happening to others. Smaller states may not be as focused on self-protection and protection of sovereignty as the wealthiest P5. This permits the voice of the many to speak rather than just the voice of the most powerful. Diluting the voting power of the wealthiest and most powerful would surely bring a new focus to the UNSC and impact decision-making. The United Nations was established after the Holocaust to unite states to prevent similar events from occurring. The current structure of the P5 and required consensus prevents that. The data indicates that the P5 are focused on self-protection – specifically the protection of their power and legitimacy. Not all states have this hyper-focus on sovereignty, power, and legitimacy. States with less power and wealth do not have to spend as much time and energy protecting such interests at the international level as do the P5 states. Allowing all states to unite in voting at the United

Nations would surely bring more equity, as well as reducing the current reliance on realpolitik and sovereignty at all costs that were evident in the P5 discourse and decision-making throughout this sample.

## FUTURE RESEARCH DIRECTIONS

Future research in this area may explore conflicts comparable to Darfur to determine if similar conclusions are drawn. Research into the UN and UNSC labeling and discourse related to Rwanda (before the conflict was posthumously determined to be genocide) may be interesting to compare and contrast to this work. Additionally, conflicts such as Kosovo or Syria may be of interest to understand if the contextual discourse related is similar to the findings here. The world is filled with conflict, thus works that may be compared and contrasted to the findings here may be found in every decade previously and, without change to the current way in which the conflicts are addressed, in decades to come. This may provide the opportunity to determine if the findings here are generalizable to similar conflicts.

In that vein, additional research may also delve into ways in which conflicts are identified and labeled domestically by the P5 in comparison to how the same conflicts are identified by those same members at the UN and UNSC. For example, the US called Darfur genocide in Congress and in the UN. Future research may uncover some disconnect in the manner in which conflicts are identified domestically because there are no repercussions to those labels, versus those that have repercussions in the international arena at the UNSC.



Finally, future research may focus on NGOs/IGOs and their impact on the definitional process at the UNSC. Many of these organizations made statements at the UN identifying Darfur as genocide. However, this did not appear to impact the decision-making by the group. Projects focused on the international impact, or lack thereof, of these organizations may be able to place the groups in a better position to leverage any influence that they may have at the UNSC. These groups are not bound by international politics and focus on human rights as their sole mission. Their ability to bring data to the UNSC and help the group make better-informed decisions that are less driven by politics and realpolitik may aid in ending future conflicts before they rise to the level of genocide and millions of lives are lost.

## CONCLUSION

The overarching conclusion of this work may be best summed in this way: “[w]hen you see that the advisor thinks more about himself than about you, and that in all his deeds he seeks his own self-interest, such a man as this will never be a good adviser and you will never be able to trust him” (Machiavelli [1532] 1979:154-5). The UNSC exhibited realpolitik and self-serving behavior in many ways throughout the data. They used Bourdieu’s ([1982] 2003:164) “symbolic power [of language]...that invisible power which can be exercised only with the complicity of those who do not want to know that they are subject to it or even that they themselves exercise it.” Machiavelli ([1532] 1979) raises an important point – in this context, if those tasked with maintenance of international peace and security place their own state-interests first in decision-making, how can the world trust such decision-makers?

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## APPENDIX A

## FULL LIST OF DOCUMENTS (n=390)

Date	UN Document Number/Identification
08/02/02	A/57/326
03/17/03	E/CN.4/2003/NGO/188
04/02/03	E/CN.4/2003/SR.21/Add.1
04/24/03	E/2003/23(SUPP)
07/15/03	E/CN.4/Sub.2/2003/NGO/27
09/12/03	E/CN.4/SUB.2/2003/SR.19
03/05/04	S/2004/177
03/11/04	E/CN.4/2004/NGO/203
04/02/04	Press Briefing on Humanitarian Crisis in Darfur, Sudan
04/07/04	A/58/PV.82
04/09/04	E/CN.4/2004/L.36
04/15/04	E/CN.4/2004/SR.40
04/23/04	E/CN.4/2004/127(PartI)-E/2004/23(SUPP)
04/23/04	E/CN.4/2004/L.11/Add.8
04/24/04	E/CN.4/2004/L.10/Add.9
04/28/04	E/CN.4/2004/SR.59
04/29/04	SG/SM/9281
04/30/04	S/2004/337
05/07/04	E/CN.4/2005/3
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05/26/04	SG/SM/9332-AFR/946
06/25/04	S/2004/513
06/25/04	SG/SM/9388
07/02/04	E/2004/SR.11
07/13/04	E/CN.4/Sub.2/2004/NGO/24
07/13/04	S/2004/561
07/29/04	S/RES/1556
07/30/04	E/CN.4/2004/SR.60
07/30/04	S/PV.5015
07/30/04	SC/8160
08/02/04	E/CN.4/Sub.2/2004/SR.2

