

# Consultation on the Crisis in Darfur: New Strategies for a Just Peace Settlement

## REPORT OF A CONSULTATION HELD IN WASHINGTON D.C., USA JANUARY 30<sup>th</sup> and 31<sup>st</sup>, 2009



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## Preface

The following is a report for the *Consultation on the Crisis in Darfur* carried out in Washington, DC by Africa Today Associates, Inc and Africa Action. The event took place January 30<sup>th</sup> and 31<sup>st</sup>, 2009 and was made possible with support from the African Policy Institute of the Ford Foundation in Africa (in collaboration with the Institute of International Education) and Africa Action of Washington, DC. This report aims to build upon, not replace, the findings of our Consultations in Abuja, Nigeria and Nairobi, Kenya. It is for this purpose that the findings and points addressed in this report are primarily those discussed in DC. Although it is inevitable that the previous consultations reflected some overlap on the core issues and discussion points, this report attempts to synthesize and present the findings of the Consultation in Washington, DC. As part of ATA's continued work and mandate to our four-part consultations, the outcomes of this final consultation on Darfur, this work finishes with a set of proscriptions for policy and humanitarian intervention in Darfur, Sudan.

## Table of Contents

About Africa Today Associates	5
About Africa Action	5
Mission and Objectives of Consultation	5
Organization of the Consultation	6
African Perspectives on Darfur Crisis from Nairobi	7
Recommendations from Nairobi	9
Final Recommendations from Washington DC	11
Final Conclusions of Washington DC	14
Post-Consultation Activities	15
Lessons Learned	16
Appendices	17
A: List of Presenters and Participants	18
B: Consultation Schedule	19
C: Summary of Abuja and Nairobi Presentations	20
D: Additional Documents	24
<i>Sean Brooks:     Enforcing a Turning Point and Imposing a Deal:     An Analysis of the Darfur Abuja Negotiations 2006</i>	24
<i>John Prendergast, John Norris, and Jerry Fowler:     Letter to President-Elect Barack Obama:     A Peace Surge for Sudan</i>	24
<i>John Prendergast, John Norris, and Jerry Fowler:     President Obama's Immediate Sudan Challenge</i>	24
<i>George Shepherd:     A New Peacemaking Policy for Darfur and the Sudan</i>	25
<i>Imam Al Sadig Al Mahdi:     Three Questions: Interview with Imam Sadig Al Mahdi</i>	33

## **ABOUT ATA**

Africa Today Associates, Inc. (ATA) is a 501 (C) (3) non-profit organization registered in the United States of America. The organization was created in 1967 to publish the journal *Africa Today* and to address significant human rights issues involving the African continent. The journal had been launched in 1954 by Professor George Shepherd, the first Director of the American Committee on Africa (ACOA), to educate the public on Africa's struggle against colonialism. When ACOA could no longer publish the journal, ATA was moved to the University of Denver's Graduate School of International Studies (recently renamed the Josef Korbel School of International Studies). Since 2000, the journal has been owned and published by the University of Indiana Press.

ATA remains headquartered in Denver, Colorado, USA. It continues its original purpose by maintaining the fundamental philosophy of *Africa Today* through activities that connect academics and activists by working with nongovernmental organizations on projects that address the social, political, and economic needs of the people of Africa, in the context of human rights.

## **ABOUT AFRICA ACTION**

Africa Action is the oldest organization in the U.S. working on African affairs. Africa Action is a national organization based in Washington D.C. that works for political, economic and social justice in Africa. Through the provision of accessible information and analysis combined with the mobilization of public pressure it works to change the policies and policy-making processes of U.S. and multinational institutions toward Africa.

The work of Africa Action is grounded in the history and purpose of its predecessor organizations, the American Committee on Africa (ACOA), The Africa Fund, and the Africa Policy Information Center (APIC), which have fought for freedom and justice in Africa since 1953. Continuing this tradition, Africa Action seeks to re-shape U.S. policy toward African countries. Today, in partnership with activists and civil society organizations throughout the United States and in Africa, Africa Action is working to change U.S. foreign policy and the policies of international institutions in order to support African struggles for peace and development.

## **MISSION OF THE CONSULTATION**

From the perspective of Africa Today Associates, Inc., and Africa Action, current discourse on the Darfur crisis in the United States suffers from a lack of African perspectives. The objective of ATA and AA in holding these Consultations is thus to clarify the responsibility of the United States and Americans for humanitarian intervention in Sudan concerning the crisis in Darfur. We believe the US has begun to recognize and accept some responsibility but this is poorly understood by the American public. Through this series of Consultations, therefore, we primarily hope to 1-help to properly educate the American public about the conflict in Darfur, and 2-use consultation outcomes to influence policy of the United States government and other international bodies in a way that is well-informed by African perspectives of the Darfur conflict.

While the US has begun to recognize and accept some responsibility, the conflict is still poorly understood by the American public. Ultimately, we aim to help properly educate the American public about the conflict in Darfur, and utilize the consultation outcomes to influence policy of the United States government and other international bodies.

Humanitarian intervention in Sudan needs to be informed by the experience and understanding of African NGOs and governments who have long accepted their international responsibility for the needs of displaced people and victims of crimes against humanity. Therefore, it is important to hold an exchange of views between African and American specialists.

To fulfill this objective, ATA has launched a four-part endeavor with our first Consultation on the Darfur crisis held in Denver in September of 2007, the second in Abuja, Nigeria in December of 2007, and third in Nairobi, Kenya June 9-11, 2008. This consultation in Washington, DC on January 30<sup>th</sup> and 31<sup>st</sup>, 2009 was the final gathering.

The Abuja and Nairobi consultations were the first steps in securing the voice and experience of African academics, leaders, organizations and politicians who are involved in, or knowledgeable about, the ongoing crisis in Darfur. In both Abuja and Nairobi, our focus was on engaging in dialogue with African academics, government representatives, and members of the NGO community. Specifically, we are interested in learning the views of Africans and African governments regarding anticipated roles for the international community, including the US, in bringing peace to Darfur. We hope to achieve a broader perspective on the continued work by various African-based NGOs (such as those from the Darfur Consortium) that will help us identify gaps in understanding, service, and policy. Strategies for humanitarian intervention also will be considered.

With the new Obama Administration coming into office in January there will be an opportunity for important changes to be made in American foreign policy in Africa as elsewhere. We are joining with other NGOs and academics to help demonstrate the way to make the humanitarian intervention policies of the international community more effective. We believe there are new ways to enable African governments, through the African Union, to provide leadership for a just peace in Darfur.

These are collaborative Consultations between American NGOs and academics and African academics connected with foreign policy and civic issues. In DC, the two American conveners are Africa Today Associates and Africa Action; both of whom have been deeply involved in ascertaining the African and American perspectives on how a just peace can be attained. The Consultations, both in Africa and the United States, are held with financial and organizational support from Ford Foundation programs in West and East Africa, Africa Action, The Open Society Justice Initiative in Africa, and several other African NGOs.

## **ORGANIZATION OF THE CONSULTATION**

The consultation took place January 30<sup>th</sup> and 31<sup>st</sup>, 2009 at the Gaylord Hotel Conference Center just outside Washington, DC, USA. This consultation was organized differently than those leading to it. Instead of paper presentations followed by discussion, the DC Consultation utilized panels of five to six academics and advocates for about five minutes each. These short statements were succeeded in-turn by spurred pointed discussion by the remaining participants

The four panels explored topics of recent peace efforts in Darfur, expanding humanitarian interventions, the challenges and opportunities of building and maintaining civil society pressure on Sudan, and the role of US civil society in building peace and a just society in Darfur. Additionally, following the panels, policy recommendations were discussed and are delineated in the Final Conclusions section.

## **AFRICAN PERSPECTIVES: IDEAS ON HOW TO ACHIEVE PEACE AND A NEGOTIATED SETTLEMENT TO THE CRISIS IN DARFUR**

### **As contributed from Denver, Abuja, and Nairobi consultations leading to the final consultation in Washington, DC:**

As the consultation participants emphasized, the following points should be addressed in any viable attempt to pursue an end to the crisis in Darfur:

- Organizations need to address Darfur from a qualitative angle as well as a quantitative one. It is not merely the number of soldiers and arms present in Darfur, but how they are distributed and what outcomes will come from their presence.
- Privileging militarism over peacemaking is counterproductive. Need the AU to increase their peacemaking capacity and implore states and civil society actors to increase resources for peacemaking in Africa and not focus as much on militaristic intervention as the only remedy.
- There needs to be more work to 'level the playing field' at negotiations. While the Sudanese government hires professional lawyers, opposition groups often come without advisors. Both sides must have the capacity to properly inform each other and have access to the same necessary legal resources.
- The negotiation table needs to be inclusive of all relevant parties and involve the community. Peace building from the 'top' is not enough, or effective. Particularly, including representatives for the displaced and refugees, Darfuris, women, communities, religious leaders, elders, rebel leaders, and governmental actors. This requires either holding consultations inside Sudan or Darfur or making sure all necessary representatives are present at talks.
- There is a need to reignite the memory of a shared and common history. The traditional notion of 'abutu' (idea of mutual reciprocity and necessity for existence: 'I exist because you exist') allows for negotiation, reconciliation and compensation. Must explore and advance the memory of the fact that Arabs and Africans have lived together for centuries.
- It is essential to focus on justice and find a middle-ground between modern court justice and restorative justice. The focus must be on collective compensation with the involvement of communities and the interests of the victims must be central to the judicial process. Additionally, the African Court of Justice needs support and an adequate mandate to take all those whom the ICC indicts.
- Ethnicity has been continuously politicized and manipulated as a tool to create or exacerbate conflicts. It will likely continue to be that unless we have more research and in-depth analysis on the root grievances of conflict (usually scarce resources) that manifests into forms of ethnicized violence.
- The fundamental issues of power and wealth sharing must be resolved. Many communities in Darfur are agriculturalist and pastoral in nature; as such, land issues are in desperate need of being addressed.

- Although the US has many vested interests generally reached through US foreign policy, there should be more input from states outside the realm of these interests. The voices of African NGOs should not be muffled by international interests.
- Internationally, there is a very apparent lack of political will. The African Union and United Nations must play more active roles. UN and UN Security Council's member states need to keep self interests out. If that is not possible, they should turn their attention to the AU and their push for a peacemaking strategy in the interest of the people of Darfur. Promises of assistance to AMIS and the hybrid force need to be honored and fulfilled. Political will is needed for the international responsibility of protection to be viable for outside states.
- African leaders and states are not taking the lead, but are being complacent. They have become morally handicapped against other leaders and states. This is where civil society and activists/grassroots can compel the leaders to make the right decisions.
- There is a need to mediate tension between a state's responsibility to protect their citizens and the international community's perceived right to protect them when the state fails to do so. Under the current mandate, the AU is unable to effectively protect Darfuris through their mission. Many believed that we must look at and urge the revision of the AU/UN mandate. Perhaps if the mandate is changed, more will be achieved.



## **RECOMMENDATIONS: SUGGESTED STRATEGIES TO END THE CRISIS IN DARFUR AND TO PREPARE THE STAGE FOR POSTCONFLICT RECONSTRUCTION**

### **As recorded from Nairobi Consultation**

Although international and regional bodies have attempted, in various ways, to find a resolution to the crisis in Darfur, little progress has been made. In many regards, the crisis appears to worsen. Based on discussions that took place during our consultation in Nairobi, Kenya, Africa Today Associates proposes the following as measures that can greatly inform the pursuit of peace and a negotiated settlement. The recommendations include the perspectives presented by the African academics and NGO leaders who took part in the consultation, and reflect certain factors that generally have been marginalized in mainstream approaches to resolving the crisis:

1. **INCLUDE ALL AFFECTED PARTIES.** All sides involved in the conflict must be brought together, including elders, women, religious/tribal/rebel/militia/state leaders, youth, and so on, for the possibility of lasting peace.
  - a. The defection of former Janjaweed members to the Darfuri cause are good examples of the individual voices that can help other parties recapture the shared memory and history of all Sudanese and Africans.
2. **FOCUS NEGOTIATIONS ON THE COMMON HERITAGE OF TRADITIONAL AND RESTORATIVE METHODS OF JUSTICE.** Those who commit heinous crimes should be held accountable in order to set precedence. Justice is required to sufficiently solve the problems of Darfur. Communities and victims must be the core of these processes with the AU and the African Court of Justice taking the lead for any legal proceedings.
3. **DEVOTE RESOURCES AND FULFILL PROMISES TO PEACEMAKING.** We must work with the peacekeeping and military forces to bring about a peace in order to address the issue of justice and increase the longevity of peace. The AU and UN (AMIS) mandate must be changed to give them true peacemaking capabilities.
4. **REIGNITE THE SHARED HISTORY.** Ethnicity and religion are instruments used to pursue other objectives. If what is salient is identified, we will be able to have a firm hold on what is the root cause of this conflict and work toward an effective solution.
  - a. There is a need to study forms of politicized ethnic violence and how the ethnic elite are manipulating genuine grievances like famine, drought, and economy within specific contexts.
  - b. If ethnicity can be manipulated negatively for conflict, how can we manage ethnicity positively to be a connector instead? Traditionally this has been achieved through intermarriage, economic interactions, and social networks throughout Darfur and Africa.
5. **INCLUDE REGIONAL POWERS.** It remains important to relate the Darfur crisis in Sudan to its neighboring countries. The inclusion of regional powers and forces is recommended because of their ability to provide valuable insight and issues in Sudan transcend national boundaries.

