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Examination session (May or November)	May	Year	2013

Diploma Programme subject in which this extended essay is registered: human rights
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Title of the extended essay: "Never Again": The United States and the Darfur Crisis

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The extended essay I am submitting is my own work (apart from guidance allowed by the International Baccalaureate).

I have acknowledged each use of the words, graphics or ideas of another person, whether written, oral or visual.

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Working with _____ was wonderful! She always had an abundance of ideas to bounce off me. ~~She~~ Although she set out to confirm a belief, the evidence convinced her otherwise and she actually wrote her paper from the opposite perspective as when she began. The biggest difficulty _____ had to overcome was cutting down the length of her paper. She became so impassioned on her topic, removing paragraphs and collapsing ideas was agonizing. This whole was so eye opening, _____ has decided to change her intended degree and pursue a career in political science.

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Assessment form (for examiner use only)

Criteria	Achievement level					
	Examiner 1	maximum	Examiner 2	maximum	Examiner 3	
A research question	2	2		2		
B introduction	4	2		2		
C investigation	4	4		4		
D knowledge and understanding	3	4		4		
E reasoned argument	3	4		4		
F analysis and evaluation	3	4		4		
G use of subject language	3	4		4		
H conclusion	2	2		2		
I formal presentation	3	4		4		
J abstract	2	2		2		
K holistic judgment	3	4		4		
Total out of 36	29					

“Never Again”: The United States and the Darfur Crisis

Research Question: What motivated the United States declaration of genocide in Darfur, to what extent can this declaration be justified, and what are the implications of such a declaration?

Extended Essay
Human Rights

Word Count: 3,965

Abstract

The United States has long been criticized for its aversion to labeling conflicts “genocide.” However, after the attention of Western media was drawn to Darfur, a region in Southern Sudan, the U.S. stance on declarations of genocide changed. In 2004, George W. Bush made the first declaration of genocide by a sitting U.S. president, but the United Nations, human rights groups, and the African Union maintain that the Darfur conflict is a crime against humanity, not genocide. What motivated the United States declaration of genocide in Darfur, to what extent can this declaration be justified, and what are the implications of such a declaration?

The scope of this investigation included various scholarly texts, interviews, humanitarian propaganda, and U.N. publications. Through the investigation of the many books on Darfur, it became clear that America’s involvement in Darfur was split into three main areas: political motivation, legal justification, and worldwide impact. Professor John Johnson’s interview provided a fresh perspective on why international definitions of human rights violations can prove problematic, and Samantha Power’s criticism of U.S. involvement in the twentieth century genocides gave insight to why American politicians felt pressured to act quickly in Darfur.

In conclusion, the United States declaration of genocide was not justified. The Bush administration felt political pressure from the public criticism of the Rwandan genocide during the presidency of Bill Clinton. During an election, a declaration of genocide also generated massive political support for President Bush. There were many violations of human rights in Darfur based on the universality of human rights theory, but there was no “intent to destroy” necessary for a declaration of genocide. Conflicts like the Darfur crisis must be identified correctly so that they are addressed in the proper manner.

Word count: 287

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“Never Again”: The United States and the Darfur Crisis

Introduction

Of all crimes against fellow human beings, genocide is by far the most heinous. The very word instills a shudder with the thought of the destruction of an entire group of people. The most famous and widely-known incident of genocide, of course, is the Nazi Holocaust of the mid-twentieth century. The atrocities of the Holocaust spurred the global community to action, and genocide became a human rights violation legally defined in international code. In an “advanced” world which outlawed genocide, many believed that never again could such a terrible thing happen. Never again would the world, led by the superpower the United States, stand aside as thousands fell victim to hate and intolerance. The Rwandan genocide of 1994 shook the world to its senses when approximately 800,000 of the Tutsi people were slaughtered in 100 days, and communities around the globe realized that genocide was certainly not a thing of the past.

In 2003, another African conflict was brought to the attention of Western media. Human rights groups, newspapers, and individuals through the Internet rallied around a region in Western Sudan called Darfur. Reports of random killings, wide-scale rape, and other horrendous attacks against the local population poured into the United States, and with these reports, the first whispers of genocide began. Following intense criticism for the failure of the United States to recognize the Rwandan genocide during the presidency of Bill Clinton, the Bush administration, in an unprecedented statement in 2004, officially declared the United States’ position on the situation in Darfur: genocide. George W. Bush made history with the first declaration of genocide by a sitting U.S. president, and the United States Congress quickly followed suit. America became the first country to legally declare an ongoing conflict genocide based on

international U.N. agreement signed nearly 60 years earlier. In contrast, however, both the United Nations and the African Union, upon examination of the Darfur conflict, found no validation of genocidal intentions by the Sudanese government. This begs the question—what motivated the United States declaration of genocide in Darfur, to what extent can this declaration be justified, and what are the implications of such a declaration?

