

Action Not Words

Action Not Words: The Responsibility to Protect in Darfur

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The idea that the international community has a responsibility to protect the vulnerable is facing its first major trial in Sudan's Darfur crisis. Endorsed at the World Summit in September last year, it set out to provide an effective route for action at the United Nations to protect civilians threatened with genocide, ethnic cleansing, war crimes or crimes against humanity. The responsibility to protect gave moral weight to the argument that the UN should act to save the lives of those threatened by their own state, and attempted to map out a way in which this could best be achieved.

Last year's declaration was made against the backdrop of increased optimism that the protracted Darfur conflict would soon come to a close. In recent months, however, the security situation there has significantly worsened, with the UN and human rights organisations drawing attention to another impending humanitarian catastrophe.

The UN coordinator for Humanitarian Affairs, Jan Egeland, warned the Security Council in August that 'insecurity is at its highest levels since 2004, [humanitarian] access at its lowest levels since that date'. He called for 'immediate action' to prevent a 'massive loss of life'.

In New York, diplomats have recently passed a Security Council resolution that could see UN peacekeepers enter Darfur in their thousands. However, without the consent of the Sudan government, this resolution cannot be implemented. Two questions emerge: what action can now be taken on Darfur, and what does this episode suggest for the future of the UN's declared commitment to act in the face of grave crimes against humanity?

Misplaced Hope

The complexities of the Darfur crisis cannot be understated. The conflict between government forces, their proxies - the Janjaweed - and rebel groups has been raging since 2003. The African Union (AU) deployed troops there in 2004, though even its final force strength of seven thousand is nowhere near enough to stabilise a region the size of France.

The signing of the Darfur Peace Agreement in May was seen by many as a breakthrough, but these hopes were misplaced. Signed by one faction of the rebel Sudanese Liberation Army (SLA), headed by Minni Minnawi and Sudan's government, the agreement did not include a second large SLA faction, and another key rebel group, the Justice and Equality Movement.

Political differences between the former rebel allies became even more divisive in August, when Minnawi accepted the role of special assistant to Sudan's President Omar al-Bashir - advising him on Darfur policy. Over the past year, inter-factional warfare within the SLA has increased, and this is in large part responsible for the worsening security situation in the region.

It is widely accepted that a bigger military force is needed to keep the peace - and the increased burden suggests the UN is far better equipped for the task than the underfunded and inexperienced AU. However, the AU's troubles are not all of its own making, since promised western financial support for its work in Darfur has fallen short.

In early September, Khartoum asked the AU force to leave at the end of the month if it did not drop its own support for the transfer of peacekeeping to the UN. Financially unable to continue in an increasingly challenging environment and unwilling to accept funds from the Arab League, the AU has said its peacekeepers will depart if a compromise is not found. Darfur's civilians would once again be cut off from the international community if UN troops do not take their place.

The Security Council resolution, passed in late August, approved the introduction of up to 17,500 UN troops in the region - although, in reality, many of these would be the old African Union troops in new colours. However, the resolution specifically requests Sudan's consent for the mission to be deployed. This was the only realistic option available to policy makers trying to get agreement. Any attempt to intervene forcefully in Darfur would face hostile resistance by government forces and, perhaps even more dangerously, would threaten to upset the peace agreement that ended the long civil war between the government and the south.

Not A Priority

Khartoum's immediate consent is imperative. UN Secretary-General Kofi Annan has expended considerable effort to encourage Sudan to cooperate, but with little success. American efforts to lobby Sudan have been similarly and unsurprisingly brushed off. Khartoum has been threatened with very little should it fail to comply with the international community's demands. The US has maintained a working relationship with Sudan in the 'war' on terror and wishes this to continue.

Any threats of more widespread sanctions by the Security Council are likely to be vetoed by China or Russia, both of which have vested economic interests in Sudan. Unilateral sanctions by western states would increase the pressure on Khartoum to permit the deployment of UN forces, but a lack of action by the west hints at an uneasy truth: the lives of Darfur's civilians are not the overriding priority. Aware that it can remain uncooperative at minimum cost, Sudan's government has been quick to denounce plans for UN peacekeeping.