6. **CIVIL SOCIETY ACTION.** African civil society and NGOs are who can infuse the state with the needed political will to take action by getting grassroots mobilization. They must also keep the governments accountable to fulfill their obligations to protect their citizens
7. **ADDRESS THE ISSUES.** Without reaching a resolution on the core issues of resources and power/wealth sharing, any agreement is not likely to last or sustain a permanent peace.
8. **ACCOUNTABILITY AND IMPLEMENTATION.** Any agreement requires implementation by all signatories. This means Sudan and Darfuri groups must be held accountable to fulfill their obligations under any settlement; this begins with an immediate ceasefire by all parties. Regional and international bodies must mobilize efforts to support successful on-the-ground outcomes from any agreements.
9. **PREPARE FOR POST-CONFLICT CAPACITY BUILDING AND RECONSTRUCTION.** In long-protracted conflicts, there exist groups or generations whose livelihood, role models, and future is defined by and dependent on the conflict. In post-conflict and reconstruction alternatives must be considered and provided to those who have no other career than being a warrior. Groups like ATA can, and should, continue to play a role as liaisons in these processes.

## **FINAL RECOMMENDATIONS TO END THE CRISIS IN DARFUR AND TO PREPARE THE STAGE FOR POSTCONFLICT RECONSTRUCTION**

The international community must not become desensitized to the atrocities committed around the world or accept the killing, rape, and uprooting of hundreds of thousands of people. We as academics and civil society must serve as a united front and support the people of Darfur. We must commit to the international responsibility to protect by awakening the global conscience.

***The participants of the Consultation of the Crisis in Darfur, Washington, DC January 30<sup>th</sup> and 31<sup>st</sup> resolve the following:***

BEARING IN MIND that nationalism is not an automatically embedded attribute in citizens,

WHEREAS citizens' fear for life, limb and family in pursuit of their basic rights,

RECOGNIZING that the limits of American civil society requires a bridge of partnership with their African counterparts,

WHEREAS the differences between US policy work and the activism of civil society requires both compromise and negotiation,

RECOGNIZING that the Government of Sudan is under increasing pressure in light of upcoming elections,

REAFFIRMS the need to strengthen the democracy movement in Sudan by supporting free and fair elections and build strong and vibrant political will,

CALLS UPON the international community to utilize the increased attention of the upcoming elections to support efforts to identify and unite civil society groups in Sudan,

RECOGNIZE fundamental human differences that are not the core issues of the Darfur conflict.

***Secondly, participants of the Consultation of the Crisis in Darfur, Washington, DC January 30<sup>th</sup> and 31<sup>st</sup> also:***

CONCLUDE that US civil society groups must consult and collaborate with each other and their African counterparts,

STRONGLY URGE civil society organizations to draw on lessons learned and the power of ideas illustrated from their role in helping end apartheid in South Africa,

REMINDS concerned parties and negotiators that moral, intellectual and appropriate financial support for civil society can make a significant difference in local efforts,

FURTHER INVITE civil society to bring the situation in Darfur to the foreground through use of the media, and

ACTIVELY voice the African perspective in Sudan, Africa, China, Russia, the United States and the world,

ENCOURAGE American civil society to support and utilize the momentum of the new Obama administration to unite with African civil society,

***Thirdly, the participants of the Consultation of the Crisis in Darfur, Washington, DC January 30<sup>th</sup> and 31<sup>st</sup>:***

STRESS the need for a united front inclusive of religious organizations, traditional and local institutions, student groups, the business community, and journalists while working with regional and international organizations such as the AU, SADC, ECOWAS, and the UN,

RECOGNIZE the present challenges of political and national interests and motives that undermine the work of a united front,

SUPPORT genuine efforts by the Arab League, Qatari Initiative, African Union, and UN for peace and justice in Darfur,

***Fourthly, the participants of the Consultation of the Crisis in Darfur, Washington, DC January 30<sup>th</sup> and 31<sup>st</sup>:***

SUGGEST the utilization of the UN to merge international consensus, and

RECOGNIZE that humanitarian intervention is not and cannot be a short term solution and the present efforts are insufficient to protect civilians,

STRONGLY URGE consideration for restructuring the UN and its charter to help improve conflict intervention, prevention, and mediation with mission objectives, which

CLEARLY STATE an objective and role to protect civilians and the UN's role in establishing an acceptable level of stability before disengaging,

IMPLORE the UN to work side by side with military forces and merge with political activities aimed at ending the conflict, peacekeeping, peacemaking, and post-conflict capacity building,

PRESSURIZE the Government of Sudan to accept the joint UN-AU mission and accept troops without prejudice to maintain the peace,

DEMAND the international community to fulfill responsibility to protect and respond accordingly.

***And finally, the participants of the Consultation of the Crisis in Darfur, Washington, DC January 30<sup>th</sup> and 31<sup>st</sup>:***

REGRET that the responsibility to protect is an international norm without operationalized criteria,

SUPPORT the establishment of a court with Sudanese, African, and European judges to investigate crimes committed in Darfur, and

RECOGNIZE that justice in Darfur is both a preventive measure and a retributive force in addressing crimes and grievances, while

AWARE that the United States' attitude to the ICC has been less than cooperative, and

NOTING WITH REGRET the support for calls to suspend the ICC indictments of President al-Bashir,

STRONGLY URGE the US to recognize the jurisdiction of the ICC and support appropriate ICC indictments of those involving crimes against humanity, and

RECOMMEND that the United States not make empty promises that will strengthen the Bashir government and lead to more civilian death and suffering.

## **FINAL CONCLUSIONS OF WASHINGTON DC CONSULTATION**

**We, the participants of this consultation:**

- 1. Urge the Obama Administration to appoint a U.S. special envoy to help end the genocide in Darfur, Sudan.**
- 2. Strongly support national, regional and international pressure that aim to ensure the July 2009 elections are fair, inclusive and conducted within the provisions of the CPA, with stringent international monitoring support.**
- 3. Support an ICC indictment of President Omar El Bashir.**

## POST-CONSULTATION ACTIVITIES

Consistent with our initial concept, Africa Today Associates and Africa Action will undertake various activities as a follow-up to the consultations. These will include:

- I. *Presentation of findings to the public*<sup>1</sup> – ATA and AA will share findings from the Nairobi consultation with the American public through the following channels:
  - a. Presentation activities for the general public: ATA and AA will offer a series of seminar-styled events at various higher education institutions, during which findings from our Nairobi consultation will be presented to the general public. Presentations will be undertaken with a vision to educating the public about 1) myths and realities of the Darfur crisis; 2) obstacles to peace in the region; 3) African positions regarding the role of the international community and in particular the United States in resolving the crisis; and 4) recommended approaches to achieving a viable peace agreement.
  - b. Dissemination of information at both local and national levels: ATA, AA and its representatives will ensure that findings from the Nairobi consultation are shared with a broader audience through:
    1. Presentation of opinion articles to national and local media
    2. Posting of findings on ATA's and AA's website, which is accessible to the public
  - c. Dissemination of information at the international level: In collaboration with our international partners, ATA and AA will share findings from our consultations with various international organizations involved in the pursuit of peace and a negotiated settlement in Darfur. These include leaders and activists from the international civil society movement, foreign academics, and relevant political leaders.
- II. *Information sharing with relevant departments of the United States Government:* Based on acknowledgment that the United States government can and should play a critical role in addressing the crisis in Darfur, ATA (through its officers) and AA will communicate with necessary departments within the US government regarding findings from our consultations. The objective is to provide information that will assist in the implementation of policies regarding Darfur that is well-informed by African perspectives.
- III. *Collaborative partnerships with various non-governmental organizations:* ATA and AA will share findings from our consultations with various local and national non-governmental organizations by undertaking a series of collaborative events. We believe that our findings will greatly enhance the work of NGOs that are currently working on issues related to the Darfur situation.

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<sup>1</sup> Unless otherwise noted, these activities are intended for the American public. We believe this public's limited understanding of the crisis in Darfur negatively affects their willingness to mobilize and pressure political leaders to act in a manner that is conducive to the pursuit of peace in Darfur.

## LESSONS LEARNED FROM CONSULTATION SERIES

Although the consultation proceeded well and all parties involved expressed gratitude for the initiative, we believe that certain aspects of the consultation could have been sharpened further. However, this did not adversely influence our ability to effectively pursue and achieve our goals. The lessons learned include:

1. *Better use of the media:* Unlike our consultation in Abuja, the local media was not utilized to disseminate information about the consultation. It is advisable for ATA, AA and our partners to make advance considerations for media use in future events, and to ensure proper mobilization efforts prior to event implementation. We believe that the involvement of the media is critical as it ensures that the local population continues to be aware of the work that is being done in regards to the crisis in Darfur.
2. *Inclusion of relevant parties:* As stated by our participants, it is imperative to include representatives of the government of Sudan as well as the various Darfuri groups. Despite attempts to contact and send invitations, ATA and AA were unsuccessful in achieving the inclusion of these parties. We have been tasked and aim to resolve this in future initiatives.



# APPENDICES

## **A: LIST OF PARTICIPANTS AND ATTENDEES**

### **Panel One: Recent Peace Efforts in Darfur**

Dr. Peter Van Arsdale, Africa Today Associates  
Dr. Usman Bugaji, National Development Project  
Ambassador Babiker Khalifa, Africa Today Associates  
Sean Brooks, Save Darfur Coalition  
Emira Woods, Foreign Policy in Focus and Africa Action

### **Panel Two: Expanding Humanitarian Interventions**

Professor Ved Nanda, Sturm College of Law, Univ. of Denver  
Professor George Shepherd, President, Africa Today Associates  
General Ishola Williams, PANAFSTRAG  
Dr. Felix Oriakhi, Benson Idahosa University  
Prof. Sylvester Odion-Akaine, Ctr. for Constitutionalism & Demilitarization  
Dr. Gwendolyn Mikell, Georgetown University

### **Panel Three: The Challenges and Opportunities of Building and Maintaining Civil Society Pressure on Sudan**

Professor Kelechi Kalu, Ohio State University  
Chris Maina Peter, University of Dar es Salaam, Tanzania  
Dr. Ola Soyinka, NAS International  
Jennifer Shamalla, PAMASTRAG, Nairobi  
Osita Agbu, Nigeria, National Institute of International Affairs  
Dr. Carl LeVan, American University

### **Panel Four: The Role of US Civil Society in Building Peace and a Just Settlement in Darfur**

Gerald LeMelle, Executive Director, Africa Action  
Suliman Giddo, Darfur Peace and Development  
Yahya Osman, Darfur Rehabilitation Project  
Professor Alem Hailu, Howard University  
Briggs Bomba, Director of Campaigns, Africa Action  
Dr. Carl LeVan, American University  
Dr. Hashim El-Tinay, International Peace Quest Initiative and SSF

Dr. George Shepherd, President of Africa Today Associates, prepared a paper for this Consultation. While it was not presented, a copy is included in the appendices. Former Prime Minister of Sudan Dr. El Mahdi also prepared a statement. Although he was unable to attend, a copy has also been included in the appendices.

