WHY THE WORLD FAILED DARFUR

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THIS IS THE ADDRESS HE GAVE AT THE 2007 EPIIC SYMPOSIUM, "GLOBAL CRISES: GOVERNANCE AND INTERVENTION," AT TUFTS UNIVERSITY WHERE HE WAS PRESENTED WITH AN INSTITUTE DR. JEAN MAYER GLOBAL CITIZENSHIP AWARD.

It took half a century from the end of the Second World War for the U.K. to have a Holocaust Memorial Centre, and even then it was only because of the unusual passion of the commonly named Smith family. The Centre is located in a most improbable setting — amid rolling green meadows of prosperous Middle England. It has a curious atmosphere. While visitors cannot help but be moved by the poignant exhibits, there is no unproductive sentiment at work here, and this is not a museum of the dead. The Holocaust Centre is also the business-like headquarters of the Aegis Trust — dedicated to the prevention of future genocide. Aegis means 'shield' in Greek, and it is a fitting name for the organization because, since time immemorial, vulnerable people have needed protection against genocide. And also, since time immemorial, vulnerable people have been let down in this regard.

The story that follows does not break the historical mold. It explains why the international community failed in Darfur. This is not about lesson-learning, because Darfur has little new to teach us. It is, in fact, a familiar tale — just with some new (but also many old) actors in a different location. Given current trends, there are likely to be more Darfur-like situations in the world. Unless, that is, we can move beyond lessons. This will require something more than the incremental implementation of many worthy recommendations that have been made before. They are, of course, worth pursuing in order to make the world generally safer and better. But that will not stop the ultimate and special evil of genocide. That will only happen by acting very, very differently.

The start of my personal Darfur story goes back to the 1990s when, as a mid-ranking British government official, I witnessed the continuing aftermaths of the chemical bombardment of Halabja in northern Iraq, the decimation of the Marsh Arabs in southern Iraq, the massacre in Srebrenica in the former Yugoslavia and, at very close hand, the 1994 genocide in Rwanda. I also had a modest role in helping to define U.K. government policy towards the establishment of the International Criminal Court and, in 2002-03, I served for a short period with the UN High Commissioner for Human Rights, which took me, among other places, to the setting of the earlier genocide in Cambodia. Thus, arriving in Khartoum in March 2003 to head the United Nations system in the Sudan, I was well-briefed on the oft-repeated doctrine of "never again." Just 13 months later, as I departed from Sudan, reluctantly and for the last time, I could not help reflecting on my uncomfortable position in history — having presided over the first genocide of the twenty-first century after having witnessed the last genocide of the twentieth.

The picture of what actually happened in Darfur in 2003-04 has been gradually pieced together and the nature of the brutality inflicted on the people there has been well-documented by courageous eye-witnesses and expert testimony. It has been described elsewhere in official situation reports of the period, including from my own Office of the United Nations Coordinator, from civil society groups, and in the media. We called it the world's greatest humanitarian crisis of that time and a massive human rights catastrophe. I described this to the BBC in March 2004 as a systematic and organized attempt by supremacist-racist perpetrators (the Janjaweed aided by their government allies and led by the military-political elite of that time) to "do away" with another group because of their black African identity.

This was done through inflicting forced displacement with a "scorched earth" policy as well as extreme violence, including murder, rape, torture, and abduction on a massive scale. The characteristics of the situation satisfied the definition given in the 1948 Genocide Convention, the only difference between Darfur and Rwanda being the numbers of victims involved.

Although Darfur was a particularly remote and isolated corner of the world with very little international presence in 2003-04, the genocide was not because of a lack of awareness of what was going on or a failure in early warning. As the evidence for massive crimes against humanity in Darfur mounted towards the last quarter of 2003, I raised my concerns with Sudanese government authorities who retaliated by stepping up their campaign of intimidation of the international community and deliberate obstruction of humanitarian access.

With little — and deteriorating — cooperation from the government, I sought greater backing for meaningful action from within the UN system. Though this resulted in some strong statements of concern from high levels of the United Nations multilateral system, these were quickly discounted by the Sudanese authorities. This was because the private dialogue by most visiting senior UN envoys (where serious business might have been expected to be transacted) did not match public rhetoric, or mixed messages were given. A fragmented approach, and personal competition and rivalries between certain UN envoys, did not help, especially in a climate where some may have had their own future career prospects in mind. This was paralleled by certain UN in-country aid agencies that were reluctant to take an energetic approach to assistance and protection in

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Darfur, because of the fear that putting their heads above the parapet would compromise their personal and institutional positions with the authorities.

