

THREE

WHAT'S IN A WORD? “GENOCIDE” AS A TOOL OF U.S. FOREIGN POLICY

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Coining the word genocide in 1943, Raphael Lemkin, a Polish refugee to the United States, hoped that the horrors of the Nazi holocaust would never be repeated. Lemkin hoped to enshrine the word into the moral vocabulary of a nascent international system so that states would feel loathe to commit it and compelled to prevent it. Lemkin's expectations were unfulfilled, as evidenced by the 1994 genocide in Rwanda and the current crisis in the Darfur region of Sudan. The United States' linguistic response to these two crises demonstrated the inadequacy of words, however weighty, when unaccompanied by meaningful actions. In both cases U.S. concerns – whether strategic, diplomatic or driven by domestic interest groups – dictated the linguistic response. Any desire to improve the reality on the ground in Africa was at best a secondary concern. By failing to accompany words with an array of complementary actions, the United States failed to use the word genocide as an effective tool of foreign policy. Instead, it divested the word genocide of much of its intended legal and political weight. The ongoing crisis in Darfur provides an opportunity to consider optimal responses to genocide. By acting to prevent genocide as, or preferably before, it happens, the United States could inject meaning once more into words.

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I. INTRODUCTION

This paper focuses on the United States' linguistic response to genocide in Rwanda and Sudan, analyzing the causes and effects of one word. It is a study of differences and similarities. In Rwanda in 1994, where the occurrence of genocide was beyond dispute, the United States was deeply averse to condemning the genocidal regime. During the 2004 crisis in the Darfur region of Sudan, the United States exhibited less reluctance to name the crimes committed as genocide. In both cases, words rather than actions dominated the response.¹

The first part of this paper explains the origins and significance of the word genocide. The second section follows the United States' linguistic response to genocide in Rwanda, before analyzing the motives behind America's choice of words. For the sake of comparison, the third part does the same for Sudan. Both the second and third sections consider shifting understandings of the legal and political implications of the word genocide. Given these evolutions, the fourth section analyzes U.S. responses to genocide from a cost-benefit perspective. The final section considers the optimal U.S. response to the current crisis in Darfur as a way of injecting meaning, once more, into words.

II. PART 1 – WORDS AS TOOLS: GENOCIDE

Google "genocide" and you will gain instant access to several million websites. Close to the top of the list is the website of Prevent Genocide International. The site is available, in its entirety, in over twenty languages, and defines genocide in a further eighty. The website also charts the origins of the word genocide itself. When confronted with the horrors of the Nazi

¹ This paper draws on interviews conducted with Melvin P Foote, Chief Executive Officer, Constituency for Africa; Malik M Chaka, Professional Staff Member, Subcommittee on Africa; and John Prendergast, Special Advisor, International Crisis Group.

invasion of the Soviet Union, Winston Churchill, the master rhetorician, was lost for words. In a radio broadcast on August 24, 1941, alluding to the “scores of thousands of executions” committed by German invaders, he said: “We are in the presence of a crime without a name.”

Churchill was right. In 1941 there was no word to describe the horrors of the Nazi holocaust. The word genocide did not appear in print until November 1944, in Raphael Lemkin’s *Axis Rule in Occupied Europe* (Prevent Genocide International 2004). A Polish-Jewish refugee to the United States, Lemkin coined the term genocide – from the Greek *geno* (race, clan) and the Latin *cide* (killing) – to describe the destruction of a nation or an ethnic group. Lemkin believed in the power of words, and was committed to enshrining genocide into the legal and moral vocabulary of the international community. He lobbied relentlessly for the United Nations’ first human rights treaty, the Convention on the Prevention and Punishment of the Crime of Genocide (henceforth the Genocide Convention), which opened for signature in 1948 (Power, 2004).

According to the Genocide Convention, genocide is an act “committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group” (Article II). The Convention includes incitement of genocide and complicity in genocide, alongside the act of genocide, as punishable crimes. Under Article V, all states party to the treaty must “provide effective penalties” for nationals found guilty of crimes under the Convention.

