

BEYOND THE "NEVER AGAINs"

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The Government of Sweden released a magnificent book in 2005, titled *Beyond the "Never Agains."* It was the culmination of a series of four international conferences initiated in 2000, the first three being "Education, Remembrance, and Research on the Holocaust" (2000); "Combating Intolerance" (2001); and "Truth, Justice, and Reconciliation" (2002). Even before the first of these conferences took place, the Swedish government had produced a book dealing with the Holocaust in Europe, 1933 to 1945, titled *Tell Ye Your Children*. Copies were supplied to every Swedish family with school age children, and translated into Finnish, Arabic, Turkish, Serbo-Croatian, English, Spanish, and Persian. In all, 1,270,000 copies were distributed and the book was also reproduced in Germany, France, and Denmark. But most importantly, the final conference in the series took place in 2004. It was titled "Preventing Genocide: Threats and Responsibilities" and it took place with the participation of UN Secretary General Kofi Annan, heads of state, foreign ministers, resident ambassadors in Stockholm, and other senior international diplomatic figures representing fifty-five countries.

Beyond the "Never Agains" makes extensive use of photography, virtually an illustration per page, greatly enhancing its message. The book is essentially composed of three sections. It contains short summaries of each of the first three conferences.

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These are followed by the major portion of the book, composed of interviews with eighteen individuals, including Kofi Annan, Kay Gusmao, Luis Moreno Ocampo, Samantha Power, Gareth Evans, and Gitta Sereny. The final portion of the book, as well as a fair portion of the interviews, concerns itself with the subject of the 2004 conference: Genocide.

The fourth and final conference was held in January 2004 in anticipation of the tenth anniversary of the genocide in Rwanda, which had cost the lives of between 800,000 and one million people in the brief span of thirteen weeks. The conference had the single material outcome in that it led to the establishment of a new position, a Special Advisor on the Prevention of Genocide, in the Office of the UN Secretary General. The office of the new special advisor was meant to provide an early warning function to the Secretary General. The senior diplomatic official present from each of the fifty-five states addressed the conference, in addition to Kofi Annan and the President of Rwanda. Literally every single speech hinged and elaborated on the theme of "Never Again." Nevertheless it is possible that not a single one of the speeches by national representatives pointed out that the next "Again" had already taken place, in the Congo between 1998 and 2003, with a cost of perhaps 3.5 million lives. (This reviewer attended the entire conference). In spite of this, there was absolutely no international response during that period. Furthermore, yet another Genocide had already begun and was well underway as the conference was taking place: in the Darfur province of Sudan, and perpetrated by the Government of Sudan. It is questionable whether any of the speeches by the diplomatic figures pointed this out either. It would continue through 2006 without any meaningful international intervention sufficient to bring it to an end. If the events that followed in Darfur after January 2004 should be considered its test, the conference must be seen as a failure.

In April 2004, a few months after the Stockholm conference, Kofi Annan also spoke at the tenth anniversary of the Rwandan Genocide. He offered five "lessons" from international inaction in Rwanda in 2004, the fifth of which was "the need for swift and decisive action." And in January 2005, on the 60th anniversary of the liberation of the Nazi death camps in 1945, the United Nations General Assembly held its first-ever special commemorative session. Once again the rhetoric was heavy, not least by

the sitting President of the General Assembly, the Foreign Minister of Gabon. He pointed out that "terrible things" were happening in Darfur—but it was notable that the African Union had done nothing to stop those "terrible things" in eighteen months. (When the African Union deployed an observer force to Darfur later in 2005, the UN mission in Sudan, it took over nine months to deploy 3,600 troops, only 40 percent of its mandated strength). Finally in September 2005, the United Nations World Summit adopted the concept of "The Responsibility to Protect," which is based on the report of the same name produced several years before by the International Commission on Intervention and State Sovereignty. The opening lines of the executive report of that study noted that "Rwanda in 1994 laid bare the full horror of inaction." The operative paragraphs of the United Nations World Summit Outcome Document noted that

Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it . . . The international community, through the United Nations, also has the responsibility to . . . help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.

