

NGOs, IOs, and the ICC: Diagnosing and Framing Darfur¹

Meghan Zacher,² Hollie Nyseth Brehm³ and Joachim J. Savelsberg⁴

Nongovernmental organizations (NGOs) have become influential forces in global society. They exert their influence in part by framing issues and thereby suggesting particular courses of action. This article examines how NGOs with distinct missions represent mass violence for the case of Darfur. Content analysis of reports, speeches, and other documents from Amnesty International, Doctors Without Borders, and Save Darfur reveals distinct patterns across organizations. In addition to the organizations' specialized fields, interventions by external actors such as the United Nations and the International Criminal Court affect NGO framing, but they do so in organization-specific ways. Against presumptions of a uniform Western position on Darfur, this analysis documents that depictions of violence by Western NGOs show field-specific patterns and distinct responses to international political and judicial interventions.

KEY WORDS: Darfur; genocide; International Criminal Court; knowledge; nongovernmental organizations; violence.

INTRODUCTION

Nongovernmental organizations (NGOs) have become a powerful force in global society. Both human rights and humanitarian organizations are key players in defining norm violations, such as grave offenses against human rights standards. Yet, NGOs do not all acknowledge, diagnose, and frame suffering in the same terms.

This article examines how NGOs acknowledged and interpreted human rights violations and suffering for the case of Darfur. While Western workers predominantly staff international NGOs, this article joins previous research to

¹ Research for this article was funded by a Research Experience for Undergraduates (REU) grant from the National Science Foundation, supporting work by Meghan Zacher and supplementing research grant # SES-0957946 (Joachim J. Savelsberg, PI; Hollie Nyseth Brehm, RA).

² Cancer Council Victoria, 1 Rathdowne St, Carlton, Victoria 3053, Australia.; e-mail: meghan.zacher@cancervic.org.au.

³ University of Minnesota, 909 Social Sciences, 267 19th Ave. S, Minneapolis, Minnesota 55455; e-mail: nyset005@umn.edu.

⁴ University of Minnesota, 909 Social Sciences, 267 19th Ave. S, Minneapolis, Minnesota 55455; e-mail: savel001@umn.edu.

show that the representations they generate may vary substantially (Hagan and Raymond-Richmond 2008). Thus, NGO portrayals of Darfur cannot easily be explained by a unified pursuit of neocolonialist interests, as some critics of Western interventionism imply (e.g., Mamdani 2009a, 2009b). Assumptions of uniform Western positions overlook the crucial fact that distinct NGOs work in the context of competing social fields in which different rationalities and forms of capital, especially symbolic capital, are at stake. This article thus asks how the fields in which NGOs operate influence their representations of episodes of mass violence.

To explore how and why NGO depictions of Darfur may differ, we focus on three major organizations in the United States. Two of them, Amnesty International (AI) and Doctors Without Borders/Médecins Sans Frontières (MSF), are branches of international NGOs that have been established for decades. They differ from each other in one crucial way, though, as AI focuses on human rights while MSF is oriented toward humanitarian aid. The third NGO in this study, Save Darfur, is a coalition of over 100 rights- and religious-based organizations. It was created specifically in response to the Darfur crisis. Overall, these different foci and fields are likely to influence how these NGOs acknowledge and depict the violence in Darfur.

In addition, NGOs do not act in isolation. While embedded in specific fields, they are also linked to outside actors who may affect them in organization-specific ways (see, e.g., Bieri and Boli 2011; Zhou 2013). A new line of literature has focused specifically on how judicial interventions color collective representations and memories of atrocities (e.g., Jardim 2012; Marrus 2008; Osiel 1997; Pendas 2006; Savelsberg and King 2011). This article seeks to contribute to and go beyond this literature. It begins to explore the new challenge of understanding how interventions by quasi-judicial actors such as the United Nations (UN) and judicial actors such as the International Criminal Court (ICC) affect representations of mass violence. Specifically, we examine how such interventions differentially affect positions taken by distinct NGOs.

In the following pages, this article offers a brief review of literature regarding the acknowledgment and framing of mass violence and the role of NGOs and judicial interventions in this context. We then provide an overview of the data, followed by a descriptive analysis of the ways in which the three NGOs selected for this study differ in their acknowledgment and framing of Darfur. Finally, we address the impact that UN and ICC interventions have on how NGOs represent the conflict in Darfur over time.

KNOWLEDGE ABOUT ATROCITIES

Studying the generation of knowledge has a long and powerful tradition in sociology (e.g., Berger and Luckmann 1966; Durkheim 2001; Mannheim 1952). Attention has increasingly turned toward the construction of

knowledge in distant places of global society, including knowledge about atrocities and human rights violations (Hagan and Rymond-Richmond 2009; Mody 2010; Savelsberg and Nyseth 2012). Such events are always mediated. Only those who perpetrate and those who are victimized know them firsthand. Few outsiders, if any, witness the abuses directly, and even those witnesses typically see only parts of the reality.⁵ Well-founded fear, no-go zones, and government travel permits contribute to selectivities. The tendency to deny suffering in distant places further complicates these challenges (Cohen 2001).

Where we do find representations, they include acknowledgment and framing. Acknowledgment is the reverse of denial, keenly examined by Stanley Cohen (2001), who distinguishes between factual denial (denying the facts), interpretive denial (accepting the facts but providing a different interpretation), and implicatory denial (accepting the interpretation but denying responsibility).

Once mass violence is acknowledged, it may be framed in certain ways. The framing literature, which distinguishes different lenses through which a phenomenon can be understood, provides a way of conceptualizing acknowledgment and interpretations. Building on Goffman's (1974) classic work, scholars differentiate between diagnostic frames that identify and attribute problems, prognostic frames that propose solutions, and motivational frames that provide a rationale for engagement (Benford and Snow 2000). In the case of Darfur, four different frames used to explain the violence have been identified (Hagan and Rymond-Richmond 2008, 2009). These include an insurgency frame, civil war frame, humanitarian emergency frame, and a crime frame. Savelsberg and Nyseth (2012), examining framing of the Darfur conflict by news media, add an aggression frame, where violence is viewed as disproportional but not criminal. As noted, each of these frames can be disaggregated into core framing tasks. For example, a civil war diagnostic frame would diagnose the violence as a civil war. The prognostic frame would suggest a solution (likely some form of peace agreement), and the motivational frame would speak to what motivates this solution (e.g., striving for peace). These frames are not mutually exclusive, and they serve as key lenses through which the violence in Darfur has been characterized.