The treaty is less clear on the obligations of party states whose nationals are not themselves implicated in the genocide. A limited reading of the treaty would point to Article VIII, which allows any contracting party to call upon “the competent organs of the United Nations” to take action “appropriate for the prevention and suppression of acts of genocide.” Article VIII is optional in nature; states are permitted, but not compelled, to follow such action.

A broader reading would point to the treaty preamble, which states “genocide is a crime under international law,” and to the Convention’s title itself: states party to the treaty ought to construe the terms *Prevention* and *Punishment* as obligations under international law (Office of the High Commissioner of Human Rights 1948). One hundred thirty-six states are currently parties to the Genocide Convention. The United States signed the treaty in 1948, although opposition in the Senate forestalled its ratification until 1988 (Rosen 1999).

III. PART 2 – STRUGGLING WITH SEMANTICS: RWANDA

On June 10, 1994, in an exchange with Reuters correspondent Alan Elsner, State Department spokesperson Christine Shelly attempted to articulate the United States’ position on events in Rwanda:

Elsner: What's the difference between ‘acts of genocide’ and ‘genocide’?

Shelly: Well, I think...as you know, there’s a legal definition of this...clearly not all of the killings that have taken place in Rwanda are killings to which you might apply that label... But as to the distinctions between the words, we’re trying to call what we have seen so far as best as we can; and based, again, on the evidence, we have every reason to believe that acts of genocide have occurred.

Elsner: How many acts of genocide does it take to make genocide?

Shelly: Alan, that's just not a question that I'm in a position to answer (Elsner 2004).

By June 1994 the Clinton administration had dug itself into a semantic ditch with regard to genocide in Rwanda. Developments in the preceding months chart the path to the absurd position assumed by Christine Shelly on that day in June.

In a fax to the United Nations on January 11, 1994, General Romeo Dallaire, the Canadian Commander of the U.N. Assistance Mission in Rwanda (UNAMIR), warned that the Interhamwe militia had the ability to “kill up to 1000 Tutsis” in twenty minutes (Dallaire 1998). Aware that the Security Council (and particularly the United States) would be unwilling to intervene in the crisis, Kofi Annan, then Undersecretary General for Peacekeeping Operations,

suppressed Dallaire's warning (Power_a 2004, 344-5). Three months later, an airplane carrying the presidents of Rwanda and Burundi was shot down as it prepared to land in Kigali. As though on cue, military and militia groups began rounding up and killing Tutsis and political moderates, who were seen as Tutsi sympathizers. On April 26, Dallaire explicitly stated that the unfolding crisis was genocide (Subcommittee on Africa 2004, 10). On April 29, Boutros Boutros-Ghali himself accepted the genocide label (Subcommittee on Africa 2004, 10).

While top U.N. personnel were slow to officially acknowledge the genocide, the United States, quite intentionally, missed the boat. As the genocide continued unabated in Rwanda, U.S. policy-makers engaged in a debate over nomenclature. On May 1, an internal Pentagon discussion paper cautioned officials against using the term genocide (Office of the Deputy Assistant Secretary of Defense for Middle East/Africa Region 1994). On May 21, Secretary of State Warren Christopher authorized Department officials to use the formulation "acts of genocide have occurred" (Bennet et al. 2004). On June 10, Christopher, under intense pressure, relented: "If there is any particular magic in calling it genocide, I have no hesitancy in saying that" (Elsner, 2004).

By mid-May, as the State Department was finally admitting that "acts of genocide" had been committed, the Red Cross estimated at least 500,000 deaths had occurred, the majority of which were Tutsis, at the hands of Hutu extremists. In June, French forces landed in Goma, Zaire and were deployed throughout southwest Rwanda. A more robust intervention was hampered by continued haggling in the U.N. over who would provide and pay for troops and equipment. The slaughter ended only when the Rwandan Patriotic Front took Kigali on July 4, 1994. In a mere one hundred days of violence, some 800,000 Tutsis and politically moderate Hutus had been killed (Power_a 2004, 334).