This was followed in November 2005 by the Secretary General's annual report concerned with the protection of civilians in conflict that is delivered each year, following the passage of UNSC Resolution 1296 several years earlier. When negotiations began in the same month in the UN Security Council to convert the operative paragraphs of the World Summit Outcome Document into a UN Security Council resolution, one paragraph in the resolution draft referred to the commitment made only two months before. But it would not survive. A letter to the UN Secu-

rity Council by a group of international humanitarian NGOs pointedly noted "... that members of the Council and other governments are seeking to revise Operative Paragraph 6 in order to weaken or remove the reference to commitments made at the 2005 World Summit on the responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity."¹ The letter suggested that the UN resolution should contain the following paragraph: "Undertakes to consider, where national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity, timely and decisive action to protect those populations, in accordance with Chapters VI, VII, and VIII of the Charter as appropriate." However by the time the UN Security Council Resolution 1674 was adopted six months later on April 28, 2006, not a word of the September 2005 commitment remained. Not only was there no mention of Chapter VII of the UN Charter, not even Chapters VI or VIII were mentioned. Despite this, a second letter by several NGOs to the UN Security Council on May 25, 2006 still claimed that "For civilians around the world, resolution 1674 has the potential to be one of the most significant measures taken by the Security Council in decades to provide them with protection, but only if it is transformed from rhetoric into action." It immediately added "A key test of the Security Council's commitment to the concept of 'responsibility to protect' is clearly Darfur, western Sudan."²

Darfur Province then, in Sudan, was the next "Again." It certainly had not been affected in the slightest by the conference in Stockholm. That, however, can be excused: the visits to Khartoum by UN Secretary General Kofi Annan and U.S. Secretary of State Colin Powell in the final week of June 2004 and various senior European political officials afterwards had no noticeable effect either, nor had the other international convocations noted above and all their attendant declarations. As this is being written the

1. "Inclusion of Responsibility to Protect in Security Council Resolution on Protection of Civilians in Armed Conflict," letter to the Permanent Representatives of the members of the United Nations Security Council, Oxfam International, et al., undated.
2. "International NGOs Call for Strong Force in Darfur: Joint Letter to the UN Security Council," Amnesty International, Human Rights Watch, International Crisis Group, May 25, 2006.

events in Darfur have been in process for three and a half years, at a probable cost of over 400,000 lives. Over 1,000 villages have reportedly been burned and destroyed. In an unprecedented action the United States Department of State has released satellite images to document the destruction. It has all been witnessed, reported, and widespread use of rape documented. Approximately 2.5 million people are either internally displaced in camps in Sudan that are routinely harassed by Sudanese forces, or they are in camps across the border in Chad. The government of Sudan has continually acted with brazen impunity, defended and protected in the UN Security Council by China and Russia, and also supported in the United Nations by the Arab League. Sudanese officials have lied continually throughout the entire period as to what was taking place in Darfur, regarding only their own responsibility and management of those events.³ The United Nations Security Council is split once again by the refusal of two of its "Permanent Five" members—China and Russia—to countenance any meaningful action.⁴ Its resolutions, which essentially beseech Sudanese government cooperation to halt Sudanese government policies and operations, are simply brushed aside by Khartoum with open disdain.

Reversing its own promises made in March and June 2006, the government of Sudan then successfully fought off efforts by the UN Secretary General for four months to get an enlarged and UN mandated peacekeeping mission into Sudan. UN Security Council Resolution 1706 finally mandating such a UN force is likely to be no more effective than were the ten UN Security Council resolutions that preceded it. If Sudan and its allies con-

3. For a narrative of the events in Darfur from 2003 through May 2006, see Milton Leitenberg, *Deaths in Wars and Conflicts in the 20th Century* (Cornell University Peace Studies Program, 2006), pp. 31-57; Marisa Katz, "Bush Channels Neville Chamberlain; A Very Long Engagement," *The New Republic*, May 15, 2006, online at www.einaudi.cornell.edu/peace-program/publications/occasional_papers/Deaths-Wars-Conflicts3rd-ed.pdf.