Representations of atrocities have consequences. For example, during the 1994 genocide in Rwanda, the UN Secretariat chose to call the conflict a civil war rather than a case of genocide. At that time, UN peacekeeping guidelines stated that operations could be used to keep peace but could not actively intervene in conflict during civil wars. Thus, due in part to labeling, the Secretariat did not implement a forceful peacekeeping mission to stop the killings (Barnett and Finnemore 2004).

⁵ The role of journalism in the 1994 genocide in Rwanda provides an excellent example (see numerous contributions in Thompson 2007).

NGOs and knowledge

Since the creation of the UN, the number of NGOs has dramatically increased (Khagram, Riker, and Sikkink 2002), and their presence has been linked to greater respect for human rights within a country (Clark 2001; Hafner-Burton and Tsutsui 2005; Tsutsui and Wotipka 2004). These organizations draft human rights documents, advocate human rights, document abuses, conduct research, condemn or praise states and other actors, mobilize public opinion and public action, lobby governments, provide humanitarian relief, and may even prevent conflict through early warning systems (Avruch and Vejarano 2001). In all of these actions, NGOs acknowledge and interpret violence, framing it in various ways and disseminating it to a broader public.

NGOs are often part of larger, nonhierarchical networks called transnational advocacy networks (TANs). TANs are bound together by shared values, a common discourse, and dense exchanges of information and services (Keck and Sikkink 1998). Margaret Keck and Kathryn Sikkink (1998) pioneered the study of TANs and focused on the power of ideas and norms, often called soft power, rather than more traditional forms of power. Information and the ability to frame violence are key to the power that activists, NGOs, social movements, and other members of TANs draw upon and mobilize in order to draw attention to and increase support for their cause.

When violent conflict strikes, NGOs are among the first organizations to respond by documenting events, providing relief, and conducting research. Interviews conducted by the third author with Africa correspondents from leading European and North American newspapers confirm that journalists often rely on NGOs as a crucial source of information. This is not surprising, as NGOs are much more represented and established in continents such as Africa than journalists from specific news organizations (see also several contributions by journalists in Thompson 2007). Thus, how NGOs frame events may directly influence how violence is reported in news media across the globe.

The importance of NGOs in the dissemination of knowledge is recognized by theorists. World polity theorists, for example, argue that NGOs reflect the expression of world society and operate as carriers of global models and ideas, especially if they are branches of international NGOs (Schofer et al. 2012). In other words, world polity theory would suggest that NGOs facilitate the global diffusion of a uniform narrative of events.

Critical theories of NGOs often also anticipate uniform narratives and suggest that such narratives are influenced by neocolonial interests, implying that human rights are Western in origin and reflect a Western narrative of linear progress (see, e.g., Kennedy 2004 or Mutua 2002). For example, Makau Mutua (2002: 23) argued that “When human rights norms target a deviant state, they are really attacking the normative cultural fabric or variant expressed by that state.” Mutua relatedly notes that NGOs often frame human rights abuses and atrocities by using a metaphor of victims, savages, and saviors. Western countries and organizations are the “saviors” in these narratives, which often tell

stories of human rights abuses as though a clear dichotomy between virtue and evil could be established while ignoring the nuances and complexities of social situations. In the case of Darfur, scholars such as Mahmood Mamdani (2009a: 149) reproach Western media for conducting a “moralistic discourse whose effect is both to obscure the politics of the violence and position the reader as a virtuous, not just as a concerned, observer.” He addresses a wide variety of Western actors with similar arguments, from NGOs to writers such as Samantha Power (see also Mamdani 2009b).

Constructivist traditions similarly embrace the importance of cultural models and norms. However, constructivists point out that NGOs are not just passive conduits of norms and ideas, as some world polity and critical research traditions assume, but rather actors with their own interests and desires to shape behavior (Keck and Sikkink 1998). NGOs do not just disseminate global narratives about conflicts; they create, modify, and interpret them, and they do so in line with their missions and foci. For example, Hagan and Raymond-Richmond (2008) find that humanitarian NGOs assess victimization and the role played by the Sudanese government more cautiously than rights-based NGOs, perhaps because they depend on the cooperation of the Sudanese government to deliver their aid.

Against some world polity and critical theorists, we anticipate that the Western discourse on Darfur is highly differentiated. In particular, we expect that human rights NGOs frame the violence in Darfur as criminal and focus on crimes, such as rapes, while more humanitarian-focused NGOs frame the violence as a humanitarian emergency and focus on displaced peoples as key victims of the conflict. In addition, we expect that established NGOs with long-term agendas are more cautious about labeling the violence “genocide” than organizations that exist specifically in response to the violence, such as Save Darfur.

INTERNATIONAL ORGANIZATIONS, THE ICC, AND GLOBAL KNOWLEDGE

As this study explores differences in how NGOs frame the conflict in Darfur, it also examines changes in the acknowledgment and representation of violence over time. Inspired by a growing body of literature, it focuses on the effects of quasi-judicial and judicial interventions by the UN and the ICC on the acknowledgment and framing of atrocities. Much scholarship in this area stems from expectations of practitioners as expressed by the frequently cited words of Justice Robert Jackson, who demanded that the International Military Tribunal in Nuremberg “must establish incredible events with credible evidence” (Landsman 2005: 6–7). Since then, scholars have confirmed that trials can indeed contribute to the production and diffusion of knowledge about atrocities, often through creating a record of history and by providing a civil arena in which dissenting actors can tell their stories (Osiel 1997). For example, interventions

by the International Criminal Tribunal for the former Yugoslavia (ICTY) colored the world's perception of the massive human rights violations in the Balkans during the 1990s and of those military and political leaders whom the court held responsible for the crimes (Savelsberg and King 2011: 76–106).⁶

Recent scholarship demonstrates that even pretrial phases of the criminal justice process contribute to knowledge about grave human rights violations. For example, news of the opening of mass graves in the former Yugoslavia to obtain evidence reached a broad public through journalistic reports independently of the success of translating these materials into court evidence (Hagan 2003). Investigatory evidence may also be made public, irrespective of its legal status at the trial (Bass 2000: 302). Furthermore, many courts, like the ICC, now issue press releases on the pretrial phases, and the ICC issued numerous press releases about the situation in Darfur.