When President Clinton paid a three-hour visit to Kigali airport in 1998, he admitted to Rwandan survivors that “We did not act quickly enough after the killing began ...We did not immediately call these crimes by their rightful name: genocide” (Clinton 2004). Clinton was careful with his words in this speech, perhaps even intentionally misleading: “All over the world there were people like me sitting in offices, day after day after day, who did not fully appreciate the depth and the speed with which you were being engulfed by this unimaginable terror” (Bennet 1998).

President Clinton, then, seemingly attributed his inaction in the face of genocide to ignorance. Yet, recently declassified documents tell the real reasons for America’s silence, which was anything but ignorant. The documentary evidence demonstrates that the United States’ failure to react was in no way due to a breakdown of intelligence; in addition to Dallaire’s January warning (in what later became known as the “genocide fax”), policy makers had an accurate, real-time picture of events on the ground. In fact, in the months leading up to the genocide, the C.I.A., local U.S. embassies, and regional NGOs all warned of large-scale arms imports, racial propaganda, and periodic ethnic massacres (Subcommittee on Africa 2004, 7, 26). The failure to name the genocide did not result from a lack of information. A Pentagon Discussion Paper dated May 1 expressed the prevailing fear that vocal acknowledgement of the facts would compel the United States government to “actually ‘do something’” (Office of the Deputy Assistant Secretary of Defense for Middle East/Africa Region 1994).

As lawyers in the State Department were lending credence to a broad reading of the Genocide Convention, policy makers were adamant: the United States would not intervene to prevent genocide in Rwanda. On April 21, the U.S. pressured the Security Council to withdraw all but a remnant of UNAMIR troops. The United States’ “sin of omission” – its failure to decry

the genocide – is best understood as a counterpart to its more consequential “sin of commission” – its insistence that U.N. troops be withdrawn from Rwanda (Subcommittee on Africa 2004, 23).

A categorical refusal to intervene in Sub-Saharan Africa was a symptom of what Richard Holbrooke termed “Vietmalia Syndrome.” In the post-Vietnam era, the Powell-Weinberger Doctrine effectively ruled out intervention in Africa. The grand exception – the Somalia intervention of 1992-93 – served only to confirm the rule. Following the death of eighteen U.S. soldiers, the Clinton administration had calculated, quite correctly, that the public was unwilling to see further American deaths in an effort to enforce peace in Africa. If a sense of “never again” guided any foreign policy decision, it was in this determination to avoid engaging the U.S. military in Rwanda.

Samantha Power, a lecturer at the Kennedy School of Government and author of the book *A Problem from Hell: America and the Age of Genocide*, has noted that the fear of “Somalia redux” actually amounted to a failure of imagination, as the U.S. neglected a whole “continuum” of possible interventions in Rwanda that would have fallen far short of sending troops. Along this continuum, the freezing of the delivery of aid, imposition of diplomatic sanctions, or jamming of radio signals each could have helped prevent genocide, if applied in a timely and concerted fashion (Subcommittee on Africa 2004, 23). A simultaneous declaration of genocide could have been taken from America’s toolbox, silencing critics who might have accused it of needlessly interfering in the internal affairs of another state. Compared to a military intervention, employment of these tools required relatively little economic, political, or diplomatic capital. But where the political benefits of intervening were zero, even interventions entailing modest costs were ruled out.

The administration's prolonged silence was not called to account by the U.S. public due to the absence of historic links or vital interests in Rwanda. Rwanda is a landlocked country, slightly smaller than Maryland, with few natural resources and limited economic ties with the United States, though it is a recipient of development aid. The threat that genocide posed to Rwanda's greatest resource – its people (it is the most densely populated country in Africa) – did little to shake the U.S. public from its inertia. Representative Patricia Schroeder (D-CO) acknowledged that while her constituents were anxious about the fate of Rwanda's gorillas, the fate of Rwanda's people elicited little public response (Subcommittee on Africa 2004, 27-28). For General Dallaire, this dearth of human empathy was particularly poignant when compared to the international outcry against ethnic cleansing in former Yugoslavia. In this context, nomenclature was quite significant: in Yugoslavia the world accepted the "sophisticated" term "ethnic cleansing," while in Rwanda genocide was "banalized" as just a "tribal" problem (Subcommittee on Africa 2004, 10). For not the first time, it seemed, a human life in Africa was considered of lesser value than a human life closer to home. The Rwandan deaths, though shocking, were both culturally and geographically distant and those distances seemingly tested and exceeded the human capacity to empathize.