### **Participants and Attendees**

Mr. Fredrick Agyeman-Duah, Former Executive Director, Africa Today Associates  
Dr. Mahdi Daoud Al-Khalifa, Former Minister of State for Foreign Affairs of the Republic of the Sudan  
Mr. H.E. Mahmoud Adam Bechir, Embassy of Chad  
Mr. Briggs Bomba, Africa Action, USA  
Mr. Sean Brooks, Save Darfur Coalition, USA  
Dr. Usman Bugaje, National Development Project, Nigeria  
Mr. Bob Edgar, Howard University

Mr. Alem Hailu, Howard University  
 Ms. Crystal Harris, Africa Today Associates, USA  
 Dr. Kelechi Kalu, The Ohio State University and Africa Today Associates, USA  
 Mr. Berkai Karim  
 Amb. Babiker Khalifa, Africa Today Associates, USA  
 Ms. Sara Kosoff  
 Mr. Gerald LeMelle, Executive Director, Africa Action, USA  
 Dr. A. Carl LeVan, American University, USA  
 Prof. Ved Nanda, University of Denver, USA  
 Dr. Sylvester Odion-Akaine, Center for Constitutionalism and Demilitarization, Nigeria  
 Dr. Felix Orakhi, Benson Idahosa University  
 Dr. Yahya Osman, Darfur Rehabilitation Project  
 Mr. Chris Maina Peter, University of Dar es Salaam, Tanzania  
 Ms. Jennifer Shamalla, PAN AFSTRAG, Kenya  
 Dr. George Shepherd, President, Africa Today Associates, USA  
 Ms. Negin Sobhani, Africa Today Associates, USA  
 Dr. Ola Soyinka, National Association of Seadogs International, Nigeria  
 Mr. Michael Stulman  
 Ms. Nicole Tanner, Africa Today Associates, USA  
 Dr. Peter Van Arsdale, Africa Today Associates, USA  
 Major General Ishola Williams, PANAFSTRAG, Kenya  
 Ms. Christine Winfield, Africa Action, USA  
 Mr. Howard Wolpe, Woodrow Wilson Center  
 Ms. Emira Woods, Foreign Policy in Focus and Africa Action, USA  
 Dr. Hashim El-Tinay, International Peace Quest Initiative and SSF

## **B: CONSULTATION SCHEDULE**

[Click below for a complete schedule of events for the DC consultation.](#)



## **C: SUMMARY OF PRESENTATIONS MADE BY REPRESENTATIVES FROM AFRICA TODAY ASSOCIATES IN ABUJA, NIGERIA AND NAIROBI, KENYA**

**The reports and presentations from Abuja and Nairobi consultations (summarized below) guided discussion and provided foundation for of the Washington DC consultation.**

Darfur is located in the Western part of Sudan and borders Libya to the north, and Chad and Central African Republic to the West. It had an estimated population of seven million (prior to refugee and IDP displacements), representing more than 70 tribes, and is potentially rich in natural resources including oil, copper, and uranium, as well as reservoirs of subsurface “Pleistocene water.”

The current crisis in Darfur can be traced back to traditional conflicts between nomadic tribes and sedentary farmers. The nomads, who are mostly camel and cattle herders, claim to be of Arab origin while the sedentary farmers claim African origins. During dry seasons, the nomads venture into agriculturalist areas in search of food, water, and grazing lands for their animals. Such encroachments historically fermented tribal conflicts. The severe drought which periodically strikes the Sudano-Sahelian belt adversely affects the Darfur region of Sudan, contributing to attacks by nomadic tribes on sedentary agriculturalists. Tribal councils used to mediate these conflicts through arbitration and compensation.

This system of conflict mediation and resolution was, however, weakened following a coup by the government of Gen. Numiery in 1969. The Numiery government abolished local tribal leadership in the 1970s and weakened the influence of traditional leaders and their role in conflict mediation. Unfortunately, however, while measures were taken by the government to weaken tribal leaders, no attempt was made by the government of Sudan to protect the rights of people and their property. Furthermore, various tribes in Darfur were encouraged to protect themselves through their own means. This led to the establishment of militias by various tribes. Consequently, and in concert with other coercive pressures, the government of Sudan created the *janjaweed* to contain rebels from tribal militias.<sup>2</sup>

In addition to tribal conflicts, the crisis in Darfur is affected by various civil wars along Sudan’s borders. Chad, Central African Republic, Congo, Uganda, Eritrea, and Ethiopia, all neighbors of Sudan, have suffered from civil wars in recent decades. These conflicts have led to an influx of cheap, sophisticated weapons, especially machine guns, into Sudan. Furthermore, the absence of power sharing in Sudan contributes to the crisis in Darfur. There is strong political and military opposition from groups such as the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM). These and other groups have been calling for power and wealth sharing and for agreements similar to those concluded in the Mashakos protocol for Southern Sudan.<sup>3</sup> The absence of power and wealth sharing has further exacerbated the conflict between the central (Khartoum) government and marginalized areas of Darfur.

Furthermore, conflicts over the acquisition of land between nomads and sedentary farmers are critical in the ongoing crisis in Darfur and must be addressed in any negotiated settlement. Likewise, the impact of foreign

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<sup>2</sup> The role of the *janjaweed* in the current crisis in Darfur is well documented. The “devils on horseback” were utilized by the Government of Sudan during the 21 year conflict between North and South Sudan. There is strong consensus that the *janjaweed* is responsible for much of the casualties of the Darfur crisis.

<sup>3</sup> The Mashakos protocol formed the basis of the Comprehensive Peace Agreement (CPA), which ended the North/South civil war. Among provisions of the CPA were wealth and resource sharing as well as the ability of the South, through a referendum, to opt either for secession and autonomy or be part of a unity government. However, recent developments such as the failure of the Government of Sudan to abide by several provisions of the CPA have exposed the fragility of the agreement.

entities such as China, the United States, France, Germany, and the Arab countries must be considered in the pursuit of peace in Darfur.

Although others have referred to the crisis in Darfur as genocide<sup>4</sup>, what is happening can better be characterized as ethnocide. This is based on the fact that the primary impetus for the conflict appears to be the destruction or extirpation of ethnic Africans, as evidenced in the Government of Sudan's 'invitation' to Arabs in Chad to occupy areas occupied by African Darfurians. But whether the conflict is classified as a genocide or ethnocide, what matters most from a human rights perspective is that it is a crime against humanity. Attempts to bring about peace must be informed by this understanding.

The crisis in Darfur has produced several negative outcomes, including an increased number of refugees along the Sudan-Chad border, an increased number of internally displaced persons (IDPs) within Sudan, increased hunger and potential famine, environmental degradation, the production of various obstacles to development, and the deaths of hundreds of thousands of people. These consequences must be addressed in any and all approaches to the pursuit of a peace settlement.

The complexity of the crisis in Darfur is rooted in a host of social, political, economic, and environmental problems. Failure of the Abuja and Libya talks means that efforts to achieve peace and reach a settlement must be intensified.

It is crucial to consider the impact of the North/South Comprehensive Peace Agreement on the Darfur crisis. Notably, it would be difficult to resolve the conflict in Darfur if provisions similar to those addressed in the CPA are not offered in any negotiated settlement, especially in terms of wealth and power sharing. In addition, the emergence of a true democratic and federal system as well as the institutionalization of multi-ethnic and multi-religious social institutions in Sudan is vital to the attainment and sustenance of a negotiated peace. Further, because recent developments have exposed the fragility of the CPA and the threat of another North/South conflict appears imminent, any negotiated peace settlement must consider the potential impact of any such conflict on the crisis in Darfur. Mechanisms to address such negative impacts must be considered in all negotiated peace settlements.

While ethnicity does not cause genocide or ethnocide, its politicized role in the perpetuation of such atrocities must be considered, particularly in Darfur. To fully understand what is going on in Darfur, we must first understand its ethnic and ecological landscape and how this contributes to the crisis. This requires us to look at ethnicity not as a "characteristic," but as a process that is negotiable.

It is also important to look at Darfurians as citizens of a particular area as opposed to simply "tribesmen." In this regard, the Fur (for example) reflects the fluidity of ethnicity and the ways in which they pursue their livelihoods become more important means of categorization. In attempting to understand the ethnic aspect of the Darfur conflict, we must appreciate the flexibility of the people of Darfur, as nomads and semi-nomads are able to move across borders into Libya, Chad, and other countries. On this basis, it is necessary but not sufficient to place Darfurians into broad categories such as nomads, for there are varieties of nomadic life.

Likewise, it is not enough (nor appropriate) to categorize Darfurians by their skin color. There are multiple and layered meanings, some pejorative, in such classification schemes. These distinctions must be identified

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<sup>4</sup> The United States government, through former Secretary of State Colin Powell, was the first to classify the crisis in Darfur as genocide, in 2006.

and debated in any systematic attempt to understand what is going on in Darfur. Further, it must be acknowledged that economic necessities override cultural imperatives in addressing the political economy of Darfur; we must be aware of the fact that people are more concerned with sustainable livelihoods than ethnic categorizations. How do people adapt socio-economically during the toughest of times? Ethnicity shades but does not dictate how people live their lives and sustain their livelihoods. As such, any approach to a negotiated peace settlement that is informed by this understanding is likely to be more viable.

For effective collective action towards solving the crisis in Darfur, the above considerations must be taken into account. Groups like Africa Today Associates, the International Crisis Group, and the Darfur Consortium can serve as important advisors to the process. This does not preclude the role of Sudan's central government, which must be considered critical to all negotiations. Despite their assertions, it is not enough to simply pursue a settlement that addresses issues of wealth and power sharing. Issues of food security, water security, and grazing rights also must be interjected into the negotiations as these are fundamental to the tribal conflicts.

In this regard, negotiations must focus on process as well as product. That is, our focus should not be limited to negotiation outcomes. A consideration of how outcomes will be achieved is also important. This implies a critical look at the inherent polarities of the Darfur crisis, including Arab - African tensions, Fur - "other group" tensions, and nomadic - sedentary tensions. The process of understanding these tensions must be greatly informed by voices of the citizens of Darfur.

In attempting to resolve the crisis in Darfur, it must be understood that change in state behavior is a function of incentive structures, including domestic and external incentives. That is, because of the complicity of the Sudanese state in the ongoing crisis, it is important for there to be incentive structures that will compel the government of Sudan to act in a manner that is favorable to peace and a negotiated settlement.

Although the whole of Sudan is relatively underdeveloped, Darfur remains one of the most neglected regions in the country. In the case of South Sudan, it must be recognized that achievement of the CPA was the result of changed incentive structures for the Government of Sudan. For example, unification of members of the rebel movement increased their strength and ability to confront the central government, and this was crucial in their ability to negotiate.

African countries and African leaders, as well as the African Union, have a role to play in changing incentive structures for the Government of Sudan and to oblige the government to act in a way that will put an end to the crisis in Darfur. In short, the failure to protect Darfurians is a problem of the failure of African leaders to assume full responsibility for the protection of African people. Africans cannot 'wait to be rescued by outsiders.'

In the pursuit of a negotiated peace settlement, it must be recognized that there first has to be peace to keep before peacekeeping forces can be deployed into the region. The first step to peace, therefore, is force activation. That is, a force with the ability to respond to initiatives of the Government of Sudan must be considered since the Government of Sudan will not concede anything without the activation of force. A comparison of what was done using force in Kosovo and what is being done in the Democratic Republic of the Congo would be useful.

Recognizing that the Darfur crisis is an African problem with global implications, the African Union must be at the forefront of any peace talks. Also, following the activation of force, the African Union must take decisive steps to bring all necessary parties together to partake in negotiations. Methods through which African states and their leaders can affect incentive structures for the Government of Sudan include:

- Enforcement of travel restrictions on Sudanese leaders by the AU
- Freezing of bank accounts of all Sudanese companies
- Diplomatic recognition and withdrawal in order to exert pressure on the Government of Sudan.
- Divestment
- African states should cease doing business with corporations or countries whose actions contribute to the crisis in Darfur
- AU countries must withdraw diplomats from Khartoum, a step that will make the Darfur crisis an African crisis
- The role of religion in influencing the Government of Sudan must be emphasized

While external factors, such as the ability of the United States to mobilize interested parties for negotiations, are important to settling of the Darfur crisis, it must be acknowledged that African countries and African leaders have to set their own priorities regarding the situation. In addition, civil society advocates in Africa must be active in pressuring their governments. Civil society impact is illustrated in the fact that was it not for the role of civil society advocates, President al-Bashir would have ascended to the role of AU chairperson. Strategies to enhance the role of civil society in influencing African states to act in support of an end to the crisis in Darfur must thus be carefully considered.

Africans now sit at the table of world deliberations and have their own regional capabilities. While dependency relationships still exist, the independence of African states is a reality and African leaders must govern in the context of the international human rights regime. Outside powers also must recognize this. On issues such as the crisis in Darfur, the great powers will not act on behalf of a peace settlement unless civil societies, both African and international, make a powerful statement under initiatives of the United Nations Security Council. In this effort, Africans must take the lead but must not leave the world out because the world is beginning to accept the principle that there is a responsibility to protect. Africans can benefit from this consciousness in attempting to address issues such as the crisis in Darfur. If Africans take the lead on such issues, the rest of the world will respond.

In this regard, serious consideration must be given to the kind of support that can be made available to African NGOs, specifically in Sudan (for example, the Amir Center) in order to empower them to play a critical role in resolving the Darfur crisis. Work in this area has begun through the activities of bodies such as the Darfur Consortium. It is imperative to work with 'friendly' governments in order to exert the right kind of pressure on the Government of Sudan in the pursuit to an end to the crisis.

#### **D: ADDITIONAL DOCUMENTS**

The below documents were not presented at the Washington DC consultation. Reports and findings presented in previous consultations are available in their corresponding follow-up report (available at [www.africatodayassociates.org](http://www.africatodayassociates.org)).