4. "Responsible China? Darfur Exposes Chinese Hypocrisy," *Washington Post*, September 6, 2006; James Traub, "The World According to China," *New York Times Magazine*, September 3, 2006, pp. 24-29; "Sudan: Catastrophe Looms—Averting it requires help, most of all from China," *The Economist*, September 9, 2006, p. 13.

tinue to successfully subvert the UN resolution, and if mortality increases substantially in the coming months, Darfur will not only become, in a UN official's words, a "man-made catastrophe of unprecedented scale," but it will also turn into a catastrophe for the United Nations of the same magnitude that Rwanda was. The bankruptcy of the policy envisioning the use of force "only as a last resort" and of "The Responsibility to Protect" was clearly demonstrated. Discussion of "targeted sanctions" is equally meaningless, as the record in 2005 and 2006 also demonstrated.⁵ Having successfully stymied the UN, and obviously considering itself under no pressure whatsoever and protected by a segment of the international community that openly supported its position, Sudan demanded the withdrawal of the African Union observer force by September 30, 2006⁶ at the same time as it launched a large, new military offensive in Darfur.⁷ Despite provisions in existing UN Security Council resolutions that enjoined the Sudanese government from using aircraft to target civilians in Darfur, Sudan initiated major use of bombing and helicopter gunships in the new campaign,⁸ which additionally served the

5. Eric Reeves, "Accommodating Genocide," *Washington Post*, September 3, 2006.

6. Ophera McDoom, "Sudan: African Union Must Quit Darfur Region," *Washington Post*, September 4, 2006; Lydia Polgreen, "Sudan Gives African Union an Ultimatum," *New York Times*, September 5, 2006; Lydia Polgreen, "Africa Monitors Threatening to Quit Sudan," *New York Times*, September 6, 2006; Lydia Polgreen, "With Little Authority, African Union Force Struggles with Its Mission in Darfur," *New York Times*, September 9, 2006; Lydia Polgreen, "Darfur Trembles as Peacekeepers Exit Looms," *New York Times*, September 10, 2006.

7. Craig Timberg, "Sudan's Offensive Comes at Key Time; Push in Darfur Seen as Effort to Preempt Deployment by UN," *Washington Post*, September 5, 2006; Craig Timberg, "In Darfur's Death Grip: Villagers Tell of Three Days of Brutality and Killing as Sudanese Troops, Allies Step Up Attacks," *Washington Post*, September 6, 2006; Craig Timberg, "For Darfur Women, Survival Means Leaving Camp, Risking Rape," *Washington Post*, September 16, 2006.

8. Craig Timberg, "In Darfur, Terror from the Air: Sudan Intensifies Use of Helicopter Gunships and Bombs, Driving More Villagers from their Homes," *Washington Post*, September 9, 2006; "Sudan Flouting Peace Treaty, Annan Charges," *Washington Post*, September 12, 2006; John McCain and Bob Dole, "Rescue Darfur Now," *Washington Post*, Septem-

government's purpose of cutting off international humanitarian assistance to the northern section of Darfur. However no international entity has ever moved to enforce a no-fly zone over Darfur in support of those UN Security Council resolutions, despite the long standing basing of French aircraft in Chad.

Unless the UN Security Council at some point agrees to establish automatic thresholds in advance which would mandate international intervention under Chapter Seven of the UN Charter—which means a specific numerical threshold of deaths, or a sliding scale of a specific number of deaths within set lengths of time—there will never be an end to empty vows of "Never Again." And given Chinese and Russian opposition even to sanctions, not to speak of intervention in existing cases, there is no indication that anything like that can be expected. We have had Somalia in 1991, Bosnia from 1992 to 1995, Rwanda in 1994, the Congo from 1998 to 2005, and Darfur from 2003 to 2006, and more are likely to follow. There continue to be governments who are willing to slaughter their own citizenry, and there are still members of the Permanent Five of the UN Security Council who believe that they have more important goals to be served than stopping that slaughter. It was all a matter of Sudan's "sovereignty" as Sudan and China repeatedly insist. Genocide is a "sovereign" matter. As a Sudanese official phrased it, the UN resolution mandating a UN force was a "conspiracy for confiscating the country's sovereignty." Other nations that might have rallied some action in different circumstances were distracted by Afghanistan, Iraq, and Lebanon. There will be continuous "Agains."

ber 10, 2006; Craig Timberg, "Rebels Say They May Abandon Darfur Pact; Faction Commanders Demand a Strong International Force," *Washington Post*, September 14, 2006.