

1 **Inside Colin Powell's Decision to Declare Genocide in Darfur (excerpted)**

2 By Rebecca Hamilton

3 August 17, 2011 *The Atlantic*

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5 Sitting before the Senate Foreign Relations Committee on September 9, 2004,
6 Secretary of State, Colin Powell, was taking his time getting to the question that
7 everyone in attendance was waiting for him to answer. "And finally" he said, "there
8 is the matter of whether or not what is happening in Darfur is genocide."

9 The U.S. House and the Senate had drawn their own conclusion on the question
10 some six weeks earlier... Congress had determined that atrocities being committed
11 against non-Arab groups by the Sudanese government and their proxy militia force
12 in Sudan's western region of Darfur did indeed constitute genocide... They had
13 drawn the same conclusion back in 1999 with respect to the Sudanese government's
14 actions during a brutal war in southern Sudan that resulted in the deaths of an
15 estimated 2 million people. But if Powell were to make a determination of genocide
16 in Darfur it would be unprecedented: the first time the executive branch had used
17 the word "genocide" in relation to an ongoing conflict. "When we reviewed the
18 evidence compiled by our team, along with other information available to the State
19 Department, we concluded that genocide has been committed in Darfur and that the
20 Government of Sudan and the *jinjaويد* bear responsibility -- and genocide may
21 still be occurring" said Powell.

22 **Investigating Genocide**

23 ... And like so much of the State Department's thinking on Darfur over this period,
24 it was influenced by the massacres in Rwanda a decade earlier... Samantha Power,
25 memorably recounted how the Clinton administration had tied itself in *semantic*
26 knots to avoid using the word genocide while the 1994 massacres of over 800,000
27 Tutsi and moderate Hutu were underway in Rwanda.

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29 The ban on saying "genocide" by the Clinton administration arose out of a
30 briefing compiled by the Office of the Secretary of Defense. Inside the May 1994
31 briefing, State Department lawyers said they were worried that a finding of
32 genocide might obligate the administration "to actually 'do something.'"

33 The concerns of the State Department lawyers stemmed from the 1948 Convention
34 on the Prevention and Punishment of Genocide, which was drafted in the aftermath
35 of the Holocaust. Article I of the convention places an obligation on those who have
36 joined, like the U.S., to "undertake to prevent and to punish" genocide. The article
37 does not elaborate on what the obligation means in practical terms, and certainly
38 does not specify a requirement for the deployment of troops. But in the wake of the
39 Clinton administration's Black Hawk Down¹ disaster in Somalia, there was no
40 desire to even open a discussion about the engagement of U.S. resources in another

¹ Black Hawk incident- Military action where US government attempted to apprehend Somalian Warlord; widely criticized for not providing enough support, military lives lost

armed gunmen

intentional word choice

41 African country. So, despite clear evidence to the contrary, U.S. officials refused to
42 label the Rwandan atrocities genocide.

43 Craner viewed the U.S. government's avoidance of "the g-word" with shame,
44 and committed not to repeat such a failure if he encountered an analogous situation.

45 **The "Specific Intent" Challenge**

46 The key feature of genocide is something called "specific intent" - meaning that the
47 atrocities are carried out with the intent to destroy all or part of the victim group.
48 Absent public statements of intent to destroy the group - something most génocidaires
49 are savvy enough to avoid - specific intent is something that has to be inferred from
50 events on the ground. And with external investigators typically shut out during the
51 worst of the violence it is often hard to gather enough evidence to draw this inference
52 conclusively until the genocide is over.

53 Some cases stand in exception to this rule, including Rwanda where the
54 contemporaneous indications of intent were overwhelming. Usually the best time to
55 reach a legally watertight genocide determination has been in a courtroom after the
56 crime has occurred. According to Taft, there was no doubt that the refugee accounts
57 of mass killings, rapes, and destruction of items needed to sustain life for Darfur's non-
58 Arab population could all constitute the physical "acts of genocide." The challenge
59 was whether they had enough evidence to also prove these acts were committed with
60 the specific intent to destroy non-Arab groups... Darfur fell into the category of
61 situations where specific intent was tough to determine with certainty in real time.

62
63 In a 1993 case involving alleged atrocities underway in the former Yugoslavia, the
64 court said that Article I put those who had joined the convention "under a clear
65 obligation to do all in their power to prevent the commission of any such acts [of
66 genocide]." Then in 2007, the court issued a judgment finding that Serbia had in fact
67 violated those Article I obligations in the context of the 1995 Srebrenica genocide in
68 which over 7,000 Bosnian Muslim boys and men were killed.

69 Careful to state that the legal obligation in Article I did not require states to "succeed"
70 in stopping genocide, the court concluded that a nation violated its Article I obligation
71 if it "manifestly failed to take all measures to prevent genocide which were within its
72 power, and which might have contributed to preventing the genocide."

73 The U.S. is unlikely to ever face a judgment like Serbia received because in 1988,
74 when the U.S. government belatedly ratified the Genocide Convention, it lodged
75 something known as a reservation to protect itself from being brought before the court
76 against its will for any alleged violation. Still, the court's interpretation of the genocide
77 prevention obligation remains legally authoritative. Instead, with advice in hand that a
78 genocide determination would be cost-free for the U.S. in legal terms, Powell's
79 decision focused on what impact a genocide determination might have on other
80 governments.

