

International Aid Responses to Crimes Against Humanity verses Natural Disasters:

The case of Rwanda, Darfur and the 2004 Indian Ocean Tsunami

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Massive loss of life is a tragedy whether it is caused by natural disasters, man-made disasters or a result of war, genocide, famine or disease. In the 20<sup>th</sup> century an estimated 4.13 billion people have died. Of these deaths, 188 million are attributed to war, genocide, tyranny and man-made famine while 3.5 million resulted from natural disasters (World Watch 32). Over the past century, there has been an increasingly large response by the international community to natural disasters with record-high aid delivered after the 2004 Indian Ocean tsunami. However, despite the massive loss of life due to genocide and crimes against humanity, there is still a hesitancy to intervene in sovereign states and provide aid to victims. After the 2004 tsunami, the United States pledged over \$952 million in aid intervening because according to then-President G.W. Bush, “America cares deeply about suffering people around the world.” (Bush 1). In contrast, Senator Bob Dole commented on the crisis in Rwanda saying, “The Americans are out.

As far as I’m concerned in Rwanda, that ought to be the end of it” (Shalom 17). Through exploring the international and U.S. relief efforts to the Rwandan genocide, the conflict in Darfur and the 2004 Indian Ocean tsunami, the necessity to alleviate these differences in aid is clearly seen in order to reduce their impact on international poverty.

The beginnings of current international policy on genocide intervention can be traced to the horror of the Holocaust, a genocide carried out in the heart of “civilized” Europe. After this incident, the world declared its support for universal human rights with the Universal Declaration of Human Rights asserting that never again would such atrocious crimes be allowed. While the deliberate and systematic destruction of an ethnic, religious, racial or national group has been seen throughout history, the legal concept of the crime of genocide is relatively new. The term “genocide” was first coined by Polish jurist Raphael Lemkin in 1944 and widely defined as the destruction of the cultural perquisites of life of a group (Schabas 2009, 29). At this time,

increased international involvement in halting ‘crimes against humanity’ called for a legal definition of genocide (Schabas 2009, 5). To do this the United Nations Economic and Social Counsel formed a draft convention. The 1948 Genocide Convention posits the legal requirements for the finding of genocide as:

A showing of the *dolus specialis* - the “special intent” requirement of genocide - consisting of: (1) intent to destroy, (2) in whole or in part, (3) a national, ethnical, racial or religious group, (4) as such. Additionally, proof of one or more underlying crimes or acts... is required. They are: (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. (Trahan 8-9)

This strict definition of genocide is utilized in prosecuting perpetrators in international tribunals and the International Criminal Court. However, critics of the Convention’s definition contest that it is reactive in nature and may only be utilized when there is a paper trail to document the crimes. The Convention has also been criticized for its limited scope. The committee voted to exclude a sixth punishable act. This act would have enabled prosecution for measures intended to force members of a group to abandon homes in an attempt to escape potential ill treatment or violence. Rather, the convention firmly defined the mass atrocity of genocide separate from crimes against humanity, denoting it as a crime of crimes (Schabas 2008, 2-3).

The definition of genocide becomes important as it provides a moral justification for the intervention in a country where relief or military intervention is not welcomed. The United

Nations (UN) has a long history of supporting state sovereignty. The first three decades following its creation rarely saw UN international intervention in sovereign states. However, as time went on the concept of peacekeeping and eventually peace enforcement developed (Sidahmed, Soderlund and Briggs 2-5). The Convention on the Prevention and Punishment of Genocide further affirmed that not only will perpetrators of genocide be punished but states would also “undertake to prevent” genocide (Schabas 2008, 2). Yet historically, the presence of this doctrine has not led the UN and world powers to intervene in clear cases of genocide such as the blatant extermination of Tutsis in Rwanda. This lack of intervention demonstrates the failure of the doctrine to demand or sufficiently motivate world powers to take action to stop crimes against humanity. The question is also raised as to the necessity for a humanitarian crisis to strictly meet the criteria for genocide or intent of genocide before intervention is allowed.

Advocacy of human rights as a governing principle in replacement of sovereignty gained momentum in the 1990s. Christopher Greenwood put it bluntly,

Does it follow... that when a government massacres its own people, or when the people of a state are threatened with starvation or other disasters and the government of the state refuses international aid, the international community must remain an essentially passive spectator? (34)

The increased focus on humanitarianism in the past two decades led to the investigation of the legality and responsibility to intervene when crimes against humanity were being committed although the crimes did not fulfill the statutes for genocide. Crimes against humanity were as defined by the Rome Statute of the International Criminal Court as committing acts of murder, extermination, enslavement, deportation, imprisonment, torture, rape, sexual violence, persecution or other inhumane acts to cause great physical or mental suffering as part of a

widespread or systematic attack against civilians (RSICC Part 2, Article 7). The International Criminal Court was established to cover the crime of genocide, crimes against humanity, war crimes and the crime of aggression. As of 2011, 114 countries are members of the Court however; the United States is not one of these. The creation and establishment of the International Criminal Court on July 1, 2002 shows the progression of the international community towards a policy of intervening in political violence and acts that violate human rights and dignity. The Rome Statute firmly declares that crimes against humanity as well as crimes of genocide are illegal, yet it does not delve into addressing the responsibility to intervene in these crimes when evidence arises that they are being committed.