The Conflict

In the late 1980s, in response to a long civil war in southern Sudan, the Sudanese government armed Arab tribal “militias” in an effort to end the continual struggle. This led to a heightened sense of Arab supremacy, and local Arab groups in Darfur began to demand increased political power from African tribes. Violence erupted when their claims were not met, and the Darfur conflict began in early 2003 when several Arab tribal chiefs formed armed military forces called the *janjawid*. Darfur, which translates literally to “land of the Fur (an African tribe),” was then declared “Arab” land. The *janjawid*, supported by a pro-Arab government, began to force all non-Arabs from their villages in Darfur, inciting a race war (Daly 4). M.W. Daly has spent years compiling unbiased research, authoring more than a hundred pieces for scholarly journals and books about the Middle East and Africa. Former Fur villages were renamed in Arabic, and in retaliation, non-Arabs formed self-defense forces against the *janjawid* and the Sudanese government.

The Darfur Consortium, a combination of 50 Africa-based and foreign Africa-focused non-governmental organizations, affirmed that similar to numerous other African conflicts, the situation in Darfur could be attributed to land tensions, the readily available supply of weapons, and the manipulation of “Arab” and “African” labels to give an impression of Arab superiority (“Darfur Crisis...”). The Darfur Consortium worked closely with the African Union, but it is

important to note that while the factual information is quite accurate, the purpose of the organization is to provide aid to Darfur. Throughout Sudan, and neighboring Chad, Arabs rallied and were trained by the racist government for war. During the conflict, the *janjawid*, supported by government troops, committed countless acts of violence against the local population. Children were thrown into fires, mass executions and gang rape were common, and rape survivors were branded. The *janjawid* targeted civilians thought to be associated with or sympathetic to rebel groups because of ties through their ethnic background. “The strategy is the oldest in the ‘art’ of war; if you kill or displace all the people supporting a rebel group, you kill the rebellion” (Cheadle and Prendergast 74). In response to the events being brought to light by the media, Secretary of State Colin Powell described the Darfur conflict as “genocide” before the Senate Foreign Relations committee in 2004. Shortly thereafter, President Bush made the first declaration of genocide concerning an ongoing crisis by a sitting U. S. President on September 9.

In 2006, assisted by the African Union, the government of Sudan and Darfurian rebel groups negotiated for several months, finally reaching consensus with the Darfur Peace Agreement. It has been nearly impossible to estimate the number of displaced persons in refugee camps, but it has been even more complicated to count the dead. The Sudanese government has been unreliable with their estimates, and approximations from outside organizations range from 180,000 dead to as many as 400,000 (Daly 314). Legally, the United Nations must intervene if evidence of genocide or crimes against humanity is discovered in Sudan. However, no effective intervention has yet been made, and despite the United States declaration of genocide, the leader in peacekeeping efforts in Darfur remains the African Union while the death toll continues to rise.

Human Rights Theories and Darfur

When the Darfur conflict initially came to the attention of Western media, the Sudanese government steadfastly asserted that the conflict was another instance of African “tribal warfare.” This assertion appeals to the human rights theory of cultural relativism. Cultural relativism dictates that the rights of people in different areas must be understood in terms of the culture surrounding them. This theory argues that groups should look to their own culture to implement rights instead of external Western legal documents (Langwith 38). The theory of cultural relativism arose from concerns that Western definitions of human rights including U.N. human rights laws did not consider the lifestyle of other countries culturally, economically, or politically. Instead, supporters of cultural relativism challenge that international code cannot truly protect all people from human rights violations because “context” dictates that there cannot be one true definition of what constitutes a violation. “Tribal warfare” appeals to cultural relativism because it argues that the outside world cannot understand the situation in Darfur without familiarity with the African culture. Therefore, supposed violations of human rights based on U.N. documents would not apply to the war in Sudan. Though contextual consideration is vital in human rights theory, Micheline R. Ishay, Director of the Human Rights Program at the University of Denver wrote, “...adopting a cultural relativist stance on rights can lead one to overlook cases where culture is used to justify oppression of one group by another” (Ishay 276). Ishay has studied internationalism and human rights for over a decade; however her viewpoint is somewhat biased based on the human rights cases she has encountered during her years of study. Some believe that this once-justified theory of cultural relativism is now used by governments as a veil to hide from blame for human rights violations committed against their own people. This point is argued by the supporters of the opposing human rights theory, who gravitate towards “the universality of human rights”.