In fact, General Dallaire noted that during the crisis in Rwanda, U.S. television networks gave more airtime to Tonya Harding "kneecapping her colleague" than they did to the immense tragedy in Africa (Subcommittee on Africa 2004, 8). This was not due to lack of reporters on the ground in Rwanda, but to the editors' perceptions of the public's interest. Political leadership would have been required to alert the public to the crisis in Rwanda and make the story newsworthy in editors' eyes. But policy makers maintained a deliberate silence, fearful of drawing attention to their inadequate response. It was a startlingly effective avoidance

technique: by behaving as though the genocide did not exist, policy makers avoided expending the United States' moral authority, credibility, and military might in another crisis in Africa.

In the absence of grassroots pressure or political leadership on the issue, congressional voices of concern were isolated. Members of the House Subcommittee on Africa were among the most vocal critics of the administration's response to the crisis. But, as Congressman Donald Payne (D-NJ) later observed, "we were certainly not strong enough, not powerful enough to get the word to the proper people in our government at the time" (Subcommittee on Africa 2004, 3). On May 13, Senators Paul Simon (D-IL) and Jim Jeffords (R-VT) wrote to President Clinton, "Delays, or simply doing nothing, are not acceptable substitutes for a foreign policy of leadership" (Jeffords et al. 1994). But without substantial domestic pressures to "do something," the president was inclined to disagree.

Finally, in late May, the administration succumbed to the "acts of genocide" formulation, but even this decision was in response to a shifting cost-benefit analysis, rather than to the hope of altering the increasingly grave human rights situation on the ground. After some hesitation, in a report on May 21, State Department personnel concluded that issuing a "USG statement that acts of genocide have occurred would not have any particular legal consequences" (Bennet et al. 1994). Having initially lent credence to a broad reading of the Genocide Convention, lawyers veered sharply toward a limited interpretation of U.S. obligations. Their narrow reading was based on Article V of the Genocide Convention: prosecution of persons charged with genocide was "the responsibility of the competent courts in the state where the acts took place or an international penal tribunal" which of course had not yet been established.

Having dismissed the legal implications of a genocide declaration, the May 21 report turned to political ramifications: "although lacking in legal consequences," an acknowledgement

of “acts of genocide ... could increase pressure for USG activism in response to the crisis in Rwanda” (Bennet et al. 1994). In spite of such unwanted pressure, the government should “seize the opportunity to use the genocide label” or risk losing “credibility with human rights groups and the general public, who may question how much evidence we can legitimately require before coming to policy conclusions” (Bennet et al. 1994). By late May, the State Department calculated that domestic political pressures which might result from saying nothing were greater than those which might result from saying something. The authors of the report were in fact overly cautious, exaggerating the extent to which the United States might be held accountable following use of the genocide label. As General Dallaire noted, after the genocide declaration nothing changed: “There was no difference. There was still no response” (Subcommittee on Africa 2004, 10).

In Rwanda, then, the United States established highly significant legal and political precedents. The State Department’s lawyers found that the United States would be under no legal obligations to prevent or punish genocide following a declaration of the crime. Events in June and July bore them out: the U.N. system was no more energized after Warren Christopher’s stifled acceptance of the g-word than it had been before. The Genocide Convention does not contain an automatic set of responses based upon a finding of genocide; instead, it relies on participant states to interpret the concepts of *prevention* and *punishment* by taking appropriate actions. By declaring genocide in Rwanda but doing nothing, the United States divested the word of its weight.

IV. PART 3 – THE LONE VOICE: SUDAN

"The word 'genocide' was not an action word; it was a responsibility word ... There was an ethical and moral obligation, and saying it underscored how seriously we took this" – Charles Snyder (Wax 2004).