The literature thus suggests that judicial interventions influence framing of conflicts by NGOs. Yet, no studies to date have examined this effect specifically for the case of ICC interventions. As the ICC was established in 2002 as the first permanent international criminal court in human history, it is important to understand how its actions might influence producers of knowledge, such as NGOs. Following world polity theory and neoinstitutionalism-inspired sociolegal theories, we propose that NGOs' diagnoses and frames of violence change over time in relation to interventions by the UN and the ICC. And, based on constructivist arguments, we further expect that framing by rights-based NGOs is more receptive to judicial interventions than framing by humanitarian-based NGOs due to the potential repercussions of penal interventions for humanitarian work.⁷

THE CASE

To empirically examine our expectations, this study draws upon the case of Darfur. This region in western Sudan erupted into an unparalleled wave of violence in 2003. Two rebel groups, the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM), violently demanded an end to decades of marginalization of the Darfur region. In response, the Sudanese military and a militia known as the Janjawid began to attack villages in Darfur with a force that is generally judged to be disproportionate and that some have characterized as genocidal (Fake and Funk 2009; Hagan and Rymond-Richmond 2009). This violence resulted in a massive death toll, displacement, destruction of livelihood, and other victimization. Many scholars, international figures, and NGOs have provided substantial evidence that the government of Sudan has supported the Janjawid and directly collaborated in their attacks, thus purposefully

⁶ For further evidence and arguments, see Heberer and Matthäus 2008.

⁷ Such risks are all too real. Some humanitarian NGOs, including sections of MSF, were actually expelled from Darfur after ICC interventions (on precautions, see Magone et al. 2011).

killing civilians in Darfur (Fake and Funk 2009; Hagan and Rymond-Richmond 2009).

Beginning in 2004, the UN began to investigate the violence. In September 2004, UN Resolution 1564 created an International Commission of Inquiry on Darfur. In January 2005, this commission concluded that the government of Sudan had committed serious offenses against international law. The UN Security Council then referred Darfur to the ICC in May 2005. Following this referral, the ICC has issued a series of arrest warrants, including two warrants for the president of Sudan, Omar al-Bashir, the first sitting head of state to be accused of genocide by the Court.

METHODS AND DATA: SELECTING NGOS AND ANALYZING WEB SITES

This study examines how three NGOs in the United States acknowledged and framed the violence in Darfur. These three, AI, MSF, and Save Darfur, vary in terms of their focus on human rights or humanitarian concerns and by degree of formal organization. AI, founded in 1961, fights for human rights worldwide through research, action, and advocacy. It describes itself as a “global movement of more than 3 million supporters, members, and activists in over 150 countries and territories who campaign to end grave abuses of human rights” (Amnesty International 2012). It works on human rights issues in many countries, including Sudan, and its researchers often work directly in the fields they write about.

Created in 1971, MSF aims to supply “independent, impartial” aid and medical assistance to those affected by political or social conflicts (Doctors Without Borders 2012). It provides assistance to people in over 60 countries, including Sudan. While it explicitly strives to remain neutral, it also speaks out about certain conflicts. As its Web site states,

MSF medical teams often witness violence, atrocities, and neglect in the course of their work, much of which occurs in places that rarely receive international attention. At times, MSF may speak out publicly in an effort to bring a forgotten crisis into view, alert the public to abuses occurring beyond the headlines, criticize the inadequacies of the aid system, challenge the diversion of humanitarian aid for political interests, or call out policies that restrict access to medical care or essential medicines. (Doctors Without Borders 2012)

Thus, while MSF focuses on humanitarian aid, it also acknowledges and frames violence, often in reports written based on information from its field staff.

Unlike AI and MSF, Save Darfur is a single-issue organization created to focus specifically on the violence in Darfur. It is a coalition of more than 180 faith-based and human rights groups that formed in 2004 to “raise public awareness and mobilize a massive response to the atrocities” in Darfur (Save Darfur 2012), and it focuses both on human rights and humanitarian aid. As a coalition, Save Darfur is required to negotiate position statements with a particularly large

number of actors; it is also a relatively new organization and thus may operate differently than the other two more developed NGOs. For example, it does not employ its own field researchers like the other two NGOs and has no presence in Darfur. However, it draws on information from many sources, including AI USA, which is a member of the coalition. Overall, while there is overlap between these three organizations, their foci and missions are arguably distinct.

To understand positions taken by the three organizations, documents published between January 1, 2003, and December 31, 2010,⁸ on each organization's Web site, including but not limited to press releases, reports from NGO workers in the field, interview transcripts, and position statements, were examined. Because Save Darfur operates exclusively in the United States, the U.S. Web sites for AI and MSF were chosen.⁹ This controls for variance across countries and allows us to focus on differences between organizations. Searches were performed in subsections dedicated entirely to Sudan because these issue-specific sites are the most illustrative of the intended representation each organization sought to convey through its Web site.¹⁰

Each document listed in these sections of the Web sites was viewed to ascertain those that substantively engaged the issue of Darfur. Documents that discussed at least three of the variables in the coding scheme (discussed below) were compiled, and one out of every three documents was randomly selected for coding. Additional documents were randomly sampled from MSF and Save Darfur due to the small initial sample sizes. In total, 65 documents were sampled from AI, 66 from MSF, and 62 from Save Darfur.

Concepts and codes

Documents were coded along three main themes: acknowledgment of victimization, the frames applied to the conflict, and discussions of UN and ICC interventions. Codes were created both inductively as well as deductively, particularly for the framing codes, discussed in more detail shortly. Coding was completed in Atlas.ti (version 6; Berlin, Germany). Variables were created to indicate whether each code was applied anywhere in the document; this enabled numerical analysis with the document as the unit of analysis.¹¹

⁸ The earliest documents posted on Save Darfur's Web site are from March 2006. Thus, a shorter span of time is analyzed for this organization.

⁹ At the time of sampling, the U.S. Web site for AI had many documents posted on Darfur; these were copied and used for analysis. These have since been removed, though similar articles can be found on the international Web site.

¹⁰ Save Darfur presents a somewhat different case, as the entire Web site is dedicated to issues on Darfur. Documents were sampled from the Press Releases and Preventing Genocide subsections only, as these are published by Save Darfur itself rather than outside news sources.

¹¹ The first author completed all coding, though the second author and the first author met weekly to review coding and assess reliability. To ensure that deductive codes were applied consistently throughout the coding process, the first author briefly reviewed all documents a second time before undertaking final analyses.

Victimization. Mentions of violent incidences, including killings and rapes or other forms of sexual violence, were documented. References to displacement, shortages of food or water, destruction of livelihood, and disease were also coded.¹² Note that coding of displaced peoples referred to both refugees and internally displaced people, as often documents did not distinguish between the two categories of displacement.