In 2000, the Canadian government launched the International Commission on Intervention and State Sovereignty in response to UN Secretary General Kofi Annan's challenge to question the role of sovereignty when crimes against humanity are being committed. The committee produced a report entitled "The Responsibility to Protect." This report shifted the debate away from the right to intervene to the responsibility to protect those who may be threatened by humanitarian crisis or gross violations of human rights. The report still emphasized the states' fundamental responsibility to protect their citizens; however, when a state is unwilling or unable to halt repression or serious harm to its citizens, the principle of non-intervention must yield to the international responsibility to protect. The report elaborated on three specific responsibilities: the responsibility to *prevent*, *react* and *rebuild*. This requires the failure to prevent harm to be followed by measures to stop crimes against humanity even if coercive tactics are needed. The report also stipulated intervention must have the *right intention* to halt human suffering only when all other methods have failed as a *last resort*, employing *proportional means* when there is a *reasonable prospect* of success. In 2006, the United Nations endorsed the

Responsibility to Protect report in Security Council Resolution 1674 (Sidahmed, Soderlund and Briggs 12-14). Still, these stipulations do not remove the bureaucratic processes that may bias decisions when the UN or world powers decide to intervene or the type and amount of aid or assistance they provide. The full impact of the responsibility to protect will be elucidated with future interventions, and its applicability may expand to include intervening in a variety of situations in which human rights are suppressed. The tenets of the resolution are not only applicable to intervening in cases of crimes against humanity and genocide but may be applicable to offering aid and assistance after natural disasters to countries that do not want foreign involvement such as occurred in Myanmar after the cyclone Nargis (Doyle 1).

### The Rwandan Genocide

The Rwandan Genocide that claimed the lives of 800,000 Tutsi citizens is a clear example of a genocide that occurred after the 1948 Genocide Convention, yet it received little international aid and practically no intervention. Two social groups inhabit Rwanda: the Hutu, who compose the ethnic majority of the population and the Tutsi, who compose the minority. The origin of the division between Tutsi and Hutu is not completely clear. By the 20<sup>th</sup> century there were no differences in language, names or religion and intermarriage was common. When the Belgians, who were ruling the country at the time, assigned identity cards in the 1930's, ethnic designations were often arbitrary and might be made according to the number of cattle owned or by the identity of the father (Kuperman 6).

The roots of the Rwandan conflict can be traced as far back as the colonial period when the Belgians supported control of the government by the Tutsi, the social minority group. In the late 1950s the Tutsi leaders started resisting Belgian control, calling for independence. In reaction, the Belgians began supporting a Hutu takeover of the government under the belief that

the Hutu regime would accept Belgian control. This ignited the first large-scale conflict between Hutu and Tutsi groups. Between 1959 and 1967, approximately 20,000 Tutsi were killed and 200,000 left the country as refugees. The Hutu government soon called for independence, which was granted in 1962. Under Hutu independent rule the Tutsi population dwindled to nine percent. They were excluded from the military and held only one of the eleven prefect positions. Militant Tutsi exiles, enraged by the treatment of their countrymen, consistently raided Rwanda and in 1987 these militants formed the Rwandan Patriotic Front (RPF). In October 1990, the RPF entered Rwanda and cut off the trade route to the coast through Uganda. The Rwandan government responded with the arrest of 8,000 citizens (mostly Tutsi) and attacked civilians leaving 600 Tutsi dead. As the conflict escalated, France and Belgium evacuated their nationals but did not intervene militarily. Under international pressure, new political parties were established and by 1993 an agreement for peace and a new transitional government was about to be signed. The creation of new political parties included the formation of a Hutu extremist party backed by a military group known as the Interahamwe. Further tensions arose due to an economic downturn and the distribution of anti-Tutsi propaganda by Hutu extremists.

The rising tensions snapped on April 6, 1994 when two missiles downed the plane carrying Rwandan President Juvenal Habyarimana who was returning from peace talks in Dar es Salaam, Tanzania. The Rwandan government blamed the RPF and Belgian United Nations Assistance Mission in Rwanda (UNAMIR) peacekeeping forces. The Rwandan government never allowed the wreckage to be examined and there has been great controversy regarding the origin of the missiles (Kuperman 5-13). During the night of April 6<sup>th</sup> killings by the Interhamwe, the Hutu extremist militia, started with the victims including Hutu RPF sympathizers and Tutsi citizens. Despite a UNAMIR security detail, Prime Minister Agathe Uwilingiyimana, a Hutu

moderate, was murdered. This allowed for Hutu extremist and speaker of the assembly, Theodore Sinkdikubwabo to be named President.

As the killing of civilian Tutsi began, the Interhamwe strategically executed 10 Belgian peacekeepers to discourage foreign involvement. However, they were careful to limit their conflict with the peacekeeping troops to the ten deaths so as not to draw significant foreign attention and incite a large international peacekeeping mission. The killing of the UNAMIR peacekeepers led to the removal of the majority of international peacekeeping troops and the evacuation of foreign nationals. Over the following days the killings increased. Moderate Hutus were killed according to a death list prepared before the plane crash on April 6<sup>th</sup> while Tutsi were slaughtered indiscriminately (Kuperman 15-21). The Hutu Interahamwe spearheaded the killings and were quickly joined by young men and the non-extremist armed forces. Hutu were given the choice of killing their Tutsi neighbors and friends or being killed themselves.

Many Tutsi sought shelter in churches where they were shot, burned alive and hacked to death by machete-wielding Hutu gangs. One such incidence occurred on April 12 in Nyarubuye where 1,500 Tutsi sought refuge in a Catholic church. Local Hutu surrounded the church and used bulldozers to knock down the building, killing those who tried to escape with machetes and rifles. Tusti women were often raped before being murdered. Many Tutsi women were forced to marry Hutu men and became victims of repeated gang rape to avoid being killed. An estimated 250,000 to 500,000 Rwandanese women and girls were raped before the end of the conflict (Ka Hon Chu and de Brouwer 1). In the next 100 days approximately 800,000 were killed, 20% of the Rwandan population. The conflict ended in July 1994 when the RPF captured the capital, Kigali, and a ceasefire was declared. The capture of the capital led to a mass exodus of Hutus to bordering countries, resulting in the Great Lakes refugee crisis (Kuperman 21-22).