Unlike cultural relativism, which places the community at the center of focus, the universality of human rights theory emphasizes the protection of the individual, with strict legal definitions of human rights violations. Supporters believe that, regardless of where a person lives, everyone is entitled to certain rights based on the simple premise of being human. From this viewpoint, any violation based on external U.N. documents, such as the Convention for the Prevention of Genocide which defines and outlaws genocide, is valid, even in regions outside the Western world like Darfur. Justice Geoffrey Robertson, a supporter of the universality theory who was appointed as an appeal judge for the U.N. war crimes court in 2002, stated, “Freedom from torture and genocide, freedom from hunger and persecution, freedom to worship and to express opinions, the right to fairness at trial, and so on, are not western inventions—they are your entitlement as a human being... On this issue there can be no compromise, no excuse of ‘cultural relativism’” (Robertson). Robertson is well-versed in international law, but like all judges, has formed personal opinions based on the cases that have been brought before him in court.

As the media uncovered the crimes of Darfur, the Sudanese government’s claims of “tribal warfare” became increasingly less substantiated. The nature of the crimes committed within the label “tribal warfare” caused public uproar as any notion that cultural relativism justified these crimes vanished. It became clear that the government, in an attempt to bury its own guilt, misled outsiders by appealing to cultural relativism. At this point, the United States and the rest of the world began to look upon Darfur as a violation of human rights based upon the universality theory, applying the laws of international code to protect people on the other side of the globe.

Legal Justifications of the Declaration

The United States used the violations of human rights based on the universality of human rights theory as foundation for its declaration of genocide in Darfur. However, legally, to what extent was this declaration justified? The term “genocide” was created in response to the Nazi Holocaust during the 1940s. Previously, Winston Churchill declared, “We are in the presence of a crime without a name” (Churchill 1102). This crime was named in 1944 by Raphael Lemkin, who worked in the U.S. War Department during World War II and lost a total of 87 family members in the Holocaust (Johnson). His personal convictions formed his opinion that “mass murder” was not an appropriate term for the killing a group of people with certain “racial, national, or religious” traits (“Genocide”). The United Nations created the Convention for the Prevention of the Punishment of the Crimes of Genocide in 1948. “The convention created a new crime “genocide,” defined as the intentional killing of a national, racial, ethnic, or religious group ‘in whole or in part.’” (Johnson). (For full definition, see appendix.) With the passage of this resolution, the U.N. declared that genocide is the “denial of the right of existence of entire human groups” which “shocks the conscience of mankind” and also was “contrary to moral law and the spirit and aims of the United Nations” (Power 54).

The encyclopedia entry on genocide notes, “The distinction between genocide and other acts of mass murder does not lie in the extent of the savagery, but rather in the intention to destroy a specific group” (“Genocide”). Almost entirely because of five words “with the intent to destroy” neither the African Union, the International Crisis Group, nor Human Rights Watch has chosen to declare the Darfur crisis “genocide.” Additionally, since the declaration by Secretary of State Colin Powell, no permanent member of the U.N. Security Council has followed his lead. The U.N. specifically investigated the conflict in the Commission of Inquiry on Darfur in January 2005, and reported that though there were “genocidal intentions” from individuals, there

was no evidence of genocidal intent from the Sudanese government itself (United Nations). The *janjawid* targeted those in Darfur of a non-Arab background because they were more likely to be aiding opposing rebel groups, rather than with the intention of eradicating an entire ethnic group. Additionally, following another investigation, the League of Arab States stated that it could not find “any proof of allegations that ethnic cleansing or the eradication of communities had been perpetrated” (“Darfur Crisis”). It is important to note that this statement misuses the term “ethnic cleansing” to indicate genocide.

Although it is realistic to conclude that the Sudanese government had reasonable awareness of what would result from arming racist power-hungry groups such as the *janjawid*, the International Law Commission says, “a general awareness of the *probable* consequences of such an act...is not sufficient;” any act of recklessness by the government is not enough to merit genocide” (Kiernan 17). In contrast to genocide, “crimes against humanity” does not require the same premeditated attempt to destroy a group of people. For this reason, the United Nations chose to declare the crimes of Darfur “crimes against humanity”, defined by the International Military Tribunal as, “murder, extermination, enslavement, deportation, and other inhuman acts committed against any civilian population...” (“Crimes Against...”). Crimes against humanity, encompasses serious, but lesser acts than genocide. Based on the definition of genocide itself, there is no evidence proving that the actions in Darfur were made with “the intent to destroy.” Without this intent, the Darfur conflict cannot legally be classified as genocide, and must instead be regarded as a crime against humanity.