Conflict frames. As discussed above, frames can be applied as a diagnosis for the violence, a prognosis to respond to the violence, or as a motivation for action, but in this article we report only on diagnoses and on the crime prognosis (which advocates ICC intervention). Five different diagnostic frames present in public discourse on Darfur were documented: an insurgency frame that depicts the violence as caused by Darfuri tribal insurgents; a civil war frame; a humanitarian emergency frame; a crime frame, which labels the violence as criminal; and an aggression frame, which identifies the violence as disproportionate but not criminal. The crime diagnosis was separated into implicit diagnoses, where actions were mentioned that are considered criminal by most standards (e.g., rape, murder, theft) but were not specifically labeled “crimes,” and explicit diagnoses, where the article specifically called actions criminal. Documents could not be coded as using both the implicit and explicit diagnoses; if the explicit diagnosis was applied anywhere in the document, it superseded any implicit diagnosis. In addition, we coded two versions of the aggression diagnosis: violent aggression, which included references to disproportionate killing of civilians and similar acts, and explicit accusations of human rights violations (both of these codes could be applied).

Framing codes were only applied when statements reflected the position of the organization itself. When documents referenced statements made or positions held by other organizations or individuals (such as the UN Security Council) but did not imply that a similar position was held by the organization being studied, the frame was not attributed.

International judicial intervention. References to interventions by the UN and the ICC were coded to see whether the NGOs acknowledged international interventions differently and how interventions might have influenced framing over time.

Time is conceptualized as broken into periods based on key UN and ICC interventions. The time periods used are as follows:

1. January 1, 2003 (beginning of conflict) to September 17, 2004
2. September 18, 2004 (declaration of UN Resolution 1564, which created a Commission of Inquiry for Darfur) to January 24, 2005
3. January 25, 2005 (delivery of the Commission of Inquiry report to the UN Security Council, which resulted in the referral of the situation to the ICC on March 31, 2005) to February 26, 2007

¹² Violence against aid workers was not coded. In addition, violence that affected other countries was not coded unless it referred to Darfuri refugees.

4. February 27, 2007 (application for an arrest warrant against Sudanese Humanitarian Affairs Minister Ahmad Harun and Janjawid militia leader Ali Kushayb for war crimes and crimes against humanity, which led to the issuance of their warrants on May 2, 2007) to July 13, 2008
5. July 14, 2008 (application for an arrest warrant against President Omar al-Bashir, leading to the issuance of the warrant on March 4, 2009) to December 31, 2010. This time period also includes the first appearance of a rebel leader before the Court on May 18, 2009, and the announcement of additional charges (including three counts of genocide) against al-Bashir on July 12, 2010.

Analyses indicated that the four interventions separating the five time periods were particularly salient. In addition, relatively even numbers of documents are represented in each of these five periods.

The subsequent pages include (1) a comparative analysis of the three organizations' depictions of Darfur, (2) an analysis of the aggregate NGO depictions over time, and (3) an analysis of separate organizations' depictions over time. The article seeks to first uncover organization-based differences in representations of Darfur. Step two explores whether international intervention appears to have influenced NGO representations of the conflict. And finally, step three examines whether effects of international intervention differed across organizations.

RESULTS 1: DIAGNOSING AND FRAMING VIOLENCE ACROSS ORGANIZATIONS

Acknowledging violence and suffering

As seen in Fig. 1, the three NGOs offered different accounts of the victimization in Darfur. Killings were mentioned in a slightly higher percentage of documents from AI than from MSF and Save Darfur, though the percentage was high for all organizations. In documents from AI and Save Darfur, killings were almost exclusively discussed as the result of violence. Yet, despite MSF's institutional distance from the judicial field, and while many articles from MSF did discuss deaths in refugee and displaced persons camps as the result of malnutrition or disease, a substantial number explicitly stated that many deaths in Darfur were the result of violence. For example, an article published November 1, 2004, notes, "In all surveys conducted by MSF, the leading cause of death for those over the age of 5 years was violence rather than disease or malnutrition" (Doctors Without Borders 2004). Similarly, in a July 27, 2005, speech, a member of MSF stated that, "Surveys carried out by MSF in Darfur continue to show high rates of mortality, much of it due to violence against civilians" (Doctors Without Borders 2005b).

In line with expectations due to its rights-based focus, AI cited rapes in a higher percentage (51%) of articles than MSF (36%) and Save Darfur (23%). In

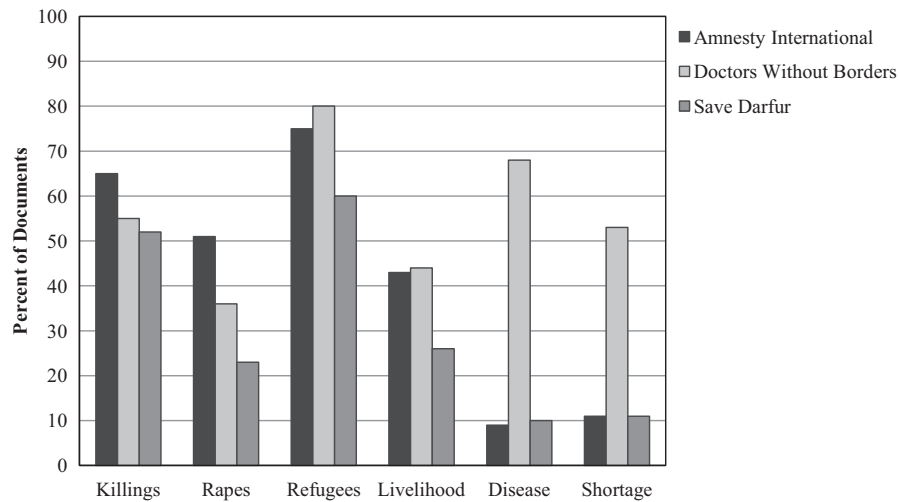


Fig. 1. Victimization by organization.

addition, on July 19, 2004, AI published a special report on sexual violence in Darfur (Amnesty International 2004b). This report noted that the Janjawid committed most rapes but that the Sudanese Army was often present and fully aware of the rapes. It is also noteworthy that MSF published a special report about rape in Darfur on March 9, 2005, entitled “The Crushing Burden of Rape: Sexual Violence in Darfur” (Médecins Sans Frontières 2005). The article did not accuse any specific group of perpetrating the violence. However, the government of Sudan took action against MSF, expelling several sections from Sudan. In a press release issued May 30, 2005, General Director of MSF in the Netherlands, Geoff Prescott, was quoted stating, “MSF wants to make people and governments aware of these serious violations so that real action is taken to stop them. . . . Everybody who has looked into the situation in Darfur, including the government of Sudan, has concluded that rape is a problem” (Doctors Without Borders 2005a). Some of MSF’s other articles mentioned rape treatment centers without discussing incidences of rape in detail, but a large portion focused on rape as a type of victimization. Thus, its focus on humanitarian-based need did not prevent MSF from speaking out about forms of victimization that are generally considered criminal.

