EIGHT YEARS OF INACTION: AN EXAMINATION OF THE STRUGGLE BETWEEN STATE SELF-INTEREST AND DEFENDING HUMAN RIGHTS IN DARFUR

By

Jessica Baumgartner
A Thesis
Submitted to the
Graduate Faculty
of
George Mason University
in Partial Fulfillment of
The Requirements for the Degree of
Master of Science
Conflict Analysis and Resolution
Master of Arts
Conflict Resolution and Mediterranean Security

Committee:

_________________________ Chair of Committee
David Tulltret

_________________________ Graduate Program Director
L. Elle Stockel for Angela Weech

_________________________ Dean, School for Conflict Analysis and Resolution
A. Barou

Date: 12/5/12

Fall Semester 2012
George Mason University
Fairfax, VA
University of Malta
Valletta, Malta
Eight Years of Inaction: An Examination of the Struggle Between State Self-Interest and Defending Human Rights in Darfur

A thesis submitted in partial fulfillment of the requirements for the degree of Master of Science at George Mason University, and the degree of Master of Arts at the University of Malta.

By

Jessica Baumgartner
Bachelor of Arts
George Mason University, 2011

Director: Daniel Rothbart, Professor
School for Conflict Analysis and Resolution

Fall Semester 2012
George Mason University
Fairfax, Virginia
University of Malta
Valletta, Malta
Dedication

I would like to dedicate this thesis to my supportive parents Angela and Stephen, my very intelligent brother Stephen Matthew, and to my biggest fan, my Grandpa, Joseph E. Baumgartner.
I would like to thank all of the people who made this possible. Most importantly, I’d like to thank my mom and dad for providing a constant outlet for my many frustrations. My close friends Samantha, Veronica, and Stephanie for consistently providing me with the inspirational push needed to complete the writing process. My cousin Ben, for providing positive reinforcement when necessary and editing tips elsewhere. I’d like to thank my best friend and main supporter Adam, for never allowing me to feel defeated. To the Professors of SCAR and MEDAC: thank you so much for allowing this opportunity to come to fruition. And finally, thank you to Dr. Daniel Rothbart, for agreeing to be my thesis advisor long before the process began, for providing me with unique feedback and information regarding my topic, and most of all, for introducing me to the field of Conflict Analysis and Resolution in 2009, and encouraging me to continue my educational career in 2011. You have been more of an influence than you realize.
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abstract</td>
<td>vi</td>
</tr>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>Conflict Mapping</td>
<td>9</td>
</tr>
<tr>
<td>International Response</td>
<td>20</td>
</tr>
<tr>
<td>Sudan</td>
<td>25</td>
</tr>
<tr>
<td>China</td>
<td>37</td>
</tr>
<tr>
<td>United States</td>
<td>49</td>
</tr>
<tr>
<td>Humanitarian Intervention and Responsibility to Protect</td>
<td>64</td>
</tr>
<tr>
<td>International Criminal Court</td>
<td>71</td>
</tr>
<tr>
<td>Sudan Today</td>
<td>79</td>
</tr>
<tr>
<td>Conclusion</td>
<td>86</td>
</tr>
<tr>
<td>Works Cited</td>
<td>93</td>
</tr>
</tbody>
</table>
Abstract

EIGHT YEARS OF INACTION: AN EXAMINATION OF THE STRUGGLE BETWEEN STATE SELF-INTEREST AND DEFENDING HUMAN RIGHTS IN DARFUR

Jessica L. Baumgartner, M.S., M.A.

George Mason University, 2012

Thesis Director: Dr. Daniel Rothbart

The purpose of this thesis is to answer the following question: What role has state self-interest played in the ongoing conflict in Darfur? Through research and analysis, the thesis will examine the policy decisions over the last eight years of Sudan, China, and the United States regarding Darfur and the whole of Sudan. In addition, it aims to discuss the international community’s response to the conflict as a whole, along with the creation of the Responsibility to Protect doctrine and of the International Criminal Court. This thesis serves to unite discourse on influential international actors and the crisis in Darfur, and to finely assess the primary role that state self-interest has played over the last eight years in Sudan.


**Introduction**

Sudan’s history of brutal leadership and civil war helped the international community to paint the initial outbreak of violence in Darfur in 2003 as yet another civil conflict. The world turned a blind eye to the situation until 2004\(^1\) when it became apparent that the conflict constituted more than civil war, thus beginning the debate over what action should be taken. For a period of time, the Government of Sudan vehemently maintained it had nothing to do with the ethnic violence plaguing the region, instead placing blame on the rebel movements, despite evidence otherwise. The international community responded with verbal condemnation and very little more, for fear of losing what recently became a top economic and political partner.

This reaction to genocide is precisely what sparked the research question that is at the core of this thesis: *What role has state self-interest played in the ongoing conflict in Darfur?* Before moving forward with information and findings, it is necessary to break down this question to clarify any potential misinterpretations. To begin, the word “role” has been utilized in order to properly highlight the importance of the State players in this conflict. It is to determine whether or not, and how, state self-interest has been influential in perpetuating the current crisis in Darfur.

---

\(^{1}\)“In the course of the last few weeks, the Secretary-General has received numerous communications from individuals, groups and organizations all over the world containing expressions of deep concern about the humanitarian and human rights situations in the Greater Darfur region of the Sudan, asking him to ensure that emergency assistance is delivered to those in need and calling on him the United Nations in general to do all possible to prevent the situation from deteriorating further” – May 2004 (“The Situation in Darfur”).
That said, the term “state self-interest” then has the potential to be confusing. This thesis will be operating under the assumption that states make foreign policy decisions based on what will be most beneficial for them. This assumption will aid in answering the question properly by analyzing specific policy decisions made by certain states and how those decisions may have negatively impacted the situation in Darfur.

Finally, a term found in the research question that needs no definition, but does need some explanation, is “conflict.” The choice to use the word conflict instead of genocide in reference to Darfur was a conscious decision. There is wide debate over whether the conflict constitutes genocide, which is stipulated by the *UN Convention on the Prevention and Punishment of the Crime of Genocide* as the following:

“In the present Convention, genocide means any of the following acts committed with the 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”

(“Convention on the Prevention and Punishment of the Crime of Genocide”)

The ongoing crisis in the region is widely accepted as genocide by the United States,\(^2\) many humanitarian organizations, and activists throughout the world. However, the United Nations, much of the international community, the ICC, and other organizations alike have yet to constitute the crimes in Darfur as such. Instead, the situation is labeled as ethnic cleansing accompanied with crimes against humanity and war crimes; citing one of the difficulties of labeling genocide as finding the proof of intent and calculation.

Nonetheless, the purpose of this thesis is not to determine whether the conflict constitutes genocide, although readers might see it referenced as so throughout the presentation of research. More likely than not, in reference to states or organizations that do not recognize the conflict as genocide the term will not be used. Yet, it can be found in some conclusions and observations made about the conflict itself. Again, the purpose of this thesis is to focus on the role of state self-interest, not to serve as a crux to the debate on labeling which has begun to overshadow the discourse on the actual conflict and what needs to be done to rectify it.

To begin, the thesis will first provide a brief historical context for the conflict in Darfur. While the conflict itself and its causes are not the main focus of the research at hand, they are necessary to be understood in order to move forward with the answering of the question. There is a wide belief that the current conflict in Darfur began as a result of one instance of violence acted out by the rebel groups in 2003 in

\(^2\) To be discussed further in the United States section of this thesis
El Fasher. However, there is a long history of ethnic violence, tension, and deprivation in the region of Darfur, which refutes the idea that one instance could possibly be held responsible for the last decade of violence.

Additionally, the conflict has been portrayed as one with only two parties: African farmers and Arab migrants. This is a surface level evaluation that does not provide enough context for an outsider to fully understand the parties to the conflict and their roles within it. While most of the violence has been inflicted upon the African population of Darfur by government-controlled forces (who are of Arab descent), it is not correct to attribute the conflict to racial differences and racial differences only. There are economic, agricultural, social, and political issues that penetrate the ongoing conflict and that have perpetuated Darfur’s alienation from Khartoum for decades. The conflict mapping section of this thesis hopes to provide a more clear and concise analysis of a very long history with many actors.

After the context for the conflict is set, the thesis will move forward with a brief discussion on the international community and its response to the atrocities in Darfur since 2003. The international community encompasses a wide range of actors, including the EU, the UN, the African Union, the United States, China, and Russia - among every other sovereign nation in the world. This section aims to provide somewhat of a loose timeline that follows the international community (most specifically the United Nations and the Security Council) through the conflict and what key decisions were made regarding Darfur. This section, however, will not provide detailed information of the US and China’s relationships with the Government of Sudan.
Trying to tackle the international community, as a whole, would have proven to be overwhelming and detrimental to the process of answering the proposed research question. Thus, China and the United States will be used as case studies for determining how their policy decisions regarding Sudan affected the ongoing conflict in Darfur. This will be done through a process of analysis; looking at the relationships that the Chinese and American governments have forged with the Government of Sudan and how these relationships may have progressed or regressed since their formation.

Before delving into this topic, the thesis will look at the Government of Sudan and its policy toward the region of Darfur since the 1980s. This chapter will go beyond historical context in that it will focus specifically on actions taken before the conflict, during the conflict, and currently that have directly impacted, or even perpetuated, the violence and strife in Darfur. It will discuss the current regime’s refusal to accept responsibility for the crisis, will highlight the formation of the Janjawiid militia, and will determine key governmental figures that have played a major role in carrying out the conflict.

From here, the thesis will move to analyze the friendly and committed relationship that has blossomed between China and Sudan since the early 90s. China has become Sudan’s main political protector, and this section will examine how and why this protection has been influential in Darfur. China has often been labeled as an equal contributor to the conflict with its continuous providing of weaponry, military advice, and political support to the Government of Sudan. This section intends to highlight whether this assertion is true, and what is to come of future Chinese-Sudanese relations with the secession of South Sudan in 2011.
Following the discussion on China will come an analysis of the very drastic change in relations and support between the United States and Sudan since the 1970s. This relationship can be categorized by its ups and downs, as it has seen many US shifts in policy over the past 40 years. Can these shifts in policy be attributed directly to US interests? This section intends to discuss this possibility by analyzing key political and economic shifts and how they impacted the United States’ relationship with the Government of Sudan. It will go on to discuss the current and future prospects for this relationship, as the US, like China, has stake in the stability of South Sudan.

Finally, the thesis will address three additional subcategories that are necessary for discussion but could not be included in the specific discourse on the policy actions of Sudan, China and the US. The doctrine of “Responsibility to Protect,” the International Criminal Court, and the current state of Sudan today are all necessary facets in properly answering the question proposed. The doctrine of R2P has been widely disputed amongst the international community for its potential obligation to disregard state sovereignty. Similarly, the ICC was created to prosecute international crimes against humanity, war crimes, and genocide when a state is not fit to do so itself. While the majority of the international community has supported the creation of the Court, its implementation has presented another potential issue regarding sovereignty. The section on the ICC highlights the difficulty the Court has had in Darfur, while acknowledging the progress it has made.

The third and final section focuses on the current state of Sudanese affairs. Although the discussion might first sound redundant, it will soon be proven essential, as so much has happened in Sudan over the last year since the South officially
seceded from the Republic. Peace in Darfur and the entirety of Sudan are directly related to the stability of relations between the North and South, which have been shaky since the South’s independence. Oil reserves that were once in Sudan’s control are now in the South’s jurisdiction, which has depleted Sudan of its main export and has had an extremely detrimental effect on the Sudanese economy. The last year has been ridden with conflict between the North and South over oil control, with the South shutting down all oil production in December 2011 due to a disagreement over transport fees. This oil disagreement, in addition to specific border disagreements, has resulted in a resurgence of violence in South Sudan, Darfur, South Kordofan, the Blue Nile, and the Abyei area.

Additionally, unprecedented civil unrest and protest occurred at the beginning of June through the beginning of August in Khartoum and other parts of Sudan, in response to austerity measures that President Bashir announced in order to boost the economy. Protestors began calling for regime change and persisted through harsh repercussion by government forces. The unrest began to settle when the North and South reached an agreement on oil on August 2nd, 2012, although the problems between the two Sudans still have a way to go. This specific section will go into further detail regarding current relations between the North and South, the recent protests by the Sudanese population, and the resurgence of violence that has been seen in Darfur in spite of claims that the conflict has dissipated.

As stated, the research question is as follows: What role has state self-interest had in the ongoing conflict in Darfur? It is 2012 and the conflict began in 2003. The international community has taken weak action against the Government of Sudan,
resulting in a continuation of violence and deprivation in Darfur. The purpose of this thesis is to shed light on the power that actors within the international community (especially China and the United States) truly hold, and how their foreign policy decisions have influenced the conflict in Darfur. Academic discourse has focused on Sudan and Darfur, China and Darfur, and the United States and Darfur, all separately and rarely brought together. The actions of each are interrelated, and discussing them as such is essential to reach a cohesive conclusion on the role that state self-interest has played in the ongoing genocide.
Conflict Mapping of Darfur

It would not be possible to discuss the proposed thesis topic without first addressing the history and current circumstances in Darfur. This will be done through a process of conflict mapping: discussing the context of the conflict, identifying parties to the conflict, distinguishing between causes and consequences, and differentiating between the goals and interests of each party. This section serves to highlight a few key events in the development of the situation in Darfur with a small amount of historical context provided. It will not serve, however, as a comprehensive overview of the history of Sudan, nor will it provide an in depth analysis of the current conflict. The hope is that this section will provide enough general knowledge to aid in understanding the more specific topic to be analyzed in the bulk of this thesis.

To many observers outside of Sudan, the events of April 25, 2003 represent the beginning of the genocide in Darfur. On this day, two Darfuri rebel movements,

---

3 For example, Amnesty International’s “Eyes on Darfur” Project relayed the following information regarding the events of 4/25/2003: “Early on the morning of April 25, 2003, rebels from the Darfur Liberation Army, later becoming the Sudan Liberation Army (SLA), attacked the Sudan government's air base in El Fasher, capital of North Darfur state. The force destroyed multiple Antonov bombers and helicopter gunships, and seized a large amount of ammunition and heavy weapons. The government had not suffered such a humiliating defeat in more than 20 years' war in South Sudan. It refused to negotiate with the armed opposition group, whose demands included recognition as a political movement, autonomous powers within a federal system and development for Darfur - one of Sudan's most neglected regions. The government of Sudan (GoS) instead responded by mobilizing the Army, Air Force and militias recruited among some of Darfur's Arab tribes. The militias later came to be known as the Janjawid. It was the beginning of a brutal counter-insurgency
the SLA (Sudan Liberation Army) and the JEM (Justice and Equality Movement),
carried out a planned attack on the government controlled airport in El Fasher, the
capital city of North Darfur. They destroyed aircrafts, killed government soldiers, and
left with a copious amount of ammunition. In some ways, regarding this event as the
beginning of the genocide is appropriate. “Indeed the attack did change everything:
this was the pivotal moment that transformed Darfur’s war from provincial discontent
into a front-rank military danger to Khartoum” (de Waal and Flint 121). However,
this conflict is about much more than a powerful government feeling threatened and
subsequently taking action against rebel factions. Rather, it is a conflict that dates
back decades and cannot be attributed to one single event.

During the 1800s, Darfur (then an autonomous region) was valued as an
important, resource rich area that Sudanese rulers desired to control (Khalid 35). This
desire faded when the British annexed Darfur to Sudan in 1917, and it diminished
completely by the time Sudan gained independence from Great Britain in 1956. The
Western region became an isolated one, with little attention from the central
government in Khartoum.