similar

genocide
perpetrators

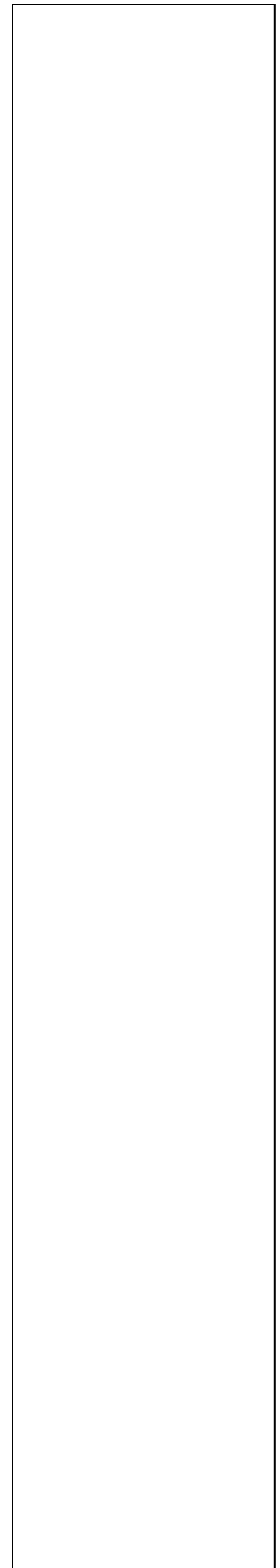
current or recent

81 Strangely, Taft's June 25 memorandum states that Sudan is not a party to the
82 Genocide Convention, although it had become so several months before the
83 memorandum was written. As a result of this inaccuracy, Taft's advice does not dwell
84 on what a genocide determination might mean inside Sudan itself. What he does
85 conclude however, is that a finding of genocide in Darfur could "act as a spur to the
86 international community to take immediate and forceful actions to respond to ongoing
87 atrocities." Powell took this advice to heart, hoping that by using the word genocide
88 he would move other nations on the UN Security Council to act.

89 There are more and less charitable ways of understanding Powell's decision: As a
90 laudable and historic pushing of the boundaries in a genuine effort to stop genocide;
91 as a misguided, or even self-serving, attempt to avoid the risk of a Rwanda-like
92 shaming when the story of Darfur was eventually written; or as an endeavor to claim
93 the moral high-ground in the midst of the war on terror that ultimately undermined
94 the power of the genocide label. What is not in question is Powell's strategy of using
95 the determination to spur other countries to act in Darfur failed.

96 What Powell's genocide determination did do, however, was to catalyze a U.S.-based
97 citizens movement for Darfur. The so-called Save Darfur movement used the moral
98 force of the genocide label to try to spur the U.S. government to action, believing that
99 the battle to stop the atrocities in Darfur would be won or lost in the realm of U.S.
100 domestic politics. But seven years later neither a genocide determination by the U.S.
101 government, nor an outcry by the American people have been enough to bring peace
102 to Darfur.

103



Teacher's Guide

Name of Text: Inside Colin Powell's Decision to Declare Genocide in Darfur

First and Last Names of the Question Composers: Andrew Yoxsimer, Nicolette Smith, Dolores Harper

Standards: Nevada State: H3.20, 21, H2.24, H4.23

CCSS: RH 9-10.1, .2, .3, .8, .10 WHST 9-1.1, .4, .9

Text Dependent Questions	Teacher Notes and Possible Textual Evidence for Student Answers
1. What is Colin Powell's position, and to whom is he speaking?	A - lines 5-6 - He is the Secretary of State addressing the Senate Foreign Relations Committee. Purpose: To orient students as to whom Colin Powell is.
2. According to lines 46-58, what attributes does the author use to define genocide?	A - Lines 46-47 and 57-58 - Genocide is defined as specific intent, (mass killings, rapes and destruction of items needed to sustain life) directed with the intent to destroy all or part of the victim group. Purpose: To contextualize the significance of what genocide is.
3. Why would Colin Powell using the word genocide for the situation in Darfur be unprecedented?	A - Lines 16-17 This is the first time the executive branch had used the word in relation to an ongoing conflict. Purpose: Helps students understand the political significance of word choice.
4. Using evidence from the document, create a T chart that includes why the United States might feel compelled to action using the word "genocide", and why might the United States be hesitant to take action?	A - Answers will vary. Students can include information from the 1948 Convention on the Prevention and Punishment of Genocide. Students may also infer that American resources may be at risk, including soldiers. Purpose: Develop a clearer understanding of arguments for and against using the term genocide.

Text Dependent Questions

Teacher Notes and Possible Textual Evidence
for Student Answers

<p>5. Why does Article I make it so difficult for governments to label atrocities as genocide during a conflict?</p>	<p>A - Lines 46-52, 63-68 Specific intent is difficult to prove as well as government's reticence to be obligated morally and legally to intervene. It is difficult for investigators to gather evidence during a conflict and often they cannot determine intent until the conflict has ended.</p> <p>Purpose: Shows students that there is more than just a moral obligation in getting involved. If it is publicly acknowledged and not acted upon, countries can be held legally culpable.</p>
<p>6. According to lines 73-80, the U.S. is protected under "reservation." Why is the government still hesitant to use the word genocide?</p>	<p>A - The government felt that if they did declare genocide, they would have to carry out action against it. If the U.S. chose not to, it would put the government in a negative light with the rest of the world.</p> <p>Purpose: To help students develop an opinion on the government's moral obligation to act.</p>
<p>7. Ultimately, was Colin Powell's speech successful? Why or why not?</p>	<p>A - It was a failure in terms of motivating government intervention; however, it became a catalyst to the development of social movement (Save-Darfur). Unfortunately, neither has brought peace to Darfur.</p> <p>Purpose: Is to draw students' attention to measures of success or levels of success that can be interpreted differently by different people based on hopeful outcomes.</p>

Writing Prompt:

Students are able to identify arguments for and against deeming an atrocity as genocide. Based on the evidence given, what is the moral role/obligation of the United States when foreign acts are deemed as genocide?

Checklist identifying key points that will assist in measuring student success and/or difficulty with the close reading and/or writing prompt.