Linguistically, the United States was much more willing to respond to genocide in Darfur, Sudan, than it had been to genocide in Rwanda. But by the end of 2004, the limitations of the United States' response to the humanitarian and human rights disaster had become patently clear. As Charles Snyder, the State Department's senior representative on Sudan, explained, a declaration of genocide did not impose any legal, political, or ethical obligation on the United States to take action. U.S. policy reflected an alarming tendency to resort to words, not actions, in response to genocide in Sudan.

On April 8, 2004, the tenth anniversary of the Rwandan genocide, President Bush issued a sharp denunciation of the atrocities in Darfur, where Sudanese Christians were under attack from a government-supported Arab militia, the Janjaweed. State Department officials were dispatched to the Darfur region to interview victims in refugee camps and villages. Their reports would form the basis of a legal judgment on whether to classify the killings as genocide.

In early September, the main findings of this State Department report were made public. Officials found a "consistent and widespread pattern of atrocities committed against non-Arab villagers." In a presentation to the Senate Foreign Relations Committee on September 9, Secretary of State Colin Powell concluded that "genocide has been committed in Darfur and that the government of Sudan and the Janjaweed bear responsibility – and genocide may still be occurring" (Kessler et al. 2004).

In notable contrast to its tardy acknowledgment of genocide in Rwanda, the United States cast itself as a lone voice crying out in the wilderness against Sudan. In 1994, the United States

had presented one of the greatest obstacles to a concerted international response to the Rwandan genocide. In 2004, by contrast, the United States decried genocide in Sudan while other nations dragged their feet. The European Union claimed its fact-finding mission to Sudan did not find adequate evidence for a declaration of genocide; the African Union and the Arab League likewise rejected the genocide classification (Kessler et al. 2004; Lynch 2004). By Resolution 1564, adopted on September 18, the U.N. Security Council consented to an international commission of inquiry to ascertain whether or not there had been genocide in Darfur. As a spokesman for the French Foreign Ministry reflected, "obviously, all this takes time" (French Foreign Ministry 2004). But as time passed, the killings continued. By mid-November, the United Nations estimated that the death toll in Darfur had almost doubled since the Secretary of State's original declaration of genocide (Wax 2004). An additional 70,000 people were estimated to have died of hunger and disease, and another 1.4 million were internally displaced (Sengupta 2004).

The United States' linguistic response to genocide in Darfur contrasted ostensibly and, some might say, ostentatiously with its response to genocide in Rwanda: there was noise where there had been silence. The contexts for the two responses were also stark contrasts. In Darfur, the United States proactively built its genocide declaration based on first-hand evidence from State Department officials on the ground; in Rwanda, it based its silence on a plausible denial that such information existed. In 2004, a declaration of genocide coincided with efforts to forge a U.N. resolution, threatening possible sanctions against Sudan if the crisis continued; in 1994 the administration's semantics had been the natural companion to its push to withdraw U.N. peacekeepers from Rwanda. Finally, the administration's willingness to accept the evidence against Sudan as conclusive proof of genocide coincided with domestic interests which had been

absent throughout the crisis in Rwanda: strategic concerns, the U.S. role in the peace process, and public pressure all informed the U.S. linguistic response to the situation in Sudan.

Given its low geo-strategic value, it is hardly surprising that Rwanda was not mentioned in the final National Security Strategy (N.S.S.) of the Clinton administration. Yet in the same N.S.S., in a relatively short section on Africa, Sudan merited an entire paragraph, and was named a continued "threat to regional stability and the national security interests of the United States" (The White House 2000). Sudan has been on the State Department's list of states that sponsor terrorism since 1993, and the attacks of September 11, 2001 only heightened the urgency of neutralizing Sudan as a terrorist threat. Sudan fit the 2002 National Security Strategy's characterization of a war-ravaged, fragile state with porous borders, which could easily become a safe haven for terrorists (The White House 2002).