Prior to 1971, dating back to the colonial era, the Sudanese nationals of rural
Sudan (including Darfur) were able to control their localities themselves. They
developed their own systems of grassroots administration, which came to be referred
to as “native” or “ethnic administration” (Abdul-Jalil, Mohammed, and Yousuf 39).
These administrations were developed through what Abdul-Jalil, Mohammed, and
Yousuf call “traditional stages of development”:

________________________
campaign against the non-Arab tribes which formed the backbone of the armed
opposition groups - primarily the Zagharga, Fur and Masalit” (“Conflict Analysis”).
“When identity groups are isolated spatially and intellectually and live in a state of insecurity; when communities are physically isolated by natural barriers that impair communal interaction; additionally, they are intellectually isolated and characterized by widespread illiteracy, which impairs intercultural communication... Such communities developed their own systems of grassroots administration for the provision of security and communal solidarity” (39).

This form of administration would be abolished with the People’s Local Government Act of 1971, which divided Darfur into regional, district, and area councils, and essentially promoted tribal competition by allowing certain tribes to govern localities initially owned by another (Abdul-Jalil, Mohammed, and Yousuf 50). This set a precedent for 40 years of unequal land distribution in Darfur. The traditional land allocation system in the region, called hakura, quickly lost its meaning, which made it difficult to implement and ultimately rendered it outdated. Land and governance then became a source of internal and tribal disagreement, which deepened the divide between the many different tribes living in Darfur.

Before the conflict escalated in 2003, Darfur’s population was made up of over six million people (de Waal and Flint 4). It has long been home to many different Arab and African tribes, who all have their own traditions and diverse cultures. The largest and most predominant Arab tribe in Darfur is the Rizeigat, and the three largest African tribes are the Zaghawa, Fur, and Masalit. All of these tribes have had

---

4 “The term, hakura, originally meaning an estate granted by the sultan to a specific group of people or to a person, is now used in the context of the present conflict by all sides to mean inalienable tribal homeland” (O’Fahey 136).
their share of conflict, not only with each other, but also within their respective Arab and African groups.

The “Arab migrant” and “African farmer” distinctions are often made in an attempt to define the parties to the present conflict. However, this is an inaccurate and oversimplified depiction of the historical and current situation in Darfur. The victims of violence are not limited to the non-Arab population. In fact, various factions of the Sudan Liberation Movement have targeted innocent Arab civilians on more than one occasion. Additionally, instances of infighting have been prevalent amongst the rebel movements. That said, the government-controlled Janjawiid militia has carried out the majority of the violence in an attempt to create a pure Arab-Islamic State. This has created a divide that is most prevalent in the current conflict: the Government of Sudan against its own population.

Multiple leaders of various rebel groups have emphasized that their war is against the elite and brutal Government of Sudan, not the Arab population of Sudan. In 2000, *The Black Book: Imbalance of Power and Wealth in Sudan*, was released by a group named ‘The Seekers of Truth and Justice’ (later revealed as the JEM, led by Khalil Ibrahim). This book transcribed already known information from inarticulate truth to evident fact: there has been, and continues to be, an incredible power imbalance in Sudan (de Waal and Flint 16).

“The vast majority of government positions in Khartoum, from cabinet ministers to their drivers and all the bureaucracy in between, were held by members of three tribes which represented only 5.4 per cent of Sudan’s population” (de Waal and Flint 17). This political domination has been embedded in Sudan since it achieved independence in 1956, and has only been exacerbated by the current regime led by
Omar al-Bashir of the Jallayeen tribe, his Vice President, Ali Osman Mohamed Taha of the Shaigiya tribe, and previous Defense Minister, Bakri Hassan Saleh of the Danagla tribe. With this tribal status, it likely came as no surprise when Bashir came to power and brought elite domestic policy with him.

In 1989, Omar al-Bashir’s National Islamic Front (NIF) and National Congress Party (NCP) seized power in Khartoum. From the beginning, their intent was to reform Sudan into an Islamist state, and to use this platform as a means for furthering inter-state relations with bordering countries like Libya. Khartoum had previously forged an agreement with Tripoli; in return for weapons, the Government of Sudan turned a blind eye to Gaddafi and his troops (de Waal 23). Darfur became a rear base for Gaddafí’s Islamic Legion and Chadian Arab troops, fueling an already burning fire in Darfur.

Between 1987 and 1989, war between the African Fur and the Arab populations raged. It was in 1989, the same week that Bashir seized power, that an inter-tribal conference reached a peace agreement. However, Bashir’s priorities were focused on strengthening Sudan’s relationship with Libya and he “had no intention of enforcing the peace agreement” (de Waal 24). From the outset, Bashir and his party set a precedent of prioritizing military strategy over civilian lives.

Along with strengthening military relations and capacity, the National Congress Party began to seek out a reformation of the Sudanese population, using Islamic Law as justification. “Sudanization” is described as a process of cultural change that resulted in the marginalization of the African tribes in Darfur (de Waal and Flint 15). This differs from Arabization in that Sudanization was created with the intent for the people of Sudan to become what the government felt to be “truly”
Sudanese. These cultural changes differed greatly from the traditions of African tribes in Darfur, which led to many complaints against the government amongst tribes “not that the process of ‘becoming Sudanese’ denied them their own, unique cultural heritage, but that the government in Khartoum was not treating them as full citizens” (de Waal and Flint 15).

Mansour Khalid, in his contribution to *Darfur and the Crisis of Governance in Sudan*, states the following in reference to the Government of Sudan’s reaction to claims of marginalization in Darfur:

“Rather than seriously engaging disaffected and malcontent groups in meaningful dialogues aimed at addressing the root causes of disaffection, they chose to destabilize those groups through the tactic of divide and rule, and sometimes, divide and destroy” (39).

Khalid is alluding to the formation of the government-supported militia, the Janjawiid. The Janjawiid’s members are paid with money, weapons, and housing to go to villages in Darfur and destroy them, looting whatever they can, raping women and killing anyone who might pose a threat (or even those who do not). Known as the “devil on horseback,” the Janjawiid is notorious for their vicious demeanor and lack of remorse.

For a period of time at the beginning of the conflict, the Government of Sudan denied any association with the Janjawiid despite evidence of the mutually reinforcing relationship. The Janjawiid had only been mentioned once in government issued documents and that was in 1989, referring to the Arab/Fur war and their disarmament of defense groups (de Waal and Flint 55). In recent years, the government has admitted its collaboration with the Janjawiid, but assert that the
militia has gone rogue and that they are to blame for the excessive violence in Darfur (“Q&A: Sudan’s Darfur Conflict”). This “excessive violence” has resulted in the death and displacement of countless innocent civilians, and has done little to weaken the rebel opposition that the government is apparently attempting to suppress.

In 1983, John Garang, who hailed from the south of Sudan, founded the SPLA, the Sudan People’s Liberation Army. Garang’s mission was to “end historical injustice for all, recognize the country’s multiple diversities, and empower disadvantaged areas and groups” in Sudan (Khalid 38). John Garang fought for a united Sudan, and saw the solution to the marginalization of the south “and other peripheries” as obtaining sufficient representation in Khartoum (de Waal 21). This representation did not happen, although Garang did settle for secondary political standing in Khartoum, and his analysis and theory directly inspired many rebel movements across the North of Sudan and in Darfur.

One of these movements included the offshoot of “The Seekers of Truth and Justice” in the early 2000s: the Justice and Equality Movement. The founder of the JEM, Khalil Ibrahim, had previously been involved in Jihad against the infidels in Southern Sudan as a member of the National Islamic Front (Khalid 39). After parting ways with the NIF, he created the Sudan Justice and Equality Movement and quickly sought support from the SPLA; a movement that he once rivaled (Khalid 39). Today, the JEM is notorious for separating itself from any other rebel movement present in Darfur and in Sudan. It has also withdrawn itself from numerous peace negotiations and condemned other rebel movements (specifically the SLM/A) for legitimizing the Sudanese government by participating.
The Sudan Liberation Movement/Army (SLM/A) was formed in 2001 out of an alliance between the Fur and Zaghawa tribes, and developed out of an earlier movement led by Daud Bolad. The movement initially held a lot of promise, but because of its size and diversity, it quickly fell victim to internal strife. In mid-2004, the Zaghawa attacked the Fur heartland of Jebel Marra (“SLM-AW/SLA-AW”), leading to the creation of a separate Zaghawa SLM/A faction, led by Minni Minawai. This faction of the rebel movement would become the biggest threat to the original SLM/A, led by Abdel Wahid-al Nur, aside from the Government of Sudan. Today, the two groups have aligned under the banner of “Sudan Revolutionary Front Alliance” (“Sudan Revolutionary Front formed”), highlighting the necessity for rebel factions to obtain at least some sense of unity.

The most recent rebel movement emerged in 2010, and was founded as a “negotiating umbrella for two coalitions formed at international urging” (Small Arms Survey Sudan). The Liberation and Justice Movement is made up of almost all of the rebel faction of the SLM/A, but has been vehemently opposed by the JEM. Despite initial unity, there have since been internal differences that have resulted in withdrawal from certain members or refusal to join by others. It has, however, become one of the more prominent representatives of rebel factions in the negotiation process; working with the intent to bring peace to Darfur after almost a decade of ethnic violence.

This violence continues today in Darfur and in other parts of Sudan at the hands of the government in Khartoum. However, the most violent year in Darfur was undoubtedly between 2003 and 2004. The deaths during this year were mostly a product of direct violence, inflicted upon the Darfuri people by the Janjawid militia.
Over the past eight years direct violence has decreased, although death has not. This is a result of indirect violence, or structural violence, imposed upon the people by the elite hand of the government.

Structural violence is very different from the “traditional” violence that is thought of when describing genocide. It is important to understand this in the context of Darfur in order to fully comprehend the aftermath of the government’s campaign. There is no one better to explain this idea further than Johan Galtung, one of the principle founders of the peace and conflict studies field and the developer of what has come to be known as structural violence. Galtung presents five indicators of structural violence, all five of which are present in Sudan:

1. Faceless form of social or political systems
2. Systematic exploitation by the government
3. Totalitarian regimes that create structures that preserve power and prevent challenges “from below”
4. Uneven distribution of resources
5. Preventable starvation, poverty, disease and deprivation of needs

(Rothbart, Lecture 6 October)

The Government of Sudan has taken measures since the 1980s (and increased these measures 10-fold since 2003) to marginalize the African tribes in Darfur and to defeat the subsequent rebel movements that arose. As a result, far too many innocent civilians have died. It is a common misconception that these deaths are all a result of physical violence, but by the beginning of 2005, death from hunger, disease and displacement (all results of an intentional campaign by the government) surpassed the number of those who died from direct violence (de Waal and Flint 146).
In April of 2004, a UN team that visited a refugee camp in South Darfur accused “government forces of implementing a ‘strategy of systematic and deliberate starvation’” (de Waal and Flint 146). Five months later, then US Secretary of State Colin Powell stated that the killings in Darfur constituted genocide. This type of exposure initially prompted the Government of Sudan to block any and all information from entering and leaving the country regarding the region. Eventually, the government acknowledged the necessity of a possible peace negotiation process with rebel groups from Darfur, the first of which was held in Abuja, Nigeria in 2006.

Abuelbashar of the Sudan Tribune says the following about the Abuja peace talks:

“They failed for many reasons, one being the procedure of negotiation adopted by the African Union Meditation team. The discussion was cornered on Darfur only, and the International community did not necessarily support these talks because they did not want to see any obstruction to the Comprehensive Peace Agreement between the North and South. Because of this, the peace talks were not able to address the root causes of the conflict” (“On the Failure of the Darfur Peace Talks…”).

Ultimately, the Abuja talks ended in an agreement signed by the government and by Minni Minnawi’s faction of the SLM. Notably, the JEM and Abdel-Wahid’s faction of the SLM did not participate in the signing, as they refused to sign an agreement that did not include an autonomous region of Darfur (de Waal 21). Most recently, in 2011, the Liberation and Justice Movement and the Government of Sudan signed the Doha Document for Peace in Darfur. It was rejected by the JEM, with the
organization stating this agreement only offered partial solutions to a more complex problem ("Sudan and LJM Rebels Sign A Darfur Peace Agreement in Doha"). Signatories to the agreement and the international community had expressed their intention to implement the DDPD, and the progress of this agreement will be discussed in a later portion of this thesis.

The ongoing genocide in Darfur cannot be attributed to one single date, one single instance, or one single cause. Additionally, the conflict cannot be narrowly described as a war between Arab migrants and African farmers. It is an intricate conflict with a huge history that is embedded in inequality and marginalization, and a conflict with a present and future that are embedded in perpetuation and political gain – by the Government of Sudan and supportive States within the international community. This thesis will attempt to analyze the latter aspect, focusing on why political gain and state self-interest have become the most important priority among every member of the international community, and why that means genocide in the 21st century is acceptable.
International Response

With the international community’s insistence of “never again,” one might think that a conflict of this nature, occurring less than a decade after the Rwandan and Bosnian genocides, would be quelled in Sudan. Unfortunately, once again, the international community showed its lack of commitment to defending human rights and condemning acts of genocide by not taking any position on or encouraging action in Darfur until 2004.

Munzoul A.M. Assal cites two separate legal and practical levels as impediments to international response. First, he says, is the divide that’s been created amongst States and institutions that define the current crisis as genocide and those that do not. The United States declared that genocide was occurring in Darfur in September of 2004, while the United Nations has repeatedly stated that there is not enough evidence to define the conflict as genocide. The debate continues, largely due to doctrines like the “Responsibility to Protect,” which has been cited as obliging humanitarian intervention in cases of genocide.

The second level, on a practical scale, is the “absence of tools and structures to address this particular conflict” (Assal 291). Assal states that traditional tools used to mitigate international conflicts rely on an effective state; an entity the rebel groups have essentially rendered futile in the region of Darfur (291). The absence of an effective state brings the international community to a crossroads. Would it be more
effective to apply pressure to the Sudanese government, or the many rebel movements from Darfur? Each has clear opposing objectives in the current conflict and the ability to thwart the peace process. But which is doing more damage? This seems like an easily answered question, but in the realm of international politics, it is not.

The purpose of this chapter is to offer a brief, yet informative, overview of the steps the international community, as a whole, has taken over the past eight years to address the ongoing genocide in Darfur. It will mostly focus on the actions of the United Nations, the UN Security Council, and the African Union. While some references will be made to the United States and China, the initiatives of these two countries will be investigated in later chapters of this thesis.

Although violence persists in the region of Darfur, has spread to other areas in Sudan, and Bashir and his National Congress Party still hold power in Khartoum, the landscape of the conflict has changed drastically over the last eight years. The international community has played a major role in the development of resolutions, sanctions, and peace agreements between the government and rebel movements in an attempt to bring peace to Darfur and to halt ethnic cleansing. Regrettably, it has done little in terms of implementation.

From April 5th until April 15th, 2004, the UN Office of the High Commissioner for Human Rights (OHCHR) conducted an investigation into Darfur. While the report’s findings were never officially released, OHCHR condemned the Sudanese government for its abuses in Darfur and for conducting a “reign of terror” against the Zaghawa, Masalit, and Fur tribes (“Darfur Destroyed” 54). These findings, combined with then Secretary-General of the UN Kofi Annan’s expressed concern over the situation in Darfur, prompted a ceasefire agreement reached in N’djamena, Chad.
This agreement was signed by the Government of Sudan, SLM/A, and the JEM, but was broken within 24 hours of its implementation.

This failed ceasefire resulted in Khartoum agreeing to allow African Union troops into Sudan to observe and implement the ceasefire, as well as a commission vote on Sudan within the United Nations. The European Union initially took a formidable stance, “co-sponsoring a strong resolution condemning the abuses and re-establishing the mandate for a special rapporteur for human rights” (“Darfur Destroyed” 54), but backed out right before the vote because they feared a lack of support from prominent African and Arab members of the UN. Thus, the commission vote resulted in a weaker decision that lacked condemnation and only appointed an expert on human rights rather than a special envoy (“Darfur Destroyed” 54).