[Save Darfur: An Analysis of the Darfur Abuja Negotiations of 2006 by Sean Brooks](#)

[Save Darfur: Letter to President Elect Obama](#)

[Save Darfur: President Obama's Immediate Sudan Challenge](#)



## A New Peacemaking Policy for Darfur and the Sudan

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The attempts at peace settlement have failed in Darfur. Whole villages of people are still being wiped out. Thousands continue to flee to refugee camps across the border with Chad. Young men in the UN peacekeeping forces are tragic casualties in a strategy that appears to be only symbolic resistance to genocide.

Former President Clinton stated "There can be no peacekeeping where there is no peace," after the failures of Intervention in Somalia and Rwanda.<sup>5</sup> But after these tragedies the US through NATO with belated UN endorsement decided that the Genocide committed by the Bosnian Serbs and later the Serbian army in Kosovo was beyond the pale of civilized conduct, as Richard Holbrooke had argued for years.<sup>6</sup>

Clinton relented only after the mass killings of Bosnians at Srebrenica (1995) by the Serbs. Congressman Frank McCloskey and Elie Wiesel had reminded him of America's commitment not to allow "this to happen again." American air power was then deployed with NATO forces to protect the UN Blue Helmets and the people of Bosnia. In 1998 American air power and massed ground troops on the borders of Serbia were used to force an agreement over Kosovo. This more realistic policy together with the UN working with European powers brought about the basis for peace settlements.

If the world community is to deal effectively with the killing grounds of Africa there has to be a major new peacemaking policy together with limited but effective international force. This should be based on the principles of collective security and humanitarian intervention, led by African states and backed up by major powers such as the US and the EU nations.

In Bosnia, Kosovo and East Timor the obligations to protect people against Genocide were eventually realized the challenge for the Obama Administration will be to apply the principles learned from the

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<sup>5</sup> This does not mean the peacekeeping enterprise has failed but that a more realistic approach needs to be taken based upon the limits and the possibilities of Humanitarian Intervention. As John Janzerkovic has pointed out, "For the international community to assume that it will be effective to simply tell belligerents to stop fighting is unrealistic and naive...They do not respect the poorly armed Blue Helmets within these zones and treat with contempt the of unfulfilled threats not to interfere with the multitude of humanitarian activities in the region of conflict. .. Military intervention is sometimes the only way to stop the killing." *The Use of Force in Humanitarian Intervention*, Hampshire, UK, Ashgate Publishing 2006, 96-97.

<sup>6</sup> Samantha Power points out how the argument within the Clinton Administration and the State Department went on for years in the early 1990s. Several courageous state department officers resigned over the killing of Muslims by the Bosnia Serbs which failed to arouse US intervention. Ambassador Holbrooke along with Madeline Albright had urged US intervention through NATO but they were not listened to by then Secretary of State Warren Christopher or National Security Adviser Tony Lake who argued this was not in the "national interest of the US "to do more than protest. Lake later admitted this was a mistake. Christopher would not go beyond saying that the killings were, "tantamount to Genocide," thereby avoiding the international law obligations of the International Convention on Genocide signed by the United States. Kosovo massacres by the Serbs became in Christopher's view a threat to peace in the region and he approved of intervention. Madeline Albright, as Secretary of State had no reservations. It is noteworthy that Power took the title for her book from a quote from Christopher who called, "Genocide a problem from Hell", "*A Problem from Hell*" *America and the Age of Genocide*, New York: Harper Perennial, 2002. For the US Bosnia and Kosovo policy changes see, Chapters 9,11 and 12.

previous Humanitarian Interventions. Of course, the circumstances in Africa are different and may require regionally different solutions.

Many experts now maintain the new Obama Administration has an opportunity to make a real difference in foreign policy for Africa. Africa needs to be given a top priority in a policy that recognizes the US must now find a basis for new moral and material leadership in the world.<sup>7</sup> Previous Administrations have failed when they sought to find security in the deployment of American military superiority or retreated into the notion that protecting people against “genocide” was not in the national interest of the “greatest world power.”

Today the world has changed from the era of post World War II and the Cold war. Peace and security can best be secured through good will and fair trade arrangements. Terrorism can be defeated only by first draining the swamp of deprivation and military repression of third world dictators. The failures of unilateral military intervention in Vietnam and Iraq are now clear. The limited success under the Clinton Administration has shown that military force must be limited to multilateral methods and used only as a last resort after diplomatic and international economic intervention has failed.<sup>8</sup>

The War against Terrorism needs to be replaced by a policy based on building peace through human rights, prosecution of war criminals through the ICC and military intervention against genocide through recognized international agencies as a last resort.

A new regional peacemaking policy of Humanitarian Intervention is possible in Africa because of the new responsibilities recognized by the world community. Several African States are among the leaders calling for a more realistic policy employing the limited use of force. All agree this must be done in relation to recognized international authority.<sup>9</sup> The principles on which this would function are based on the international law of nations as outlined by George Lucas Jr., among several others, in his book *Perspectives on Humanitarian Military Intervention*. These allow for sovereignty to be overridden when there is a broad threat to human rights within a state. However, the intervention must be limited by moral and legal boundaries. No unilateral intervention is permissible and the action must be authorized by an accepted international tribunal such as the UN Security Council under Chapter VII of the UN Charter or regional organization under Chapter VIII. Non-combatant civilians must not be targeted. And a reasonable chance of success must exist. No weapons or tactics that violate international treaties can be employed.<sup>10</sup>

These principles have in general been adopted by the United Nations under the concept of “Responsibility to Protect” agreed upon by the World Summit of the General Assembly in 2005 and recommended by the International Commission on State Security.<sup>11</sup> The World Community, including the US, has accepted the principle of “Responsibility to Protect” against war crimes, Crimes against Humanity and acts of genocide. This laid the ground work for a new policy for the world including the African states.<sup>12</sup> It is therefore in the national interest of great powers and small states to find the multilateral and regional basis for peace and fair trade.

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<sup>7</sup> Howard W. French, “Obama and Africa: The challenge we have been waiting for? Quoted in *Africa Focus Bulletin* Nov.6, 2008.

<sup>8</sup> Recently, several of the veterans of the Clinton Administration have called for greater emphasis on “preventive action” in the report by Madeline Albright and William S. Cohen, “The Genocide Prevention Task Force.

<sup>9</sup> Thomas G. Weiss, *Humanitarian Intervention*, Cambridge: Polity Press, 2007, 88-89.

<sup>10</sup> George Lucas Jr. *Perspectives on Humanitarian Military Intervention*, Berkeley: Public Policy Press, 2001, 49-50.

<sup>11</sup> Thomas Weiss, op.cit. 116-118.

<sup>12</sup> John Janzekovic, *The Use of Force in Humanitarian Intervention: Morality and Practicalities*, Agate Publishing Ltd, England. 2006, 11-69.

Because of the failures of Humanitarian military intervention in Africa, particularly recently in Darfur and the Congo, the time has come for the international community, led by African states, to initiate a new regional peacemaking program. The US and other powers should promote this policy through the United Nations and the African Union. This will give the international community, and particularly the peoples of these states, that effective intervention will see the end to existing mass killings and human rights violations.

This involves collective international action led by African states, starting with increasing the Blue Helmet force in Darfur up to the agreed 23,000 plus police. This UNAMID hybrid force of UN and AU peacekeeping troops must be equipped with the weapons and transportation promised by African states and major powers. So far this has been stymied not only by the obstruction of Sudan but also by member states that have failed to provide the necessary equipment and manpower because they do not believe it will be effective in keeping the peace. Therefore, a new support force is required to back up the Blue Helmet Peacekeepers.

Support bases in neighboring African States, including air bases, to supply and protect the Peace Keepers in Sudan, should be established. These should include European forces. Sudan has prohibited European countries from participating in Sudan. But these are needed for effective operation, particularly by air. These peacemakers, as they might be called, should be placed on the borders of Sudan in Chad, Central African Republic and Uganda. This force would have modern high powered weapons and an air force sufficient to deter the Sudanese air force and the Janjaweed from continuing to attack the peace keepers and innocent civilian camps.<sup>13</sup> This force could also be used to help Peacekeepers to assure a peaceful and fair election in the Sudan which is the second major objective of the new policy.<sup>14</sup>

#### Elections

It is imperative that the elections in the Sudan, now slated to be held in July, 2009 under the Comprehensive Peace Agreement of 2005, should be supported by the international community.<sup>15</sup> This provides the prospect of the formation of a representative and democratic Government in the Sudan. If Darfur is sufficiently peaceful for elections to be held, it would greatly increase the chances of achieving a peaceful settlement benefiting all regions of the country.<sup>16</sup>

While there are differences between the great powers on the UN Security Council they should not be exaggerated. This is not like the Cold War where outside powers used arms and intervention to support their cause. China has a less confrontational style than the former USSR. They also profess to support human rights in their pursuit of resources. Peaceful trade is in China's interest. Thus there is a general consensus for this new legal and moral basis for collective action to be undertaken by the Security Council of the United

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<sup>13</sup> A similar proposal was made by the International Crisis group in 2007. The original UNAMID force budget of 1.7 Billion dollars will need to be expanded with the help of major powers committed to this operation. It should be led by the US and European powers. There have been several reports of the Sudanese air force and ground forces attacking the Peacekeeping operations of the AVIS and Civilian camps.

<sup>14</sup> This UN re-enforcement has been recently urged by the AVAAZ, a cross national Third World organization with over a million supporters. And it has been endorsed by the Western periodical *The Economist*, Nov. 15<sup>th</sup> - 21<sup>st</sup>, 2008, "Congo", 56.

<sup>15</sup> The parties to this agreement, including the US, recently agreed to extend the time from January to July 09 to allow for a cease fire in Darfur to take effect.

<sup>16</sup> The Foreign Minister of Burkina Fasso has been appointed to head the negotiations of UNAMID for a cease fire and settlement.

Nations.<sup>17</sup> Much will depend upon the degree of African State support for a renewed and widened policy of Humanitarian Intervention.

#### African and Arab Leadership

There is a growing belief that African and Arab states should be the first to negotiate peaceful settlement supported by the world community. This has led to positive results in Liberia and in Kenya, although the mediation of South Africa in Zimbabwe has failed to persuade Mugabe to accept a fair settlement.. However, the conflict in Darfur has gone beyond simply peaceful measures of settlement and now requires, as a last resort, limited force intervention

The critics of humanitarian intervention usually have no clear alternative to allowing the killing and suffering to continue. If collective United Nations action is prevented, positive results from strong humanitarian intervention cannot happen. To suggest that intervention is simply an instrument of neo-colonialism and great power interests are an ideological carry over from the conflicts of the Cold War. Recently, African states have compounded the problems in their rivalries over the riches of the Continent and their desire for investment and arms from the great powers. However, there have been African led successes such as Liberia. For example, the trial of the dictator Charles Taylor, who caused so much chaos and human death and suffering, was initiated by Nigeria through ECOWAS.

#### The Limits of Force

Kofi Annan, as Secretary General of the UN, insisted that peacekeeping forces must be accepted by the nation concerned before they could be deployed. Thus the principle has been widely accepted that the peacekeeping forces should be accepted by the nations concerned before they could be deployed.<sup>18</sup>

However this is a principle that has begun to be modified. Humanitarian International interventions have increasingly resorted to the use of force as in Bosnia, Kosovo and East Timor. The belief has grown among intervening powers and states that limited force may be necessary against violating states as well as rebellious forces if they continue to ignore the requests for peaceful settlement.<sup>19</sup>

In the case of Rwanda there was a peacekeeping force in place, at the request of the Hapyarimana government. But when the President of Rwanda died in an airplane crash a coup took place by the Hutu rebels. Despite the request of the commander of the peacekeeping force for re-enforcements and the authority to protect the innocent victims a massacre took place because the Security Council failed to re-

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<sup>17</sup> State sovereignty has not been abandoned under “the responsibility to protect principle” as several critics such as Mohamood Mamdani, has suggested. in “The New Humanitarian Order,” *The Nation*, Sept., 29, 2008. The responsibility lies with the State to act and only if it fails to protect its own people or prosecute war criminals then the authority of the international community can be evoked... See Ved P.Nanda, “The Protection of Human Rights under International Law. Will the UN Human Rights Council and the Emerging New Norm “Responsibility to Protect” Make a Difference?” *Denver Journal of International Law and Policy*, Vol. 35 nos. 3-4 Summer/Fall, 2007.

<sup>18</sup> Janzekovic, *The Use of Force in Humanitarian Intervention*, 96-98.