The UN mandate in Sudan in 2003-04 was largely limited to humanitarian work, along with some development support and, toward the end of the period, planning for the recovery and reconstruction that was expected to ensue after the signature of the North-South Peace Agreement. When I asked for UN political guidance on Darfur, I was told to improve our humanitarian assistance and coordination efforts. Senior levels of the political wing of the UN Secretariat refused to give serious consideration to a political approach, remitting the problem instead to the humanitarian wing of the Secretariat. The lessons of the UN-commissioned enquiries into its own very serious internal failings in Srebrenica and Rwanda were forgotten. This was especially the case with respect to personal responsibilities to act in situations where grave crimes against humanity are being perpetrated or suspected. In essence, while Darfur burnt, we fiddled with humanitarian aid.

Having achieved very little within the UN system in terms of seeking a political engagement, I turned to powerful member states for help. I made representations to their embassies in Khartoum and directly at capitals through visits in Europe and North America. I learned that western members of the Security Council had very good sources of information and were well aware of what was going on. I lobbied for the Security Council to consider asking for a briefing, and this was pushed even more strongly by my immediate superior at UN Headquarters in New York, Jan Egeland, the Emergency Relief Coordinator who was supportive of my efforts.

It seemed extraordinary to us that the world's greatest humanitarian and human rights catastrophe — taking place in the context of Africa's longest running war in the continent's largest country and which had generated the world's largest population of displaced people — had not merited any Security Council attention that anyone could remember. Security Council members were reluctant to act, some because of their own strategic interests in resources or influence in Sudan. The exception was the U.S., which was under considerable pressure from internal faith-based lobbies. However the U.S. was also preoccupied with "the war on terror," and turbulence from its military engagement in Iraq had dimmed its moral authority and international influence. Thus, while the cry of agony in Darfur intensified, the Security Council refused to hear.

In addition, key member states argued that the solution to Darfur lay in a successful North-South peace process, the conduct of which had been contracted out to the Inter-Governmental Authority on Development (IGAD), supported by the troika of the U.S., U.K., and Norway. They argued that such an agreement would bring fairer wealth and power sharing to all parts of Sudan and hence address the alleged grievances of the people of Darfur. Therefore, they were reluctant to compromise the peace talks by being too tough on Darfur and possibly offending the Sudanese government.

Indeed, there was even some talk in the corridors of Naivasha about who would get the Nobel Peace Prize. The personal reputations of the negotiators and the prestige of their own countries were at stake. This was a deeply flawed approach. John Garang, the leader of the Sudan People's Liberation Army (SPLM), told me that he would delay signing as long as he could partly because he did not want the responsibility for solving Darfur when he became part of the new Unity Government. Therefore, he prevaricated. This suited the regime in Khartoum, whose representatives told me that they wanted to sort out Darfur definitively before signing the North-South Agreement. As progress was made with the latter, the violence in Darfur got worse. In effect, there was a morally repugnant trade-off between the North-South peace process and the suffering of Darfur.

So we were well set for failure. Darfur was doomed and genocide could not be prevented, yet again. There were many similarities to Rwanda. In both places, a decade apart, similar factors were at play: a UN management that gave mixed messages and could not be bothered enough, a Security Council that was deaf, key member states with other interests to pursue, and flawed assumptions and analysis. All of this fed equivocation and inaction.

In Darfur, my involvement was close enough to assert with conviction that earlier intervention could have averted or moderated the magnitude of the genocide. That is to say that though serious crimes against humanity would probably still have been committed, we may have reduced the suffering. That alone would have been worth the effort. Furthermore, by acting more decisively at that time when the perpetrators were less entrenched and had a stake in not going too far, or were more open to influence, we may have had more feasible and less expensive options for peace-making, peace-keeping, and peace-building than has turned out to be the case.

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These earlier actions should have included immediate and strong Security Council engagement, suspension of the North-South talks until they could be widened to include Darfur (and other emergent problem areas such as eastern Sudan), imposition of economic sanctions against the oil industry which fuels the war machine, suspension of Sudan from international fora, and smart travel and asset sanctions against implicated individuals. These measures would have directly hit those who commanded and controlled the apparatus that generated the genocide, without seriously affecting the mass of ordinary decent people in Sudan who receive no benefit from the oil wealth. By inserting Darfur into the North-South peace process, we would have leveraged a powerful international political engagement that was already in existence. There was no merit to the concern that this would have compromised the North-South Agreement because there was already long-standing *de facto* peace between the North and the South and little appetite to go back to war. Indeed, it was precisely this situation that was allowing the government to redeploy its stretched military capabilities to oppress Darfur. In any case, all the evidence indicated that the worsening Darfur situation in 2003-04 was retarding the successful conclusion of the North-South peace process.

These arguments are not the wisdom of hindsight, and neither are they particularly insightful as the logic was evident to anyone who wished to read the writing on the wall.

They were made at the time to anyone who would listen. But, as has so often been said elsewhere, "for evil to flourish it is only necessary for good people to do nothing." Why did apparently good people in the international community do nothing? There were eight different excuses that were put to me :

1 . Cynicism
What do you expect in Sudan? It is a nasty place where people have been doing nasty things to each other for so long. What is different now?