On July 30th, 2004, the UN Security Council adopted Resolution 1556. This specific resolution called for the Government of Sudan to disarm the Janjaweed militias and bring those to justice who had carried out crimes against humanity. The resolution also threatened further action under Article 41 of the UN Charter, which supports necessary military intervention (“Entrenching Impunity” 83). The Sudanese government followed this resolution by refusing to implement its terms; an action they would repeat over numerous resolutions and years to come, without retribution.

Through the end of 2004, the UN Security Council passed two more resolutions, followed by two others in March of 2005. The first of these, issued on the 29th of March, was Resolution 1591. This authorized individual sanctions for the first time, but could not be applied retroactively, which made it extremely difficult to implement any seriously threatening consequences. On the 31st of March, Resolution 1593 was passed. This resolution is said, by Human Rights Watch, to be one of only
two significant efforts by the UN in regard to the crisis in Darfur (“Entrenching Impunity” 84).

Resolution 1593 referred the crisis to the International Criminal Court, which came as a shock to Khartoum, who assumed that their allies (China, Russia, and Algeria) in the Security Council would veto a decision of this caliber. Despite the referral, “Sudan has not indicated its willingness to cooperate with the ICC and other states have not pressured it to do so” (“Entrenching Impunity” 85). In fact, in response to the 2009 ICC indictment of President Bashir, the African Union stated its solidarity with the President and its refusal to arrest any AU member’s current sitting Head of State (McKaiser “An African Solution…”).

In January of 2006, the UN called for an international force between 12,000 and 20,000 troops to be sent to Darfur, a request that was met with the Sudanese government’s strong sentiment that they would not allow UN troops to be deployed to the region. Bashir had previously made it clear that he would only accept African troops, although he has since accepted the hybrid force of UNAMID into Darfur (the United Nations - African Union Mission in Darfur). The acceptance of the UNAMID force can largely be attributed to its mission: to ensure the implementation of the Darfur Peace Agreement, which was reached in 2006 and did not succeed.

As discussed in the previous chapter, the Darfur Peace Agreement was reached and signed in 2006, although only by the government and Minni Minnawi’s faction of the SLM/A. The failure of all of the rebel factions to sign on to the DPA resulted in further division between a once unified movement (Abuelbashar “On the Failure of Darfur Peace Talks…”). The peace talks in Abuja failed to address the root causes of the conflict, which was one of many reasons for its unsuccessful
implementation. Even worse, the agreement backfired because of pressure by the international community and the AU to implement the terms, which affected parties who had intentionally opted out of it (Abuelbashar “On the Failure of Darfur Peace Talks”). The original goal of the agreement shifted from bringing peace to Darfur to ensuring strict implementation of the text, which deepened the divide amongst rebel groups and, thus, weakened their position of power within the conflict.

More watered down resolutions have been passed in the Security Council since 2006. Today, according to Assal, Sudan is placed into two groups: a rogue government that supports terrorism and violates human rights, or an incumbent government with which the international community must do business (294). The international community has labeled the Government of Sudan as the former, while adhering to the latter’s implication. The precedent for responding to crimes of this caliber has yet to be set, and the world continues to be a by-stander while hoping for the situation to resolve itself. International response to the genocide in Darfur has been underwhelming and unimpressive, but predictable.
Sudan

“What’s happened in Darfur is the routine cruelty of a security cabal, it’s humanity withered by years of power. It is a genocide by force of habit” - Alex de Waal

The purpose of the following chapter is not to analyze the complexities of the conflict itself, nor is it to discuss the rebel group factions and how they have impacted the ongoing genocide in Darfur. Instead, it will examine potential reasons for the Government of Sudan’s perpetuation of the conflict, focusing on prominent figures in and out of the government who have had influence over the conflict, and the most dominant political parties currently present in the country. The purpose of this chapter is not to discuss the atrocities committed, the number of civilians who have died or been displaced, or to offer suggestions for the future. The current regime in Sudan is failing to uphold one of its fundamental roles: to provide protection and peace to its citizens. This chapter’s intention is to expose why that is so.

Omar al-Bashir and his National Congress Party currently hold power within the Government of Sudan. The NCP has been in power since 1989, when Bashir and his party overthrew Sadiq Al-Mahdi’s Umma National Party in a bloodless coup (Ramadan “Who Is Who In Sudan’s Politics?”). The Umma National Party is now one of the NCP’s biggest opposition parties in Sudan, and is still lead by Mahdi, who ran against Bashir in 2010’s presidential election. Another, possibly more prominent, Islamist-opposition party is the Popular Congress Party, led by Hassan Al-Turabi.
Turabi founded the National Islamic Front in 1979 and was once a close ally of President Bashir and Vice President Ali Osman Taha. However, he eventually became a harsh critic of the President and the NIF, and spearheaded the *Black Book* in cooperation with the Justice and Equality Movement (Ramadan “Who Is Who In Sudan’s Politics?”). As previously discussed, the *Black Book* revealed severe power inequality in the whole of Sudan and demanded justice and equality. Turabi has since been a bitter rival of both Bashir and his National Congress Party.

Two key Southern Sudanese political figures were (and remain) John Garang and Salva Kiir. Garang and Kiir shared two common leadership positions at different points in time. From 1983 until the early 2000s, Garang was leader of the Sudan People’s Liberation Movement in the South, before he became First Vice President to Omar al-Bashir in July of 2005. Only 21 days after Garang became Vice President, he died in a helicopter crash and was succeeded by then-SPLM leader, Salva Kiir. Kiir held this position until July of 2011, when he became President newly independent South Sudan (“Sudan Profile”).

Once South Sudan gained independence, Ali Osman Taha was reappointed to his post as First Vice President. Taha held this position previously, from 1998 until 2005, and became Second Vice President during both Garang and Kiir’s time in office. In September of 2011, Adam Yousef, a representative from Darfur and former PCP member, changed his party affiliation to the NCP and was appointed to the position of Second Vice President (“Darfur al-Haj…”). This appointment by the NCP was done in order to convey cooperation between the government and Darfur. Nevertheless, the Justice and Equality Movement rejected this notion and referenced
Yousef’s Arab ethnicity as a continuation of the government’s “Arabization” campaign (“Darfur al-Haj...”), led by President Bashir and Vice President Taha.

Ali Osman Taha has also been influential in decision-making regarding Darfur due to his close ties with the Janjawiid militia. Taha developed a direct relationship with one of the most prominent and brutal Janjawiid and Arab Gathering leaders, Musa Hilal. Witnesses, including civilians and members of the Sudanese Armed Forces, have placed Taha at militia camps, giving direct orders and providing weapons on various occasions (“Entrenching Impunity” 62).

The Government of Sudan frequently denied close cooperation with the Janjawiid militia for a long period of time, but eventually admitted its ties to certain Janjawiid leaders (“UN: Sudanese government admits...”). Still, Bashir and his party members maintain that the “war” in Darfur is exaggerated, that the estimated number of victims is incorrect, and that human rights atrocities are not unique to the Darfur conflict. By his side, Taha defends his position as Vice President by reiterating that his job entails protecting Khartoum, which means fighting to defeat the rebel groups in the West, but Taha cautiously makes no mention of the government’s perceived intent to murder civilians (“Profile: Ali Osman Taha”).

Three other individuals who have had a hand in the genocide and have been members of the NCP regime are Abdel Raheem Mohammed Hussein (Minister of Defense), Ahmed Haroun (current governor of South Kordofan, once deputy to Abdel Hussein), and Salah Abdallah Gosh (former Presidential advisor and national security advisor of the republic of Sudan).

In addition to his position within the Sudanese intelligence sector, Salah Gosh had previously been an associate to Osama bin Laden (“Sudanese intelligence
chief...”). After the attacks of September 11th, 2001 on the United States, the US Central Intelligence Agency (CIA) immediately became interested in the potential intelligence information that Gosh could divulge. In 2005, Gosh was flown to the United States by the CIA, despite a prior UN panel that “ranked him number two in a list of ‘identified individuals’ who should be held accountable for the Darfur killings” (“Sudanese intelligence chief...”). The United States were prepared to forge this political partnership, no matter the international political implications it might have had.

Both Abdel Hussein and his then-deputy Ahmed Haroun have been important figures “in the coordination and planning of military operations in Darfur” (“Entrenching Impunity” 62). Haroun worked closely with Janjawid leader Ali Kushayb through the passing down of orders and the providing of weaponry. The relationship between the two bore similarities to that of Vice President Taha and Musa Hilal, although with a much more brutal consequences. This brutality is evident in a simple statement made by Haroun to the Janjawid in August 2003: “Kill the Fur” (“Entrenching Impunity” 21).

In 2008, the International Criminal Court indicted both Haroun and Kushayb on 51 counts of war crimes and crimes against humanity (Feinstein and Lindberg 71), followed with the indictment of President Bashir in 2009. The Government of Sudan has since been strongly opposed to ICC involvement in Sudanese affairs, and has indicated its unwillingness to cooperate with the Court on numerous occasions. In response to his arrest warrant, Bashir stated that the ICC’s indictments are “part of a neo-colonialist agenda to protect the interests of developed countries” (Herlinger 5).
Bashir’s role as President of Sudan and leader of the NCP makes him the most influential government official in the nation. Historically, Bashir’s tribe, the Jallayeen, has long dominated the government and the distribution of wealth. The Jallayeen have been one of three ethnic tribes with most power in Khartoum, while remaining one of the smallest tribes in the country (El-Tom 94-95). Additionally, Bashir’s tribal association granted him membership to an Arab Northern Coalition called KASH, which furthered his status as a true elite.

This elite classification, paired with Bashir’s strong Arab identity, has likely influenced his policy aspirations as President of Sudan. Since taking power in 1989, one of his main objectives has been to create a pure, Arab-Islamic State by implementing Sharia law in all parts of Sudan, with the exception of the predominantly Christian south. This mission resulted in the “Arabization” of Sudan and thus, utilization of the Janjawiid militia to execute massacres in an ethnic cleansing fashion without fear of retribution (El-Tom 90).

Bashir claims that the current situation in Darfur is a result of inter-tribal disagreement and erratic rebel groups who threaten the very stability of the Republic. He denies responsibility for the deaths of innocent civilians and claims that the numbers, statistics, and the conflict itself are highly exaggerated. Despite his assertions, it is evident that Bashir is intent on creating his ideal Islamic State through various means, including ethnic cleansing. His intent is evident in three additional distinct forums: Qoreish 1 and 2, the creation of the Janjawiid militia force, and the existence of an elite Northern Arab coalition called Kayan Alshimal (KASH).

Qoreish is defined as the “tribe of the prophet Mohamed” (de Waal and Flint 282), and its first doctrine dates back to the late 1980s. It was written by members of
the Arab Gathering, prior to the rise of Bashir and the National Congress Party. These members felt that, while the Arab population in Darfur held majority through numbers, they were deprived of “true representation in the leadership” of the region (de Waal and Flint 50). They demanded that then-Prime Minister Sadiq al-Mahdi appoint an Arab governor of Darfur, threatening that if this did not happen there “could be catastrophe, with dire consequences” (de Waal and Flint 50). Thus, when Mahdi ignored their requests and chose a second Fur governor of Darfur, the Arab Gathering issued Qoreish 1 - a document that essentially called for the destruction of the new Fur governor’s administration through halting of production, elimination of tribal leaders, and instigation of internal tribal conflicts in order to ensure tribal disunity (de Waal and Flint 51).

Qoreish 2 was published almost 10 years after its first edition and lays out an agenda for taking power in places like Khartoum, Darfur, and Kordofan through manipulation and infiltration. Together, the two documents had an overarching goal of creating an “Arab Belt” that would span from central Sudan to the borders of Chad. Plans were laid out not only to take power, but also to remove all those who were classified as non-Arabs from this zone (El-Tom 91). Though the authenticity of Qoreish 1 and 2 has been disputed, their impact has not. The suggestions presented in the two documents perpetuated the already existing divide between Africans and Arabs, and have remained influential amongst the Arab population in Sudan.

Former Prime Minister Sadiq al-Mahdi (1966-1967, 1986-1989) once shared the Qoreish ideology of expanding and gaining power. Today, Mahdi is the Head of the National Umma Party and thus, an opponent of Bashir and his current regime. However, recently Mahdi has come to Bashir’s defense, most notably in regard to the
ICC warrants for his arrest (“al-Sadiq-al-Mahdi”). Prime Minister Mahdi has also sided with the government in criticizing rebel movements for perpetuating violence in the Darfur region, stating that rebel success “could lead to the Rwandan Genocide repeating itself in Sudan” (“al-Sadiq-al-Mahdi”). These contradictory claims likely stem from Mahdi’s close ties with the Janjawiid militia.

During his second Ministerial term, Mahdi strategically created a militia force that could “massacre thousands and thousands in their search for new wealth in an ethnic-cleansing fashion without facing the law, and [whose] leaders could maintain respectability and associate freely with the ruling elite” (El-Tom 90). The militia existed as a faction separate from the Sudanese Armed Forces, in order to avoid confrontation with SAF members who were originally from Darfur. The government feared retaliation and uprising from SAF forces that were instructed to destroy, loot, rape, and kill in their homeland. Therefore, from its inception, the Janjawiid was built on an ideology of destruction and fundamental distrust.

Recruitment of forces in the Janjawiid was shielded by a general call to arms, but was very selective based mostly on ethnicity. Musa Hilal was given the responsibility of recruiting these forces, a responsibility that he once denied by claiming that he only worked for the Popular Defense Forces. Witnesses and SAF members then disputed this claim, stating that they have seen Hilal present at Janajwiid massacres and giving orders to militia members. According to Hilal, these orders came directly from the government: “All the people in the field are led by top army commanders. These people get their orders from the Western command center and from Khartoum” (de Waal and Flint 38). Hilal’s objective and thus, the Janjawiid’s was made clear in a statement he made in August of 2004: “Change the
demography of Darfur and empty it of African tribes” (de Waal and Flint 37). But the Janjawid has not been alone in its efforts to marginalize the African people of Darfur.

Distinct from the Janjawid and supposedly the government, exists a “coalition of the North” that operates under the title of Kayan Alshimal, or KASH. This body of elite was created in order to protect and sustain the interests and wealth of the Northern region of Sudan. According to El-Tom, a leading figure of the Justice and Equality Movement, in his article titled “Darfur People: Too Black for the Arab-Islamic Project of Sudan,” the primary function of KASH is as follows:

Irrespective of the nature of the government in Khartoum, democratic or otherwise, military or otherwise, fanatic or otherwise, socialist or otherwise, jobs must remain in the hands of “the boys,” and wealth must flow into the Northern region (95).

The main concern of KASH is to preserve the status quo of the elite and ensure that it does not fall into the wrong, non-Arab hands. Membership of KASH is only open to elite ethnic groups, and is currently occupied by three of the most powerful tribes in the North. Not coincidentally, current or ex-government officials belong to these three, relatively small, ethnic groups: the Jallayeen (Al Bashir), the Shaigiya (Vice President Taha), and the Danagla (ex-Prime Minister Mahdi) (El-Tom 95). Because of the heavy governmental presence in this group, El-Tom states that it wouldn’t be entirely inappropriate to begin referring to the “Presidential Palace” in Khartoum as the “KASH Palace” instead (95).

The members of KASH share an Arab identity that they believe should be predominant over the population of the Northern Region. This distinction immediately rules out any potential African members whose mother tongue is not
Arabic. These African languages are brushed off by Arab elites as *rutanas*, which translate to Arabic as gibberish (El-Tom 95). Language has become just as important as perceived skin color in order to determine who is considered Arab and who is not. Modern Sudan does not permit a “Sudanese” identity, but instead its people are defined by their African or Arab heritage, a distinction that is continuously deepening ethnic division in Sudan.

This divide is no stranger to residents of Khartoum. Previously, “those who were deemed ‘too black’ by the capital city were rounded up by the army and police to be sent back to their various areas” (El-Tom 98). Khartoum strived to be an elite Arab city, not polluted by the “blacks” of the outskirts. The term “Black Belt” was created by Hasan Mekki to describe these Africans living on the outskirts of Khartoum, to whom he also attributed any disconnect in the tranquility of Khartoum. “The inability of members of KASH to accept the very plain fact that they, too, are black has culminated in a deep inferiority complex” [amongst the Africans] in Sudan (El-Tom 98).