The radio became a propaganda tool for the Hutu extremists who called for retaliation against the RPF who they accused of endorsing ethnic cleansing and killing Hutu on a large scale.

Hesitancy towards UN involvement in Rwanda was apparent before the killings began in 1994. In 1993, France urged the UN to provide peacekeepers to Rwanda, as the Arusha Peace Accords were stirring up already volatile tensions. The UK and U.S. argued that budget limitations would not allow for involvement with the failed peacekeeping mission in Somalia creating understandable hesitancy. On October 5, 1993, The Security Council passed Resolution 872 mandating a small and relatively inexpensive peacekeeping mission to Rwanda known as The United Nations Assistance Mission In Rwanda (UNAMIR). UNAMIR provided 2,548 troops, under the command of Canadian Brigadier-General Romeo A. Dallaire, to assist refugees returning to Rwanda during the peace process. The understaffed and ill-equipped Dallaire called for reinforcements as violence broke out in Hutu power strongholds in the Ruhengeri region. His request was denied leaving him devastatingly underprepared to intervene in the killings of government officials that broke out on April 6. After the murder of the ten Belgian UNAMIR peacekeepers, the withdrawal of peacekeeping troops reduced the force to 1,705. In the following days, foreign troops arrived but only to evacuate their citizens. The UNAMIR troops were not authorized to protect civilians; however, as the killings continued efforts were made to safeguard civilians at the Anahoro Stadium, Hotel Mille Collines, Hotel Meridien and the Faisal Hospital (Kuperman 38-43). On April 21, the Security Counsel further reduced the UNAMIR force to 270 (Resolution 912). The United States played a large role in reducing UNAMIR forces. It was at this point that Senator Robert Dole (R-KS) remarked, “The Americans are out. As far as I’m concerned in Rwanda, that ought to be the end of it” (Shalom 17). In Presidential Decision

Directive 25, Clinton outlined Washington's stance towards a UN intervention in Rwanda. The directive indicated that Washington's approval was contingent upon the fact that "UN involvement advances U.S. interests" (Presidential Directive NSC-25 6). The U.S. was responsible for 31% of the funding for any troops deployed in Rwanda and therefore had significant sway over the Security Council. Dallaire called for the U.S. to jam the Hutu extremist radio but was greeted with excuses that it was too expensive and would infringe on the right of free speech (Kuperman 92).

The lack of international intervention in the Rwandan genocide was astounding and then-U.S. President Bill Clinton would go on to label the U.S. failure to intervene the "biggest regret" of his administration (Clinton, Presidential Speech). While many governments assert they did not have sufficient knowledge of the extent of the killings, review of government briefings would indicate otherwise. In January 1994, the CIA had given the State Department a desk-level analysis warning that failure of the Arusha Accords could lead to massive violence and the death of over 500,000 people (Fake and Funk 74). Aid workers, aware of the tensions, also prepared for mass casualties stockpiling medicine and installing tents to serve as makeshift hospitals. The most undeniable report was presented by UNAMIR Commander Dallaire in January 1994. Dallaire received reliable information from a Hutu extremist militia leader that the Interahamwe had drawn up plans that would enable the killing of 100,000 Tutsi every twenty minutes as well as indications of the location of their weapon cache. While media attention to the conflict was in no way extensive, polls of the U.S. public showed 61% of citizens supported U.S. "participation in a 'large' UN force to 'occupy' Rwanda and 'forcibly stop the killing'" (Fake and Funk 75).

The international community failed to intervene in Rwanda when clear acts of genocide were planned and enacted. All legal requirements of genocide were met and apparent by the

time the U.S., Italy, France and Belgium had military convoys in Kigali to evacuate expatriates. The definition of genocide requires “special intent” to destroy in whole or in part a specific group. This was undeniably demonstrated by the creation of ‘death lists’ that gave the location of every Tutsi in Kigali and the formulation of detailed plans on how to exterminate the Tutsi at a rate of 100,000 every twenty minutes. Further proof was seen in the arms cache of machetes for distribution to the general Hutu population. The Hutu radicals were clearly targeting the Tutsi, the ethnic minority, and were targeting all members of the group rather than just key leaders whose elimination could be justified as a war tactic. To meet the definition of genocide, additional proof of crimes is needed including the killing of members of the group, causing serious bodily or mental harm, inflicting conditions to bring about physical destruction, imposing measures intended to prevent births or forcibly transferring children of the group to another group. While only one of these additional crimes is needed to meet the definition, many were committed in the first few days after President Habyarimana’s plane was shot down. Up to 20,000 Tutsi were killed in the first week in Kigali alone. The killings were especially brutal as many were hacked with machetes and hunted down like animals. Rape was also used as a form of mental harm and abuse before or as an alternative to killing Tutsi women. While the international community declares they had limited knowledge of the killings, military envoys witnessed bodies of murdered Tutsis in the streets while reports from UN peacekeepers confirmed the slaughter. The question arises as to why there was no international intervention when such an obvious act of genocide was committed. Commander Dallaire, in an interview at the ten-year anniversary of the genocide, challenged the UN questioning, “Are all humans, human, or are some more human than others?” The sad answer may be that Rwandan citizens did

not hold enough value for the risk and cost of military and political aid due to their lack of resources and capital.