<sup>19</sup> Michael Bothe, Mary Ellen O’Connell, Natalino Ronzitti, *Redefining Sovereignty: The Use of Force After the Cold War*, Ardsly Park, NY: Transnational Publishers, 2005. Also see *The Politics of Peacekeeping in the Post-Cold War Era*, edited by David S. Sorenson and Pia Christina Wood, London and New York, Franck Cass, 2005, 1-3.

enforce or authorize this force to intervene to save the Tutsi people who died by the hundreds of thousands.<sup>20</sup>

This was one of the great failures of Humanitarian Intervention due to the attitude of Western powers, especially the US. A re-enforced UN Blue Helmets peacekeeping force, as requested by the Peacekeeping force Commander, Major General Romeo Dallaire, could have at least stopped much of the killing and aided many to escape to East Africa. Peace came only after the Tutsi rebel force marched into Rwanda from Uganda, under Kagame, and swept those responsible for the genocide from power. Many issues remain unresolved and constitute an unfinished agenda for the AU and UN in the Congo and Rwanda.

Much of the Congo's present conflict is due to the renegade Hutu military group that fled into the forest of Eastern Congo and is now engaged in war against the renegade Tutsi General Laurent Nkunda who has links to Rwanda. Both are now fighting the UN Peacekeepers and the Congo Government over the mineral resources of that region.

In the case of Humanitarian Intervention in the Sudan the mandate of the peacekeeping force is limited and since there has been virtually no authorization from the Government for the use of force, this has complicated the actions of both the UN and AU forces. While the Sudan has accepted the presence of peacekeeping forces from the AU called the AVIS, led by Nigeria, and the hybrid UNAMID force authorized in 2008, they have been inadequately staffed and equipped and taken several casualties from attacks not only by the Janjaweed but also Sudanese forces who have set back progress. Without promised heavy weapons and air cover the peacekeeping forces have not been able to protect themselves or the people of Darfur they have come to help.

#### The Peacemaking Alternative

The first step by the US and Europeans should be to work with the AU at the UN to strengthen the Peace Keeping capacity to protect civilians. At the same time a cease fire order should be issued to all combatants by the Security Council and a new peacemaking force created of smaller powers such as South Africa and Nigeria, Pakistan and Turkey. Scandinavian powers can also be included. These forces would be under the command of the AU and stationed along the borders of Chad and Uganda. While these forces would be primarily ground troops they would possess air power re-enforced technically by Western powers.

A "No Fly Zone."

The AU does not support a "no fly zone" because it would likely inflame Moslem and Arab opinion, though it has been suggested by several Western political leaders.<sup>21</sup> "Such an action would jeopardize the chances of success," said Julie Flint of the Africa Policy Group, and a long time specialist on Darfur.<sup>22</sup> This view is also held by John Prendergast of Washington based NGO Enough, who believes a European based "no fly zone" air force should only be deployed if all else fails.<sup>23</sup> Actually it would escalate the conflict into full scale war

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<sup>20</sup> After Somalia and Rwanda, President Clinton set the conditions and limitations for future US American involvement in peacekeeping, "No American soldiers would again be exposed to peacekeeping operations in situations where there was no peace to keep." Quoted in *Kosovo and the Challenge of Humanitarian Intervention*, eds. Silbrecht Schnabel and Ramesh Thakur, UN University Press, 2000, 2

<sup>21</sup> Senator Joe Biden and now Vice President Elect suggested this option in the campaign of 2008 and the British Government suggested the EU might undertake this operation.

<sup>22</sup> Washington Post, Aug. 2007

<sup>23</sup> Daniel Van Oudenaren, *Sudan Tribune*, 11/06/2008 quoted in the newsletter of *Enough 11/08*

rather than force the Government of Sudan to accept a compromise settlement. The current policy should be to attempt to achieve a settlement short of war and not the overthrow of the existing government, except by fair elections.

The peace making international air force would not take on the Sudanese air force, unless attacked. It would have the mission to protect and supply the peacekeepers and aid programs as well as protecting civilians particularly against the Janjaweed. If needed, the Peacemaking ground force would move into the Sudan to support the Peacekeeping forces that are attacked. However, it should be remembered that this Intervention is not an operation to overthrow the Sudanese Government but to protect civilian non-combatants against genocide.<sup>24</sup>

A second major step would be to help the Sudan hold the nation wide elections in 2009 as provided for under the Comprehensive Peace Agreement (CPA). The Bashir Government agreed to this election as part of a settlement with the Southern Peoples Liberation Army.<sup>25</sup> This was to settle the issue of the place of the South in the new Sudan, A referendum among Southerners and perhaps all Sudanese on the question of independence for the South was also slated to be held in 2011. But this could not be held before a representative election of a new Parliament was held for all the Sudan.

The on going process of continuation of conciliation by outside parties under the auspices of the AU and the UN should be modified. All conflicting parties need to be included. Impartial “African wise men” or elder statesmen like Kofi Annan, who was so successful in Kenya, are most likely to succeed. North Africa and Egypt cannot be excluded because of their influence with Arab populations and governments.

All conflicting groups in the Southern Sudan and Darfur need to be a party to these negotiations. Above all loyal opposition leaders in the Sudan should be included such as the former Prime Minister Sadick el Mahdi who has shown his support for UN and AU peacekeeping and negotiated settlement with the rebels in both the South and West.

The great powers should not attempt to be at the table but supply help and advice. Even though the US played a major role in the Comprehensive Peace Agreement over the Southern Sudan the circumstances of Darfur are different today. The impact of the war in Iraq on Arab opinion and the Bush Administration’s attempt to deal with the Bashir Government, as an ally against militant Islamic forces in the “War against Terrorism” in Africa, have been counter-productive and aroused fears of neo- colonial intentions.

#### Oil and the Settlement

Certainly a referendum over independence of the Southern provinces would be better held after a stable representative government is established for all Sudan. Understandably, given the history of the past wars and genocide in the region much unrest exists among the Southern Peoples Liberation Movement (SPLM) over this issue. The strong movement for secession within the South has begun to support the rebellion in Darfur, complicating a peaceful and just settlement thus emphasizing the need to expedite the policy of support for peaceful fair elections.

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<sup>24</sup> The initial Humanitarian operation by NATO in Kosovo was to prevent the massacre of civilians by the Serbian forces but it became a war to overthrow the Milosevic government when Serbian leader persisted with the mass killing of civilians. See *Kosovo and the Challenge of Humanitarian Intervention*, edited by Albrecht Schnabel and Ramesh Thakur, Tokyo, Paris and New York, The United Nations University Press, 2006. .

<sup>25</sup> John Prendergast, Memorandum for the International Crisis Group, 2006

African States and African NGOs should primarily take the lead on negotiations for peaceful and just settlement in all aspects of the Sudanese conflicts. This is born out by other settlements, as temporary as they may be, in Kenya and Zimbabwe. Our ATA consultations with numerous African NGOs and Academics in Nigeria and Kenya have come to this important conclusion. Western powers can best work on these issues through international agencies such as the UN including the Security Council, the ICC and in diplomatic relations with African states and the AU. It is true that any attempts to introduce force by a Western power through CENTCOM or NATO would be a great mistake. It would be regarded as a declaration of war by Sudan creating wider conflict than it would resolve. Action for peacemaking must go through the UN Security Council and the use of force, at the regional level, must be authorized under Chapter 7 of the UN Charter.

Great powers can assist this settlement process by actually providing, instead of simply promising, the economic and technical assistance for a major sustainable development program. The terms of this aid needs to be aimed primarily at the disadvantaged sections of the Sudan's economy. Provinces in the South and the West are in need of restoration of their economies following the conflicts with the Sudanese and the Janjaweed. The oil revenues from the Sudan's own oil supplies can form an important part of this program. Great powers as well African states should insist that oil exploitation be based on the new principle of fair trade rather than the old exploitation for foreign powers.

At the present stage it would not be wise for the Security Council or the ICC to press its war criminal charges against General Bashir himself. The Security Council has the authority to request the Prosecutor to postpone orders for arrest of certain persons for a year. If the elections are held fairly the Bashir Government may soon be out of power. In the mean time, the prosecution of lesser war criminals should proceed, as recently voted by the Security Council, for the heinous crimes committed against humanity. Under the ICC terms of international law States Parties should be give time to seriously begin prosecuting their own war criminals. And if this fails the International Criminal Court has the authority to proceed against Bashir and should do so. For the US to have real authority it should re-join the ICC and reverse the Bush Administration's withdrawal.

Having laid the basis for a just and peaceful settlement international intervention must go beyond achieving a temporary end to conflict. In the Sudan it should include a program of generous and widespread sustainable development.

Is a New US Policy Possible?

There has been some progress with the help of numerous NGOs, concerned journalists and scholars. Within the past US Administrations there has been some recognition of the need for a new approach but no concrete realistic action has been taken because of the historical reticence of the foreign policy establishment and politicians. They have acted only in terms of what they consider to be the national interest of the United States and have refused to recognize their responsibility in the face of the outrage of Genocide. Intimidated by past failures US leadership has made only token gestures of support. They have allowed nationalistic motives to limit serious support for Humanitarian Intervention. There is the hope that the failure of the past will be modified by the new Obama Administration and African crises over Genocide will no longer be marginal to American national interests. However, to assume that this establishment view is not going to be represented in the Obama Administration is naive. Moreover, Africa pan-Africanism has faded and national interests have become dominant, particularly as the struggle for power between factions has intensified.

The role of new generation groups in educating and pressuring for a greater acceptance of the primary role of Africa through the AU and its agencies is crucial. African states are the key to any significant peacemaking program that strengthens human rights in Africa. South Africa and Uganda have a major role in the future along with Kenya and the Southern African states in ending the Sudan human rights Crisis. Congo and Zimbabwe must also be addressed creating a larger agenda.

In both Africa and the US there is a great deal of work to be done on promoting the practical bases for a new policy as John Prendergast and his colleagues Don Cheadle and Samantha Powers have proposed.<sup>26</sup> Promoting these new policies with the new Democratic Congress and Administration is well underway by voluntary activist NGOs but this work needs to be strengthened and given new focus.

Basic American foreign policy should move away from the militancy and unilateralism of the Bush Administration to the recognition of the role that regional and international agencies can play. The importance of the UN and its Peacekeeping operation, strengthened by a new peace making force, needs to be stressed by NGOs, academics and political leaders. One concrete step would be a renewed campaign for the US to rejoin the International Criminal Court to become a full partner in this campaign for justice. The other is increased financial and material support of Peacekeeping operations in Africa. Technical support would be helpful; but American troop participation directly in these operations is not desirable, under present conditions.<sup>27</sup>

UN aid work, together with the courageous NGOs engaged in humanitarian relief; need to be better protected, as they have suffered casualties from Janjaweed and Sudanese attack. This can be done by well-equipped peacekeepers and peacemakers. Re-settlement of refugees and Displaced Persons in safe areas can begin as soon as peace is restored. War criminals and their leaders can then be prosecuted...

It should be realized that a whole new generation of activists has emerged on the African Continent and in Western societies. They have begun to build civil societies capable of influencing the policies of the established parties and governments. This growth of a new consciousness among the new "millennial generation" both in Africa and the US is adding to the growing global consciousness. Working trans-nationally, concerned NGOs, engaged in rigorous research and analysis, can bring pressure on the policy makers as well as provide help directly to the victims of Sudan's war crimes and other on going human rights tragedies.

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<sup>26</sup> John Prendergast and Don Cheadle, *Not on Our Watch: The Mission to End Genocide in Darfur and Beyond*. New York: Hyperion, 2007, 106-231. Samantha Power has written widely on this subject in articles and books Her thesis that the US has shirked its responsibility historically over human rights and Contributed too much pain and suffering is well documented in *A Problem from Hell: America and the Age of Genocide*, New York: Harpers Perennial, 2003.

<sup>27</sup> The accusation could be made that the US would be letting others do the fighting for them and taking the casualties. But the course of wisdom here is to recognize the limits of the use of force by the US are in the reaction of the people it is trying to help. Perceptions inherited from the past can only be lived down by actions that prove otherwise. Andrew J. Bacevich captures this realism in his *The Limits of Power: The End of American Exceptionalism*, New York: Henry Holt and Co., 2008.



## The Three Questions

### Interview with Imam Al Sadig Al Mahdi

2<sup>nd</sup> Feb 2009

#### Q1: What is the Problem of *Darfur* and how to resolve it?

The crisis of *Darfur* is self-inflicted by the present regime in Sudan. Its components are clear and simple. Efforts to resolve it have failed because they failed to make a proper diagnosis of the problem. Consequently, the solutions have been inadequate.

Before I deal with the diagnosis, I will lay down the basic elements of the prescription.