The creation of the Janjawiid, partnered with the existence of such an elite ethnic group like KASH, leads to one clear explanation of the government’s perpetuation of the current genocide: the desire to have a pure, Arab-Islamic state of Sudan. Janajwiid leader Musa Hilal has openly acknowledged this intention, although neither Bashir nor any members of the NCP have followed suit. Bashir has carefully avoided implicating himself to Western nations and continues to defend his government’s record of civilian protection.

An extension of the government’s failure to protect lies within the displaced people who have been refused access to Nyala, the capital of South Darfur, where
they hoped to flee from their destroyed villages. According to Human Rights Watch, international humanitarian law requires the following:

That in cases of displacement, states must take all possible measures to ensure that displaced persons receive satisfactory conditions of shelter, hygiene, health, safety, and nutrition and that members of the same family are not separated. Parties to a conflict must also allow and facilitate rapid and unimpeded passage of impartial humanitarian relief for civilians in need (“Entrenching Impunity” 30).

The large international presence in Nyala composed of foreign observers, journalists, and aid workers who could report abuses to the international community, likely impacted the government’s decision to turn away displaced persons. The intentional, momentary disillusionment of aide workers and foreign observers has not been successful. Journalists and humanitarian workers alike continue to report on the atrocities in Darfur and now other areas that are experiencing similar devastation.

The organized rebel attack on the airport in North Darfur’s capital city, El Fasher, in 2003 has been frequently cited as the origin of the current genocide. However, as discussed in section two, the conflict is complex with many layers of causation. Therefore, the attack on El Fasher should instead be considered a trigger.

---

5 The intent to destroy and eliminate that we see in Darfur has unfortunately expanded to South Kordofan (the Nuba Mountains) and the Abyei areas of Sudan. This violence, especially in the Nuba Mountains, has the potential to constitute genocide through numbers, and the same, scorched earth campaign is taking place. “There has been growing concern on the situation in the region, as a report released last month by the Office of the High Commissioner for Human Rights (OHCHR) and the former UN Mission in Sudan (UNMIS) described a wide range of alleged violations of international law in Southern Kordofan during June. Reported violations included extrajudicial killings, arbitrary arrests and illegal detention, enforced disappearances, attacks against civilians, looting of civilian homes and destruction of property, as well as aerial bombardments on civilian areas resulting in significant loss of life” (“Thousands Flee…”).
point of the conflict that changed the government’s course of action. The government has consistently used this attack to justify its actions in Darfur, citing the instance as evidence for the threat that the rebel groups pose to the stability of Sudan. Still, the government does not seem to fear the rebel groups as much as it would like the public to believe. Over time, Khartoum’s war has shifted. In reality, the Government of Sudan does not fear a coup d’état by rebel forces, but rather one by the Sudanese Armed Forces.

A major internal threat posed to the Government of Sudan is the Sudanese Armed Forces. Ali-Dinar, the founder of the Darfur Information Center, believes that Khartoum is perpetuating the conflict in Darfur as a means of preoccupation of the SAF (103). The government fears that without the current crisis, the Sudanese Armed Forces would use its organizational power to overthrow the current regime. Bashir and his party have been losing legitimacy since 2003, and their weakness has been made apparent by the recent austerity protests in Sudan and the reunification of a number of Darfur rebel groups under the umbrella movement, the Liberation and Justice Movement (excluding the JEM and factions of the SLM/A).

Still, the conflict persists in spite of the Doha Peace for Darfur Document signed by the LJM and Government of Sudan in 2011 ("Liberation and Justice Movement"). This begs the question of whether the international community will aggressively respond. How would ending this conflict help the United States (or China, Russia, France, England, etc.)? Khartoum is aware of the international debate over Darfur and uses that awareness to its advantage. Thus, Security Council Resolutions and threats of sanctions have done little to influence Sudanese policy in Darfur, as Bashir’s regime has no fear of consequence.
Bashir and the NCP have made it a priority to uphold good relations with powerful governments like China and Russia in part to ensure their impunity from the UN Security Council. Its relationships with those governments are highly reliant on Sudan’s oil export, which has been a major source of conflict since 2011 with the South’s secession. With independence, the South gained jurisdiction over many of Sudan’s oil reserves, resulting in an economic crisis for the North and a potential destabilization of relations with China. So far, the world has seen China attempt to maintain its relationship with the North and Bashir, while extending a hand to the South to secure its oil supply. How will this relationship develop? The next section of this thesis will attempt to answer that question, after analyzing the previous eight years of China and Sudan’s committed relationship.
This has been the mantra of the Sudanese government since China began developing Sudan’s oil industry in the 1990s. During a time when Sudan was shunned by the rest of the international community for supporting terrorism, China took the East African nation under its wing and forged an economic partnership that would prove solid during the most fragile and difficult of times. But can and will China and Sudan’s partnership remain strong now that the South has seceded and taken most of Sudan’s oil reserves with it? Additionally, there is no doubt that Chinese involvement in Sudan has had a direct impact on the conflict in Darfur. But how? This chapter seeks to discuss how China has supported Sudan thus far, how South Sudan’s independence has affected China’s relationship with the North, and what balance China may be seeking between the two Sudans today.

Oil was first discovered in Sudan in the 1970s, but exploitation was delayed partially due to the North-South civil war. It was not until 1999 that Sudan became a net oil exporter, which skyrocketed oil revenues and cemented the Government of Sudan’s relationship with Beijing (“Investing in Tragedy” 4). With a fast growing economy and the desperate need to discover long-term sources of energy, the Chinese
looked at Sudan as an easy solution to an otherwise complex problem. Beijing sought to develop an oil dependent, economic relationship with Khartoum, but Khartoum lacked the ability to fund and build oil infrastructure to aid in its extraction.

Oil infrastructure in Sudan is a Chinese production. Chinese companies constructed Sudan’s oil pipelines, and China has been a key developer of the Sudanese refining industry. Without this development, Sudan would still be importing refined petroleum because it previously lacked refining capability at home (“Investing in Tragedy” 7-9). According to Human Rights First, “these oil field services and construction projects support the Government of China in achieving three goals: First, to garner revenue through lucrative construction contracts; second, to distinguish itself from its competitors; and third, to build the elements necessary to ensure and expand China’s long-term supply of energy from Sudan” (8). The aforementioned goals highlight the symbiotic relationship between the two governments; Sudan needs to develop a growing and profitable economy and China needs to keep the oil flowing.

Chinese assistance to the Sudanese government extends beyond oil extraction and infrastructure. Over the last decade, China has aided in building new roads, railways and dams in order to advance Sudanese transportation and electric capability (“Investing in Tragedy” 9). It has also given countless amounts of humanitarian aid and concessional loans to the Sudanese government. Concessional loans are “traditionally intended to help poor countries build badly needed projects that are not commercially viable” (“Investing in Tragedy” ii). China’s use of concessional loans in Sudan have been criticized for being given to advance China’s own goals rather than to finance the most needed development projects in other countries (“Investing in
Tragedy” 11), an intention made clear by Beijing’s willingness to forgive Sudan of the loans on more than one occasion.

In another sector, China has paved the way to become Sudan’s number one strategic military partner and one of its most valuable arms dealers (alongside Russia and Iran). By selling small arms and outdated weaponry to Sudan, China maintains its preferential oil access at a small price - China gives Sudan military equipment that they no longer use in exchange for oil supply. Selling these weapons alleviates the Chinese government of costs associated with maintaining military equipment that is now obsolete, but may still be useful for African militia groups (“Investing in Tragedy” 13). Sudan has been at war with itself since the 1980s and therefore became the perfect candidate for arms deals. This partnership has been extremely detrimental to the lives of civilians by enabling the crisis in Darfur to continue.

As of 2008, China was the single largest small arms provider to the Government of Sudan (“Investing in Tragedy” 18). Not surprisingly, Chinese military equipment has been used to perpetuate the ongoing genocide in Darfur. Beijing has denied the accusation that any of their weapons sold have become party to the conflict, despite evidence proving otherwise (Herbst “Oil for China, Guns for Darfur”). With Chinese weapons landing in a highly contentious conflict zone, the economic relationship between Khartoum and Beijing quickly became politicized. The Chinese government shifted its role accordingly and became political protectors of the Sudanese government within the United Nations Security Council. China solidified its oil supply by ensuring Sudan’s international impunity.

Human Rights First states that “China has repeatedly blocked action [against Sudan] on the part of the international community, either by using its veto power in
the United Nations Security Council, by voting against resolutions in human rights commissions, or by blocking action by the International Criminal Court” (“Investing in Tragedy” 21). There have been numerous resolutions proposed by the UN Security Council regarding the Government of Sudan and how to pressure Bashir into reform, but for every resolution proposed by the Council, China has proposed a weaker version.

The Chinese frequently threatened to use its veto power (as a permanent member of the Security Council) if certain language was not changed in specific resolutions. This language often involved economic sanctions against the Government of Sudan, a measure that would hurt both Khartoum and Beijing. Often, even after the Chinese forcibly watered down the language, they would choose to abstain from the vote anyway. This would give them leverage over the resolutions and would simultaneously keep them in the clear with Bashir.

Resolutions 1556 and 1591 are two prime examples of China taking advantage of its position in the UN Security Council, driven solely by economic interests rather than a genuine commitment to protecting human rights. Resolution 1556 contained mention of sanctions and China responded by threatening to veto if the mention was not removed. In order to avoid a veto, the Security Council withdrew the threat of economic sanctions only for China to abstain from voting. Similarly, Resolution 1591 contained an “explicit threat of an oil embargo against Khartoum in the event of continued noncompliance with the Security Council’s demands” (“Investing in Tragedy” 21). Again, China fought against the imposition of an oil embargo, and the language was changed to state that the Security Council would “consider taking
additional measures” if the government did not comply with demands. China then abstained from voting on the resolution.

The Government of China made it a habit to come to the defense of Sudan and its government. Beijing repeatedly told the international community that it was not giving Khartoum enough credit for its human rights reform and that its constant criticism had been counterproductive (“Investing in Tragedy” 22). Beijing continued this defense when the UNSC proposed that the situation in Darfur be brought to the International Criminal Court for investigation. While it did not use its veto power, it abstained from voting for the resolution and designated that the situation would be better handled within Sudanese courts (“Security Council Refers Situation in Darfur, Sudan…”). Like the US, China is not party to the Rome Statute that created the ICC. This, combined with their very high economic interest in Sudan, was likely a significant factor in their decision of abstention.

China’s political partnership with Sudan is evident in the consistent protection that Beijing offers to Khartoum within the Council. Thus, rather than attempting to combat Chinese decisions within the UNSC, the international community pressured China to use its good graces with Sudan for the benefit of the Sudanese people.

The Darfur Peace Agreement, signed in 2006, permitted UN troops to enter Sudan. China has been credited for persuading Bashir’s regime to allow a UN force into the country, which had been an idea that Bashir previously dismissed. Chinese Special Representative Liu Guijin stated the following regarding the acceptance of UN troops: “The Chinese side has made a huge effort. [We] have utilized all kinds of channels and talked to the Sudanese government and persuaded them as an equal partner” (“Investing in Tragedy” 24). China has since used this as leverage against the
international community when faced with even more pressure to influence the Government of Sudan to take measures that would stop violence in Darfur and other regions of the country.

China’s “equal partner-relationship” with Sudan faced a potential turn after the initial acceptance of the UN force into the country. Bashir retracted his support for troops; a move that was unprecedented and came as a surprise to the Government of China (“Investing in Tragedy” 25). However, this shift in support did not seem to shake the bond between the two governments, and instead prompted more defense of Sudan by China against sanctions. It also prompted a trip to Darfur from Special Representative Liu Giujin.

The Chinese government was coming to realize it could no longer ignore the situation in Darfur. Liu Giujin, former Chinese ambassador to Zimbabwe and South Africa, was appointed Special Representative of the Chinese Government on the Darfur issue in May of 2007 (“Investing in Tragedy” 26). Shortly after his appointment, Giujin traveled to Darfur and Khartoum in response to the Government of Sudan’s retraction of support for UN troops. Yet, Giujin’s visit did not return the expected results and definitely did not persuade the Chinese government to weaken its relationship with Sudan.

Instead, Liu Giujin remarked that the situation in Darfur appeared to be “largely stabilized” (“Investing in Tragedy” 26), a conclusion that was met with much criticism from different activists within the international community. China then made an announcement in an attempt to offer compromise: they would “send an addition $10 million in humanitarian aid to Darfur and would commit 275 military engineers
to the first phase of the hybrid force (UNAMID), strengthening the African Union force already on the ground” (“Investing in Tragedy” 26).

Sending 275 Chinese military engineers appeared to contradict a Chinese foreign policy of non-interference which was motivated by the government’s desire to avoid attention to treatment of Tibet or the potential independence of Taiwan. However, “officials within the Chinese foreign ministry acknowledge privately that economic involvement does constitute interference” (“Investing in Tragedy” 3), which has put the policy up for debate and discussion in recent years.

The definition of non-interference has become a problem for China, along with the increasing risk of upholding the policy as the Government of Sudan continues to perpetuate human rights abuses in Darfur. According to the Human Rights First report titled “Investing in Tragedy: China’s Money, Arms, and Politics in Sudan,” more Chinese workers are headed abroad to work for Chinese companies in Sudan and are being put at risk by China’s non-interference policy, as they become potential targets for attack by local populations who are outraged by China’s support for the government in Khartoum (3). Additionally the report, which was written in 2008, warned that China’s non-interference policy and subsequent support for a rights-abusing regime could put them out of favor in case of South Sudanese secession.

When the South seceded in July of 2011, the future of China’s investment in the two Sudans became uncertain. Most of Sudan’s valuable oil reserves were in the South, but China had existing contracts with the government in Khartoum, not with the new ruling SPLM party in the South. Therefore, the Chinese government had to balance relations with both governments carefully. Without oil, Sudan is no longer as
economically appealing or necessary to the Chinese government, but because of the solid relationship the two nations have developed over past decades, it would not be in China’s interest to “abandon an old political ally” (“China’s New Courtship” 27). This becomes difficult when discussing the development of a new, important relationship with newly independent South Sudan.

China was undoubtedly a contributor to the North-South civil war through its monetary and military support of the Sudanese government during the 90’s and the early 2000’s. The civil war had been ongoing when China first took an interest in Sudan’s oil prospects, and China chose to overlook the violence in order to develop a strong economic partnership. China’s denial of Southern safety could have proven to be detrimental to its modern pursuit of relations with the SPLM government in the South. Developing relations with Beijing has been a cause for concern among some Southern Sudanese party members and civilians alike, but South Sudan ultimately recognizes the necessity of developing strong international partnerships.

Yet, South Sudan has not immediately embraced partnership with China. A report issued by the International Crisis Group titled “China’s New Courtship in South Sudan” expresses the following sentiment regarding the South’s initial desire for economic partnership:

Many South Sudanese leaders expressed a desire to consolidate their historical alignment with the West, and the US in particular, by welcoming their investment. But the red tape, conditionality’s, pace, and risk-aversion often associated with Western partnerships appear no match for the efficiency, speed, value, and perceived “no strings attached” model offered by China. “The US and our other Western
friends regularly tell us with certainty what we need. The Chinese appear more open to talking and hearing what we want.” (8).

The accessibility and economic feasibility of Chinese involvement quickly became appealing to South Sudan, along with Beijing’s eagerness to move forward with development in the following four sectors: energy, infrastructure, telecommunications, and agriculture (“China’s New Courtship” 5). In addition, the Chinese government has offered a variety of economic packages and loans to the government of South Sudan.