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08/20/04	A/59/18(SUPP)
08/20/04	S/2004/671
08/23/04	S/2004/674
08/24/04	CERD/C/SR.1665/Add.1
08/27/04	A/59/282
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09/01/04	A/59/319
09/02/04	S/PV.5027
09/03/04	A/59/332
09/07/04	E/2004/SR.37
09/16/04	SG/SM/9484-AFR/1025
09/17/04	S/2004/744
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09/18/04	S/RES/1564
09/18/04	SC/8191
09/22/04	A/59/PV.5
09/22/04	A/59/PV.6
09/24/04	A/59/PV.10
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09/27/04	A/59/385
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09/29/04	A/59/PV.15
09/29/04	A/59/2(SUPP)
09/29/04	A/59/PV.16
10/04/04	A/59/36
10/07/04	A/59/PV.22
10/08/04	A/59/PV.23
10/08/04	A/AC.96/SR.581
10/08/04	S/2004/803
10/11/04	S/2004/812
10/13/04	A/59/PV.29
10/14/04	SG/SM/9427
10/14/04	SG/SM/9542
10/21/04	SG/SM/9555-AFR/1055
10/22/04	AFR/1056-IHA/957
10/28/04	S/2004/870
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11/08/04	A/C.3/59/L.48
11/11/04	A/59/PV.51
11/19/04	S/2004/903
11/19/04	S/PV.5082
11/19/04	S/RES/1574
11/23/04	A/59/534/Add.1
11/23/04	AFR/1073-IHA/965
11/30/04	A/C.3/59/SR.54
12/02/04	A/59/565
12/03/04	S/2004/947
12/07/04	S/PV.5094
12/09/04	A/59/503/Add.3
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12/14/04	UNEP/GC/23/INF/20
12/15/04	A/C.3/59/SR.33
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01/07/05	S/2005/10
01/07/05	S/2005/6
01/11/05	S/PV.5109
01/13/05	E/CN.4/2004/SR.11
01/23/05	A/S-28/PV.2
01/24/05	A/S-28/PV.1
01/25/05	E/CN.4/2005/80
01/26/05	S/2005/80
01/31/05	S/2005/57
02/01/05	S/2005/60
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02/02/05	E/CN.4/2005/51/Add.1
02/04/05	S/2005/68
02/04/05	A/AC.198/2005/5
02/09/05	A/59/695-S/2005/72
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02/16/05	S/PV.5125
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02/28/05	E/CN.4/2005/11
03/03/05	A/C.3/59/SR.30
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03/08/05	E/CN.4/2005/12
03/09/05	E/CN.4/2005/NGO/233
03/16/05	E/CN.4/Sub.2/2004/SR.3
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04/08/05	E/CN.4/2005/SR.26
04/09/05	E/CN.4/2005/SR.27
04/12/05	E/CN.4/2005/L.33
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05/03/05	S/2005/285
05/10/05	S/2005/305
05/12/05	SG/SM/9866-AFR/1157
05/26/05	SG/SM/9890-AFR/1172
06/09/05	S/2005/378
06/13/05	A/59/PV.102
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06/22/05	S/2005/405
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06/29/05	S/PV.5216
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07/04/05	A/AC.96/1008
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07/27/05	A/60/168
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08/05/05	A/60/1(SUPP)
08/15/05	A/59/884-S/2005/522
08/16/05	A/60/257
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08/31/05	A/60/321
09/07/05	A/60/339
09/12/05	S/2005/579
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09/17/05	A/60/PV.10
09/18/05	A/60/PV.11
09/19/05	S/2005/592
09/23/05	S/RES/1627
09/27/05	S/2005/503
10/20/05	A/60/432
10/25/05	A/AC.96/SR.597
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11/08/05	A/60/PV.46
11/10/05	A/60/PV.47
11/21/05	A/C.3/60/SR.32
11/23/05	A/60/PV.53
11/29/05	E/CN.4/2005/SR.21
12/07/05	S/2005/763
12/12/05	A/C.3/60/SR.47
12/15/05	S/2005/791
12/19/05	S/PV.5331
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12/21/05	S/PRST/2005/67
12/21/05	S/RES/1651
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03/07/06	E/CN.4/2006/NGO/225
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06/22/06	S/2006/433
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07/19/06	S/2006/543
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08/24/06	A/HRC/S-2/SR.1
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06/07/07	S/PV.5687
06/22/07	S/PV.5703