#### Elements of the Solution

They are:

- (A) Before the June 1989 coup d'état, *Darfur* was one region, representing the western gate to the Sudanese state, and reflecting the historical inheritance of a proud and powerful Kingdom—something like Scotland in the United Kingdom. For party political reasons, it was divided into three regions. Its unity should be restored, without prejudice to the need to administer it in a decentralized structure. *Darfur* was represented in the sovereignty council of State. This privilege should be restored. Land tenure was under 16 tribal fiefdoms. This right was nationalized. This should be revoked. *Darfur's* boundaries with other Sudanese regions were changed in a way unfavorable to it. So in these four aspects, the status quo ante should be restored.
- (B) The Internally and Externally displaced victims of the armed conflict who now number in millions are entitled to the following rights:
  - They should be individually and collectively compensated for their losses.
  - They should be repatriated to their homes and whoever displaced them should be evicted, and their security guaranteed.
  - Whoever committed war crimes against them should be held accountable
- (C) The peoples of *Darfur* are entitled to a share in National power, and wealth proportionate to their size of population.
  - A revision of the institutions of State is required to make them nationally representative.
- (D) If and when such a program is accepted, there are numerous transition arrangements which should be implemented accordingly.

The following analysis elucidates the background, and explains the case.

#### History of Differences and Marginalization

Recent archeological discoveries have shown how the Sudan was home to the first urban dwelling, the first morally based religion, and the first alphabetical language.

After a little known ancient history, the Sudan witnessed six successive Civilizations:

- The Kushite (2400 B.C- 1400 B.C).
- The Meruitic From mid-eighth Century B.C. to the fourth Century A.D.
- The Christian kingdoms of Sudan from the sixth century A.D to the sixteenth. Namely; Kingdoms of Makouria (Maqurra), Alwa and Nobadia.

- The Islamic kingdoms: Fur, Fung, Tagali, Musbaat, and Knuz. The five kingdoms were ethnically non-Arab, but they were Moslems and used Arabic culture.

The Southern region which occupied the territory South 10° had a different history. It was incorporated into the Sudan only in three episodes: the Turko- Egyptian- period (1821-1881), the Mahdist period (1881-1899) and the Independent Sudan since 1956. As for the Anglo Egyptian period (1899-1956), the British introduced the closed districts law which further enhanced the difference of Southern Sudan, to deliberately block Islamic and Arabic contacts, and cultivated a new Christian Anglophone identity. They planned for Southern Sudan to be part of Eastern Africa rather than have unity with Northern Sudan; this policy was changed only in the late forties of the twentieth century. This fact, among others, gave Southern Sudan a special character within the Sudan. The other Sudanese regions, especially *DARFUR*, also had their particularities.

The Central National State which succeeded the colonial period in 1956 failed to cater for these regional characteristics.

The modern economy in Sudan was introduced by the British.

It concentrated upon the production of cotton as a cash crop. The territories involved in cotton production and transport became the focus of Economic Development. Investments, social services and inputs, were concentrated upon the modern sector, and the rural and pastoral regions were neglected. The share of the sons and daughters of these regions in education and social services was limited. The centralized administration of the State, plus the imbalance in the distribution of economic benefits and social services created a gap and led to the phenomenon of marginalization.

Sudan witnessed three Democratic periods, and three coups created dictatorships since its Independence in 1956.

The complaint about marginalization received some attention during the Democratic periods. However they were short. The dictatorial periods spanned 80% of the time since 1956. They exercised maximum centralization and meted out greater marginalization to rural and pastoral regions. During the last Democratic regime (1986-1989) *Darfurians* were well represented at all levels of government. The Region was united and under a regional government run by *Darfurians*. These privileges were taken away by the 1989 coup makers in their attempt to change the socio-political fabric of the region in favor of their Partisan Islamicist Agenda.

### **How the Present Crisis Developed:**

*Darfurian* particularities stem from the following facts:

- (A) *Darfur* was an independent Monarchy until 1875. It became part of the Mahdist State, but resumed its independent status after the end of that State in 1899. It continued as an independent Sultanate until 1916 when the then colonial administration clashed with the last Sultan of *Darfur* because of his support for the Ottoman Sultanate during the First World War (1914-1918). So *Darfur* joined the modern Sudan two decades after its creation by the colonial administration (1899-1916).
- (B) Tribal assertiveness is more pronounced in *Darfur* than the rest of Sudan. This fact explains the prevalence of tribal conflicts in the region. Twenty two tribes engaged in conflict and in the period just before the current crisis, (1924-2003), thirty nine tribal reconciliation conferences were held.
- (C) Resource based conflicts: The Northern parts of *Darfur* suffered from drought in the early eighties of last century. Some Northern tribes, therefore, migrated southwards. Many Camel owning tribes migrated towards *Jebel Marra* in central *Darfur*. Many *Zagawa* tribesmen migrated to Southern

(D) The region witnessed the phenomenon of armed robbery perpetuated by:

- Some Zagawa tribesmen, who have suffered from the drought.
- Some Arab tribesmen, who suffered from the drought.
- Chadian tribes peoples, who have resorted to armed robbery to sustain themselves in troubled times.
- The fall off from border wars particularly the Libya/Chad war, which led to much loose armory and the use of fire arms for private gain. The Sudan remained neutral between the Libyan Chadian combatants, but the conflict affected Sudan's National Security.
- Some tribal non-Sudanese elements crossed the borders and engaged in armed robbery.

These four types of problems may be described as the traditional *Darfur* problems.

### **The Problems Created by the New 1989 Regime:**

Before the new Regime, *Darfur* had a social immunity system, which was depended upon by the previous central Governments to contain local conflicts. However, the new regime realized that *Darfurian* society was hostile to it and supported the opposition Umma Party. Therefore, they planned to push the people of *Darfur* to their support in the following ways:

- A) To increase the administrative units and man them by their own political officers to act as administrators, political agents and security officers. There were nine provinces in Sudan. They increased them to twenty six and called them States. The one Region of *Darfur* was divided into three States. The districts in Sudan were nineteen, they were increased to 674. Although these measures increased the administrative expenditures to a great extent, they provided employment for the political cadres of the ruling party and a means to win the support of others by offering them Government employment. The system of Native administration, which as a means of indirect rule served the country well, was forced to join the ruling party, which automatically decreased their influence as no more than Government officials.

Land tenure was administrated by tribal chiefs over sixteen tribal territories (HAWAKEER). They were 'Nationalized' to be under direct central government authority .The government then proceeded to give rights to immigrant minority tribes to gain their support.

Forcing people to join the ruling party did not eliminate political competition.

The contenders for office simply used tribal and ethnic labels for their political ambitions.

- B) Graduates of secondary education who could not proceed to higher education and graduates of universities who could not find employment have become so numerous especially after the Regime set up tens of new universities without sufficient resources, but with an ability to issue low quality degrees (the institutions which issue BA degrees now in Sudan number 78). This army of unemployed graduates simply swelled the ranks of discontent and either joined the armed protest movements, or sought and found resettlement as expatriate refugees.
- C) The Islamicist party which organized the 1989 coup d'état used to criticize the Democratic government for not conducting the War against the Southern army robustly enough. They

- Some tribes used arms as a means of livelihood.
  - Some groups among the Nomadic Arab tribes formed militant parties to attack and intimidate the settled cultivators to make room for their herds. They acquired the name *Jingaweed* which means armed "ginnis" on horseback. They targeted *Fur*, and *Masalit* settled tribes.
  - Some youths belonging to the targeted Groups saw how their kinsmen were attacked, and concluded that the government was failing to protect the victims. They formed armed political groups directed against the central government they called themselves *Darfur* liberation movement, and then Sudan liberation Army and Sudan liberation Movement (SLA/M) later another movement called itself Justice and Equality Movement (JEM). Since then several armed groups with different labels emerged. They now number in tens. The emergence of armed political parties with ethnic roots and supported by internal and external alliances, is a new phenomenon in Sudanese politics – unprecedented.
- D) The control of public affairs by one despotic party, and the denial of freedoms are a recipe for corruption because of the absence of participation, accountability, transparency and the rule of law. Corruption is the other side of the coin of dictatorship. Society in *Darfur* was shaken by the prevalence of corruption especially: The Western Highway. Sudanese regions are given sugar quotas. The people of *Darfur* were made to donate half their sugar quotas to finance the building of the western high-way. The cost of the high way was estimated as US \$240 Millions. The value of donated sugar was US \$ 36 Millions per year. The government promised to supply the rest of the budget. Nothing materialized, and the corruption scandal remained to haunt the Regime.
- E) The Regime governing the Sudan established itself by the force of arms and turned government into financial and political benefits. This pattern set an example to others to do the same. The leaders of the coup encouraged this pattern by saying: 'We have gained our position by force, whoever wants to govern, will have to over power us'.

They also said referring to negotiations with political groups: we do so only with those who are armed.

The policies of the Sudanese Regime, as described above, have led to the emergence of tribal and ethnic political groups. The prevalence of the culture of violence encouraged them all to espouse it.

Externally, the policies of the Regime, especially during its first ten years, formed lobbies against it: Christian, Zionist, anti-slavery, Human right, lobbies in many countries. They have branded the Sudanese regime as a supporter of terrorism and a violator of Human and Religious rights.

They formed a wide umbrella to help its victims. They offered moral and material support for all who opposed the Regime. This type of hostile umbrella was an unprecedented phenomenon in Sudan's external relations.

- F) At that stage, the external policies of the Regime were expansionist, as articulated by the Islamic Arab popular congress which was a replica of Stalin's Third International, under Islamicist banners (1993). Such expansionist policies rallied Sudan's neighbors and other countries against

- G) There are several tribal and ethnic differences in *DARFUR*. However they were relatively moderate. Many of the non-Arab tribes have Arab sub-sections including the Fur, the *Zaghawa*, and the *Masalit*. The tribal leaders of all the tribes were linked with intermarriages. Therefore, interethnic relations were relatively cordial: *ALDIEN* is the capital of the largest ARAB tribe in *DARFUR*- the *Rizigat*. In (1986) it elected a *Zaghawa* member of Parliament – Ahmed *Abdel Gadir Habib*. The Governor of *DARFUR* until June (1989) was from Fur: Dr. *Tigani Sessi*. He was nominated by the 34 *Umma* Members of Parliament who were Arab and non-Arab. That was the situation until (1989).  
Since then, the situation changed. The ideology of the late Dr. *John Garang* emphasized that the divide in Sudan is not North/South, but Arab/African. Therefore, his party proceeded to identify with the non-Arab (African) ethnic groups in *DARFUR*. Many in the governing Regime identified with Arab ethnic groups. The power politics between the Sudanese Peoples liberation Movement (SPLM) and the National Congress Party (NCP) deepened the ethnic schism in *DARFUR*. The SPLM provided the *DARFUR* armed parties with an example to follow, and offered them moral and material support.
- H) The ruling Party in Sudan, the NCP was very eager to gain the support of *DARFUR*. They reckoned that *DARFUR* is a potential source of support for their *Islamicist* program. Since the time of the Sultanate of *DARFUR*, it was known for its *ISAMIC* zeal. The support which *DARFUR* gave to the *MAHDIST* Cause was exceptional. Sultan *Ali Dinar*, the last Sultan of *DARFUR* sided with the *Ottoman Khalifate* during the First World War, for religious reasons. Such religious zeal prompted the NCP to recruit *DARFUR* in their support. They failed in that but got some limited support. When the NCP broke into two parties in (2000), the Cadres of Arab origin largely went with the NCP, the cadres of "African" origin sided with the breakaway Popular Congress (PC). They later formed JEM.
- I) The SPLM continued its efforts to recruit "African" support in the Northern Sudan. They forged an alliance with the SLM/A.
- J) The tensions between the Sudan Government and its neighbors translated into alliances between some of the neighbors and this or that of Sudanese rebel groups to cause greater pressures against the Sudan Government.  
Those ten factors (from 'A' to 'J') have prepared *DARFUR* for violent political protest movements against the central Government, at the same time; the Regime's policies weakened the Region's politico-social immunity system.

### Regime's Mistakes

When the Regime faced the *DARFURIAN* insurrection they committed several mistakes, they are:-

**First Mistake: Unnecessary Violence:** The number of those who carried arms against the Government in the *Gabal Mara* area was limited. The then Governor of North *DARFUR* region, General *Ibrahim Suleiman*, convened an extraordinary conference in *AL-FASHIR*, to which he invited a broad spectrum of *DARFURIAN* intellectuals, politicians, and tribesmen under the title *AL-FASHIR* Consultation Conference (in 25/3/2003). That conference issued certain recommendations as a political response to the crisis. The central Government rejected them. The Government felt that they have given away too much in the North/ South negotiations, and that they needed to beef up the prowess of the Government to deter others from emulating the SPLM's example, They also thought, that the International Community were so pleased with

them that they will not risk the fate of the Peace Agreement because of the Government's policies in DAFUR, initially, even some International actors gave them the promise of: end with Peace in the South and *Darfur* will be regarded as an internal issue, as would be mentioned later. So when some Government posts were attacked, the response was to teach the rebels a lesson.