Turning to displacement, MSF had the highest percentage of documents that mentioned displaced peoples. These documents often described the plight of internally displaced peoples and refugees in detail, oftentimes devoting full articles to descriptions of refugee camps and their inhabitants. Though AI and Save Darfur also mentioned displaced peoples in the majority of articles, they were rarely discussed in such detail.

AI and MSF reported destruction of livelihood through looting, burning of villages and crops, poisoning of water sources, and similar measures in a

higher percentage of documents than Save Darfur. AI frequently implied that such actions violated international humanitarian laws. For example, on August 28, 2003, an article stated, “International humanitarian law also forbids forcible displacement and the destruction of civilian property without absolute military necessity; yet parties to the conflict have committed such abuses” (Amnesty International 2003). Another article published July 16, 2004, hinted at even stronger implications: “Acts of genocide include...deliberately inflicting on a group conditions of life calculated to bring about its physical destruction...The widespread destruction of houses and villages in combination with the looting and forced displacement appear to have as an objective to destroy livelihoods” (Amnesty International 2004a). The article then calls for an International Commission of Inquiry to determine whether the acts amounted to genocide.

Doctors Without Borders cited disease or shortages of food or water in 68% and 53% of documents, respectively, while only around 10% of articles from AI or Save Darfur mentioned these issues. This coincides with MSF’s mission to provide assistance to those threatened by violence. On July 27, 2005, an MSF employee stated in a speech, “In Zalingei, West Darfur, for example, just two months ago only 5–8 liters of water was provided per person per day, when an absolute minimum supply should be more than twice that one. As long as people are living in crowded camp conditions, rates of infectious disease and the risk of epidemics will remain high” (Doctors Without Borders 2005b). Similarly, in an article from May 22, 2006, MSF wrote about the consequences of the reduced funding for the World Food Program, concluding that “The displaced population in Darfur is in urgent need of full food rations as soon as possible” (Doctors Without Borders 2006). Interestingly, this article mentioned how the political situation contributed to the nutritional crisis, noting, “Though the international community may have legitimate concerns about the political crisis in Darfur, it should not condition humanitarian aid to a political agenda.”

Overall, the observed patterns are consistent with the missions and foci of these three organizations. As a human rights organization that has a particular focus on civil and political rights, AI’s portrayal of the violence placed more emphasis on direct human rights abuses. MSF is a humanitarian organization and thus paints a picture of victimization that emphasizes displacement, disease or shortage of necessities, and victimization that demands medical attention. Save Darfur did not stand out regarding acknowledgment of victimization. The percentage of documents mentioning each type of victimization always fell between or below AI and MSF, and it did not highlight one type of victimization more than the other organizations. Perhaps Save Darfur’s relatively muted discussion of victimization is due to the fact that its larger focus was on influencing strategic political decisions; it may also be because it only entered the field after initial reports on victimization had been made by other organizations. Clearly, however, our data suggest that NGOs are not passive conduits of knowledge but rather actively shape knowledge about conflict situations.

Framing violence and suffering

Figure 2 illustrates diagnostic framing for the three organizations. The five frames discussed previously are included, with the crime and aggression diagnoses disaggregated into implicit crime, explicit crime, violent aggression, and human rights violations.

As seen in the figure, the insurgency frame was not frequently used by any of the three organizations. This echoes findings from a recent study on newspaper reporting on Darfur (Savelsberg and Nyseth 2012). The civil war frame was also infrequently utilized. The other three frames were used often but variably across organizations.

Though AI’s mission identifies the organization as a human rights NGO, its Web entries did not draw upon the crime frame as much as was expected. It applied the implicit and explicit crime diagnoses relatively evenly. However, AI referred to violent actions as human rights abuses or violations in a much higher percentage of articles than the other two organizations. Furthermore, when AI explicitly referred to criminal activity in Sudan, it frequently did so in the context of a discussion of human rights abuses and suggested that both crimes and abuses deserved punitive consequences. For example, on February 1, 2005, after the delivery of the Commission of Inquiry report to the UN Security Council, Executive Director of AI USA, Dr. William F. Schulz, was quoted saying: “Given the scale and sheer horror of the human rights abuses in Darfur, anything less than immediate action on the report’s findings would be a travesty for the people of Darfur. The International Criminal Court should be given jurisdiction to prosecute war crimes and crimes against humanity that have taken place in Sudan. . .” (Amnesty International 2005).

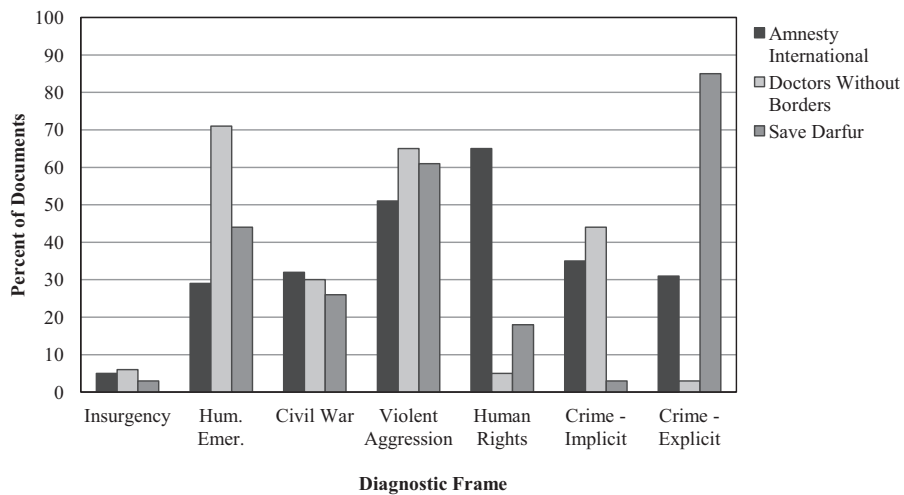


Fig. 2. Diagnostic frames by organization.

