



Manuscript

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The Darfur Tragedy

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Media concern about the human tragedy in Darfur has evoked more confrontational, punitive writing than constructive suggestions aimed at bringing the human suffering, loss of life, and displacement to a speedy end. Sanctions, stigmatizing the Sudanese Government as genocidal, dispatching military forces, and regime change have all been suggested. Some of these measures would be ineffective; others would require diplomatic and logistical action that would require more time than should be tolerated for the continuation of a human tragedy of such gigantic proportions.

Congress declared that the events occurring in the vast region of Western Sudan constitute genocide. When US Secretary of State followed suit on September 9th, several members of the United Nations Security Council, including France, Germany, China, and Pakistan, hastened to say that this would only complicate matters. The killing of innocent civilians, rape, aerial bombardment, the forcing of thousands from their villages, all of which are directed against the region's more racially African than Arab population, may well constitute genocide within the meaning of the 1948 UN Convention. Moreover, the government may well be, deliberately or unwittingly, implicated. However, short of swift, massive military intervention, the government's cooperation, or at least acquiescence, in any immediate or future action is indispensable. Without the active cooperation of the international community, a speedy solution is unlikely. The international community will have to reach an objective consensus on the nature of the crimes and violations of humanitarian law and track down offenders in order to bring them to justice. At the present juncture, however, more attention should be given to the provision of security and desperately needed humanitarian relief for victims. The unilateral judgment passed by the US government may well delay securing cooperation to achieve this end.

Sanctions, though they are often fervently urged, have generally failed, particularly when they target unaccountable, dictatorial regimes. It is the masses, and not the junta, who bear the brunt of sanctions. Therefore, they should only be used when a government is completely unwilling to cooperate.

Military intervention without government consent would logically entail consideration of regime change. Sudan's Minister of Foreign Affairs has publicly declared that his government would fight such intervention. Recently, military intervention in the Middle East has been justified for less evident and worthy motives and objectives. Indeed, regime change would conceivably address other serious problems of misgovernance, which have afflicted the Sudanese for fifteen years. However, the planning, time, and allocation of necessary resources for such a venture would slow the discovery of prompt solutions to the continuing catastrophe.

Restoring peace and security, rehabilitating displaced persons, and securing long-term solutions to the problems besetting Darfur require an understanding of the region's demographic and ethnic complexion. The gross violations of international humanitarian law bring to mind the tragedies of Rwanda and Burundi. However, Darfur is not quite a Tutsi/Hutu situation. First, centuries of intermarriage have resulted in the so-called 'Arab' tribes not being purely Arab and the so-called African tribes not being purely African. Most of the cattle and camel herders of Darfur have a darker complexion than the riverain inhabitants of the Northern Sudan, themselves a hybrid admixture of Arab, Nubian, Nilotic, and Sudanic blood. Indeed, apart from designating themselves as such, many of the Arabs of Darfur bear features hardly distinguishable from those of their African neighbors. Therefore, the use of 'Arab' and 'African' with reference to these tribes is only justifiable because of the lack of short and more accurate descriptive terms. Secondly, all the inhabitants of the region are Muslim, and Arabic is the lingua franca among the Fur, Massalit, Zaghawa, Fellata, and other African tribes. Thirdly, Darfur has always had an elevated status in the Sudan. One of the earliest Islamic kingdoms of the Sudan, the Sultanate of Darfur was founded by a mixed, hybrid tribe. The people of Darfur, without distinction between Arab and non-Arab, constituted the most important component of the Mahdist army and held high positions in that state. Throughout the last century, however, Darfur, like the other peripheral region of the South and the Red Sea, has received a poor share of social services and economic development.

However, this deprivation affected the entire region, Arab and African tribes alike. The Darfur parliamentarians, as well as the region's civil society elite, have united in solid opposition against this marginalization. Lastly, considering that Islam does not recognize distinction on account of race or color, it should shame the present 'Islamic' regime that what appears to be ethnic cleansing is occurring in Darfur for the first time in the country's history, during its reign and with its connivance or acquiescence.