However, these loan packages have been met with mixed opinions among government elites. “Some economic officials argue that the country must first use its own resources more wisely, that competition will suffer if credit is tied to Chinese companies alone,” and that there is risk involved if oil revenues decline as currently projected and what debt burdens will come along with that (“China’s New Courtship” 11). Supporters of the proposed loan packages “argue that the government must spend now to develop the infrastructure necessary to open up other revenue sectors and diversify an oil-dependent economy” (“China’s New Courtship” 11). The Government of South Sudan has been hesitant to put all of its dependence on its newly acquired oil supply, in part due to its distrust of the North. Partition of the two Sudans sent the North into economic crisis, and the South knew that Khartoum would attempt to take measures to rectify its losses.

Discussions were held between the two Sudans in Addis Ababa, Ethiopia in late 2011. These talks were developed with the intention to “forge a deal on oil and transitional financial agreements” (“China’s New Courtship” 26) between the North and the South. Unfortunately, the talks ended without an agreement and instead with
Juba, the capital of South Sudan, shutting down oil production. One of the main reasons the North and South were unable to come to an agreement included the Chinese pipelines that were constructed in the 1990s. Because most of the oil reserves lay in the South, the North needed a way to transport oil from its origin to its port destination, thus the pipelines were constructed through the north. The Government of Sudan went into the Addis Ababa talks with a particular transit fee that the South would be required to pay to export its oil from its own reserves.

The Government of South Sudan was unhappy with this “compromise,” stating that they felt it was unfair and overpriced. In retaliation, they shut down oil production and looked to China for support. Not surprisingly, China did not intervene with proposals or suggestions to make the matter easier. It simply stated that the issue “is an internal affair of the two brothers of Sudan” (“China’s New Courtship” 27), referencing its policy of non-interference and recognition of sovereignty. Needless to say, this did not sit well with the Government of South Sudan.

On December 1st, 2011, senior government officials summoned Chinese oil company representatives in Juba to deliver three messages:

F) Companies would be expected to weigh in with Khartoum to convince the authorities that their transit fee proposal was unreasonable

G) The arrangement just devised by Khartoum (in which oil belonging to the South was prevented from loading, but oil earmarked for the Chinese would continue to be exported) was unacceptable
Relations with any company buying “stolen” oil would suffer or be ruined (“China’s New Courtship” 28)

The South adopted an aggressive position, hoping for Chinese support that they did not receive. The Chinese again emphasized the necessity for the two Sudans to reach an agreement otherwise everyone would suffer.6

Oil production remained halted from December 2011 until August 2012, when the two Sudans finally reached an agreement regarding transit fees and the exportation of the South’s oil supply. During this period, China continued to develop its relationship with the South, announcing an $8 billion loan to “build major infrastructure projects” (Traub, “Accidental Peacemaker”). All the while, China also continued to reassure the North that it had absolutely no intention of abandoning Khartoum as an economic and political partner.

However, Security Council Resolution 2046 might prove otherwise. While China has not completely betrayed the Government of Sudan, it has softened up on its defense of Bashir’s regime. Resolution 2046 demands that both Sudan and South Sudan put an end to cross-border attacks and return to negotiations (Traub, “Accidental Peacemaker”). This is one of the few resolutions that China has neither vetoed nor abstained from voting on, highlighting the fact that something has changed within the Chinese government.

James Traub writes the following in his Foreign Policy article titled “The Accidental Peacemaker”: Facing a situation in which the principle of nonintervention

---

6 In February of 2012, the head of the Chinese oil company, Petrodar, was accused of assisting Khartoum in stealing oil revenue that rightfully belonged to the South. “The Chinese national, Liu Yingcai, was asked to leave following an investigation into Khartoum's "theft" of oil worth $815m (£518m) (BBC, “South Sudan Expels...).
doesn’t tell it what to do, China has been forced to join the US and other countries, as well as the African Union, in actively trying to end a brutal conflict. Traub’s argument alludes to the idea that China is now accepting that there is an ethnic war occurring in Sudan, whether it is between the North and the South, or Khartoum against the regions of Darfur, Kordofan, and the Blue Nile. This may be true, but context reveals that China now has less interest in satisfying Khartoum and more interest in ending any potential conflict between the two Sudans that might delay oil production.

China’s decision to vote for Resolution 2046 is a step in the right direction, but might not necessarily be for the commendable reasons some are crediting the government with. It is clear that China’s interest has not changed much since the late 1990s. It recognizes the beneficial relationship that can come from oil, similar to the one they have maintained with Khartoum over the past decade. China now has the opportunity to forge a new relationship with South Sudan. This opportunity could result in even more profit than before and it is in their interest to keep the peace and have the two sides reach an agreement. The Chinese government is acting out of self-interest, it just so happens that, for the first time, it might result in benefiting civilians rather than perpetuating a Sudanese government-created war.
When looking at the current relationship between the US and the two Sudans, the conclusion can be made that Washington has taken on a parental role to the two feuding brothers. This role dates back to 2005 with the Comprehensive Peace Agreement between the North and South, an agreement that the United States played a key role in developing (“US Relations with Sudan”). Today, Washington continues to be present in North/South negotiations, with US Secretary of State Hillary Clinton just recently visiting South Sudan and encouraging an agreement over oil to be reached (“Hillary Clinton Urges South Sudan Agreements”). Recent years have shown the positive developments made in US relations with both Sudan and South Sudan. However, this positivity has only come after almost a decade of unstable relations between Washington and Khartoum.

The purpose of this chapter is to specifically highlight the role that the United States has played in the ongoing conflict in Darfur, to analyze past and present policy decisions made by the US government in regard to Sudan, and to discuss how those decisions impacted Darfur. This chapter’s main purpose is to expose the varying US interests that have paved the way for decision-making in Sudan, dating from the 1970s to present day. The United States has had a long, drawn out history with the
Government of Sudan in hopes to secure a faithful ally\textsuperscript{7}, resource supplier\textsuperscript{8}, and intelligence sharer.\textsuperscript{9}

With the Cold War booming in the 1970s, the United States was eager to find allies where it could. The US soon became aware of a pro-Soviet military regime that had been developed in Ethiopia (Fake and Funk 28), and bordering Sudan immediately became a prime candidate as an ally for the United States. Then-President of Sudan Nimeiri was eager to prove to his newly acquired allies that Sudan was doing all it could to combat communism (Fake and Funk 28), and by 1977 US-Sudanese relations reached a new level of commitment. In their book, “The Scramble for Africa: Darfur - Intervention and the USA” Steven Fake and Kevin Funk describe the budding relationship between the two nations:

“When Sudan aligned with the US and Egypt to ‘thwart Libyan ambition [to create a pan-Arab alliance independent of US influence in the region], the policy reversal did not go unrewarded. Washington began to shower aid on Khartoum, especially in 1978 when the Nimeiri regime supported the Camp David peace agreement between Israel and Egypt. As a reward, President Carter ‘opened the foreign aid flood gates for Sudan’” (29).

Nimeiri’s support of the Camp David peace agreement gained praise from the World Bank and the International Monetary Fund as well. Both organizations began to pump development aid into Sudan, although “the money quickly vanished in the corruption

\textsuperscript{7} During the Cold War  
\textsuperscript{8} During the late 70’s and today  
\textsuperscript{9} After the September 11\textsuperscript{th} attacks in 2001
ridden government and Western expatriate aid administrators, leaving Sudan with a
debt equivalent to its entire GDP” (“Sudan’s World Bank Woes”).

Although the partnership between the United States and Sudan began as one
motivated by international security and political alliance, it eventually shifted its
focus to resources and, thus, economics. In 1978, the United States-based oil
cOMPany Chevron discovered oil and uranium deposits in the southern region of
Sudan and Darfur, respectively (Fake and Funk 30). The United States could predict
the ensuing repression of the South by the government in Khartoum because of this
oil discovery, a repression that Mawan Muortat of the Sudan Tribune encompasses in
the following statement:

“Southerners recognized that oil was a natural resource, but they
wanted the oil industry, including refineries, to be built locally to
provide jobs and tax revenue; to boost the economy that was trailer
that of the north by at least two decades. To their disappointment,
not only did Nimeiri reject their request but he also instructed for
the oil to be piped and sold at Port-Sudan as crude and for the
refineries to be built there. It did not stop at that; Nimeiri began to
carve off parts of the south’s territory that were presumed to be rich
in oil into north Sudan.”

Chevron and the United States turned a blind eye to the inequitable distribution of
natural resources in an attempt to maintain a potentially profitable relationship with
the Nimeiri government.

---

10 This debt continues to plague Sudan today (“Sudan’s World Bank Woes”).
President Nimeiri began to exploit the south with no intention to compensate the southern population, despite the previous stipulations in the Addis Ababa agreement of 1972 (Muortat “The making of the Sudanese second civil war…”). Additionally, Nimeiri implemented the September Laws, which put Islamic Sharia Law into place and harbored harsh consequences for those who did not abide (Fake and Funk 31). September Laws were especially difficult for the southern Sudanese, who were predominantly Christian. Thus, the second Sudanese civil war ensued and the United States sided with the north (Muortat “The making of the Sudanese second civil war…”).

“In the initial years of the civil war, the Reagan administration provided ‘crucial financial support’ to Nimeiri and then his successors in power” (Fake and Funk 32). The US intended to finance the Government of Sudan for as long as necessary to ensure future oil supply. This intent became apparent in 1984 when famine struck Darfur and killed almost 100,000 civilians (Fake and Funk 33). Nimeiri’s regime did little to aid in halting the famine in the region, and the US had little reason to care. The Reagan administration continued to funnel money to the government while civilians died from hunger in Darfur.

Nimeiri was overthrown in 1985, but this did not stop US support for Khartoum. Relations instead became stronger as Washington continued to restrict its aid to the capital city and its controlled areas, in an effort to appease the new leadership in Khartoum (Fake and Funk 36). In August of 1988, a flood in Khartoum resulted in a death toll of 100 civilians. Concurrently, in South Kordofan alone 20 to 100 civilians were dying each week in displacement camps. Still, “US aid in the
aftermath of the flood far outpaced relief efforts for [displaced persons and] the famine” (Fake and Funk 37).

Despite the famine that was now raging in the south, Washington continued to refuse development money or services to southern rebel strongholds that needed aid most. The Reagan administration ignored the famine for most of 1988 (Fake and Funk 37), and it wasn’t until George H.W. Bush assumed office that the US shifted on its policy for famine relief in Sudan. President Bush not only acknowledged the ongoing famine in the south, but stated that “he would begin delivering food to civilians whether the Sudanese government liked it or not... which resulted in Sudan engaging in talks with UNICEF to launch a relief program for those previously ignored victims” (Fake and Funk 37). However, it was not long before US food aid dropped to Sudan and relations between the two governments began to destabilize.

The US had long been aware and critical of the pan-Arab alliance that Libya was searching to create (Alterman “Libya and the US”) with its African and Middle Eastern allies. This alliance had originally been one of the main purposes for the US’ recruiting Sudan as an ally. Sudan’s engagement in an oil agreement with Libya in the late 1980’s (Fake and Funk 38) resulted in the “beginning of the end” of the already weakening US-Sudanese alliance. Never again would the United States be a primary donor of aid to Sudan.

Omar al-Bashir’s rise to power in 1989 was hailed as the beginning of a new, confident Sudan. Bashir was not interested in making any deals with the United States regarding trade, but instead wanted to focus on rekindling its relationship with Egypt, Iran, and Libya. “Sudan is an Arab country which supports Arab national unity” (Fake and Funk 45). This statement by President Bashir sent a very clear message to the
United States: Sudan would no longer linger in the US policy wake and would instead create its own economic and political independence.

Surprisingly, the United States did not have an immediate reaction to Khartoum’s rejection. Instead, it maintained its criticism of the rebel groups in south Sudan, while keeping mum on the human rights abuses committed by the official government. Washington would continue to offer aid to Khartoum, but only if the Government of Sudan would agree to undertake IMF and World Bank-inspired economic reforms (Fake and Funk 46). Bashir refused this offer with adamancy.

On August 2nd 1990, US President George H.W. Bush and his administration were forced to reevaluate US engagement with Sudan after President Bashir lent his full support to Saddam Hussein’s invasion of Kuwait (“What You Need to Know About the US Embargo”). Prior hints from the “new” Sudan that it did not want close ties with the US government were ignored, but this particular event required attention and subsequent action from the United States. “By the end of the Gulf War, the State Department made the significant move of allowing USAID to tour the Sudan People’s Liberation Army-controlled areas of Sudan for the first time” (Fake and Funk 46).

Following the Bush administration of 1989, Bill Clinton was elected President of the United States and assumed office in January of 1993. Clinton furthered the alienation of Sudan by placing the country on the United States’ list of “States that sponsor terrorism” and, at the influence of the US government, decreased international aid to Khartoum significantly (“US-Sudan Relations”). The US then shifted its support to the SPLA and those nations that backed the rebel movement, like Ethiopia and Kenya (Ofcansky “The Recent History”). In 1996, “Washington included Sudan in its Anti-Terrorism Act, barring US companies from operating in
the country, and then placed Sudan under comprehensive sanctions in the fall of 1997” (Fake and Funk 46). The Government of the United States had now seemingly adopted the plight of the Sudanese people and built its platform around calling for regime change.

About one year after the United States imposed sanctions against the Government of Sudan, the US Embassies in Dar es Salaam, Tanzania and Nairobi, Kenya were bombed and subsequently linked to Osama bin Laden (“Bombings in Kenya and Tanzania”). In response, “President Clinton ordered, amongst other air strikes, the destruction of the al-Shifa pharmaceutical plant in Khartoum - a facility which the United States claimed to suspect of producing chemical weapons” (Fake and Funk 47) and to have ties with bin Laden. The destruction of the pharmaceutical plant resulted in many fatalities not directly attributed to the bombing, but instead due to the resulting lack of access to necessary medication and medical supplies. The United States soon revealed that the initial intelligence received regarding the pharmaceutical plant had been faulty (Astill “Strike One”). Not surprisingly, the political climate between Khartoum and Washington subsequently worsened.

Three years later, with a new President in office (George W. Bush) and the terrorist attacks of September 11th, Osama bin Laden would again become an important figure to the US government. He would also serve as a means for renewal of political relations between Washington and Khartoum by way of intelligence sharing. The September 11th attacks in the United States would immediately change US foreign policy and would ignite the infamous “War on Terror” lead by President George W. Bush. Thus, counter-intelligence became more important to US foreign policy than ever before (Cleave “Strategic Counterintelligence”).
In spite of the September 2004 US declaration that genocide was occurring in Darfur, (“Powell Calls Sudan Killings Genocide”), the State Department and the Central Intelligence Agency were looking to improve political relations with Sudan in order to gain critical intelligence information. In April of 2005, the CIA flew one of Sudan’s top government officials to the United States, despite being fully aware of his standing in the international community as a war criminal (“Salah Gosh”).

The said Sudanese government official was General Salah Abdallah Gosh, a then high-ranking Sudanese intelligence official who had previously worked with Osama bin Laden (“Salah Gosh”). Gosh, along with other Sudanese officials deemed important to US-intelligence gathering, received support from the US government, despite its knowledge of the crimes they had committed in Darfur. John Prendergast, co-founder of the Enough Project and former Director for African Affairs at the National Security Council, said the following in regard to US policy toward intelligence gathering: “When the two objectives of intelligence sharing versus a supposed desire to end the Darfur conflict go head to head, counter-terror wins every time” (Fake and Funk 50).

In 2005, the United States unsurprisingly abstained from a UN Security Council Vote to refer the conflict in Darfur to the International Criminal Court, along with China, Brazil, and Algeria (“Security Council Refers Situation in Darfur, Sudan…”). The United States has engaged in debate over the Court since its inception in 1998, with the debate centering mostly on the issue of state sovereignty. Although the US had been open to the creation of an International Court, the Clinton administration expressed initial concerns over the Court’s operational capability. In
spite of these concerns, President Clinton signed the Rome Statute that created the ICC in December of 2000 (Feinstein and Lindberg 39).