Doctors Without Borders prioritized the humanitarian emergency frame and also utilized the violent aggression and implicit crime frames more often than the other organizations. However, it had the lowest percentage of documents citing human rights abuses and the lowest percentage explicitly labeling acts as criminal. It thus avoided the depiction of the Sudanese state (or other related actors) as criminal.

The other clear pattern in Fig. 2 is the preferential use of the explicit crime frame by Save Darfur. Eighty-five percent of its documents explicitly labeled the violence criminal. AI, trailing far behind in its use of the explicit crime frame (31%), still applied it much more frequently than MSF (3%).

As we are particularly interested in (quasi-) judicial UN and ICC interventions in the violence, variables conceptualized as components of the crime frame are examined below in greater detail. Specifically, these include the crime prognosis (if the document advocated ICC intervention as a solution), parties deemed responsible for the crimes, and whether the terms *war crimes*, *crimes against humanity*, or *genocide* were used to label the violence. Figure 3 presents these differences, which, in some instances, are striking.

The crime prognosis was used most often by Save Darfur (35%), followed by AI (25%). Neither of these organizations shied away from labeling the Sudanese state a criminal perpetrator, even though AI was somewhat more cautious in this respect than Save Darfur and also frequently accused the Janjawid. Yet, the most marked difference between these organizations was Save Darfur's focus on labeling the violence genocide, contrasted with the hesitancy of both other organizations to use this term. For instance, in an article written on May 2, 2007, the day that an arrest warrant was issued against two mid-level actors, Save Darfur's executive director stated, "We welcome the ICC's continued efforts to ensure accountability for the genocide in Darfur. This important step

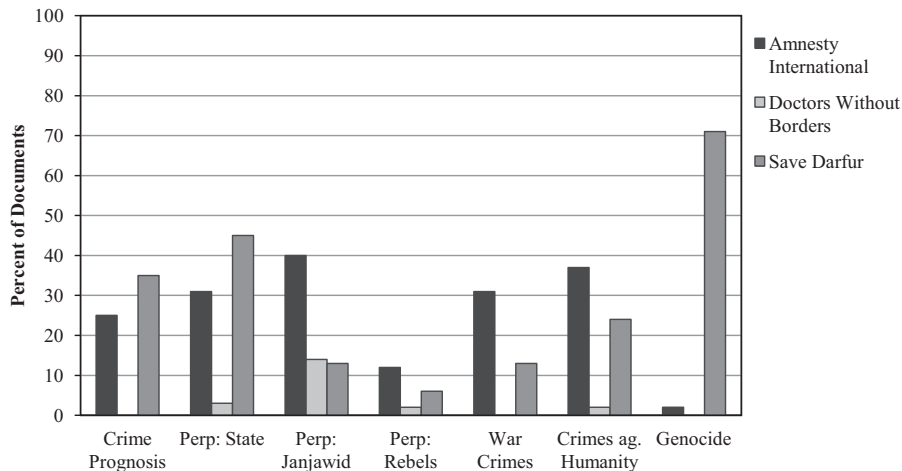


Fig. 3. Crime frame by organization.

by the court sends yet another message to the government of Sudan that the international community will bring to justice those responsible for these horrendous crimes” (Save Darfur 2007). AI’s lack of insistence on the term *genocide* was contrasted by its frequent acknowledgment of war crimes and crimes against humanity. These are crimes which the UN Commission of Inquiry determined may have occurred in Darfur and which the ICC emphasized in its early investigations. Together, these findings indicate that AI augmented the Court’s emphasis on war crimes and crimes against humanity, but that Save Darfur, created several years after the violence in Darfur began as a movement organization with a specific focus on Darfur, sought to overcome the more cautious diagnoses made by other more established, broad-based, and long-term organizations. Thus, the comparatively frequent use of the term *genocide* by Save Darfur may reflect an effort to reframe what was perceived as the dominant discourse about the violence (Benford and Snow 2000).

Doctors Without Borders also differed markedly from the other two organizations in all respects displayed in Fig. 3. MSF never suggested ICC intervention as an appropriate response to the violence. An official statement released by MSF on July 29, 2008, states, “Since the creation of the ICC, all MSF sections have adopted a binding internal policy refraining from any cooperation with the ICC. This policy is based on the recognition that humanitarian activities must remain independent from risk of political and judicial pressure in order to be able to give medical and relief assistance to populations in situations of trouble and violence” (Doctors Without Borders 2008). Another article released on March 4, 2009, discussing the expulsion of the Dutch MSF section from Darfur following the issuance of an arrest warrant for President al-Bashir, took a similarly impartial stance on the court: “MSF firmly reiterates that the organization is completely independent of the ICC, and that it does not cooperate or provide any information to the court” (Doctors Without Borders 2009).

In addition, MSF rarely named perpetrators of the violence. When it did, it most frequently cited the Janjawid. MSF addressed the concept of a perpetrator–victim dichotomy in several instances, insisting that such a simplistic stance was inappropriate, like in a speech given on February 22, 2007: “The description of the Darfur crisis as genocide being conducted by ‘Arab’ against ‘Africans’ led to demonize all Arabs, who were thus perceived as mass killers. This translated into nomadic communities being denied assistance, even when they had fled violence” (Doctors Without Borders 2007). In general, this depiction of the violence is consistent with MSF’s principles as a humanitarian NGO. Statements of principles, displayed on the MSF Web site, repeatedly stress that the organization is “independent,” “impartial,” and “neutral.” Calling violence criminal or pointing a finger at perpetrators may interfere with their mission of providing humanitarian relief as quickly as possible and, hence, was rarely done in the context of Darfur. Calling members of the government *genocidaires* may further jeopardize aid missions, which helps explain MSF’s complete avoidance of the term *genocide*.

RESULTS 2: EFFECTS OF UN AND ICC INTERVENTIONS ON NGO REPRESENTATIONS

The data so far confirm what the theoretical arguments suggested: NGOs depict and frame the same conflict in diverse ways, and these differences are linked to their missions. However, NGO depictions of the Darfur violence may not be stable over time. Thus, we ask if UN and ICC interventions affect NGO positions.

