



Q. When does an ethnic conflict become a genocide?
A. In retrospect

Not an obvious subject for jokes, but the situation in the Darfur region of Sudan supports the case for cynicism. The elements of the current situation have been widely rehearsed (see [BBC in depth coverage](#) and [The Guardian's collection](#)), but crisis point has been reached with the Government of Sudan demanding withdrawal of African Union peacekeepers while blocking the arrival of blue beret UN peacekeepers, which are not in any case forthcoming, while attacking civilians and arming the Janjawid Arab militia and using them as proxies in an orgy of killing, rape, abduction and atrocity (see [2006 conflict map](#)). The destruction is systematic and ethnically targeted and has so far involved [slaughter of at least 200,000](#) and ['internal displacement' of about 1.8-2 million](#), which the African Union are there to protect, with mixed results (see [Brookings Institution](#)). What is going on...?

Anticipating the removal of peace keepers, the Sudan government appears to be preparing a military 'final solution' against it's own people- see [Independent](#). A background tension is the determination of [China to pursue Sudan's oil resources](#) to support its growth, with a result that it has been blocking and stalling determined action through the UN. Both China and Russia persist with arms sales - again compromising the response.

The [UN Convention on the Prevention and Punishment of the Crime of Genocide](#) should be the guide here. The Convention states in Article 1 that its parties recognise that *genocide is a crime under international law which they undertake to prevent and to punish*. Genocide is defined in Article 2 as:

.... any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.

These definitions are further elaborated in the 'Elements of Crimes' definitions of the International Criminal Court (see [Official document P6](#) or [Genocide Prevention campaign for a condensed version](#))

On these definitions, the situation in Darfur is a genocide. And these are the definitions that matter. Under the convention the parties are required to act to prevent and punish genocide and the convention does not require them to seek the permission of a genocidal state before they do. Any doubts, and the matter should go to the International Court of Justice (Article 9). [UN resolution 1706](#) on Darfur mandates a peacekeeping force, invites the consent of the Sudan government, and urges the UN members to come up with troops (see Article 1). In other words, there is already a mandate to act and the consent of the Government of Sudan is desired but not required.

The Prime Minister has been on the front foot on Darfur this week, but [his statement this weekend](#) does not use the G-word and appears to beg the consent of the Sudan government. Hilary Benn, who has worked tirelessly on this problem has also made [a statement, but refers only to war crimes and crimes against humanity, not genocide](#). And that is the problem. To their great credit, Americans have taken a harder line, with [Colin Powell labelling the atrocities 'genocide' in 2004](#) and [Hawkish US ambassador to the UN John Bolton appeared with doveish George Clooney](#) to get the point across. Conspicuous by the absence of pronouncements is the [UN Special Adviser of the Prevention of Genocide](#), Juan Mendez. If anyone is going to call the question of whether the conditions of genocide apply, then it is surely him - [his mandate](#) allows and requires it.

I can almost feel the world-weary, worldly wise hand-wringing of the 'realists'... aren't Blair and Benn are playing a subtle insiders' game? Much better to keep the government of Sudan in the loop... "War is the failure of diplomacy". etc etc.

No, I don't think so, ...not this time. The [Darfur Peace Agreement](#), signed in May 2006, is on the point of collapse and the government is thumbing its nose at the UN resolutions. With an astonishing track record of murder and genocide already evident, the government is preparing an offensive against its own people that is weeks away at the most. *Now* is the time to resort to force and to persuasion backed by the credible threat of force. As the desperation mounts and time runs out, there are [increasing calls for military intervention](#) and a [suggestion that President Bush is leaning towards it](#). Yet there is still no military force assembled to take over from the AU.

How will we live with the shame if there is another genocide of Rwandan proportions, *and* we understood that was going to happen in advance?