President Bush assumed office only twenty days after the signing of the Rome Statute, and:

“Took the unprecedented step of unsigning the treaty, entering into negotiations with over 100 countries to inoculate the US from its provisions, seeking to and passing legislation to impose penalties on parties to the treaty who did not offer special protections to Washington, and required to the Security Council to extend special protection to US service members or risk a US veto of peacekeeping and related military operations” (Feinstein and Lindberg 46-47).

Although these provisions were softened over time, unsigning the Rome Statute had been a very strong statement made by the Bush administration. Despite disagreement with the ICC, the Bush administration remained cooperative with and supportive of the ongoing investigation of Sudan by the Court. Still, the breadth of support offered by President Bush was limited, as he held more concern for the immunity of US personnel in Sudan, as well as maintaining his contact with Sudanese government officials. Members of the US State Department have said, “Sudanese leaders under investigation by the ICC are highly valuable, if unreliable, allies in hunting down Islamic terrorists” (Fake and Funk 54).

Although the US remained critical of the Government of Sudan, President Bush had successfully reversed US-Sudanese relations since his inauguration. He achieved this reversal not only through interaction with top Sudanese officials, but
through significant political action within the US as well. In 2001, the Bush administration rejected the Sudan Peace Act, which would have authorized financial assistance to anti-Khartoum forces in Sudan (Reeves “Playing Politics with the Sudan Peace Act”); forces that the Clinton administration had backed for the previous 8 years. In addition, according to Fake and Funk, “Washington lobbied to remove General Gosh from inclusion on a list of 17 individuals to face international sanctions drafted by a UN Panel. It also successfully protected top Sudanese commanders from UN Security Council Sanctions” (50).

Another instance of Bush weakness with regard to US policy on Sudan came six months after his administration had declared genocide in Darfur. In a bipartisan effort, US Senators Jon Corzine (D-NJ) and Sam Brownback (R-KS) introduced the Darfur Accountability Act to congress on March 2, 2005:

“The bill called for immediate US and international action. In doing so, it sought the following: a new UN Security Council resolution with sanctions; concerted US diplomacy to achieve an effective UN Security Council resolution; an extension of the current arms embargo to cover the Government of Sudan; the establishment of a military no-fly zone over Darfur; the freezing of assets and the denial of visas to those individuals responsible for genocide, crimes against humanity, and war crimes; increased and immediate assistance to the African Union; and the naming of a presidential envoy for Sudan” (Totten 200).
The White House initially applauded this effort, before using its power to kill the act in spite of unanimous approval by the Senate. The Darfur Accountability Act eventually disappeared completely at the hands of the Bush administration.

A similar act was introduced and passed by the US Senate in November of 2005 (Totten 204). The Darfur Peace and Accountability Act was moments away from being passed by the US House of Representatives when the White House applied pressure to halt the measure. “The Bush administration objected to any inclusion of sanctions [in the Darfur Peace and Accountability Act] on the Sudanese government. By February of 2006, there had still been no vote on the act” (Totten 204).

US policy on Sudan under the Bush administration has been best described by the US State Department through the following declaration: “Khartoum is too important to be harshly treated, and the Sudanese government should at least be helped, even if perhaps not fully supported” (Fake and Funk 50). Although the Bush administration had accused the Government of Sudan of committing genocide and frequently condemned Sudanese President Omar al-Bashir, US political action from 2001-2006 had made the administration seem ambivalent on Darfur. In reality, it was not the administration’s ambivalence to the conflict that influenced policy making, but rather its commitment to the Comprehensive Peace Agreement between the North and South. The US had been a key player in the development of the CPA and feared that placing too much focus on Darfur would result in insufficient implementation of the agreement by Khartoum (Cohen “We Must Halt the Genocide…”).

US and Sudanese government cooperation alluded to the fact that the United States’ main goal in Sudan was no longer to achieve regime change, as it had been
less than ten years before. In 2008, the Bush administration confirmed this through its offer to normalize relations with Khartoum, provided the North South CPA was implemented properly and that a resolution was found to the Darfur conflict (Fake and Funk 52). At that time, as a key developer of the agreement, it was in US interest to promote successful implementation of the CPA. The US also maintained interest in the prospect of Sudanese oil, but could not justify engaging economically with Sudan while genocide was underway in Darfur (Flounders “The US Role in Darfur, Sudan”).

Current President of the United States, Barack Obama, had built his foreign policy platform on condemning the genocide in Darfur and calling attention to the Bush administration’s failures in Sudan. In April of 2008, in response to President Bush’s offer to normalize relations with Sudan, then-Presidential Candidate Obama made the following statement:

“This reckless and cynical initiative would reward a regime in Khartoum that has a record of failing to live up to its commitments. First, no country should be removed from the list of state sponsors of terrorism for any reason other than the existence of verifiable proof that the government in question does not support terrorist organizations. Second, the Bush Administration should be holding the Government of Sudan accountable for its past promises to let UN peacekeepers operate within its borders—Khartoum’s record of inaction and obstruction when it comes to the deployment of the AU-UN force must not be rewarded. Third, the Bush Administration should be holding Sudan accountable for failing to implement significant aspects of the 2005 Comprehensive Peace Agreement (CPA) [between North and South Sudan], imperiling the prospects for scheduled multiparty elections in 2009....
The Government of Sudan has pursued a policy of genocide in Darfur. Hundreds of thousands of men, women, and children have been killed in Darfur, and the killing continues to this very day. Meanwhile, lasting peace will not come without implementation of the CPA. The Bush Administration and Congress have imposed sanctions in an effort to change Khartoum’s behavior; to suddenly offer to normalize relations before that change takes place, particularly without close consultation with Congress, makes no sense. Washington must respond to the ongoing genocide and the ongoing failure to implement the CPA with consistency and strong consequences” (Reeves “Obama and Darfur: The Futility of Mere Hopefulness”).

Obama offered hope for Darfur, with a promise of a brand new era of relations with the Sudanese government.

The Obama administration has spent the previous four years focused on CPA implementation and South Sudan’s secession. This focus is understandable, as peace in Darfur is likely rooted in the peace and stability of Sudan and South Sudan. However, the Obama administration has failed to address the ongoing violence in Darfur and the subsequent expulsion of certain humanitarian organizations from Sudan (Reeves “Obama and Darfur…”) with the tenacity that activists expected from his election in 2008. Darfur has been largely left out of US political discussion, with most attention instead being paid to oil disputes between Khartoum and Juba.

The closest mention that Darfur has recently received in international discourse was in October 2009, with Secretary of State Hillary Clinton’s announcement of the Obama administration’s “New Strategy” regarding Darfur (“US-Sudan relations”). This strategy included the following three core principles:
“Achieving a definitive end to conflict, gross human rights abuses, and genocide in Darfur; Implementation of the North-South Comprehensive Peace Agreement that results in a peaceful post-2011 Sudan, or an orderly path toward two separate and viable states at peace with each other; and Ensuring that Sudan does not provide a safe haven for international terrorists” (“US-Sudan relations”). Even still, the Comprehensive Peace Agreement has taken priority with little regard to the other two principles of the “new” US strategy, likely due to renewed oil prospects in South Sudan.

As previously mentioned, Sudan and South Sudan have been at odds over oil supply since the South’s secession in July of 2011. The South shut down oil production in December of that year in response to the North’s request for a specific transit fee for exportation (“South Sudan Expels…”). The US, in similar fashion to the Chinese, has since taken on a mediator role between the two nations. Secretary of State Hillary Clinton has visited South Sudan numerous times over the past year, encouraging an agreement between the two Sudans as well as offering US support to the SPLA government in the South (“Hillary Clinton urges South Sudan Agreements”). Outside observers might ask why the US has placed so much effort in developing a stable relationship with South Sudan; the answer is not simple.

Potential oil supply is obviously something that could come out of supporting the SPLA Government of South Sudan while not severing ties completely with the North. The United States seems to be in a similar balancing act to that of China in determining how to move forward with its relations with both of the Sudans. The only difference between the US and China, in this particular situation, is the shift in morals that the United States has undergone in order to achieve these relations. The US has
consistently preached human rights and freedom yet, for the last nine years, has avoided taking consequential action against the Sudanese government – guilty of violating both. Yes, the stability of the North and South is necessary to improve the overall situation in Darfur.\textsuperscript{11} The United States should continue to encourage the two Sudans to find resolutions to their many disputes. However, the fact remains that the genocide in Darfur has been largely overlooked by the United States in recent years in hopes that it might resolve itself, which has only enabled the conflict to continue.

Since birth, the United States has placed its own self-interest at the forefront of its foreign policy. It could be said that all sovereign nations do this and there would be little evidence proving otherwise. For decades, the US has prided itself on allowing its citizens to live in freedom without fear of persecution, and has attempted to hold other nations to this same standard. Unfortunately, Washington has frequently allowed self-interest to take priority over upholding human rights. The United States is one of the most powerful nations in the world and, thus, has the ability to set a precedent in this regard. So why hasn’t it?

“Never again” has not just become an international phrase that’s gone unheeded, but also the laughable embodiment of American foreign policy. The world has seen it repeated by the United States since 1914 with the Armenian genocide, after World War II with the Holocaust, following Pol Pot’s Cambodia, during Iraq’s elimination of the Kurds, and in Bosnia, Rwanda, and Kosovo. The world is witnessing yet another genocide in Darfur, and the United States has again repeated the cycle. The US has done little to resist participation in the age of genocide and has instead relied on hindsight to “rectify” any mistakes it may have made.

\footnote{And the similar, developing situations in South Kordofan, the Blue Nile, and Abyei regions}

63
Humanitarian Intervention and the Doctrine of Responsibility to Protect

“The concept of humanitarian intervention has been radically transformed by the ‘responsibility to protect’ principle. However, significant obstacles must be overcome to ensure that the “sun never sets” on R2P and the words “never again” may be uttered with confidence.”

-Antony Lewis, e-International Relations

Thus far, the entirety of this thesis has focused the topic of state self-interest, a necessary discussion when attempting to answer the proposed thesis question (“What role has state self-interest played in the ongoing conflict in Darfur?”). Still, there are other related subjects that appear frequently in academic discourse and therefore must be explored further. Humanitarian intervention and the “Responsibility to Protect” doctrine have been debated in the international community since R2P’s inception in 2001 (“The Responsibility to Protect”). The potential breach of state sovereignty by both concepts has become one of the main obstacles for states in regard to implementation.

In 2001, the International Commission on Intervention and State Sovereignty (ICISS) introduced the concept of “Responsibility to Protect,” or as Steven Fake and Kevin Funk say, “another name for the right of humanitarian intervention” (61). Fake and Funk take readers through the four criteria that the ICISS have deemed necessary to be met before humanitarian intervention can be approved:

64
I) Right intention: The primary purpose of the intervention...must be to halt or avert human suffering. Right intention is better assured with multilateral operations, clearly supported by regional opinion and the victims concerned.

J) Last resort: Military intervention can only be justified when every non-military option for the prevention or peaceful resolution of the crisis has been explored.

K) Proportional means: The scale, duration and intensity of the planned military intervention should be the minimum necessary to secure the defined human protection objective.

L) Reasonable prospects: There must be a reasonable chance of success in halting or averting the suffering which has justified intervention, with the consequences of action not likely to be worse than the consequences of inaction (61).

These four criteria come with the understanding that such measures are only to be taken if the state has proven its inability or unwillingness to protect its population. While the idea of humanitarian intervention has existed far longer than the “Responsibility to Protect,” R2P now encompasses the objectives of intervention within its doctrine.

The main objective of creating “Responsibility to Protect” was to set an international standard for humanitarian intervention. It operates under the assumption that there is a general consensus amongst the international community that there are certain circumstances under which intervention is necessary to protect innocent civilians. The doctrine addresses the primary responsibility that each state carries to
protect its population from genocide, war crimes, ethnic cleansing, and crimes against humanity (“The Responsibility to Protect”). If proven that a state cannot, or is unwilling to, act in this capacity, the responsibility to protect shifts to the international community. States must then begin by engaging in diplomatic and humanitarian efforts before potentially deciding upon military intervention (“Implementing the Responsibility to Protect…”).

Former Secretary General of the UN Kofi Annan has advocated aggressively on behalf of R2P. He had long been interested in answering the question of “when is it appropriate for the international community to intervene for humanitarian purposes” (“An Introduction to R2P”)? Annan used his influence as Secretary General to promote the doctrine and throughout 2003 and 2004, urged member states of the UN to incorporate R2P into the UN reform agenda (“An Introduction to R2P”). Annan firmly believed that commitment to “Responsibility to Protect” would result in a more stable world, although not all UN member states agreed.

Implementation of R2P involves potentially disregarding one of the most fundamental principles of international law, state sovereignty (Ferreira-Snyman “The Evolution of…”). State sovereignty has long enabled nations to act wholly in self-interest without fear of consequence. Most states would agree that ideologically, sovereignty must be bypassed in circumstances of genocide, war crimes, crimes against humanity, and ethnic cleansing. But in reality, sovereign nations of wary of making a commitment to a doctrine that could potentially threaten their own sovereignty in the future.

In early 2000, the African Union embraced a similar doctrine to R2P and its breach of sovereignty before it was officially introduced by the ICISS. Article 4(h) of
the African Union’s Constitutive Act outlines the “commitment of African nations to protecting populations from atrocity, even if infringement on the sovereignty of its members is required” (“An Introduction to R2P”). This inclusion set a precedent for the international community\(^\text{12}\) and thus, the AU became an influential advocate for R2P.

The 2005 UN World Summit put “Responsibility to Protect” on the main stage and the doctrine received commitment from many southern nations including Argentina, Chile, Guatemala, Mexico, Rwanda and South Africa. The acceptance of R2P by these UN member states perhaps influenced other attendees, because by September 2005, UN member Heads of State and government agreed to the following:

- Each individual state has the primary responsibility to protect its populations from genocide, war crimes, crimes against humanity, and ethnic cleansing. Each individual state is also responsible for the prevention of these crimes
- International community should encourage or assist states to exercise this responsibility
- International community has the responsibility to use appropriate diplomatic, humanitarian, and other peaceful means to help protect populations threatened by these crimes. And if peaceful means prove inadequate, the international community is encouraged to take

\(^{12}\) Despite this precedent, the AU has not fully upheld its commitment over the last 12 years, at least in regard to Darfur. One example of this lack of adherence is AU member states’ refusal to arrest Omar al-Bashir during visits to their nations, despite his indictment by the ICC (McKaiser “An African Answer…”).
stronger measures, including the collective of force authorized by the Security Council Chapter VII. (“Introduction to R2P”)

While this was a huge, positive development for the doctrine, it would quickly be met with the obstacle of implementation, especially in Darfur.

In September of 2004, then-US Secretary of State Colin Powell declared that genocide was occurring in Darfur. The declaration was met with public outcry, demanding US action or intervention in Darfur out of obligation to the Genocide Convention and “Responsibility to Protect” doctrine. In response, the chief legal advisor to the US Department of State William Taft IV issued the following statement in a memorandum on June 24, 2004:

“A determination that genocide has occurred in Darfur would have no legal – as opposed to moral, political, or policy – consequences for the United States… [The US State Department] has rejected an expansive reading of article I [of the Genocide Convention] that would impose a legal obligation on all Contracting Parties to take particular measures to ‘prevent’ genocide in areas outside their territory” (Hamilton “Inside Colin Powell’s Decision…”).

Taft was correct, despite US commitment to the Genocide Convention. Although article I “puts those who had joined the convention ‘under a clear obligation to do all in their power to prevent the commission of any such acts [of genocide]’” (Hamilton “Inside Colin Powell’s Decision…”), the US had been exempt. When the US ratified the Genocide Convention in 1988, it did so with a reservation that that prevented it from being brought to the International Court of Justice against its will (Power 164).
Thus, the Bush administration’s public condemnation of the Sudanese government appeared shallow with no serious means of enforcement.