2 . Denial
Surely, the situation is not as bad as you make it out to be. You are exaggerating to gain attention.

3 . Prevarication
You have to be patient. It takes time. In any case, it is best if they find their own solutions to their own problems.

4 . Caution
You know that these are complicated, difficult matters. Sudan is not a small country. If we intervene, it will only make matters worse. Let us think carefully first.

5 . Distraction
You know that we have other things to do, too. Let's solve the more important / pressing issues first and then we will think about this one.

6 . Buck-passing
Why does it have to be us, all the time? Other countries / groups need to do their bit. Let someone else take this on, and then we will join in.

7 . Evasion of responsibility
We have brought this to the President / Prime Minister / Pope / Secretary-General / Commission / Council...etc. So it is being discussed at a very high level. Let us see what they decide.

8 . Helplessness
You know, we can't really act because we have to get a proper framework for intervention. Discussions will take place and then we'll do something.

At the end of my futile quest, I realized that institutional decisions are actually made by individuals and that apparently decent and caring individuals are also cowardly, hiding their feeble judgments behind the safety of the institutions whose policies they shape. Perhaps they find it difficult to be stirred because it does not hurt them enough personally. Thus it is not so remarkable that despite all the protestations of "never again," we failed to prevent the Darfur genocide while (bizarrely) carefully and comprehensively recording the act of failing — even as we were living through it as a sort of evil nightmare. It is also noteworthy that no high responsible officials in countries or international entities lost their jobs or even received censure for the failure to prevent the genocide in Darfur. It appears that in parallel to the impunity of perpetrators, there is equal impunity enjoyed by those international duty-bearers who failed to act. In the world of public or private sector enterprises which have serious obligations to the public good or public protection, comparable acts of omission or neglect would be expected to result in dismissal or even prosecution for gross dereliction of duty. Ultimately, this lack of personal responsibility is why we failed on Darfur, and the continuing lack of accountability is why we are likely to fail again elsewhere.

Studying genocide is popular nowadays, as is debating future prevention. The most significant practical development has been the International Criminal Court. But for it to do its job of countering impunity through bringing justice and deterring future perpetrators, it needs more cooperation and support for its investigatory work than it gets in practice. Also, the tendency to go for the easier target of non-state actors rather than state perpetrators of crimes against humanity will need to be watched.

Other important suggestions have been made from multidisciplinary perspectives. These range from public education and training (such as is being done by the Aegis Trust in Rwanda where it runs the Genocide Memorial Centre), to efforts to strengthen the international human rights and law machinery, including the Office of the UN Special Adviser on the Prevention of Genocide. These and associated measures to address civilian protection and improve conflict management, peace-keeping, and humanitarian assistance are all worthy of support as important foundations for a safer future for the world.

However, history has repeatedly shown that genocide is not just the extreme end of a spectrum of violence that is part of the human condition and against which investment in social progress will guarantee immunity. Though it is worthwhile to reduce the circumstances of hatred and intolerance in which genocidal ideas can germinate and flourish, they also represent a special evil that can erupt in any society, at any stage of development. The prospect of special evil requires consideration of special measures that go beyond the incremental approach of our international systems. There are three particular responses that should be adopted.

Response One
It is only by making individuals take responsibility for their personal duty to act preventatively that will we see progress. This duty applies at all levels, and self-evidently the higher the position of the person, the greater the responsibility for which they must be held accountable. This would make it impossible to hide behind anonymous institutions.

Response Two
We must recognize that prevention will have a chance only if the stronger response measures available to us (such as sanctions) are deployed at the earliest of warnings. A moment's thought makes it apparent that if the usual incremental approach of slowly escalating international concern and engagement is adopted in response to situations where there is a serious possibility of crimes against humanity, this provides cover for evil regimes and evil-minded people to complete their deadly deeds. So by the time the world wakes up and takes the action that needs to be taken, the worst damage has occurred and is irreversible. By then it is far too late for the victims.

Response Three
Good-hearted but feeble-minded policy-makers need help to make courageous decisions on what are, in effect, life and death matters. National politicians or national and international civil servants are subject to many demands and pressures, and their room for maneuver can be limited. A rules-based approach reliant on independent judgement but triggering automatic action could take certain decisions out of the discretionary area. In this way, the less courageous may be able to do the right thing by hiding behind the notion: "Well, actually we have to act because this is what the law says, or this is what the international agreement says." How such a system would work will need to be defined, but certainly it would have to go beyond the discretionary considerations of the Security Council.

In conclusion, let us return to where we started at the Holocaust Memorial Centre on the edge of Sherwood Forest in England. Near its entrance is the famous quote from George Santayana: "He who does not learn from history is doomed to repeat it." Our capability not to learn is well proven, as the history of genocide prevention is essentially a history of failure. But that would be a pointless and depressing note on which to end. Perhaps the Holocaust Centre organizers should put up a new sign at the exit, this time quoting Alan Kay: "The best way to predict the future is to invent it."

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