The presence of significant oil reserves in Sudan is probably less of an incentive for U.S. involvement than in other, more stable African states, such as Nigeria and Chad. U.S. oil companies are not currently present in Sudan due to sanctions against the regime. Analysts have noted that even if sanctions were lifted, U.S. companies would be unlikely to invest in Sudan due to safety concerns and high contract risk (Skorupski 2004). This paper takes the view that the United States' official priorities reflect its primary concern to implement a durable peace agreement between the North and the South, which would settle ongoing questions of resource-sharing and guarantee future stability. Until then, the question of U.S. investment in Sudanese oil remains rather theoretical. It would be inaccurate to portray U.S. interests as driven by the interests of Exxon-Mobil.

The United States' most significant contact with Sudan over the past decade has been as a leading member of the "troika" of nations (U.S., U.K., and Norway) helping to end Sudan's

twenty-one year-old civil war. In September 2003, the United States facilitated the signing of a framework agreement, which brought the Sudanese government and the Sudan People's Liberation Movement closer to peace than at any time in the previous twenty years (International Crisis Group 2003). Just as severe unrest erupted in Darfur, Sudan had been poised for peace – on paper at least. President Bush's public condemnation of Sudan in April 2004 marked an apparent recognition that the very fabric of a peace settlement was being endangered by the ongoing crisis in Darfur. But the administration stopped short of explicitly linking the implementation of the north-south accords to the end of the genocide in Darfur (an issue expanded upon in the final section of this paper).

Administration outsiders considered this failure to link the peace to an end of the genocide as a great opportunity lost. Although they failed to sway the administration on this point, no discussion of the U.S. genocide declaration can fail to take their influence into account. For the numerous advocacy groups engaged in Sudan – including Christian Solidarity International and Samaritan's Purse – the enduring civil war in Sudan is quite a simple affair: it is a war between an oppressed Christian minority and a dominant Muslim majority. Their righteous anger toward the government of Sudan has been a strong influence on Congressional responses to the ongoing unrest in Sudan.

In 1999 the House of Representatives passed a resolution that found the Sudanese government to be "deliberately and systematically committing genocide in southern Sudan, the Nuba Mountains, and the Ingressa Hills." The 2002 Peace in Sudan Act, championed by Senator Sam Brownback (R-KS) and Representative Frank Wolf (R-VA), linked continuance of the peace process to respect for human rights, and threatened further sanctions if Sudan did not comply. In July 2004, both chambers of U.S. Congress passed concurrent resolutions

condemning the continuing atrocities in Darfur as genocide. Human rights had become an essential tool in forging policy on Sudan, with the "genocide" label as the sharpest edge of the sword. In 1994, those members of Congress who spoke out against genocide in Rwanda had been courageous voices of conscience, speaking out *in spite of* public disinterest and contrary to the desires of higher political powers. Congress' longstanding engagement over Sudan reversed this dynamic: members voiced the concerns of their constituencies for the fate of non-Muslims in Sudan, pressuring successive administrations to adopt hard-hitting policies.

President Clinton reluctantly bowed to congressional pressure on Sudan. According to the Congressional Research Service, Congress' demand for a "tougher" Sudan policy played a key role in the decision to put Sudan on the list of states that sponsor terrorism (Congressional Research Service 2002). Congressional calls for a special envoy to Sudan in December 1993 were initially rejected by the State Department on the grounds that the appointment would undermine the United States' delicate role in the peace process. However, under persistent pressure from some members of Congress, Clinton finally appointed Harry Johnston in late 1999 (Congressional Research Service 2002).

The Bush administration demonstrated a greater willingness to respond to congressional pressures on Sudan, reflecting its political reliance on, and philosophical affinity with, the Christian right. Christian groups applauded the appointment of ordained Episcopal minister and former Senator John Danforth to the role of special envoy to Sudan in 2001. In a Rose Garden ceremony marking Danforth's appointment, the President addressed interest groups' concerns. He claimed that the U.S. was "committed to bringing stability to the Sudan, so that many loving Americans, non-governmental organizations, will be able to perform their duties of love and compassion within that country without fear of reprisal" (The White House 2001).