In spite of this setback, one positive development in implementation was UN Security Council Resolution 1706 that authorized deployment of UN Peacekeeping troops to Darfur (“Security Council Expands Mandate…”). This resolution held significance because it referenced the 2005 UN World Summit and was heavily influenced by the doctrine of “Responsibility to Protect.” However, it wasn’t long before Russia and China (both permanent members of the Security Council) expressed opposition to R2P (“An Introduction to R2P”). A subsequent resolution\(^\text{13}\) authorizing a hybrid AU-UN force into Darfur notably excluded language with reference to the doctrine.

In January 2009, new Secretary General Ban Ki Moon issued a report titled “The Report of the Secretary General: Implementing R2P” in which he discussed his idea of a three-pillar approach to implementation of the doctrine (“An Introduction to R2P”). Moon’s three-pillar approach did not at all deviate from previous outlines of “Responsibility to Protect.” The report first discussed the primary responsibility of states to protect their population, then addressed the international community’s commitment to assist governments in protecting their civilians, and finally mentioned the shift of responsibility to the international community when a state is incapable or unwilling to protect its population (Implementing the Responsibility to Protect…).

\(^{13}\) Resolution 1769: “The Security Council authorized the deployment of a 26,000-strong joint United Nations-African Union force this afternoon, in an attempt to quell the violence in Sudan’s western Darfur region, where fighting between pro-Government militias and rebel guerrillas has killed more than 250,000 people since 2003” (“Security Council Authorizes Deployment…”).
The intention of Moon’s report was likely to emphasize the necessity of developing practical means of implementation of the doctrine. While the concept of R2P has been widely commended, many states are still wary of the threat to sovereignty that implementation might bring. There have been numerous instances of verbal commitment to the doctrine without tangible commitment to actively upholding its principles, especially in the United States and other sovereign Western states. Steven Fake and Kevin Funk make a powerful statement in their book titled *The Scramble for Africa: Darfur - Intervention and the USA*:

“From past to present, crafters of state policy have not been wont to freely admit they are planning an invasion because the targeted country has desirable resources, or it is a threat to their business interests. No matter how brutal the action being planned, no matter how base the motives, governments always claim to make foreign policy decisions for reasons free of self-interest, generally out of an imagined heartfelt concern for humanity” (62)

This is the very embodiment of the debate over R2P today.

Although “Responsibility to Protect” has not been successful in Darfur, it has been an important development in international relations discourse. There now exists an acknowledgement by the international community that states possess responsibility that extends beyond their own borders. The biggest obstacle for R2P now lies in convincing states to leave behind their self-interest and to not only take “Responsibility to Protect” seriously, but to also discover feasible means of implementation.
The International Criminal Court

“The Government is not able to even know the whereabouts of the perpetrators of serious crimes against humanity, let alone tracking, arresting, and punishing them”
-Sudanese Minister of Justice

Though the International Criminal Court is relatively young, it has made itself a prominent player in international relations over the last decade. It has been especially significant in investigating the genocide in Darfur and subsequently issuing arrest warrants for individuals found to be the most responsible for the crimes prevalent in the region, including President Omar al-Bashir (“The Indictment of President al-Bashir”). This marked the first time in the Court’s short history that a sitting Head of State had been indicted, thus highlighting the Court’s commitment to justice.

Despite its large support base within the international community, the ICC has not gone unchallenged by some of the most influential Western powers of the world. The United States, a signatory to the Rome Statute for all of 20 days before agreement was rescinded, is one of those oppositional powers. Although the relationship between the two has been more civil since 2008 with the election of President Barack Obama, the US remains somewhat skeptical of the power the ICC holds and its

14 Quote by President Barack Obama on October 6, 2007: “Now that it is operational, we are learning more and more about how the ICC functions. The Court has pursued charges only in cases of the most serious and systemic crimes and it is in America’s interests that these most
operational capabilities (Bracknell “The US and the ICC…”). Once again, as was seen with the “Responsibility to Protect” doctrine, when state sovereignty is threatened a cloud is cast over the pursuit of justice.

The purpose of this section is to shed light on the ICC and what it has done in Darfur. It is also to highlight the strengths and weaknesses of the International Criminal Court, especially in comparison with the Sudanese Special Courts that were supposedly established with the same intentions as the ICC, in the case of Darfur. The Court is important and relevant to the main theme of this thesis (state self-interest) because its efforts have largely been thwarted by states in pursuit of self-interest. The Court has yet to develop the proper amount of enforcement power to be completely successful, but it has made significant strides since its creation. However, the conflict in Darfur has proven to be one of its more difficult and prominent cases.

A treaty titled the Rome Statute created the International Criminal Court in 2002 for the purpose of prosecuting genocide, crimes against humanity, and war crimes in the place of national governments that are either unwilling or unable to do so on their own (“About the Court”). It is the first and only court of its kind and has been met with just as much resistance as it has support. Most notably, for the purpose of this thesis, the United States, China, and Sudan have all failed to ratify the Rome heinous of criminals, like the perpetrators of the genocide in Darfur, are held accountable. These actions are a credit to the cause of justice and deserve full American support and cooperation. Yet the Court is still young, many questions remain unanswered about the ultimate scope of its activities, and it is premature to commit the U.S. to any course of action at this time. “The United States has more troops deployed overseas than any other nation and those forces are bearing a disproportionate share of the burden in the protecting Americans and preserving international security. Maximum protection for our servicemen and women should come with that increased exposure. Therefore, I will consult thoroughly with our military commanders and also examine the track record of the Court before reaching a decision on whether the U.S. should become a State Party to the ICC” (“Statements of Barack Obama on…”).
Statute ("State Parties to the Rome Statute") and thus, made Luis Moreno-Ocampo’s position as prosecutor in the Darfur case all the more difficult.

In October of 2004, then-Secretary General of the UN Kofi Annan formed the International Commission of Inquiry to investigate events that had occurred in Darfur since 2002 (El Gizouli 266). A few short months later in January of 2005, the ICI presented its findings that ultimately concluded there were egregious human rights violations, crimes against humanity, and war crimes occurring in the region of Darfur. The government-controlled Janjawid militia and some rebel groups were said to be committing these crimes; the ICI’s conclusion did not include language of genocide (El Gizouli 266). Additionally, the ICI recommended that the case in Darfur be referred to the International Criminal Court for further investigation and possible prosecution.

On March 31st 2005, the UN Security Council passed Resolution 1593 ("Security Council Refers Situation in Darfur, Sudan…"). This resolution resulted in the referral of the situation in Darfur to the ICC by the Security Council, as the crisis was “considered to be a threat to international peace and security” (El Gizouli 266). Although this resolution was ultimately passed, it was not done so without some disagreement. First, whether to label the conflict “genocide” became a very prominent debate amongst members. Eventually the Council decided to leave that specific decision up to the ICC (El Gizouli 266). Second, China maintained that the situation in Darfur should be handled within Sudanese courts, reiterating its lack of support for the ICC. Despite their disagreement with the concept of the Court, the United States and China did not vote against nor veto Resolution 1593. However, they did not vote for it either. Instead, both abstained from the vote while committing to cooperate with
the International Criminal Court throughout its investigation ("Security Council Refers Situation in Darfur, Sudan").

By the end of November 2006, after traveling to 17 countries and collecting over 100 testimonies (El Gizouli 267), Ocampo’s investigation had concluded and his findings solidified. He submitted these findings to the Pre-Trial Chamber along with a request of arrest warrants for Ahmed Haroun and Ali Kushayb, the two individuals he found to be most responsible for war crimes committed in Darfur. These warrants were issued in May of 2007 with 51 counts of war crimes, crimes against humanity, and more and were met with contempt by Khartoum. “The Sudanese government announced it would not deliver Haroun, Kushayb, or any other Sudanese national to the Court - arguing that the charges were politically motivated” (Feinstein and Lindberg 71). Soon after, Ocampo announced his intention to indict President Bashir.

In February of 2009, the ICC issued an arrest warrant for President Bashir on charges of war crimes and crimes against humanity; becoming the ICC’s first indictment of a sitting Head of State (Feinstein and Lindberg 72). Ocampo included genocidal violence in the list of crimes committed by the President, but Bashir would not be charged with counts of genocide until July of 2010 (Reeves “Obama and Darfur: The Futility of Mere Hopefulness”). The indictment of Bashir had been a major development for the Court but because of restrictions within the Rome Statute and no ICC police force, the Court has been forced to rely on sovereign nations for his arrest. This has been extremely unsuccessful, as Bashir only visits countries with which he has good diplomatic relations. Additionally, the African Union and the Arab league have pledged their full support of Bashir and refused to arrest him, despite their commitments to the Rome Statute (McKaiser “An African Answer…”).
The indictment of Bashir was first met with a period of peace in the region of Darfur, but within a year violence had returned (LaFranchi “New Violence in Sudan…”). Many critics of the ICC worry that the Court impedes peace in the pursuit of justice (Feinstein and Lindberg 81), and wonder if it might be more beneficial for the ICC to leave the prosecution process to a national system. However, the differences of implementation between the ICC and the Sudanese courts have led many to conclude that it would be detrimental for the peace process to leave the Government of Sudan in charge of international convictions.

Above all, international law takes priority in cases of genocide to determine which court system is legitimate and thus, holds more power. The Rome Statute states that the ICC holds jurisdiction in a case where the state is a signatory to the treaty and when the state has proven its incapability or unwillingness to hold fair trials of its criminals (“Rome Statute of the International Criminal Court”). The Government of Sudan initially remarked that it would be willing to cooperate with the ICC, but later retracted these statements to express its feelings that the International Criminal Court is a “politically motivated,” illegitimate institution (“Sudan: Bashir Slams ICC Over Arrest Warrants”).

“From the beginning, the Government of Sudan denied any commitment or obligation to the ICC, stating (incorrectly) that it was not a signatory to the Rome Statute” (El Gizouli 268). This denial led to another string of inaccurate assertions by Khartoum, as it was not difficult to prove that Sudan did in fact sign the treaty on August 9, 2000 (El Gizouli 268). The Government of Sudan then made the statement that although they had signed; they had not yet ratified the treaty, which granted them freedom of obligation to the Court. However, Sudan became “party to the Vienna
Convention for International Treaties in 1969 which obliges all parties, until ratifying, not to obstruct the implementation of whatever agreement they may sign” (El Gizouli 268). These clarifications not only delegitimized the Government of Sudan but also reaffirmed their obligation to comply with the International Criminal Court. Yet there still existed one obstacle in the way of ICC taking precedent over the Sudanese National courts.

Article 17 of the Rome Statute “permits the Court to find a state unwilling or unable [to conduct proceedings] only if its legal proceedings are designed to make the defendant more difficult to convict. If its legal proceedings are designed to make the defendant easier to convict, the provision requires the Court to defer to the state no matter how unfair those proceedings may be” (Heller “The Shadow Side of Complementarity…”). This article has proven to be especially tricky in determining whether or not the ICC has jurisdiction in Sudan.

First, the ICC has found that Sudan frequently offers immunity to high level government officials and intelligence officers within its court system (El-Gizouli 270). It is unlikely that a high-ranking government official (especially those three who have been indicted by the ICC) will ever be tried within Sudanese National courts under the present regime. This would prove to make defendants more difficult to convict, which would comply with Article 17 in permitting jurisdiction to the ICC. However, the Government of Sudan has no desire to protect low-ranking officials within the government and intelligence community who may be seen as traitors, or rebel forces who stand accused. In this instance, defendants are made vulnerable and extremely easy to convict, which would require the ICC to defer to the Government of Sudan.
The level of difficulty in convicting perpetrators is not the only criterion determining the legitimacy of Sudanese National courts. In “The Erroneous Confrontation,” Kamal El Gizouli, a Sudanese lawyer, poet, writer, journalist, and human rights activist, points to three important distinctions between the processes of the ICC and Sudanese National courts:

“First, the ICC is a permanent judicial authority...the special national court for Darfur is an ad hoc court, and is the GoS’s attempt to defend its position in spite of its failure to secure justice within the workings of an effective judicial system. Second, the ICC exercises its jurisdiction over individuals for the most dangerous crimes of international concern. The Darfur special courts are limited to actions publishable by the provisions of Sudanese Criminal Code and other criminal acts. Third, the Rome Statute on international cooperation curtails the excessive use of immunity as a defensive shield against criminal liability. Darfur special court was lacking in provisions dealing with these immunities that protect government officials from being subject to provisions of the law” (262-263).

These three distinctions seem to determine that the International Criminal Court is more competent in abiding by international law and holding just and fair trials for those accused in Sudan, no matter their position in the government. Sudanese national courts would be the ideal setting of trials for the international community and even the ICC, but the fact remains that they are not compliant enough with international standards and are therefore incapable of proper conviction.

Today, the Government of Sudan continues to dismiss the validity of the ICC as a forum for determining possible crimes in Sudan, declaring that the Rome Statute
violates the sovereignty of Sudan (“Bashir brands ICC warrant ‘infringement’ on Sudan”). The Court itself has had difficulty in moving forward with the situation in Darfur because of its lack of enforcement power. It has made considerable progress with the international community as a whole, however, and has gained the cooperation of the United States. The result of the ICC prosecution in Sudan remains to be seen but recent developments in the nation might speed up that process.
**Sudan Today**

“At the end of the day, the Sudanese people cannot rely on governments. As those inside the country take to the streets in even greater numbers, those of us on the outside are doing what we can to bear witness and expose injustice. Let us show solidarity with the protesters in their fight against Bashir, a man wanted by the International Criminal Court for crimes against his own people.”

-Amir Ahmad Nasr, Foreign Policy Magazine

Violence continues in many regions of Sudan. In early 2012, the North and South were struggling to come to an agreement regarding oil finances and border disputes. These disagreements led to, what many considered, an extension of the civil war between the North and South that ravaged Sudan for decades. In recent months, the world has seen China and the United States make North/South relations a priority; the two nations have continued to encourage Sudan and South Sudan to reach an agreement and subsequent settlement (“Hillary Clinton urges South Sudan Agreement”). While this has been portrayed as humanitarian and a selfless effort to help South Sudan on the part of both the US and China, it is yet again motivated by security interests and the need for maintaining a reliant supply of oil.

Oil disputes, border disagreements, and continued ethnic violence have not been alone in plaguing the Government of Sudan recently. With the threat of losing all oil supply and the economy in a downward spiral, Sudan implemented austerity measures that would infuriate its own population such as “cutting a number of civil servants, reducing fuel subsidies and raising taxes on consumer goods, banks and
imports” (“Sudan: Protests Erupt Over Austerity Measures”). The resulting rise in food prices angered the Sudanese population to the point of explosive violence. By the beginning of June 2012, there were thousands of protestors in the street, many of them students, calling for a regime change.

This section has three objectives. First, it is to discuss the difficulties Sudan is finding in creating a stable relationship with the South, who now has more leverage over the international community than the North does. The relationship between the North and South is complex and now fueled by self-interest in multiple cases. How will the August 2nd oil agreement affect the disputed area of Abyei? Equally important, what impact will this have on the conflict in Darfur?

The second objective centers on the ongoing crisis in Darfur. For the past 3½ years, despite the signing of the Doha Document for Peace in Darfur in 2011, government violence has persisted throughout the region with the UN largely ignoring the resurgence of violence and UNAMID forces abandoning their duty to protect (Timberlake “Billions of Dollars but No Peace…”). It is mentioned in passing by the United States and rarely, if ever, acknowledged by China. To many outside observers, the continuing conflict in Darfur may seem obsolete or even non-existent. The developing relations between the North and the South have now taken priority over resolving the persisting ethnic violence that plagues the region of Darfur, and aiding the uncountable number of internally displaced peoples scattered throughout Sudan, Chad, Ethiopia, and South Sudan (“Darfur IDPs urge international humanitarian aid”). This section will discuss, in brief, the current situation in Darfur and what its future might look like.
Finally, the recent protests in Sudan mark a significant turning point for the Sudanese people. The protests have slowly dissipated without much resulting change, but the protests were an international news story for almost two months and helped to shed light on the current Government of Sudan; an unstable, oppressive regime that the Sudanese people want ousted. This section intends to highlight the importance of these protests to Sudan and how international reaction has differed from reaction to the Arab Spring.