### The Conflict in Darfur

Rwanda is a clear-cut example of genocide; however, the crimes against humanity committed in Darfur demanded international intervention despite falling short of meeting the requirements for genocide. Sudan, the largest country in Africa, is no stranger to conflict and has been engulfed in a civil war for the past three decades. The drought-ridden western side of Sudan, known as the Darfur region, had until 2003 largely remained a peaceful area. Roughly the size of Texas, Darfur is the home to between 40 and 80 ethnic groups and approximately six million people. Despite ethnic differences, there has been a history of peaceful coexistence within the region despite its history of political and economic marginalization.

The conflict in Darfur started brewing in 2001 with the accumulation of grievances against the central government in Khartoum ruled by President Omar a-Bashir. By 2002, rebels from the Darfur region started attacking government facilities. The conflict gained international attention in 2003 when two rebel groups, the Sudan Liberation Army and the Justice and Equality Movement, declared their existence and intensified attacks. They called for an end to the marginalization of the Darfur region in western Sudan but were opposed by Arab dominant government militia known as the Janjaweed. Retaliation by the Janjaweed included attacks on villages as well as on rebel strongholds leading thousands to flee to refugee camps on the border of Chad. On September 4, 2003 a cease-fire was agreed upon between the Sudan Liberation Army and the government of Sudan. However, by December both sides accused the other of breaking the cease-fire and conflict resumed. In response, the Janjaweed carried out intensive attacks on mainly black African villages, raping and murdering civilians and forcing

approximately 10,000 civilians to flee to refugee camps. The government of Sudan restricted humanitarian access to these camps by refusing and delaying travel permits to Darfur. The Janjaweed, the government-backed militia, also patrolled the refugee camps killing men and raping women who ventured too far outside of camp looking for firewood or water.

Attacks on villages intensified through late January 2004 garnering international attention from UN Special Envoy for Humanitarian Affairs, Tom Vraalsen. Shortly thereafter, the UN Undersecretary-General for Humanitarian Affairs and Emergency Relief coordinator Jan Egeland called for a rapid humanitarian response. On April 2, 2004, Undersecretary Jan Egeland asserted that an ethnic cleansing was being carried out by the Janjaweed against black Africans of Darfur. This launched a fact-finding mission by the UN to investigate the extent of human rights violations in Darfur. The UN Secretary-General Kofi Annan then called on President al-Bashir to rein in and disarm the Janjaweed. The UN made movements to move refugees into safer camps over the border of Chad. However, the UN was struggling to raise funds for food, water and healthcare services for internationally displaced persons due to the conflict. In June 2004, the UN reported that every fifth child in Darfur was suffering from severe malnutrition. High death rates resulted from starvation and exhaustion in addition to dysentery and measles. June also brought an order from President al-Bashir for all illegally armed groups to disarm although little change was seen in the frequency or intensity of attacks by the Janjaweed. The months of June and July 2004 were filled with diplomatic efforts to disarm the Janjaweed and proceed with peace talks. However, as President al-Bashir repeatedly failed to meet demands, threats of military and economic sanctions were leveled. On August 15<sup>th</sup>, one hundred-fifty Rwandan troops were deployed to protect African Union cease-fire monitors. Between August

2004 and May 2006, a saga of failed negotiations, continued violence and lack of aid for the ever-growing refugee population played out (Totten and Markusen xix-xli).

The Darfur Peace Agreement was signed on May 5<sup>th</sup>, 2006 by the Sudanese government and a leader of a faction of the Sudan Liberation Army, Minni Arcua Minnawi. The main opposing faction of the Sudan Liberation Army, led by Abdel Wahed Mohamed el-Nur and the JEM, did not participate in the agreement. These non-participating rebel factions joined to form the National Redemption Front that called for the autonomy of Darfur. The Darfur Peace Agreement required the Janjaweed to be disarmed and for rebel representatives to hold the majority of seats in the Darfur legislative government. The agreement did not satisfy many of the victims in Darfur who sought increased compensation and representation. The Darfur Peace Agreement did not end the conflict and continued fighting between the Minnawi-led faction of the Sudan Liberation Army and the non-participating rebel groups has led to more civilian deaths to this day. Violence has also increased against aid workers including the killing of five African Union (AU) soldiers by the Janjaweed. The Darfur Peace Agreement resulted in the formation of new alliances and spurred conflicts between formerly allied groups. An extreme drought in the region caused previously allied Arab troops to engage in conflict for food and water. Conflict has also spread to Chad where the government aids the Justice and Equality Movement due to the Sudanese government's support for rebels fighting against Chad's government.

Estimates of civilian casualties have been widely contested, with projections ranging from 170,000 to 500,000. The United Nations' Head of Humanitarian Affairs, John Holmes, gave a revised estimate of 300,000 deaths as of April 2008, while Sudanese President Omar al-Bashir reported only 9,000 deaths. In addition to the casualties, over two million people have been displaced from their homes with many residing in makeshift camps. While many have been

violently killed, far more have perished from malnutrition and disease. In March of 2005, the World Health Organization estimated 10,000 deaths per month had occurred due to malnutrition and disease since the conflict had begun (Fake and Funk 5-14).