Causes of the present conflict

Three new factors have exacerbated the situation in Darfur: the drought of the 1980s, the disruption of the tribal administrative system, and the use of militias as a proxy instrument of war.

There are two groups of Arab tribes in Darfur: the *abbala*, or camel herders in the north and northwest, and the *baggara*, or camel herders in the south and southwest. The African tribes – the Fur, Zaghawa, Massaleet, and others – are settled cultivators inhabiting the western region. Before the drought that struck sub-Saharan Africa in the 1980s, there was enough grazing and cultivation land for all. The camel herders of the north – the Beni Hussein, Almahameed, Alziadiyya, Alireiqat, and Aljalud – moved south and west during the dry season in search of pasture. They were generally welcomed partly because there was enough land and partly because a byproduct of their seasonal sojourn resulted in fertilizing cultivatable land. When disputes arose, the native administrative machinery, including the tribal conciliation councils, satisfactorily settled them.

The drought of the 1980s caused a scarcity of life-sustaining land and an increase in the number and gravity of disputes. Still, by and large, they were settled to the satisfaction of all parties. Local government in the Sudan never reached a high level of development, neither during the Condominium rule nor at any time after independence. In the rural areas, recourse followed a Lord Lugard-style of native administration, which made maximum use of the authority of traditional tribal chiefs. Thus, law and order was maintained, taxes collected, and disputes settled at minimal cost to the central government.

Since the mid-1990s, the administrative system has changed dramatically. The current government created a pseudo-federal system of administration, which divides Sudan into more than twenty states, three of which constitute the region of Darfur. The Western Darfur State was split into 24 administrative units, of which 19 went to the Arab tribes and only five to the African tribes. The

head of each unit is an *emir*, or governor, chosen more for his faithfulness to the regime than his ability or knowledge of local conditions. With little funding forthcoming from the central treasury, the governors are left to fare for themselves. Meanwhile, the traditional tribal chiefs are deprived of all legislative, judicial, and tax-collecting powers. The enfeeblement of the tribal heads has crippled the traditional system of dispute settlement. While the rationale of this policy is not clear, various motives have been ascribed to it. One alleged motive is to break the backbone of the region's support for the Umma Party, which won 34 out of Darfur's 39 constituencies in the last parliamentary elections.

The third and most pernicious supervening factor was the regime's recourse to the use of militias as a proxy instrument of war. This was first began in 1985 when the Transitional Military Government of Abd El Rahman Swar El Dahab armed the youth of the Arab tribes of Southern Kordofan and Darfur on the pretext of enabling them to fend off attacks by the Sudan People's Liberation Army (SPLA) forces. The level of training and arming was raised by the present government, which went to the extent of creating a People's Defense Force that acts parallel with and independently of the Armed Forces. In addition, the government has recently armed bands of young men from among the Arabs of Northern Darfur, now known as the *janjaweed*.

Meanwhile, the regime's marginalization and neglect of the region continues. Several important development projects, previously planned and budgeted for, such as the Western Savanna Redevelopment Project for the Settlements of Nomads and the Jebel Marra Development Project, have been abandoned. Subsidies for essential food products, including sugar, have been lifted, and taxes have increased to levels of extortion beyond the means of rate payers.