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08/31/07	A/62/1(SUPP)
08/31/07	A/62/316
09/11/07	Press Conference on Darfur by China
09/11/07	SC/8823
09/12/07	SG/SM/11153-AFR/1582
09/24/07	A/62/354
09/25/07	A/62/PV.4
09/25/07	S/PV.5749
09/25/07	S/RES/1778
09/25/07	SC/9128
09/27/07	A/62/PV.9
09/28/07	A/62/PV.10
09/28/07	S/RES/1779
10/03/07	S/2007/584
10/18/07	A/62/PV.28
10/18/07	ICC-ASP/6/18
10/23/07	S/PV.5766
10/31/07	S/RES/1784
11/05/07	S/2007/653
11/15/07	A/C.3/62/SR.22
11/19/07	A/C.3/62/SR.28
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11/28/07	A/HRC/6/19
12/05/07	S/PV.5789
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12/14/07	A/C.3/62/SR.36
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03/25/08	S/2008/195
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05/07/08	DSG/SM/391-AFR/1691
05/13/08	A/HRC/8/4
06/04/08	Press Conference
06/05/08	Press Conference
06/05/08	S/PV.5905
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07/31/08	A/63/2(SUPP)
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09/19/08	Press Conference on Developments Relating to International Criminal Court Investigation in Darfur, Role of Security Council
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04/09/20	A/HRC/14/26
05/26/10	A/HRC/14/41
06/11/10	S/PV.6336
07/20/10	S/2010/387
07/30/10	S/RES/1935
08/16/10	SG/SM/13062-AFR/2023
08/19/10	A/65/313
08/24/10	A/65/324
09/30/10	S/2010/501
10/14/10	S/PV.6397
10/14/10	S/RES/1945
12/09/10	S/PV.6440
12/16/10	S/PV.6452
12/17/10	A/HRC/5/SR.7
12/23/10	S/2010/668
23/30/10	S/2010/679
01/07/11	S/2011/7
01/18/11	S/PV.6468
02/23/11	A/65/752
03/08/11	S/2011/111
05/10/11	S/PV.6531
05/17/11	S/RES/1982
05/19/11	A/HRC/17/NGO/1
06/08/11	S/PV.6548
07/20/11	S/PV.6587
07/22/11	S/PV.6589
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07/29/11	S/RES/2003
08/19/11	A/66/309
08/22/11	A/HRC/18/40
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09/09/11	S/2011/509
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Date	UN Document Number/Identification
01/09/12	S/2012/8
01/09/12	S/2012/9
02/15/12	A/66/695
02/17/12	S/RES/2035
02/20/12	E/CN.4/2005/SR.60
03/20/12	S/2012/166
04/04/12	S/2012/190
06/25/12	S/PV.6790



## APPENDIX B

## LIST OF ACRONYMS

AI	Amnesty International
AMIS	African Union Mission in Sudan
AU	African Union
CPA	Comprehensive Peace Agreement
DPA	Darfur Peace Agreement
EU	European Union
HRW	Human Rights Watch
GoS	Government of Sudan
ICC	International Criminal Court
ICISS	International Commission on Intervention and State Sovereignty
ICTR	International Criminal Tribunal for Rwanda
IGAD	Intergovernmental Authority on Development
IGO	Intergovernmental Organization(s)
GoNU	Government of National Unity
IDP	Internally Displaced People
JEM	Justice and Equality Movement
MINURCAT	United Nations Mission in the Central African Republic and Chad
NGO	Nongovernmental Organization(s)
OAU	Organization of African Unity (also known as the African Union)
P5	Permanent Five
R2P	Responsibility to Protect
RAF	Rwandan Armed Forces
RICID	Report on the International Commission of Inquiry into Darfur
RPF	Rwandan Patriotic Front
RF	Russian Federation
SLA	Sudan Liberation Army
SPLM/A	Sudan People's Liberation Movement/Army
UK	United Kingdom of Great Britain and Northern Ireland
UN	United Nations
UNBISNET	United Nations Bibliographic Information System
UNCHR	United Nations Commission on Human Rights
UNGA	United Nations General Assembly
UNGC	United Nations Convention on the Prevention and Punishment of the Crime of Genocide
UNHCHR	United Nations High Commissioner on Human Rights
UNODS	United Nation Official Document System
UNMIS	United Nations Mission in Sudan
UNAMID	African Union – United Nation Mission in Darfur
UNSC	United Nations Security Council
UNSG	United National Secretary-General

US  
WSOD

United States of America  
World Summit Outcome Document

## APPENDIX C

## PERMISSION TO USE COPYRIGHTED MATERIAL

On Fri, Sep 19, 2014 at 2:04 PM, Patrick Abbott <patrick.abbott@gmail.com> wrote:

Dr. Overton,

By all means! I consider anything on the blog fair game for any citation. If you have any further issues feel free to contact me. By the way, I won't blog about it but could you send me a copy of your dissertation? It sounds interesting! Thanks for reaching out!

-Patrick Abbott  
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On Fri, Sep 19, 2014 at 1:00 PM, Angela Overton <aoverton@gsu.edu> wrote:

Hello.

I wrote my dissertation on UN non-intervention into the genocide in Darfur. I used the map image on this page <http://www.geographictravels.com/2011/07/south-sudan-worlds-newest-country.html>. I did credit you as the source. However, now my university is requiring that I obtain your permission to use it in my dissertation. May I include the map, with your permission?

Please advise with questions. Thank you.

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