In 2004, then-U.S. Secretary of State Colin Powell, announced that the government of Sudan was responsible for “genocide” in Darfur. However, in 2005 the UN Security Council-established International Commission of Inquiry on Darfur reported that the government in Khartoum had committed “crimes against humanity and war crimes” but that the crimes did not amount to genocide, although they were no less serious (UN, 2005). The definition of genocide requires specific intent to destroy in whole or in part a specific group. The International Law Commission has further clarified, “A general awareness of the probable consequences of such an act with respect to the immediate victim or victims is not sufficient for the crime of genocide” and similarly, “Mere knowledge of the victims’ membership in a distinct group on part of the perpetrators is not sufficient to establish an intention to destroy the group as such.” On this definition, if the government of Sudan simply meant to stop the rebel uprising by means of killing the supportive civilian population, the international law standard for specific intent was not met. The Commission of Inquiry found specific intent to be lacking, as there were instances of attackers killing rebels while expelling the rest of the community.

There is, however, a substantive counter argument. Evidence for specific intent includes the concentration of violence on “African communities” and a lack of violence towards “Arab” populations. This could be seen as a directive to drive Africans from the land and seen as racial hatred. While this point makes a significant argument for specific intent, the fact that many residents of Darfur were forced to flee rather than being killed outright begs the question of whether the intent was to eliminate a group or just clear the land. However, forcing civilians to

flee, in this case, may actually have been a death sentence. Rather than killing with guns or knives, the government let disease and starvation do the work for them. The patrolling of refugee camps by the government militia and the rape or murder of those who venture too far for food or water demonstrates that the regulation of supplies to a specific group inflicts physical and mental harm. Lastly, the question is raised as to whether a significant enough percentage of the Darfur population was killed to fall under the clause of “intent to destroy in whole or part of a group.” In the case of Rwanda, over 80% of the Tutsi population was slaughtered. In Darfur only one-fifteenth to one-thirtieth of the population has died (Sidahmed, Soderlund and Briggs 13).

The international community participated in a great debate over whether the crimes committed in Darfur constituted genocide. It is possible the early conflict could be defined as genocide; however, international intervention may have diminished the power of the government to specifically target and exterminate a specific group. However, this should have been a moot point. The actions of the government-backed Janjaweed clearly constituted crimes against humanity as defined in by the International Criminal Court. Therefore, these crimes should have been treated as a heinous human rights violation on the same level as genocide as the ICC stipulates. The debate over genocide may have delayed political and military international intervention that could have spared thousands of lives. The International Criminal Court did open an investigation into the conflict under referral from the UN Security Council in June of 2005. On March 4<sup>th</sup> 2009, a warrant for the arrest of President al-Bashir was issued on five counts of crimes against humanity, two counts of war crimes and three counts of genocide.

International attention paid to the conflict has been surprisingly robust for a seemingly barren wasteland, likely due to Sudan’s vast oil reserves and the previous failure to respond to the Rwandan genocide. The U.S. showed overwhelming support for the Darfur Peace

Agreement, placed pressure on rebel groups to sign the agreement, and yet has lent political support only to the signing rebel faction. The U.S. support of Minnawi and push for an expedient agreement may have dissuaded the other rebel factions from participating. Sudan specialist Alex de Waal explains, “At a moment when strong guidance was needed from Washington to keep the most representative and the most militant Darfurian groups at the table, there was only silence” (de Waal, 2006). The U.S., along with other countries, has shown political support for a UN peacekeeping force to replace or assist the AU forces deployed in 2005. In June 2007, a joint AU-UN peacekeeping force of 20,000 troops was deployed to Sudan after resistance from the government of Sudan (Fake and Funk 14-15).

Darfur has received stronger political and military support and more significant humanitarian aid than areas previously stricken with conflict of a similar nature. Despite these interventions, the international community failed to prevent a massive loss of life and put a swift end to the conflict. Humanitarian aid fell short. The U.S. has enacted multiple appropriations offering aid to Sudan and the Darfur region contributing more than \$4 billion in humanitarian, development, and peacekeeping and reconstruction programs. However, in 2004-2005 UN agencies received only \$288 million of the \$722 million they requested for the Darfur region. A lack of funding also forced the World Food Program to at one point cut its rations for the region in half (Fake and Funk 6).

#### The 2004 Indian Ocean Tsunami

Unlike crimes against humanity and genocide, natural disasters are not greatly predictable and warning signs are typically only evident after it is too late to intervene. On December 26<sup>th</sup>, 2004, the movement of tectonic plates offshore of the Indonesia archipelago created a 9.0 magnitude earthquake resulting in a massive tsunami that affected 14 countries in South Asia and

East Africa (Karan 1). The energy released was comparable to 100 gig tons of TNT, displacing an estimated  $30\text{km}^3$  of water. In the open ocean this created hardly noticeable ripples, but in shallower water waves of over 30 feet were generated. Tsunami waves reached the shores of Sumatra's Aceh province a mere 15 minutes after initial tremors and battered Sri Lanka within 2 hours (Karan 7). Over 200,000 people were killed including 9,000 tourists with over one million people displaced due to the resulting damage. Indonesia, Sri Lanka, India and Thailand were the hardest hit as the strongest waves ran an east-west direction sparing Bangladesh, which lies at the northern end of the Bay of Bengal. The tsunami waves flattened villages, destroyed homes, and businesses, and carried huge ships miles inland, causing an estimated \$10 billion in damage (Telford, Cosgrave, and Houghton 1). Women selling fish, children playing, and tourists enjoying the beaches were engulfed by the tsunami waves on Mariana Beach in Chennai, India.

Fishing villages were washed away and thousands of fishermen were carried out to sea by the huge waves. The Indian Air Force base on Car Nicobar Island was demolished along with the airport in Male, Maldives (Karan 1-3). While the loss of life and impact on the infrastructure of the nations has been made apparent through startling pictures and saddening statistics, the psychological damage imposed should not be discounted. Les Boardman, 56, an Australian tourist in Phuket, Thailand when the tsunami wave hit explained, "the force carries you forward, and you become a living, breathing projectile... the worst part was you could see the bodies going out in the water" (Morison 1). Lommen and colleagues found 52.2% of a sample of Sri Lankan tsunami survivors were suffering from PTSD 15 months after the disaster. Psychological wounds have led to suicide, decreased ability to return to work and school, and limited ability to function in society (Lommen et al. 63).