"There will be no negotiations, no compromise, no prisoners and no wounded, the matter must be finished in two weeks". The armed groups responded by attacking AL *FASHIR* airport in April (2003), destroying the Air Force planes parked in it and capturing its commander. It was clear that the Armed Forces of Sudan had no stomach for another Civil war. The protesters even addressed the soldiers as supporters in a common cause.

**Second Mistake: Use of *JINGAWOOD*:** The Regime refrained from dealing with the matter as a potential National problem, and so inviting broad consultations about what is to be done?

The Regime sought to resort to the support of tribes from the opposite ethnic divide, the culprit tribes being the *Fur* the *Zagawa* and the *Masalit*. The main Arab tribes did not respond to this call, they distanced themselves from the armed conflict and said that they will only fight back if attacked. However, there are many detribalized youth who were recruited as irregular forces supporting the Sudanese Armed Force in their anti – insurrectionary drive. They were the forces which others called "*Jingawood*" recalling the old description. However, the old *JINGAWOOD* was a private sector group. The later forces were public sector irregular forces in the service of the official anti-insurrectionary policy. The armed rebels were employing a fast hit and run tactic. It was decided that the tribes which were a potential source of support for them should be intimidated to refrain from supporting their armed Kinsmen. They were targeted and accused of hosting the rebels. Resort to this type of military alliance, and the decision to target soft civilian tribal targets, constitute two basic mistakes. They led to terrorizing the targeted tribes, a measure which created the humanitarian tragedy in *DARFUR*.

In record time, about two millions fled their homes to become internally displaced citizens; hundreds of thousands became refugees in neighboring Chad. The IDPS and the refugees became a living exhibition narrating the tragic stories about war crimes and crimes against humanity. The Human Rights organizations and the satellite channels broadcasted the details.

**Third Mistake: Failure to Tackle the International Folder:** For quite some time the Sudan hosted a great deal of International and media presence: Humanitarian relief organizations, Human Rights organizations, groups concerned with the ongoing peace negotiations, agents of the International media. They have heard news about events in *DARFUR* and tuned in to find the facts.

Human Rights watch, Amnesty International, the International Crisis Group and many others discovered the facts and proceeded to unveil them, the International press, the satellite channels and the broadcasting stations, all have given *DARFUR* prime time coverage. Their efforts shocked world's conscience. Even Western Governments which initially downplayed *DARFUR* not to shift the focus away from the North/South peace process had to heed the mood. An American diplomat in Sudan had once said that *DARFUR* is an internal affair which the Sudan Government should settle i.e. without foreign intervention, had to swallow his words. The U.S Government told the Sudan Government that the issue of *DARFUR* becomes US priority. Although the Sudan Government had lost the public relations battle over *DARFUR*, they continued to downplay it, and to claim that the extent of atrocities, and the numbers of displaced people and of

casualties were greatly exaggerated. They claimed that the whole issue was a conspiracy against the Regime. The Sudanese regime failed to realize:

- The importance of the Humanitarian Relief Organizations in shaping International opinion.
- The role of the network of Sudanese especially *DARFURIAN* expatriates in mobilizing *DARFUR* sympathetic sentiment.
- The widespread lobbies which supported the cause of the South in the conflict, and which shifted its focus towards *DARFUR* when the North/ South peace negotiations approached the end.

These factors destroyed the credibility of the Sudanese regime. The regime did nothing proportionate to turn the tide.

### **International Intervention over *DARFUR***

In the case of *DARFUR*, international public opinion took the initiative, then States, and then the UN.

The secretary General of the UN visited Khartoum and *DARFUR* in July (2004). He visited the camps of IDPs, and the refugees. At the end of his visit he signed with the Sudan Government a four points' Agreement (in 3/7/2004):

- That the Government will comply with the terms of the cease fire agreement with the armed groups which was signed in April (2004).
- That it will facilitate the requirements of the Humanitarian Relief Organizations.
- That it will protect the civilians.
- That it will disarm the *Jingaweed* within three months.

The terms of this agreement were incorporated in UNSC resolution 1556. This Agreement was not preceded by any preparations. The driving motivations for it were: The secretary General's eagerness to satisfy public opinion that he did something substantial for *DARFUR*, and the Sudan Government's eagerness to improve its image. Any serious preparation would have shown that the fourth point was beyond the Government's capability.

I asked a UN official how they accepted such nonsense. He said we were surprised by the Government's commitment, but it was up to them to decide!

It was later decided that the responsibilities which the Sudan Government could not do, namely, the protection of civilians and the disarmament of the irregular forces; will be undertaken by African Union Forces. The Security and Peace Council of the African Union delegated its President, *ALFA OMAR KONARI* to draw a plan for the formation and responsibilities of this African force. The plan was endorsed by the UN in Resolution 1564 to charge the African Union with responsibilities which the Sudan Government could not handle.

It became clear that the Sudan Government had no strategy in the matter.

So we find that some Government officials accept resolutions 1556 and 1564, another official rejects them, a third official describes them as a virtual declaration of war against the Sudan. Such lack of direction appeared when the High Commission for Refugees visited the Sudan and suggested a Regional Government for *DARFUR*. An official accepted it. Another official rejected that. Again it was suggested that UN should be responsible for security in *DARFUR*. An idea endorsed by one official and rejected by another. There is a lack of strategy, and specific policy to deal with the UN over *DARFUR*.

The Arab league has shown the same short sightedness in dealing with ARAB problems. They say we support Sudan, meaning support the Government of Sudan. Instead the league should be able to advise the Government how to reach out to the opposition, and how to deal with the Security Council in ways which serve the National interests of Sudan.

### ***Umma Party's Attempts to resolve the crisis:***

The *Umma* Party, which has wide support in *Darfur*, and which was deliberately forced to take no part in the solution of the problem, has nonetheless made persistent efforts to point towards what should be done:

In June (2002) we called for a meeting of all the *DARFURIANS* across the political board, we stated that what was brewing in *DARFUR* was a serious crisis which requires a concerted National effort to resolve it. Members of the NCP who attended the meeting were skeptical and declared that the Government was alone capable of resolving the matter. However, we proceeded to set up a National forum for *DARFUR*. Three times we dispatched delegations to the three Regions of *Darfur* to advise the people not to engage in the armed conflict, and to declare that we believe there are substantial legitimate demands for *Darfur* which we will use political and civil pressure to realize.

On March (2003) we actually formed a *Darfur* National Forum to act as a work force to advocate for a political solution, and to follow up upon Humanitarian Relief efforts. Then we organized a workshop to spell out what needs to be done. Since then the terms for an Agreement were established. The Government even responded in June (2004) to our initiative and signed a roadmap to address the problem of *Darfur* with us. But, they proceeded to apply their partisan policies to the neglect of that road map. We then proceeded to advocate our case for *Darfur*, on (22/8/2004) we sent a letter to president *Obasango* of Nigeria, as the then Mediator, suggesting the basis for the solution. We proceeded to advocate the terms of settlement in conferences and press interviews. Our prescription then was as follows:

- Confidence building measures which begin by changing all the administrative setup in *Darfur* because they have become part of the problem; to appoint a National commission to investigate the atrocities to hold the culprits accountable and to compensate the victims and to form a National Council to coordinate relief activities.
- To convene a National Conference to be attended by all the political parties, all the parties to the armed conflict all representatives of *Darfur* Civil society, and representatives of the *Darfurian* Diaspora and tribal chiefs. That conference was to discuss a six points Agenda, namely; political, economic, administrative, security, tribal and social services. The conference was to be held in an agreeable venue with our neighbors and the International Community attending as observers.

The ideas fell on deaf-ears as far as the Regime is concerned. Therefore the *Umma* Party declared that the regime is not prepared to resolve *Darfur*.

We proceeded to mobilize National and International support for our ideas.

### **The Regime's Attempts for Solution**



**The 2004 Darfur Committee:** To twist the wind away from our initiative, the Regime did appoint a committee in February (2004) and called it a National body. It was no more than a partisan body dominated by the ruling party.

**The 2004 Tribal Conference:** On September 2004 the government convened a tribal conference to address the crisis. Such tribal conferences were effective in the past. However, they are no longer effective because:

- The tribal chiefs have been forced to join the ruling party and so they lost their clout.
- The armed movements are manned by politicized detribalized elements that do not recognize the authority of the tribal chiefs.
- Also there are parties with links to the groups engaged in the conflict who use their links in the power struggle in Khartoum.
- Some of Sudan's neighbors pull strings to influence some of the conflicting parties.
- There are also factors related to a three cornered cold war between USA, France, and China.

Therefore, the old pattern of tribal conferences is no longer viable.

**Cease-fire Agreements:** On April 2004, the Government signed a cease fire Agreement with the parties of the conflict. However, all Cease-fire Agreements have failed because there is no political accord. In all these encounters the Government delegation gives priority to the cessation of hostilities whereas the armed parties give priority to a political settlement.

**Peace Negotiations:** Mediation efforts ultimately succeeded in holding peace negotiations in *ABUJA* in May 2006. Although our party was continuously kept out of these deliberations, the chief Government negotiator, the late *Magzoub Al Khalifa*, visited me to ask for advice as he was proceeding to *ABUJA*. I said to him as a 'politician' I should not help you; but as a patriot I should. There are three requirements which if you comply with, you will reach a viable Agreement which gain wide National support including our own support. What are they, he asked? I replied:

- o In the case of the Region one or three, and in the issue of representing *Darfur* in the presidency, and in the case of the Tribal land tenure, and in the issue of the borders of *Darfur* with the other regions of Sudan, you must restore the status quo ante, i.e., the situation as it existed in June 1989.
- o In the case of the internally displaced people and the refugees, they are entitled to individual and communal compensation. They must be voluntarily repatriated to their homes, and their security there guaranteed.
- o In the issue of shares in power and wealth, the same formula applied in the Agreement with the South should prevail, i.e., shares proportional to the size of population.

He responded by saying that this is not acceptable because it counters the Regime's fundamental policies, and it runs counter to the *Nivasha* peace Agreement. I said to him you may keep your sacred cows, but you will not get an Agreement.

They were encouraged by the U.S mediators to keep their sacred cows and that International and African pressure will force the armed factions to concur. Mr. Robert Zullick championed that promise. It was a false promise. After all the arm twisting and threats, an Agreement which was designed to be signed by two parties with the Government was signed by only half a party on May 2006.

Since then things got worse in all aspects. The half a party, which signed the Agreement was promised to own all the benefits designed for the full two parties. A promise which could not be fulfilled leading to its frustration and exposure to break up in factions.

There were great efforts to get the non-signatories to sign. However, they refused and proceeded to organize a front of resistance. They managed to carry the insurrection eastwards to *KORDOFAN*. The Sudan Government believes that unless neighboring CHAD forms a pincer siege of *Darfur* armed parties, the insurrection cannot be contained because, the perpetrators can always seek sanctuary in *CHAD*.

Attempts to destabilize the Chadian Regime and put in place a friendly Government failed. The last one being mounted in February 2008.

However, these attempts have provoked Libya which opposes any attempts to meddle in Chad behind their backs. A concerted counter attack against Khartoum was mounted by JEM which was supported by Chad, Libya, and Eritrea. They fully armed and financed, the attack on Khartoum on 10<sup>th</sup> May 2008.

So the *Darfur* problem has turned, among other things, into a duel for Regime change between Khartoum and *N'Djamena*. To add to the complexity of the situation, the armed factions have continued to divide amoeba-like to reach more than twenty. To add more to the complexity, the three best known armed leaders, namely, *Meni Arkoy Menawi*, *Abdel Wahid Mohammad Nur*, and *Khalil Ibrahim* have each allied himself with a Government and taken an irreconcilable position: *Meni* insists on being the only beneficiary of the Abuja Agreement and demanding the Sudan Government to fulfill its promises. *Khalil* integrated his position with the Chad regime and he insists upon being sole spokesman for *Darfur*. *Abdel Wahid* took the unprecedented step of linking with *Israel* and claiming to be the sole spokesperson too. All attempts to get out of the impasse in Abuja, in *Sirt*, in *Tanzania*, have failed.

## **Recent Initiatives**

Of late, two further initiatives; one National and one Regional have appeared.

### **The Latest National initiative:**

After the September 2007 crisis between the NCP and the SPLM, they decided to open up dialogue with the other political parties which they have previously systematically locked out of the political process. Negotiations between the Umma party and the NCP led to an agreement of National Accord. Its terms are to guarantee basic freedoms, to develop the peace Agreement to be owned nationally, to settle *Darfur* by responding positively to the legitimate demands of the *Darfurians*, to hold free and fair General Elections, and to convene an all party National Conference to agree upon a National Program and upon a national mechanism to implement that program.