The 2003-04 crisis in Darfur erupted against a quite unusual backdrop in the United States, where the public tends to know little, or care little, about Africa. A number of domestic interests were already engaged in the Sudan; human rights groups working in the country were not operating in a vacuum, and their mission to heighten general awareness was aided by the longstanding concerns of Christian advocacy groups. Groups like Amnesty International and Human Rights Watch found common cause with a number of religious organizations. This unusual coalition was fraught with internal contradictions, but the groups became strange bedfellows, each serving the others' primary purpose of heightening public awareness of human rights violations in Sudan.

In the context of substantial domestic pressures, more cynical observers have interpreted the United States' declaration of genocide in Sudan as a pre-election ploy. The United States' broader foreign policy, including its eleventh-hour justification of the Iraq invasion on humanitarian grounds, has also weakened the credibility of its role as a white knight on the international stage. According to Dallaire, the use of the word genocide, "was no more than the U.S. playing politics with a term that should be sacrosanct" (Wax 2004).

A less cynical interpretation of the American administration would consider the genocide declaration to have been made in good faith. U.S. intelligence, combining satellite imagery with thorough investigations on the ground, allowed for a more accurate picture than that available to other states, NGOs or IOs (Igiri et al. 2004). This view does not discount political realities. Strategic concerns put Sudan on the State Department's radar screen long before the Darfur crisis. The United States had a vested interest in bringing the North-South accords to a sustainable conclusion. Domestic interest groups supported a thorough investigation of the atrocities in Darfur, and they made the final declaration politically viable, even advantageous. If

political considerations led to a good call, then so much the better. A more justified critique of United States policy starts where words end and action should begin.

V. PART 4 – COSTS AND BENEFITS

Following events in Rwanda in 1994, the international community reeled with collective guilt and reflected on the “lessons learned” from the genocide in Rwanda. “Never again” was, once more, a common refrain. For its part, the United States government learned a very valuable lesson, albeit one entirely incompatible with “never again.” The world’s greatest power – and a self-professed beacon of ideals – had gotten away with doing nothing, even *after* it accepted that the killings constituted genocide.

Governments, assuming they are composed of rational actors, tend to think in terms of costs and benefits. By 2004, the legal costs of a genocide declaration were negligible. A narrow reading of states’ obligations, which had been precedent in late May 1994, was easily repeated in 2004. According to this interpretation, the United States’ obligations as a party to the Genocide Convention were minimal. Speaking before the Senate Foreign Relations Committee, Powell claimed that “the only obligation imposed on the U.S. by the declaration” was through Article VIII of the Genocide Convention, by which contracting parties “may call upon the competent organs of the United Nations to take action...as they consider appropriate for the prevention and suppression of acts of genocide” (Powell, 2004). By proposing a U.N. investigation of the atrocities in Darfur, the United States had fulfilled its self-defined obligations as a party to the Convention on the Prevention and Punishment of the Crime of Genocide.

Having dismissed legal obligations as negligible, policy makers would have also considered political costs. In 1994, contrary to the State Department’s fears, a belated

declaration of genocide had not created an overwhelming demand for the United States to take action; if anything, it had superficially appeased a burgeoning public unease about America's silence. In 2004, given the degree of public interest in Sudan, the cost of silence was undoubtedly higher. So, too, were the benefits of noise: the genocide declaration relieved the administration of immediate domestic political pressures over Sudan, and it cast the Bush team in a humane role, in notable contrast to the stumbling actions of the Clinton administration. The unilateral nature of the declaration was interpreted, quite convincingly, as an expression of America's moral superiority in the face of global indifference. "America is on a lonely mission to end the crisis in Sudan," reported a Fox News correspondent (Nauert, 2004). While the United Nations "studies the issue of whether genocide has taken place – something the United States determined a month ago – 1.5 million Sudanese living in squalid camps wait; 10,000 of them die each month." (Nauert, 2004). And as victims continued to die, Americans could sleep easy: the United States had said the right thing.