Humanitarian relief efforts were immediately launched and still continue today.

Immediate response included search and rescue, medical treatment, and provisions of food, water and shelter. Swift intervention suppressed the outbreak of disease. An estimated \$14 billion has been received in international aid from various countries, organizations and agencies for both immediate relief as well and long-term reconstruction and development. In May 2005, the United States Congress allotted a Tsunami Recovery and Reconstruction Fund of \$656 million. Funds from the Department of Defense spent on emergency recovery assistance and relief aid, and food provided by the USDA totaled \$841 million by December of 2005. Private donations from U.S. citizens totaled \$566 million, 4% of the total international aid. Private aid groups received record donations with Doctors Without Borders raising such an abundant surplus of funds that they were able to offer assistance for less well-supported emergencies such as the earthquake in Pakistan (Sengupta and Mydans 1). Immediate relief efforts included medical treatment, food, water, temporary shelter, and search and rescue.

The majority of international relief focused on rebuilding. The U.S. spent \$20 million alone constructing 40,000 houses in Indonesia. Funds went towards rebuilding markets and roads and supporting cash-for-work programs to employ survivors. Aid was also given to governments to support their programs for rebuilding. The U.S. participated in a 4.5 year, \$61.8 million program to support governance of Indonesia's affected provinces. Private corporations also participated in the rebuilding process. For example, Chevron provided scholarships for a three-month skill-building course to train Acehnese students in masonry, house construction, electrical installation, welding, computer applications and book keeping (Bullock 1-3). Efforts have been made to increase preparedness for any subsequent tsunamis. The Intergovernmental Oceanographic Commission established a tsunami warning system in the Indian Ocean. This

multi-agency effort installed a system that will increase the capacity of the affected countries to analyze data and issue warnings to increase preparedness (Pellerin 1-2).

The varied and extensive relief efforts have paid off. One year after the 2004 tsunami, 70 to 85 percent of adults who lost their livelihoods in Sri Lanka had regained their main source of income and nearly all of the children in tsunami-affected areas have returned to school. Furthermore, 41 of Sri Lanka's 52 damaged hotels were re-opened within one year. Yet not all hurdles were overcome and only one in five of the million made homeless had a permanent home by 2005, showing an extreme reliance upon foreign aid, especially by those with few resources (Sengupta and Mydans 1-2). Aid was most effective when it supported and enabled local and national public institutions and facilitated their goals and objectives. Aid organizations that did not consult with and were not accountable to local organizations and government provided inappropriate housing designs and livelihood solutions that led to greater inequalities, gender insensitive strategies and waste (Karan 26).

#### Effects of Disasters on the Poor

Natural disasters strike indiscriminately, yet the devastation may have a longer and larger impact on lower socioeconomic status victims. The lack of resources lower-income individuals experience is only compounded in a disaster. In the 2004 tsunami, the physical infrastructure along affected coastlines was destroyed in addition to the many deaths. Severe damage occurred in densely populated, poorly constructed residential areas populated by the poor while less severe damage was seen in the securely constructed upper-class housing typically at higher elevations. The tsunami disproportionately affected areas that had a narrow economic base. For example, the Maldives Islands rely on tourism and fisheries. Nineteen out of eighty-seven island resorts were severely damaged and shut down while fourteen had partial damage. The tsunami also engulfed

waste disposal sites and spread waste throughout the islands, contaminating many fresh water reserves and destroyed fishing grounds. Lastly, fishing boats, nets and supplies were destroyed leaving the majority of the population without any means to earn a wage. This type of loss particularly impacts lower-income individuals who do not have savings to rely on and or the ability to replace lost goods or housing (Karan 9). The necessity for a swift and well-supplied response to limit fatalities after a disaster may put developing countries at an increased risk for loss of life due to their lack of resources. Decreased access to health care may be detrimental in everyday life but in a disaster it could easily mean not receiving life-saving treatment. Small remote villages are harder to reach and may not receive aid as readily as more accessible areas. Those with a lack of capital to rebuild homes and replace lost goods must rely on aid and are more likely to be living in temporary housing years after the crisis. As a whole, developing countries are less likely to have the necessary resources to support their citizens after a disaster, thus requiring them to rely on international aid. The 2004 tsunami was an exception as the overwhelming aid contributed by independent citizens, governments and corporations met demands. (Sugupta and Mydans 2).

Genocide and crimes against humanity, similar to natural disasters, have a longer and larger impact on the socially disadvantaged. Just as seen in those displaced from a natural disaster, the poor have a reduced ability to rebuild destroyed homes, restart trades or businesses and replace destroyed or looted supplies. Likewise, they have less capital to obtain medical care. The displacement of individuals and the destruction of property may also increase the numbers of those living in conditions of poverty both in the short-term and long-term due to a dependence on aid for rebuilding after the crisis.