After months of violence, bombing, and verbal disagreements, the two Sudans were instructed to reach an agreement on their disputes by the 2nd of August 2012. With encouragement and guidance from the United States and China, the North and South did reach an agreement (at least with regard to oil disputes) just in time for the deadline (Deng “After the 2nd August Roadmap Deadline…”). The international community welcomed this agreement as a significant step forward in developing relations between Sudan and South Sudan, but only with recognition that further disputes still exist and must be settled in a timely manner (Deng “Abyei: A test of good relations…”).

One of the most difficult areas of disagreement between the North and South is the status of the disputed area of Abyei. The North sees only two solutions to this problem: that Abyei remain in Sudan or be partitioned between the North and South, a

---

15 “Perhaps no area is more volatile and carries more implications for Sudan’s future than the oil rich region of Abyei — Sudan’s “Kashmir” — astride the boundary between North and South roughly 500 miles southwest of Khartoum. There lies one of the most potent of tripwires in all of Sudan. If the political crisis regarding Abyei is addressed, there is potential for peace in the entire country. If it is mishandled, it dramatically increases the possibility that Sudan’s current conflicts—from Darfur to the South to the East—will explode over the coming few years into a national war with regional implications and historically devastating repercussions for its people” (Prendergast and Winter “Abyei: Sudan’s Kashmir”).
solution deemed “fair” by the Government of Sudan. However, the majority of the international community (the US included) does not support the partitioning of Abyei nor does it support the automatic inclusion of the area in Sudanese territory (Deng “Abyei: A test of good relations…”). Instead, it sees the best solution to this issue as being a scheduled referendum for the Abyei area. Whether or not the North and South will approve this referendum, along with agreement on the “definition of residents who will be eligible to vote, and the chairmanship of the referendum commission” (Deng “Abyei: A test of good relations...”), remains to be seen, but could be even more significant than oil in the normalization of relations between the two Sudans.

Ideally, the normalization of relations between the North and South might lead to stability and peace. Unfortunately, this peace and stability is not guaranteed for Darfur. Because there is little interest in the region of Darfur for the South, it has not been a priority in the ongoing negotiations. This is yet another example of preserving self-interest in an effort to advance rather than focusing on a humanitarian disaster that is outside of the South’s jurisdiction.

The Doha Document for Peace in Darfur offered hope for stabilization in the region. In July of 2011, the Government of Sudan and the Liberation and Justice Movement signed the document and it was immediately welcomed by the United Nations and the UNAMID force present in Darfur. The DDPD has been said to serve as the “framework” for peace negotiations between all important parties to the conflict and is supposedly continuously working to reach comprehensive peace in Darfur (“Doha Document for Peace in Darfur”). However, three main rebel movements in the region remain wary of, and non-signatories to, the Doha Document for Peace in Darfur. The JEM, SLM/A-Wahid, and SLM/A-Minnawi excluded...
themselves from the development of the DDPD and have since been critical of the LJM for entering negotiations with the corrupt Government of Sudan (Ismail and LaRocco “Failing Darfur”). Once a signatory to the DDPD and former head of the LJM, Ahmed Abdelshafi “announced his repudiation of the DDPD and a break with the LJM [in early 2012]. Abdelshafi said his decision came after Khartoum’s campaign of ‘racial cleansing’ in South Kordofan and the Blue Nile” (Christian “The Doha Document for Peace in Darfur…”).

The government has since failed in upholding the DDPD in various sectors. First, following the signing of the agreement, “Sudanese authorities discouraged the few UN organizations and aid groups working in the region from providing humanitarian assistance” (“Darfur IDPs urge international humanitarian aid”). Second, after a brief period of peace the government resorted to violence in the region once more. Ultimately, the DDPD has not only failed in implementation but also in development. Like many other previous peace agreements in Darfur, the DDPD failed to address the issues at the conflict’s core and has, once again, treated Darfur as a separate issue from other Sudanese affairs. “Moving forward, Darfur must be integrated into holistic policy thinking concerning Sudan” (Ismail and LaRocco “Failing Darfur”). Until then, violence will persist.

Some areas of Darfur have seen enough improvement that residents have been able to return home, although this is not the reality for the majority of the region (Gettleman “Parts of Darfur See Stability…”). Recently there has been a resurgence of violence by the Sudanese police force and Armed Forces, and an overall lack of protection by UN and UNAMID troops (Timberlake “Billions of Dollars but No Peace…”). This violence has been accompanied with actions now deemed typical in a
conflict like Darfur: looting, destroying, raping, and displacing. What is happening currently in Darfur is eerily reminiscent to the first few years of the conflict and the situation is becoming more and more difficult to rectify.

Part of this difficulty stems from the fact that very few observers have acknowledged the increase of violence in Darfur, or have not attributed the violence to the ongoing genocide. A brief period of peace seems to have blinded the international community and the UN, as neither has condemned the resurgence of violence nor discussed strategies for halting it. To them, Darfur is a conflict that has ended despite evidence to the contrary. The UN and UNAMID have made statements accrediting the current violence in Darfur to a rise in criminality (Gettleman “Parts of Darfur See Stability…”) as a result of the unstable economy in Sudan. While this might be true, it is clear the people of Darfur that most of the violence is a continuation of the government-perpetuated genocide that began in 2003. The international community continues to pull the wool over its eyes and hope that the conflict will resolve itself.

Perhaps the most positive development in Sudan since the referendum of the South has been protests to Bashir’s austerity measures announcement. Sudan finally witnessed a strategically organized movement against its government, one that openly called for a regime change. Accompanied with a fearless demeanor, the protestors took to the streets in early June and demanded the overthrow of Bashir, something they would hope to achieve through civil disobedience and strikes (Nasr, “Sudan Needs a Revolution”). The protests began to quickly appeal to a wider majority of the Sudanese population than only students, and like in the Arab Spring, the use of social media became a foundation for spreading the word. Soon, the international
community was made well aware of the protests in Sudan yet it failed to be as prominent of a news story as advocates would have hoped. The mention of the protests would occur at least once a day, but the Sudanese protests did not gain nearly as much global support as the Arab Spring revolutions did.

Bashir’s regime took advantage of the protests’ weaknesses, using tear gas to halt street protests and imprisoning journalists in an attempt to stall information regarding the protests from reaching the rest of the world (“Sudan: Protests Erupt Over Austerity Measures”). Bashir, along with some Western journalists, thwarted the comparison between the Sudanese protests and the Arab Spring, stating that there are very clear differences between the two (“Bashir Says Sudan Protests Are No Arab Spring”). Fortunately for Bashir, the Sudanese economy somewhat stabilized when the oil agreement was reached with the South, resulting in the dissipation of the protests and the subsequent release of opposition journalists. Despite the protestors’ unsuccessful attempt to overthrow Bashir’s regime, the movement has re-educated the international community and the Government of Sudan on the plight of the Sudanese people. The hope is that in the future, protestors have enough resources to mobilize once more and succeed in achieving regime change for the betterment of Sudan.

Currently, the situations in Sudan and Darfur are unstable at best. The recent protests have shown the weakening of Bashir’s regime, a fact also apparent in the ongoing negotiations between the North and South. The Enough Project has stated that in order for peace and stability to reach Darfur, it must be included in the wider discussion of Sudan and no longer treated as its own separate issue (Ismail and LaRocco “Failing Darfur”). The international community must take this responsibility seriously, and influence the Governments of Sudan and South Sudan to do so as well.
Conclusion

As the thesis comes to a close, it is necessary to reexamine the proposed research question in order to come to a comprehensive conclusion. “What role has state self-interest played in the ongoing conflict in Darfur?” The answer to this question seems simple in that state self-interest has clearly played a massive part in perpetuating the genocide. However, it has not been so simple to determine the exact role it’s had in the conflict. The thesis has tackled this through examining various political actions of Sudan, China, the US, and the UN that have had negative consequences for Darfur. Thus, through research and analysis, the conclusion can be made that state self-interest has played a primary role in the ongoing conflict in Darfur. Without it, the pursuit human rights may have prevailed and Omar al-Bashir might not still be in power.

Even before Bashir and his National Congress Party came to power in 1989, Sudan had been ridden with oppression and their people plagued by deprivation. The Sudanese government has a history of providing for the elite at the expense of the poor and this has only been exacerbated since the beginning of violence in Darfur in 2003. The current regime and its party members came to power with the intent to create a pure Arab-Islamic State of Sudan. In pursuit of this, the NCP took drastic measures to eliminate the non-Arab population from the country, using the Janjawiid militia as a method for “purification.” In 2004 prominent Janjawiid militia leader
Musa Hilal repeated a directive given to him from his headquarters: “Change the demography of Darfur and empty it of African tribes” (de Waal and Flint 37). The Government of Sudan is not only fighting a war against irrational rebel groups, as it would have the international community believe. Rather, the government is inflicting violence upon Darfur, whose population includes those deemed “too black” for Sudan.

It might be difficult for the outside world, especially Western states, to come to the realization that ethnic cleansing and genocide is in part a result of a state’s pursuit of self-interest. The Government of Sudan shares economic and political interests with the rest of the world and has sought to develop strong international relations to secure its political standing. However, Sudan’s social interests, and its method for satisfaction, differ greatly from most sovereign nations in the modern world. In the pursuit of a pure Arab-Islamic state, the Government of Sudan has attempted to eliminate an entire group of people without negative consequence. The international community has given Sudan the benefit of the doubt on more than one occasion, which has enabled Khartoum to perpetuate genocide for almost nine years. It is the onlooker’s hope that international policy toward Sudan and Darfur will shift as South Sudan gains more political and economic pull, but this is a conclusion that remains to be seen. It is the only hope left for Darfur, as the international community has been stuck in a repetitive cycle of appeasement since 2003.

China’s partnership with the Government of Sudan has been strong since the early 1990s, when the Chinese fully developed Sudan’s oil capability. China has since been reliant on Sudan for a consistent supply of oil in exchange for weaponry, military advice, and political protection in the UN Security Council. China’s power
within the Security Council as a permanent member has given it leverage over proposed resolutions regarding Sudan and Darfur. Beijing has used this leverage to exclude language of economic sanctions, water down potential threats to the Government of Sudan, and express its concern over the proposed investigation of the situation in Darfur by the ICC.

Still, China has not been completely ignorant of its obligation to the international community. Beijing has been credited with influencing the Government of Sudan to allow UN troops into the country to monitor the situation in Darfur. Similarly, although expressed concern, it did not veto nor vote against the resolution to refer the situation to the International Criminal Court. China has been careful in maintaining its standing in the international community while securing its beneficial economic partnership with the Government of Sudan. However, it has not done this without criticism and has, on occasion, been labeled a direct contributor to the continuation of violence in Darfur.

Since the secession of the South, China has had to reevaluate its relationship with Sudan as all of its previous oil supply is currently under the South’s jurisdiction. This poses an interesting conundrum for the Chinese government, because for years China financially and militarily supported Sudan in its violent oppression of the Southern population. Now the Government of South Sudan holds a very significant position of power, and China must find a way to develop a new economic partnership with them without severing its ties with Khartoum. China now finds itself on a potentially explosive balance beam between the North and the South. It has begun to advocate strongly for an agreement between the two Sudans in order to achieve peace and stability throughout both nations.
The United States has found itself in a very similar position between the North and South. Although the past 20 years have been riddled with US condemnation of the Government of Sudan, there was once a period of time that United States favored the nation. Through the 1970s and 80s, US-Sudan relations were fueled entirely by the prospect of oil and national security during the Cold War. The US funneled development aid into Sudan until Omar al-Bashir came to power in 1989 and thus, changed Sudan’s political course. The Government of Sudan no longer wanted close ties with Washington, and the US government was forced to end political relations with Bashir when Sudan extended support to Iraq during its invasion of Kuwait. This landed Sudan on the US list of “States that sponsor terrorism” and ignited years of political isolation of Khartoum by Washington. This would last until the new millennium, when Sudanese intelligence would become extremely useful to the security of the United States.

The thesis went into great detail of US-Sudanese relations and has aided in reaching the following conclusion: the United States has only engaged with Sudan when tangible benefits for the US government have been in plain sight. Most recently, since 2001 the US has developed a habit of verbal condemnation for the Government of Sudan with little or no threat of ensuing action. It has allowed its role in the development of the Comprehensive Peace Agreement between the North and South to influence its policy-making regarding Sudan and Darfur. The US government wanted no threat to the implementation of the CPA and, to appease the Government of Sudan, began to focus less on the atrocities in Darfur and more on the progress Khartoum had made with the South. Since 2004, Washington has been unable to prioritize the
preservation of life in Darfur over the exchange of intelligence information or the prospect of oil in Sudan.

The US has since extended its participation in the development of the CPA to the current negotiations between the North and South. Like China, Washington has taken on a major role in encouraging peace and agreement in hopes for resulting stability within the two nations. The positivity associated with US involvement in these negotiations, while deserved, often overwhelms the lack of development made in the region of Darfur. In its failure to commit to policy implementation with regard to Darfur, the United States has allowed the Government of Sudan to perpetuate violence and has thus, contributed to the conflict in Darfur.

Although the United States and China have been two of the most influential powers over the Government of Sudan, they are not only to blame for the perpetuation of the genocide. The international community, as a whole, has failed to protect the people of Darfur. The creation of the “Responsibility to Protect” doctrine and the International Criminal Court show the initial determination that the world had to prevent crimes against humanity, war crimes, ethnic cleansing, and genocide. Unfortunately, R2P and the ICC have not been implemented to their fullest as the international community has expressed hesitation, resulting in disappointment rather than action. The world has failed to enact and uphold responsibility that extends beyond a written agreement.

In conclusion, the genocide in Darfur has been perpetuated by states acting in self-interest since 2003. Through analysis and research, a correlation has been found between foreign policy decisions regarding Sudan and the continuation of violence in the region of Darfur. This same government inflicted violence has now expanded to
other parts of the country, with little attention being paid to these afflicted areas due
to the importance that has been placed on various agreements between Sudan and South Sudan. Although peace and stability in all of Sudan is likely linked with the normalization of relations between the North and South, current government violence against civilians in Darfur, the Blue Nile, and South Kordofan cannot continue to be ignored.

Sudan has consistently been given a “get out of jail free” card even in spite of indictments by the International Criminal Court and economic sanctions by certain states. The fact remains that Bashir’s regime would lack the capacity to carry out such atrocities if it did not have the unstated support of the international community. International opposition to the Government of Sudan has failed to gain strength and loses legitimacy for each life lost in Darfur. It is unfair to ask the international community to consistently put state self-interest aside to pursue humanitarian causes throughout the world. However, unique cases of ethnic cleansing and genocide should not be tolerated during the 21st century when the world has supposedly come so far. The international community cannot continue to condemn atrocities with no intention to pursue consequential action, as it is hypocritical and unproductive. The world population cannot endure another utterance of “never again,” knowing full well that those words no longer hold weight.

In her book titled *A Problem From Hell: America and the Age of Genocide*, Samantha Power ends with a powerful quote by George Bernard Shaw: “The reasonable man adapts himself to the world. The unreasonable one persists in trying to adapt the world to himself. Therefore, all progress depends on the unreasonable
man” (516). The world must shift its thinking in order to change the cycle of genocide. No longer should states rely on what seems reasonable.
Works Cited
Works Cited


98


Curriculum Vitae

Jessica L. Baumgartner grew up in Stafford, Virginia where she graduated from Colonial Forge High School in 2007. She then attended George Mason University and received her Bachelor of Arts in Conflict Analysis and Resolution in 2011.