There is no easy solution for the political stalemate. Until the elusive agreement for UN troops is obtained from Sudan's President, little else can be done to ensure the peace is

kept. Despite its gross neglect of the welfare of Darfur civilians, Khartoum has shown itself throughout the conflict to be a rational and strategic actor. This suggests the key to obtaining its consent for UN troop entry lies in changing the incentives. There should be credible, threatening non-military 'sticks' if it chooses to continue along its chosen path and possible 'carrots' if it begins to behave. A careful policy is required.

The Security Council has already begun identifying individuals who could be tried for war crimes by the International Criminal Court, but this process has arguably made Sudan more inclined to deny consent for a UN mission for fear that evidence could be gathered and used against government officials. The International Crisis Group has suggested an alternative threat: clamping down on the large-scale illicit commercial activity of Sudan's elite. This is a sensible idea, which stands its best chance of success if China and Russia can be persuaded to agree.

Hard To Act

The Darfur developments throw the agenda of the responsibility to protect into sharp relief. The crucial idea underpinning the concept is that states have a responsibility to protect their own civilians from genocide, ethnic cleansing, war crimes and other crimes against humanity. State leaders agreed that 'should peaceful means be inadequate and national authorities are manifestly failing to protect their populations', the international community had the responsibility to step in to protect civilians, using force on a case-by-case basis. Failing to respond would be morally unjustified.

Two lessons have become clearer in the light of this crisis. The first is that major international powers are still unwilling to risk strategic objectives in any attempt to protect civilians of other states. This message was reinforced by the refusal of the US to demand and broker an immediate ceasefire in the recent conflict between Hizbollah and Israel, despite the large number of civilian casualties, borne most heavily on the Lebanese side. Those in need will only be supported, it appears, if their needs coincide with the diplomatic, political or strategic objectives of at least one of the five permanent members of the Security Council without offending any other of those members.

The second lesson is that even if states do sincerely pledge a responsibility to protect, acting on this commitment is much harder in deed than in word. Sanctions and other non-military measures are difficult to get right and can have perverse effects on the lives of those in immediate need. In cases where military measures are contemplated, the extreme difficulties faced by the UN-authorized mission in Somalia in the early 1990s and the more recent non-UN authorized intervention in Iraq, are reminders of the dangers of introducing unwanted troops in hostile territory.

Military action has become highly improbable against regionally powerful states such as Sudan. The lack of political will for sanctions and the uncertainty of their effects mean that a perverse situation has arisen where the very individuals complicit in genocide or ethnic cleansing are given the final say on whether a troop deployment to protect civilians

goes ahead. Needless to say, this presents a special dilemma when pushing for immediate action on crimes against humanity.

Despite the challenges, the responsibility to protect approach has not wholly failed. It called for increased conflict prevention, reconstruction in its aftermath and active engagement in ongoing crises. If the international community begins to treat these three as inter-related - in particular, substantially increasing its emphasis on conflict prevention - it would signify a highly positive shift in political attitudes.

Last year, a British parliamentary report from the International Development Committee argued that the catastrophe of Darfur could have been prevented or mitigated in 2003 and early 2004 if western governments had chosen to act on the information and warnings they had then received. Reducing the number of instances in which large protection or peacekeeping forces are required by sustained focus and engagement in the early phases of a conflict should be the key objective.

The concept of the responsibility to protect has also successfully provided a framework for understanding what the Security Council should be doing, even if reality dictates otherwise. This is a constructive development from the 1990s, when much ink was spilt over whether the Council really had a role in the internal affairs of states such as Rwanda and Serbia. Yet the debate over exactly when the Council should act remains unresolved, despite the efforts of the UN Secretariat and other bodies to generate clear criteria for the use of force or other measures.

The responsibility to protect has also offered a new rationale for regional actors such as the AU, in providing human security to member states. The regionalisation of such a responsibility brings with it both potential benefits and dangers. Regional states have a self-interest in promoting stability among their neighbours in order to avoid refugee movements and other disruption. Providing them with the legitimacy and capability to intervene for human protection may increase the likelihood of international action. However, delegating the responsibility to protect to the regional level risks creating double standards. The phrase 'African solutions to African problems' can conjure up the image of a disinterested world disowning those most in need.

The crucible of Darfur will shape public opinion regarding the concern of the world's most powerful nations for its most vulnerable peoples. So far, they have demonstrated an inability and unwillingness to fulfil the promises made in New York just a year ago. If the international community wants to protect the victims of brutality, wherever they are, principled actions should follow laudable words. And never again might really mean never again.

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