Motivation of United States Declaration

As per the 1948 convention, with the official declaration of genocide, the U.N. is required to prevent, suppress, and punish the crime. President Jimmy Carter stated in 1979 that “...we

must forge an unshakable oath with all civilized people that never again will the world stand silent, never again will the world fail to act in time to prevent this terrible crime of genocide” (Power xxi). In fact, America, as well as most other Western countries, has steadfastly avoided using the word “genocide” until 2004 because it carries legal, moral, and political obligations to act (Power 508).

In general, this strategy of sweeping aside genocide and crimes against humanity is well-received by the American public through the frame of mind “ignorance is bliss.” Time and again, clever wordplay diverts criticism from the American government with words like “tragedy” and “civil war” instead of “genocide” and “human rights violations.” These word choices showcase a cultural relativist perspective despite the universalist standpoint otherwise adopted by the United States. Why, then, did the United States choose to change tactics with the declaration of genocide in Darfur when the conflict itself did not meet the legal definition? The first wide-scale public criticism of the American government in response to human rights violations occurred after the Rwandan genocide. American journalist Samantha Power incensed the nation with her book centered on America’s “nonexistent intervention” in genocidal affairs, saying, “No U.S. president has ever made genocide prevention a priority, and no U.S. president has ever suffered politically for his indifference to its occurrence. It is thus no coincidence that genocide rages on” (Power xxi). Though much of Power’s book is politically colored, the information presented in it is well-researched and cited. An enraged America responded to Power and other social leaders, finally pressuring American politicians to become proactive in genocide prevention. When George W. Bush took office in 2000, after reviewing a report on the Rwandan genocide, he scribbled in the margins, “Not on my watch” (Cheadle and Prendergast xv). Like Power, Cheadle and Prendergast also authored a book with political motivations, which they were very open

about. The factual information within the book is valuable, as it is cited throughout. With the insurgence of political pressure, less than ten years later, the United States wasted no time in declaring the Darfur conflict genocide lest “another Rwanda” threaten political favor.

Since its inception, genocide has been a “buzz word” that speeds political action as voters respond to potential passivity in the face of “systematic killing.” In Cheadle and Prendergast’s book “Not on Our Watch,” which called the Western world to action to aid Darfur, President (then Senator) Barack Obama and Senator Sam Brownback provided the introduction, thereby backing this propaganda with their political support. “Issues that transcend politics in Washington, D.C., are rare. However, there is one such cause that is worth putting political differences aside for...It is a cause that gets too little press attention despite the massive human consequences. The cause is Darfur” (Obama and Brownback xii). After this, both politicians became front-runners in the efforts to give aid to Darfur, gaining much support from their voter base. Perceived progress, such as a declaration of genocide or a call to action, can generate massive political support for a candidate. Amidst an election campaign, the Bush administration’s declaration of genocide was well-received by the American public, especially after the failure to recognize the Rwandan genocide during the Clinton administration. This creates suspicion that the declaration of the Bush administration was not justified but instead was used as a device to gain political support.

The motivation for a new political stance in Darfur is not only based on the morals of voters. Another political motivation, as cited by the two senators, is to rally support for the notion that those who victimize their own people often expand their targets to other countries. In this way, America is fighting to keep itself safe for the future (Obama and Brownback xiii). In general, during an age of a “war on terror,” a declaration of genocide is a message to foreign

countries that the United States will not tolerate hate and murder as tools to rule over others. The United States, in this way, benefits by being seen both leading the international world as a progressive in Darfur while aiding America at home through international stability.

Worldwide Implications

The word “genocide” was created to describe a specific crime, as defined by the international U.N. agreement, which never before could be adequately put into words. However, the problem with relying on a word to convey the gravity of a situation is that it can easily and seriously be misused, giving the public the wrong impression of the conflict. When death estimates in any conflict begin to creep into the hundreds of thousands, it is difficult to refrain from instantaneously using the blanket term “genocide.” The word immediately draws attention to the high death toll, but the use of a term which carries so much weight has a much greater effect. “Genocide” incites knee-jerk reactions as the world panics in response to, hypothetically, the most appalling word in the English language. “Genocide” evokes a feeling of helplessness, and countries turn to immediate humanitarian intervention to demonstrate to voters that progress is being made. In Darfur, the number of deaths reported in the media has climbed startlingly high, but, in fact, most of these deaths stem from a lack of food, clean water, and sanitation rather than actual warfare. Although the U.N., World Food Program, and other relief organizations have pledged massive amounts of money to Sudan, the policy of emergency relief, though desperately needed, does little to solve the conflict itself. Conflicts like Darfur must be handled carefully with well thought-out political procedures instead of the immediate humanitarian aid quickly given in response to political pressure.