Overall, about one out of four documents (24%) mentioned ICC engagement in Darfur. Nine percent of documents made references to UN Resolution 1564, and 5% mentioned the delivery of the report and referral of the case to the ICC. Among the other interventions, only 2% of documents discussed the application for warrants against two mid-level figures, and 4% mentioned the issuance of their arrest warrants. Only 2% of documents mentioned the application for a warrant against Sudanese president al-Bashir, though 9% discussed the issuance of the warrant. Interest in the ICC appears to have grown over time, as only 3% percent of documents in the first time period and 7% in the second time period mentioned the ICC. Then, once the Commission of Inquiry's report was delivered to the UN Security Council at the beginning of the third time period, discussions involving the ICC's actions in Sudan increased. This was expected, as the ICC first became involved in Darfur in the third time period. Fourteen percent of documents discussed the ICC in the third time period, 22% in the fourth, and over half (55%) in the fifth period. It should be noted again that Save Darfur, the organization with the most documents mentioning the ICC, first entered this study in the third time period, which likely added to this apparent growth in interest in the ICC. Overall, the ICC was discussed in 25% percent of documents from AI, 11% from MSF, and 37% from Save Darfur.

Figure 4 presents references to several types of victimization for each of the five time periods. Here documents from all three organizations are combined to establish general patterns over time. As seen in the figure, early reports cited victimization more frequently than later ones. This trend is common with many forms of reporting on violence; earlier stages of catastrophic events attract more attention, and interest often wanes over time (Wright, Cullen, and Blankenship 1995). In the second time period, after the UN had created an International Commission of Inquiry on Darfur, reporting of victimization declined.

Yet, reference to killings and displacement rose again in the third time period. The third time period began on January 25, 2005, the date on which the International Commission of Inquiry issued its Report on Darfur to the Security Council. The UN Security Council had charged this Commission to "investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties, to determine also whether or not acts of genocide have occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable" (UN Resolution 1564). Thus, its report focused more on killings, rapes, and displacement than other types of harm, such as disease. While the Commission Report therefore appears

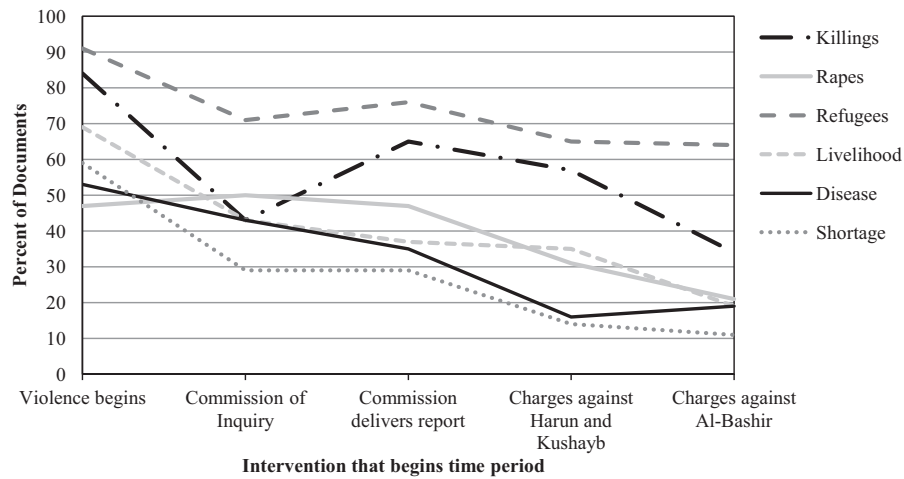


Fig. 4. Victimization over time.

to have affected the reporting of victimization by these NGOs, the later interventions do not seem to have had a similar effect.

Frame diagnoses, shown in Fig. 5, also varied over time. The use of the insurgency frame was low in all periods. Use of the civil war frame increased after the Commission Report was delivered (third time period) and remained high after the application for an arrest warrant was filed for Sudanese Humanitarian Affairs Minister Ahmad Muhammad Harun and Janjawid militia leader Ali Kushayb for war crimes and crimes against humanity (fourth time period). As war crimes are crimes that occur during armed conflict, it is conceivable that this label would call attention to civil war.

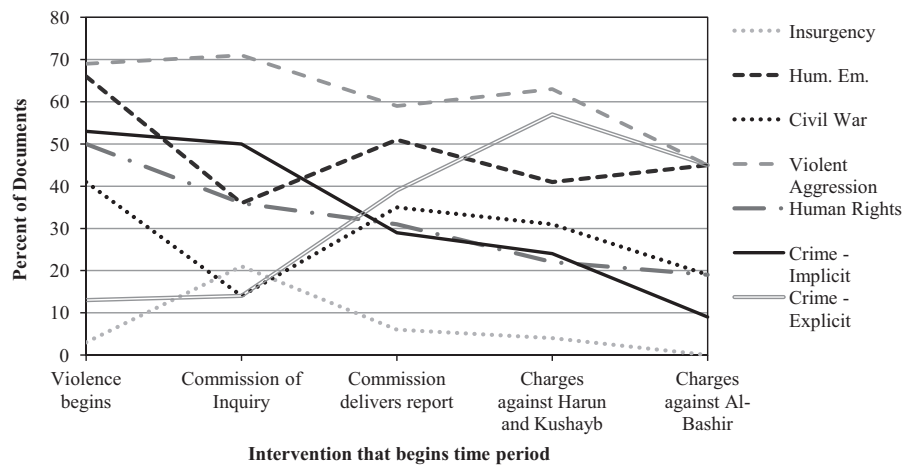


Fig. 5. Diagnostic frames over time.

Notably, the use of the aggression and the implicit crime frames declined over time. This is in line with the decline in reporting of victimization. However, it is also likely linked to a steady increase in the use of the explicit crime frame until the fourth time period. Similarly, as Fig. 6 illustrates, the use of the label *genocide* and the use of the crime prognostic frame, that is, calling for ICC intervention as the appropriate response, increased over time, peaking in the fourth time period. In other words, NGO discourse on Darfur in aggregation displayed a shift of the issue toward one for which criminal justice, specifically the ICC, should claim jurisdiction. ICC interventions thus advanced interpretations of the conflict that strengthen the Court's jurisdiction.

Accusations made against specific groups also appear to have been affected by ICC interventions. Initially, before any judicial interventions took place, the Janjawid was most often accused of criminal activity. This figure fell substantially in the second time period but rose again in the third, following the Commission Report, which cited the Janjawid as a key actor in the conflict. The Commission Report also noted that the government supported the Janjawid through acquiescence, material support, or sometimes even actual participation, and accusations against the Sudanese state increased in the third time period. They increased again in the fourth time period, after applications for arrest were made against Harun and Kushayb.

In short, UN and ICC interventions seem to have had some, albeit limited, effect on the reporting of victimization by NGOs, while the NGOs appear to have more decisively adjusted their framing of the events in light of such interventions. Judicial decisions thus color the degree to which NGOs, and through them people around the world, understand the conflict.