The airing of grievances was heightened when President Omar Al-Bashir alienated Hassan Turabi, the regime's ideologue and spiritual leader. Some of Turabi's associates formed the Justice and Equity Movement (JEM). A secular group of the Darfurian elite formed the Sudan Liberation Army (SLA), which was first trained by the SPLA and allegedly still receives training, arms, and equipment from Eritrea. Because of the government's complete disregard for opposition parties other than the SPLA, it has given the impression that it only engages in serious dialogue with armed movements. This impression is reinforced by some remarks to the same effect attributed to Al-Bashir. Be that as it may, the JEM and SLA armed rebellion came at a time when the government was poised to sign a final peace settlement with the SPLA at the White House. With the conclusion

of such an agreement, the Sudan would no longer be a pariah state. American sanctions would be lifted and other economic benefits such as debt relief and economic aid would accrue. In a desperate attempt to stamp out the rebellion in as short a time and with as little ado as possible, the government proceeded to arm the *janjaweed* and unleash army and people's defense force squads. In doing so, the government has defeated its own purpose. It has laid itself open to accusations of condoning or even participating in genocide. Moreover, it is now unable to control the tribal militias or its own regular and irregular forces – despite its solemn commitment to do so.

What needs to be done? Immediate, as well as long-term measures must be taken. Immediate measures include an end to killing, rape, displacement, and the risk of famine and death, while long-term measures include addressing the root causes of the Darfur crisis.

Urgent measures

Urgent measures should include the following:

- I. Disarming the *janjaweed*, a condition precedent for achieving the following aims:
 - A. securing refugee camps and their immediate vicinities,
 - B. securing the safe passage of relief workers in order to ensure the delivery of food, medicine, shelter, and other relief articles, and
 - C. returning the displaced to their villages.

- II. In order to achieve these objectives:
 - A. The Sudanese government must,
 - i. fully cooperate with and facilitate the work of relief workers, including their unhampered movement,
 - ii. contribute to the provision of relief aid, and
 - iii. withdraw its regular and irregular forces, both of which have lost the confidence of the people and are identified with the *janjaweed*. It is conceivable that, in anticipation of the implementation of the security and military aspects of the Machakos and Naivasha protocols, a joint Khartoum/SPLA force may be put in place to support an expanded African Union (AU) mission.

 - B. The AU monitoring mission must be enlarged and its mandate extended to include:

- i. disarming the militia, a task that the government is obviously unable to cope with,
 - ii. providing security to relief workers, in and around refugee camps, and
 - iii. ensuring the safe return of displaced people to their villages.
- C. The US has already contributed generously, but more should be expected. The European Union (EU) and other industrialized countries should follow the US's example. The US and EU should assist in the provision of necessary relief aid and finance and extend logistical support to the expanded AU mission. The contribution of troops should depend on the need to augment the AU's forces.
- D. The rebels should lay down arms; insistence on making a cease-fire conditional upon reaching a final political settlement is unrealistic and amounts to unjustifiable intransigence. Failure to disarm the rebels is likely to complicate the task of disarming the *janjaweed*.
- E. The international community needs to increase pressure on both the government and the rebels to reach an agreement on a framework of broad principles, including:
 - i. recognition that the administrative system introduced by the current government as part of its decentralization campaign has failed and that the state needs to return to its former structure. The current system has expropriated large areas of cultivatable land, transferred land to camel herders of north Darfur, and disrupted the traditional tribal system of dispute settlement.
 - ii. provision of a corridor for cattle herders that avails them of necessary grazing areas when they move southward and westward during the dry season in order to guard against the recurrence of conflict. The revised system should be created in agreement with the tribes concerned.
 - iii. recognition of the fact that Darfur has received a poor share of development opportunities and central government positions
 - iv. agreement on the setting up of a reconciliation commission with the power to decide the categories of offenses that should be pardoned, referred to tribal councils, or prosecuted before national or international criminal tribunals. The government should provide such funds for implementation of the compensation awards passed by tribal councils.

Long-term Measures

The rebels should not believe that a detailed agreement on all issues could be reached at the present Abuja negotiations. Such an agreement would require consensus among representatives of all the tribes, inter se, and between them and the government. In order to ensure future observance, opposition parties should be included in the deliberations. Implementation would entail international development aid. Hence, there is a long-term need for a national conference with international observers and follow-up technical committees, which will grapple with the root causes of Darfur's crisis.

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