Two weeks ago, the ICC Pre-Trial Chamber elected not to include genocide charges in the arrest warrant for Sudanese president Omar al-Bashir. Since then, many observers have wondered what this will mean for the Darfur activist movement in the United States. The answer to this question depends on the type of activist group one is referring to. Since 2004, most American activist groups have typically advocated for either military intervention in Darfur or an increase in peace-keeping troops. To these activists, using the word ‘genocide’ has been central to their campaign of attracting followers and to their lobbying efforts. International consensus against using the word ‘genocide’, however, is quickly building, which may force these groups to reevaluate the use of the word and their overall strategy. Nevertheless, it is unlikely that the ICC’s decision to exclude genocide charges will have an impact on the activist campaigns because the relevance of using the word ‘genocide’ has already come and gone.

In 2004 and 2005, use of the term ‘genocide’ was an essential part of the marketing strategy for the Save Darfur Coalition and the Genocide Intervention Network, which are the two largest American activist campaigns for Darfur. By the end of 2006, these groups had reached out to tens of millions of Americans and collected almost $100 million dollars in contributions, according to publicly available reports from the Internal Revenue Service. At this point, the use of the term ‘genocide’ arguably became less critical because the activists had already achieved their goal of raising public awareness.

Today, the strategy of the American campaigns differs greatly from a few years ago. Instead of focusing on public awareness, the activist groups are now using the funds and energy they have raised to lobby Congress for a change in US policy toward Darfur. They are putting tremendous pressure on Congress to stop the ‘genocide’ in Darfur, even though the majority of institutions monitoring the crisis, including Amnesty International, Human Rights Watch, the United Nations, the European Union, the ICC, Médecins Sans Frontières and the African Union, have declared that genocide did not occur in Darfur.

These groups have concluded that genocide did not occur based on three criteria. The first and most commonly cited criterion is the fact that the government of Sudan did not demonstrate genocidal intent, but rather, as the 2005 United Nations Report of Inquiry stated, it “pursued the intent to drive the victims from their homes, primarily for purposes of counter-insurgency warfare.”¹ The second criterion, less commonly cited, concerns the identity of the targeted groups. Some observers still question that the targeted groups’ nationality, religion, race and/or

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ethnicity are different than that of their perpetrators.² Lastly, critics, such as Alex De Waal, argue that the commonly used definition of genocide from the Genocide Convention is too broad and ambiguous to be used to describe what is happening in Darfur.

The only investigation that concluded that genocide had occurred in Darfur was the one conducted by the United States and led by former secretary of state, Colin Powell, in the summer of 2004.³ The evolution of this study, however, was peculiar. Immediately following the investigation and before the results were finalised, Powell announced on National Public Radio that genocide had not occurred.⁴ After two months of intense pressure and protests from activists, particularly from the Sudan Campaign Coalition and the Congressional Black Caucus, Powell changed his mind and declared in front of the Senate Foreign Relations Committee, on 9 September 2004, that genocide had occurred. In light of Powell’s reversal and the vociferous calls from activists, it is easy to see why Congress, shortly after Powell’s speech, unanimously passed Senate Concurrent Resolution 133 to use the word ‘genocide’ to describe the situation in Darfur.⁵ No congressperson wanted to be identified with voting against fighting genocide.

Regardless of whether or not the word ‘genocide’ does or does not accurately describe the situation in Darfur, there have been many problems with using the word to raise awareness and mobilise activists. While the use of the word was helpful in the nascent stages of the US awareness campaign, it became problematic when the activist groups began to influence policy-making. Over the past few years, activist groups, particularly the Save Darfur Coalition, have pressured the US into sending over $1 billion towards funding peace-keeping troops in order to stop the ‘genocide’ in the Darfur region. If the activist campaigns, however, had not been so fixated on stopping the ‘genocide’, then they would have realised that the violent crime and violent deaths caused by the government of Sudan and the Janjiweed had almost completely ceased in April of 2004, months before the activist campaigns began.⁶

The other problematic byproduct of using the word ‘genocide’ was that it highly mischaracterised the conflict in Darfur. Using the word ‘genocide’ often comes with the Manichean implication that the action includes a villain and its victims (i.e. the government in Khartoum and the innocent black Africans, respectively). Therefore, most American advocates and the general public, who received their information through the prism of the activists’

² This concern was cited in line 135 and 136 of the ICC’s Pre-trial Chamber’s Decision of the Prosecutor vs. Bashir case. It is often difficult in Darfur to positively identify differences in race and ethnicity because of the history of intermarriage and the artificial construction of race labels. For example, the Masalit tribe has at times referred to itself as Arab and at times referred to itself as Black African.
⁵ Senate Resolution 133: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_bills&docid=f:sc133ats.txt.pdf
⁶ The sudden drop in violent deaths after April of 2004 is apparent in the study, Darfur: Counting the Deaths conducted by the Centre for Research on the Epidemiology of Disasters (CRED) at the University of Louvain. This has been the most comprehensive study of Darfur casualties to date. It uses the data from 24 surveys conducted in every region of Darfur and eastern Chad. The most logical reason for this drop was the ceasefire agreement of 8 April 2004.
marketing campaigns, were oblivious to the fact that the government in Sudan had not even started the civil war in Darfur and that many of the Darfurian insurgents were responsible for crimes as heinous as the ones committed by the government. Had the word ‘genocide’ not been used, then the activists may have recognised that, (a) there were two sides in this conflict, (b) a comprehensive peace process was underway, and (c) most of the violence had already stopped by the time their campaigns began. Instead, the activists continued to advocate for military intervention and peace-keeping long after the violence had stopped.

If stopping the ‘genocide’ had not been the central focus of the US activist campaigns, then perhaps more effort and money could have been put toward the underfunded and often ignored peace process in Abuja, Nigeria in 2005, which involved all of the key Sudanese parties. Furthermore, more could have been done to address the rising death rates in the refugee camps due to disease and malnutrition.

The growing international consensus against using the word ‘genocide’ to describe the situation in Darfur may allow the activist groups to reflect on the suitability of their response to the situation in Darfur. In this regard, the ICC’s decision not to charge Bashir with genocide should be a signal for the campaigns to retool their strategy, moving from advocating for military intervention and peace-keeping to peace-making and providing humanitarian assistance.

On the other hand, if Bashir continues to block the lifeline of humanitarian aid to the refugee camps in Darfur, as he has been doing since the ICC charges were filed, then the case for military intervention in Darfur may become more potent. Casualty rates will likely rise and the international community will not want to stand idly by. This is especially true because, unlike during the first few years of the conflict, outsiders now have a window into what is happening in Darfur. United Nations and African Union monitors are stationed in every region of Darfur and they are publishing their observations monthly. If casualty rates rise again, the world will know immediately and the activist campaigns’ efforts will be strengthened.

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