Despite the groundbreaking declaration of genocide, the extent of U.S. involvement has been limited to the Darfur Peace and Accountability act, signed by President George W. Bush in

October 2006. This executive order was meant to force the Sudanese government to accept UN peacekeepers by tightening sanctions on Sudan and its oil industry (Shabazz). However, amidst other issues including Hurricane Katrina, the war in Iraq, and the “War on Terrorism,” and perhaps exacerbated by the sentiment that the situation was already being addressed with humanitarian aid efforts, Darfur became a topic seldom reported on in the media or discussed on the home front, thus lifting the necessary political pressure on leaders for any meaningful intervention (Daly 297). The United States, therefore, ceased involvement, and the intervention expected after a declaration of genocide never occurred. Though the goal of the United States was to be progressive in the face of human rights violations, the declaration of genocide in Darfur actually has set a precedent for something unintended—countries in the future may, following the example of the United States, declare conflicts “genocides” and provide only temporary humanitarian aid. This may result in setbacks in the future as conflicts continue to be misaddressed by well-intentioned countries.

When Rafael Lemkin created the term “genocide,” his goal was to fashion a word that could inspire immediate and total revulsion (Power 42). He succeeded, and created a new atmosphere for politicians and others reluctant to respond to the “crime without a name” (Power 29). The term was also created in response to the problem that no other word could describe such a heinous crime. Although designed to carry tremendous political weight, recently, the word has been misused and has actually hindered the progress that it was created to help. The power of this word is decreasing as “genocide” progressively becomes a word used colloquially rather than legally. Americans respond to a declaration of genocide unlike almost anything else in terms of foreign relations. During the administration of George H.W. Bush, the intervention in Bosnia originally was supported by 54% of voters. However, the supporting percentage rose to

80% when told that an independent commission had declared genocide in the region (Power 289). However, while tempting to use the term “genocide” for the purpose of rallying political support, the integrity of the term must be preserved, especially by those in political power.

“While in everyday life people may use the word ‘genocide’ casually in conversation, the fact is that it is a determination of the United Nations...” (Johnson). In the future, there will again be situations that truly are genocides. The declarations of “genocide” must be reserved for the most serious of events, so that when a declaration is made, intervention is swift, effective, and united.

Conclusion

Based on the universality of human rights theory, the United States declaration of human rights violations in Darfur is stoutly justified. However, the declaration of genocide was not. Following the public condemnation of the treatment of the Rwandan conflict in 1994, America hastily scrambled to avoid another such embarrassment without properly considering the effects of such a declaration. One lesson from the United States hurried declaration is that perhaps the definition of “genocide” itself is problematic as it exists. John Johnson, Emeritus Professor of Justice Studies at Arizona State University, who has been involved in human rights activism for many years and whose job is to inspire his students to involve themselves in international affairs, commented on the issues regarding the legal definition of genocide: “The last part of that definition has proved problematic, because it raises the difficult issue of ‘How Many?’... The second problematic part is the word ‘intentional’...” (Johnson). This issue of intent, essential to the definition of genocide, allows for valuable time to be wasted debating semantics rather than aiding the people that the word is meant to protect. This raises the issue: is it time to revisit the definition of genocide? The unclear definition allows for countries and organizations to not only waste time, but also misuse the term invoking it for political gain or expediency, as occurred in

Darfur, thereby slowly stripping the most gruesome word ever invented of its value. Already, the effects of this loss of power can be seen, as citizens allow even a conflict declared “genocide” to slip from headlines after the provision of only superficial humanitarian aid. Can “genocide” still be meaningful? Or has the term faded from a call to action to simply a call to donate?

Though this investigation of the Darfur conflict was conducted with a universality of human rights perspective, to what extent must cultural differences be taken into account? Throughout of the course of the investigation, the scope of research was limited by the sheer amount of information regarding the Darfur conflict from the viewpoint of the Western world and the very little available from scholars in the area. It will be years before these opinions become well-voiced and make their way to Western countries, and at that time the issue must be reexamined again in the context of cultural relativism. Afterwards, once a consensus has been reached, the Darfur conflict is slated to be the defining issue on the future of the meaning of genocide and how ethical standards are applied internationally. Will Darfur be a lesson on the validity of human rights declarations, or will it become the most recent “never again?”

Word count: 3,965

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Appendix

“...any of the following acts committed with the 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 to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.”