Unlike a natural disaster, genocide may lead to the eradication of a culture and shatter cooperation between different groups. Genocide and crimes against humanity pit citizen against citizen. In Rwanda, neighbor slaughtered neighbor and villages were torn apart based on ethnic identification. After the return of the Hutu refugees, these ethnic groups had to find a way to forgive and coexist in a community. Without collaboration amongst citizens, the economic outlook for the entire country is greatly dimmed. Life in the refugee camps may be volatile. For example, Tutsi who were able to escape Rwanda during or before the killings were targeted and murdered in refugee camps. Conversely, when the Hutu fled after the RPF gained control of Kigali, violence turned towards the Hutu refugees. With the use of war rape, victims of conflict are more likely to contract sexually transmitted diseases and the HIV virus. In less educated, lower-income populations, HIV-positive individuals are less likely to be tested, more likely to be ostracized from society due to their prognosis, and have less access, if any, to anti-retroviral medication. The trauma inflicted in instances of crimes against humanity may also have huge negative psychological effects on victims. A survivor of the Rwandan genocide, Clementine Nyinawummuntu, reflected, "I lament when I remember all those men who repeatedly raped me during the genocide, those same men who broke and destroyed me and every single aspect of my life. Those same men who killed me, slowly but very effectively." (Ka Hon Chu and de Brower 35). The severe mental trauma inflicted on genocide victims requires mental health treatment that is widely unavailable in developing worlds, especially to those in poverty.

The conflict in Darfur, the genocide in Rwanda and the 2004 tsunami all resulted in massive loss of life. In Rwanda over 800,000 were killed, while most recent estimates suggest 300,000 have died due to the conflict in Darfur. The smallest death toll was actually seen in the 2004 tsunami with 200,000 deaths. Beyond loss of life all of the events led to displacement of

civilians. All the events increased short-term poverty conditions as well as diminishing the capability of the already poor to recover. Furthermore, the violence seen in Darfur and Rwanda shattered communities and governments and increased the prevalence of HIV.

Humanitarian relief to the 2004 Tsunami dwarfed the humanitarian relief for Darfur despite the fact that the humanitarian aid needed for both sets of victims did not greatly differ. The conflict in Darfur led to the destruction of homes and displacement just as the tsunami waves destroyed homes. Similarly, in both instances aid was needed for fresh water, food, disease prevention and temporary housing. Despite these similarities, the UN only received \$288 million of its requested \$722 million for the 2004-2005 Darfur conflict. In contrast, the UN met its \$977 million appeal within a month of the tsunami with the total aid to tsunami-affected countries totaling approximately \$14 billion. A unique aspect of the aid response following the tsunami was the huge amount of private donations and the involvement of corporations. After the tsunami, a consortium of 160 prominent U.S. corporations announced it would be working with the Red Cross, CARE and other relief organizations offering assistance when another disaster occurs. The consortium is also creating databases of corporations willing to provide people and know-how to increase relief efficiency. The consortium chairman, Hank McKinnell, admits a tsunami is easier to address than an epidemic such as AIDS or the conflict in Darfur as corporations, “don’t have a clear road map for more amorphous problems” (Conant 9).

#### Difficulties in Preparing for Natural Disasters

In comparison to genocide, seemingly little can be done to prevent the occurrence of a natural disaster. However, steps may be taken to diminish the massive loss of life resulting from a natural disaster. The preparedness and immediate response to a natural disaster by local governments and aid agencies greatly affects the potential for locating and rescuing survivors

and implementing structure for recovery. Previous experience with disasters, quality of pre-existing relief networks, desire to rescue the living and linkages between government and non-governmental organizations were critical factors in reducing fatalities in the different regions impacted by the tsunami (Phillips et al. 2008, 681). In the 2004 tsunami, local residents and officials uncovered bodies, searched for the living and dealt with health and sanitation issues.

Providing education and information about tsunamis to the citizens of the impacted region could have saved lives. Education is the first step to recognizing the warning signs or responding to a warning. It is also critical for understanding the impact and pattern of the waves. For instance, when the tsunami caused a large amount of the ocean to initially be sucked out to sea, large numbers of civilians in Sri Lanka ran out to collect the seashells exposed on the ocean floor. The civilians were washed away when the waves rolled to shore shortly thereafter.

Similarly, lives could have been spared if civilians had sought shelter in nearby concrete buildings rather than climbing on buses or trains in an attempt to outrun the waves (Karan 8).

The knowledge of warning signs and how to respond can save lives. For example, in the Midwest children are taught at a young age to take cover in underground or well-supported buildings when the sky turns green, they see a tornado or when they hear the tornado sirens. At the time of the tsunami there was no warning system in place. Although Sumatra was hit a mere 15 minutes after the first tremors were felt, Sri Lanka had two hours to prepare its citizens before the waves struck its coastlines.

The prevention and necessity for preparation for natural disasters does not seem to fall under the same moral obligation many place on the prevention of genocide or crimes against humanity. The local and/or national governments, rather than international organizations and foreign governments, bear the responsibility to protect and prepare their citizens. A moral

obligation, however, would be dictated if any international organizations or governments have knowledge of an impending disaster. For example, if the U.S. had tsunami sensors in the Indian Ocean and knew a tsunami was generated, withholding this information could be seen as contributing to massive loss of life just as intervention in Rwanda, once there was knowledge of the situation, could have spared thousands of lives.

#### Difficulty in Intervening and Providing Aid in Crimes of Conflict

Intervention in genocide and crimes against humanity is a tricky situation thwarted by national interests and a hesitancy to become involved in civil disputes. Intervening in crimes against humanity may require political and military support of an opposing faction as seen in the UN and U.S. support of the rebels in Darfur. The UN has always emphasized the importance and right of state sovereignty although there has been an increasing focus on the responsibility to intervene when a government commits crimes against its citizens. Intervention in genocide and crimes against humanity, therefore, may require military and political intervention as well as humanitarian aid to treat the victims. Political intervention may be accomplished through encouraging peace talks, UN mandates on disarmament, travel and cash embargoes and various acts of diplomacy making providing aid in response to crimes against humanity much more complicated and politically sensitive than providing aid after natural disasters. There is also a high demand for international involvement in the prosecuting of humanitarian crimes and the rebuilding of nations. The International Criminal Court was established to try perpetrators of genocide, war crimes and crimes against humanity. While this is a necessary part of the international legal justice system, it also demonstrates the importance of closure and forgiveness after a crisis such as genocide.