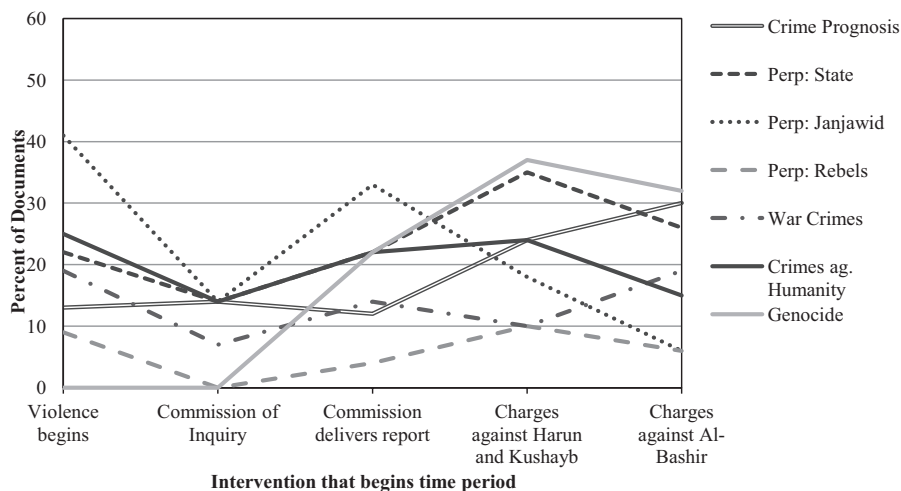


Fig. 6. Crime frame over time.

But not all NGOs respond to interventions similarly, as the final step of our analysis shows. Considering differences over time by organization, we limit our analysis to AI and MSF (Save Darfur did not exist for all time periods).¹³

Overall, the data show that reporting of victimization by AI dropped in the second time period. Mentions of killings, rapes, refugees, and livelihood then increased in the fourth period after the Prosecutor of the ICC applied for the warrants against Harun and Kushayb. In contrast, the highest reporting of victimization by MSF (after the first time period) came in the third time period, after the UN Commission Report on Darfur was delivered. Not surprisingly, the human rights NGO was more responsive to an ICC (judicial) intervention, while the humanitarian aid-based NGO responded more to the UN intervention.

Similarly, an examination of AI and MSF documents illustrated differences in framing over time. For AI, the use of the explicit crime frame increased in the third time period, after the UN Commission Report, and continued to increase in the fourth period, after the Prosecutor applied for warrants against Harun and Kushayb. MSF documents instead used the explicit crime frame occasionally in the beginning of the conflict but very rarely in later time periods. It was unreceptive to the ICC Prosecutor's applications for arrest warrants.

DISCUSSION AND CONCLUSIONS: COMPETING FIELDS AND REPRESENTATIONS

In conclusion, patterns identified through the analysis of documents on NGO Web sites illustrate the engagement of NGOs in acknowledging and framing mass violence. In particular, they indicate that the representation of the violence in Darfur is not uniform. Instead, it is colored by the specific field in which the organization is embedded and by its mission. Different NGOs indeed focus on different forms of suffering and victimization. They identify distinct perpetrators, and their inclination to interpret the violence as crime varies, especially with regard to the use of the genocide label. This is in line with Hagan and Rymond-Richmond (2009), who examined estimates of the death toll in Darfur and found that public health estimates are lower than criminological ones, as the former focus on mortality in camps while disregarding the death toll resulting directly from violent acts. It is also in line with broader Bourdieuan arguments that suggest that the fields in which actors are embedded are likely to shape knowledge according to the actors' field-specific concerns and interests. Our results indicate that humanitarian aid organizations are concerned with gaining access to and obtaining support for those struggling for survival, while rights-based organizations aim to stop violent abuses in part by holding perpetrators accountable.

Our findings also raise serious doubts with regard to the generalizing statements of critics of Western intervention, such as Mamdani (2009a), who underestimate the weight of field-specific rationales that drive the NGOs' depictions of

¹³ Figures available upon request.

violence. Mamdani focuses on the Save Darfur campaign, but our analysis shows that Save Darfur faced other Western organizations that provided rather different representations of Darfur, even within the world of NGOs. In fact, MSF explicitly refuted the idea that the conflict was neatly constructed of perpetrators, victims, and saviors, as might have been expected based on Mamdani's critiques of Western organizations. Our study also shows that NGOs are not isolated but influenced by actions of international organizations such as the UN Security Council and international courts like the ICC. Further, the effects of these institutions' interventions differ across NGOs, as AI and MSF showed varying responses to different types of interventions. The rights-based NGO proved to be more receptive to interventions by a court of law, while MSF responded particularly to a UN commission report. Save Darfur, a single-issue organization with a short-term agenda, appears not to have been affected strongly by either type of intervention.

These findings yield insights that will advance at least two types of literatures. First, findings speak to those whose works investigate the effect of judicial interventions on the public perception of atrocities. They thus contribute to Durkheimian lines of work that regard judicial proceedings as rituals, suited to evoke collective effervescence and to rally public sentiments around themes of right and wrong (Durkheim 2001). These findings also speak to Habermasian arguments regarding the discursive nature of legal proceedings in which diverse arguments are articulated and brought to public attention (Osiel 1997). Elsewhere, two of the co-authors showed that media reports on Darfur do not just reflect judicial intervention in terms of criminal framing of events, but that they also reflect the individualizing logic of criminal law (Savelsberg and Nyseth 2012), as references to the Sudanese state as perpetrator were replaced by specific references to Sudanese president al-Bashir when he was indicted by the ICC. This observation is in line with arguments by Jeffrey Alexander (2004), who posits that the institutional context in which cultural trauma is created matters and that law will shape such trauma in distinct ways (see also Jardim 2012; Landsman 2005; Marrus 2008; Pendas 2006; Savelsberg and King 2011).

Our findings regarding the frame constructions by NGOs with distinct missions and their responses to interventions by global political or judicial actors also provide a cautionary tale for world polity scholars who emphasize the weight of global scripts. As our case shows, even in cases of intense involvement in global concerns, distinct organizational actors promote competing scripts. Each script suggests different responses and policies, from the mobilization of humanitarian intervention to the delivery of aid and finally to the pursuit of criminal justice.

In short, while Western countries and Western-dominated organizations may differ from their counterparts in other parts of the world in diagnosing and framing episodes of intense violence, they do not do so uniformly. While location in the Global North or South may affect perceptions and interpretations of violent conflicts, field-specific rationales within these hemispheres matter when NGOs contribute to the constitution of global knowledge about mass violence.

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