The administration could expect only a neutral impact of the genocide declaration on the situation on the ground in Darfur. Some would argue that the declaration of genocide, by itself, would censure and restrain the government of Sudan. Testifying before the Senate Foreign Relations Committee, Colin Powell made a more realistic forecast that the government of Sudan would "reject our conclusion of genocide" (Powell, 2004). Nonetheless, the declaration was of value to the United States' government. Where the legal and political costs of the declaration were effectively zero, the benefits – in purely domestic political terms – far outweighed the costs. Charles Snyder insisted that the genocide declaration was an expression of the United States' "ethical and moral" obligations; easily said, perhaps, when the legal ramifications and political sacrifices amounted to nought. Insisting that genocide "was not an action word," he

accurately described a lamentable state of affairs: in the course of ten years, the United States had helped to deprive the word of any meaning whatsoever (Wax 2004).

VI. PART 5 – SHARPENING THE TOOL

As demonstrated by the U.S. response to the crisis in Darfur, a declaration of genocide has become a substitute for action, instead of a call to action. U.S. efforts to lead an effective international response have been hampered by the deliberate obstructionism of other Security Council members. But the United States itself bears a great deal of responsibility for the failure to react appropriately to the humanitarian crisis. A declaration of genocide – understood as only one tool in a toolbox – can only be effective if accompanied by meaningful complementary actions. The use of the word “genocide” can only make a difference if it automatically and indisputably leverages the other tools of foreign and humanitarian policy available to the U.S., E.U., and the rest of the international community.

A determination of genocide, first and foremost, demands an adequate military response. African Union forces currently stationed in Darfur are too few in number and hampered by inadequate logistical and technical support. Moreover, their effectiveness is curtailed by their limited mandate as cease-fire monitors. In addition to providing adequate financial support, the United States should push for a peace-enforcement mandate, which would accurately reflect the conflict situation and humanitarian needs on the ground.

Genocide is incompatible with peace. The United States has yet to propose a formula that integrates a return to peace in Darfur with an end to the North-South war. The United States has failed to use its pivotal position in the North-South peace process as an effective bargaining

chip. Instead, it has passed this opportunity to the Sudanese regime, which has stalled on the peace process in an attempt to compel the international community to relax its Darfur demands.

Congress has its own answer to the conundrum. The 2004 Comprehensive Peace Act in Sudan extends 2002 legislation, which linked respect for human rights to a North-South peace, into the Darfur region, threatening sanctions if the government of Sudan does not comply. Yet, the Bush administration has refrained from vocally endorsing the linkage and seems instead to be pursuing a final North-South accord as a jumping off point for negotiations on Darfur. Unless the United States exerts coordinated and effective pressure on Sudan to stop the genocide in Darfur, a North-South peace agreement will be no more than a Pyrrhic victory for U.S. diplomacy.

Words must be accompanied by actions to convince others of the seriousness of their intent. International reluctance to accept that the crimes in Darfur amount to a genocide reflects, at least in part, the self-interest of other nations. But it also demonstrates a reservoir of distrust of America's intentions in the international arena. The United States' ability to take the moral lead in humanitarian crises has been seriously hampered by its invasion of Iraq. Intense diplomacy is certainly required to rebuild trust in Europe, the Middle East, and Africa.

In April 2005, the United States abstained from a United Nations Security Council resolution authorizing the International Criminal Court (I.C.C.) to prosecute war criminals for atrocities committed in Darfur. The United States' abstention marked a progress of sorts, as previously it had indicated that it would oppose such a resolution on the grounds of its broader opposition to the I.C.C. A provision within the resolution (shielding U.S. nationals from prosecution) prompted a turnaround. The resolution demonstrated that the United Nations would not accept the present culture of impunity in Darfur. U.S. ambivalence, as symbolized by its

abstention, weakened the Security Council's message, and the deal-making immunity provision elicited a not-unreasonable charge of "double standards" from Sudan's U.N. ambassador (Lynch 2005).

As of April 2005, the United States is alone in declaring that the grave humanitarian crisis in Darfur constitutes genocide, but its words can go only so far. Genocide will remain a hollow word and a weak foreign policy tool unless it is replenished and reinvigorated through appropriate action. By acting to prevent genocide as or preferably before it happens, the world's greatest power would give meaning, once more, to a word.

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