When political or military intervention is needed, the presence of UN peacekeeping forces may be required until the government can establish peace among its citizens. In that case, regulations must be in place to establish humanitarian intent to save lives. This is encompassed under the Right to Protect's stipulation of *right intent*. For example, in the current conflict in Libya, President Obama has been criticized for intervening in a civil war against a dictator. Obama addressed this criticism in his March 28<sup>th</sup> speech on Libya citing, "we were faced with the prospect of violence on a horrific scale," and "to brush aside... our responsibilities to our fellow human beings under such circumstances would have been a betrayal of who we are" (Politico). In this instance, as in many, swift intervention may reduce the loss of life and avoid a humanitarian crisis, which would only demand increased aid spending.

When providing relief efforts in response to genocide it may be easier to treat the symptoms rather than the causes. Humanitarian relief efforts in Rwanda emerged in reaction to the refugee crisis after the RPF gained control over the Capital and peace was restored.

Beginning in April 1994, over two million Rwandans fled to neighboring countries to escape the killings and later Hutus fled to escape the crimes they committed and in fear of retribution by the RPF. The international response was not dissimilar to relief efforts employed after a natural disaster. The UN and foreign contributors, including the U.S. France and Belgium, sought to meet the basic needs of people who had been displaced after a crisis, just as food and shelter is provided to those who lose their homes as the result of an earthquake or tsunami. After the possibility of political and military intervention is removed and the magnitude of suffering and destruction to a nation is revealed, it is difficult to deny humanitarian aid. During the refugee crisis, the United States committed money as well as planes to fly in supplies, although they did not send ground workers as the refugee camps were deemed too dangerous. The UN provided

upwards of \$1 million per month in food and medical supplies. A concerted effort was made by France to establish hospitals by staffing them with a large, well-trained contingent of Israeli doctors, surgeons and medics. Although the international community treated the after-effects of the crisis, they exerted little to no effort to prevent the tragedy. While efforts to reduce lives lost by implementing education and emergency systems in preparation for natural disasters may be less effective than military intervention to prevent genocide, the same 'fix later' attitude is apparent.

As with natural disasters, there must be an increased focus on prevention in order to reduce the massive loss of life resulting from crimes against humanity. The Genocide Convention of 1948 defined the responsibility of nations to intervene in genocide. However, the lack of denotation of the crimes in Rwanda as genocide, for example, allowed the international community to ignore the blight of Tutsi civilians. In fact, a discussion paper from the Office of the Secretary of Defense counseled: 'Be careful... Genocide finding could commit [the United States] to actually do something' (Powers 6). Countries should not take advantage of these loopholes. In Darfur, the Responsibility to Protect doctrine may have mitigated some of the hesitancy to intervene in crimes against humanity, as there was political and military intervention in response to crimes against civilians. As time passes, political intervention may start to be a deterrent if a precedent of military enforcement for failed diplomatic negotiations is established. Otherwise, diplomacy and embargoes will continue to serve as empty and ignorable threats.

The fact still remains that international humanitarian aid is more readily procured in instances of natural disaster compared to crimes against humanity. The humanitarian crisis associated with crimes against humanity receives less attention and elicits fewer private donations. Increased media attention to the plight of refugees could increase private donations to

relief efforts to victims of crimes against humanity and genocide. Advertising efforts such as the inclusion of links on popular home pages to donate to relief for victims of conflict could greatly increase donations by simply increasing accessibility. Many citizens may hesitate to donate to charities in conflict regions as they fear it will fund a political movement. Therefore, increased recognition of efforts by trusted organizations such as the Red Cross or Doctors Without Borders could increase public confidence that donations would be going to directly help victims.

Ultimately, a general climate of acceptance towards intervention in crimes against humanity is needed. As Obama explained, “Sometimes, the course of history poses challenges that threaten our common humanity and common security – responding to natural disasters, for example; or preventing genocide and keeping the peace; ensuring regional security, and maintaining the flow of commerce” (Politico). The legislation for intervening in genocide, crimes against humanity

and war crimes is in place. The ICC currently serves as a judicial body to bring perpetrators of these crimes to justice. Unfortunately, it is a slow process and has yet to prove to be a deterrent

to committing such crimes. If the ICC can consistently demonstrate that perpetrators of crimes

against humanity will be held accountable the process may start to act as a deterrent. Similarly,

the more that governments and international bodies such as the African Union and UN intervene when crimes against humanity are being committed, the more these crimes will be discouraged.

While eventually political intervention alone may serve as a deterrent, military action to support political embargos and other diplomatic negotiations may be needed to show that these actions are not simply empty threats.

Regardless of the cause of mass loss of life, it is the responsibility of all to recognize need, acknowledge cause and provide aid in times of disaster. It is the responsibility of nations to educate their citizens to recognize and respond in the event of natural disasters and to support

intervention to prevent crimes against humanity. It is only when nations fail to protect their citizens that international powers have the responsibility and right to intervene. As technology continues to shrink the world, increased knowledge of disasters demands international powers to intervene in crimes and offer humanitarian aid. It is only through collective measures, with regard to the right of all humans to have the basic needs of food, shelter, and safety, that we can reduce mass loss of life and minimize impact on the poor.

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