The invasion of Khartoum, plus the looming Qatari initiative for *Darfur* gave the issue of *Darfur* added impetus. This precipitated the so-called Sudanese people initiative.

A meeting of several political parties was held in the district of KENANA in the period 16-20 October 2008. The meeting formed seven committees to address the different *Darfur* problems. However, the

Umma Party introduced a resolution which was unanimously adopted to give priority to *Darfur*, but not to neglect the other issues of the National Accord.

The seven committees reported their recommendations to plenary meeting in Khartoum. The recommendations were acceptable as only partial responses to the *Darfurian* demands. A representative of the Umma Party read out what amounted to an elaboration to address all the *Darfurian* demands. Some in the NCP rejected the additions, but ultimately a resolution was unanimously carried to accept the Umma Party additions. That was on the 10<sup>th</sup> of November 2008.

However, when the resolutions of the Sudanese People's Initiative were read out in the final session of the encounter, the Umma additions have mysteriously disappeared. Although the conference only discussed whether *Darfur* should remain divided into three regions or its unity restored, it was declared that two additional states will be established. The whole exercise is, therefore, futile. What emerged cannot by any credible sense be described as the Sudanese Peoples initiative on *Darfur*.

### **The Qatari Initiative:**

So far, this initiative received Arab league, African union and international blessings.

However, it is not clear yet whether it will avoid the pitfalls which led to the failure of all previous attempts, they are:

- (A) They rush into arranging meetings before they make a proper diagnosis of the situation. Such a comprehensive diagnosis cannot be avoided if we are to describe the right prescription.
- (B) They come shackled with the ceilings of the *NIVASHA* and the *ABUJA* agreements. Such ceilings preclude any serious positive response to the legitimate demands of *Darfur*.
- (C) They assume that stakeholders in *Darfur* are the ruling party and the armed parties. They are all rebels and there is a legitimate representation of *Darfur*. An Agreement between the combatants is necessary but not sufficient.
- (D) Attempts to unite the armed factions are hopeless because they have been scattered by personal, ethnic, and other factors which tend to make them more and more factious. However, there is now a clear *Darfur* Agenda which could unite them in aim if not unite their ranks.
- (E) No meaningful Agreement could be reached without the involvement of all Sudan's neighbors.

It seems that before the Qatari initiative gets underway, a Qatari based organization, the Arab Democratic Foundation, is embarking upon a conference to act as a think-tank for the initiative. The conference is scheduled to be held next March.

This is a proper start because it could help avoid the pitfalls which derailed all previous attempts.

Some people are not interested in resolving the *Darfur* crisis because they see it as a lever for regime change in the Sudan. Regime change in the Sudan could and should come as soft not crash landing, because crash landing, even if it is possible, given Sudan's present circumstances will lead to *SOMALI* scenario for the Sudan. The country now hosts more than fifty armed factions. The ruling party, which may through soft power be overpowered, will in other circumstances be able to fight for its interests. The mushroom growth of armed contenders will not allow a meaningful process of political evolution to develop. In the

circumstances *DARFUR* has suffered so much that its tormented peoples must be allowed to come back from hell.

### **The Way Forward**

The following declaration of principles is the way forward:

1. As far as the unity of the region, the participation in the presidency, the region's borders, and the issue of land tenure, the status quo ante 30<sup>th</sup> June 1989 should be restored.
2. To mete out accountability, SC. Resolutions 1591 and 1593 should be implemented.
3. A mechanism for transitional justice should be established.
4. Individual and community compensations for the victims should be supplied.
5. The status of the region to be genuinely federal with constitutional guarantees for its powers. Meanwhile, a transitional administration with non-partisan i.e. technocrats credentials should be established.
6. To acknowledge the principle that the region's share in power and wealth will be according to population size.
7. All national institutions will be restructured to guarantee their reflection of the composition of the Sudanese population.
8. to give the Agreement an all-*Darfur* legitimacy, an all-*Darfur* Conference should be convened to endorse it
9. A National Conference to be held to give the Accord National legitimacy, and to resolve to apply its basic principles to the other regions of Sudan.
10. A Regional Conference involving Sudan and all its neighbors to be held to reach a regional security pact which will chart the rights and duties of all to establish Regional Security and cooperation between all members.

## **Question 2: What is the ICC crisis and how to face it?**

**Principal Positions towards the ICC:** Our position as Umma Party, since the nineties of last century was supportive of the creation of the International Criminal Court as a mechanism to mete out the justice in crimes which National laws do not criminalize and/or national circumstances do not permit.

**GOS Position:** Likewise, the Sudan Government participated in a Human Rights conference in (1993) in Vienna, the conference issued three recommendations one of which called for the establishment of an International Criminal Court.

The Security Council passed Resolutions to establish special courts to try the crimes committed in Yugoslavia (1993) and another for Rwanda (1994). They were both supported by the Government of Sudan.

In the period between (1995) and (1998) and so as to implement the Vienna recommendations, the Government of Sudan (GoS) participated in the discussions to establish the ICC.

On 15<sup>th</sup> June, and 17<sup>th</sup> July (1998), (GoS) participated in the conference in Rome to set up the court. The conference appointed a drafting committee of 25 countries. Sudan was represented by two senior members: *Awad Alhasan Alnur*, and *Abdalla Ahmed Mahadi*.

The result of the final voting to set up the court was 120 States for it including Sudan, 21 States abstained and seven States opposed: USA, China, Israel, Iraq and others.

On (8/9/2000) Sudan signed the Statute of Rome.

On (22/12/2004), a seminar was organized in Khartoum jointly by the Geneva Human Rights Institute, and the International Alliance in Support of the ICC, and the Sudanese Bar Association, I attended the seminar which recommended that the Sudan ratify the Statute of Rome. The then minister of justice of (GoS) was present, and he endorsed the recommendation.

### **The ICC in Sudan**

After an extensive visit to *Darfur* region in June (2004), we the Umma Party declared that there are war crimes and crimes against humanity in *Darfur* and that we should appoint a neutral commission to investigate and bring the criminals to justice, and compensate the victims. Failing that, we said that the international community will be obliged to intervene. This warning was ignored.

As expected on 18<sup>th</sup> September 2004, the SC passed Resolution 1564 to form a committee to investigate the *Darfur* crimes. They visited *Darfur* and presented their findings to the Security Council on 31<sup>st</sup> January 2005. On 31<sup>st</sup> March 2005, the SC passed Resolution 1593 to transfer the *Darfur* crimes to the ICC.

The Sudan Government initiated a parallel process. Its title betrays an inadequate commission: "commission to investigate alleged Human Rights crimes committed by the

armed factions in *Darfur*" i.e. it does not include the abuses of officials who in Sudanese law have immunity from prosecution in the conduct of their official duties.

Nevertheless, it did report on 8<sup>th</sup> May 2005, two months after Resolution 1593 which referred the matter to the ICC.

This parallel process led to investigations and prosecutions of certain individuals, but the credibility of the process is wanting. It appeared not to be a genuine attempt at responsibility to protect, but an effort to avoid the outcome of Resolution 1593.

The International Report on the *Darfur* crimes passed judgment on the lack of independence of the Sudanese judicial system. There is no doubt that the Sudanese Regime did tamper with the judicial system according to its partisan totalitarian control.

### **The 2007 ICC Indictments**

On 6<sup>th</sup> of June (2005), the prosecutor of the ICC Mr. Luis Moreno Campo started his investigation for the court.

In the period 17-24 November, officials of the ICC visited the Sudan, and in (2006) Campo himself visited the Sudan and met with some officials who promised cooperation with him, After his investigations he indicted two Sudanese citizens- one of them a minister of State (2007).

The Sudanese Government is aware of article 13(B) which authorizes the Security Council to refer cases to the ICC under chapter seven of the UN charter. It is also aware of articles 27 and 28 which waived immunity in the case of war crimes from officials.

This legislation plus the fact that National laws do not deal with war crimes, and the doubt about the independence of the Sudanese judiciary, are the reasons why the case was referred to the International Criminal Court. However, the ruling party (NCP) rejected Resolution 1593, and rejected the indictment of the two citizens and entered into a slinging match with the prosecutor of the ICC. The indicted minister was even promoted, committing another breach in the eyes of the prosecutor: protecting an accused person.

### **Indicting the President**

On 14<sup>th</sup> July (2008), the prosecutor raised the level of clash by requesting the pre-trial Chamber to indict the Head of State in Sudan for war crimes. There are many doubts about the propriety of this move, namely, he charged him with genocide, although the International Commission of Investigation stopped short of that; he went public on the matter before the chamber's decision, and he engaged in a quasi political advocacy of his position.

Moreover, events within the administration of his office throw doubts about his judgment.

## **GOS Current Position**

The behavior of the GoS is questionable, they are members of the U.N and although the system is replete with double standards, they are the custodians of International Law until the system is reformed, towards greater justice. They systematically downplay the extent of atrocities committed in *DARFUR* and portray the whole matter as conspiracy against the Islamicist Regime. If the NCP continues with this position even after the pre-trial chamber issues an indictment to the head of state in Sudan, the country will be in for great trouble. The inevitable scenario is as follows:

(A) The "Government of National Unity" which is a very fragile institution will break up because some of its members- the SPLM and the SLA- will not support the NCP position.

(B) The NCP will enter into confrontation with the UN system which has troops under chapter seven in the Sudan. This confrontation has a wide destructive potential.

(C) Some Sudanese citizens will be so happy with the indictment, others will be so angry, and the two sections of Sudanese society may clash with serious consequences.

(D) Some elements internal and external may use the event for Regime change. Elements in the Regime will resist such change. The ensuing chaos will draw into the country external perpetrators of violence to combat what they see as the designs of the Zionists and the Crusaders.

(E) Established Peace Agreements which are already fragile will suffer. Future Peace negotiations for *DARFUR* will cease.

## **The Consequences**

Rejection of Resolution 1593 and refusal to deal with the I.C.C is catastrophic.

It leads to the following:

- (A) An endorsement of impunity and abdication of the responsibility to Protect (R2P).
- (B) Arrest of the development in International Criminal justice and all the welcome reassurance that war criminals will be held accountable.
- (C) The possibility that the crisis will be turned into opportunity for reform will disappear.
- (D) The leverage potential to raise the seriousness about *DARFUR* and the end of complacency about its predicament will evaporate.
- (E) The victims of the war crimes with substantial external support may seek revenge by other means.

Therefore, the Umma Party has eschewed both positions (indicting the current head of state or refusing to deal with the ICC and rejecting resolution 1593). We call for a scenario which accepts resolution 1593 accepts the mandate of the ICC and seeks a program within its statute.

If the head of state in Sudan is indicted, we call for the following response:

- (A) To advocate a cool and measured reaction to avoid any irresponsible developments.

- (B) To call for the establishment of a hybrid court composed of qualified Sudanese judges, African judges, and Arab judges, all to deliberate in a special court formed by a special Act. The court will be authorized to apply international criminal law. So much for the legal response.
- (C) The political response should focus on reform to expedite an already planned reform whose particulars are:
- Settlement of the problem of *Darfur* which would endorse the just demands of the *Darfurians* without any shackles from previous agreements.
  - Guarantee Human Rights and basic freedoms.
  - Review of the current peace agreements to own them nationally.
  - Holding free and fair general elections as a means of soft landing change.
  - Establishment of a genuine National unity Government to implement the National program.



**Question 3: What is expected of the new American administration? And what role for the International community in the *Darfur* solution and in the two aspirations of the Sudanese peoples; namely, Just and comprehensive peace and Democratic transformation?**

I will start by the second question first, i.e. the role of the International Community in the *Darfur* solution.

**The International Community's Positive Role**

A far as *Darfur* is concerned, the International community is responsible for highlighting the issue, and for galvanizing Security Council attention. Their efforts helped with the cease fire agreements, and with the establishment of UNMIS, and UNAMID, whose functions in observation and other matters are well appreciated. The International Community must be credited for the massive humanitarian relief effort mounted in the South and in *Darfur*. The International Community played a major role in the pursuit of accountability.

**The Negative Role**

However, the International Community did not always live up to its promises. UNAMID still suffers from shortage of equipment, and finance. The mandates of the missions were not so adequate. Their relations with the Government were confused which led to some paralysis in their performance. The relations between the missions and Sudanese political and civil societies are neither systematic nor continuous. However, the most important drawback in the role of the International Community was their acceptance of a flawed formula for peace making in the Sudan. In 1995 all opposition forces, including the SPLM stated that the problems of Sudan are National, and should not be viewed in terms of North/ South. We stated that in terms of sharing wealth and power, religious and cultural plurality, decentralization of Government and administration, and the problems of marginalization, Sudan's problems are National and call for a National Solution. The IGAD mediators thought otherwise, and so they accepted the notion that the problem was exclusively North/ South, and should be resolved in such terms, this was also the recommendation of the February 2001 US Center for Strategic and International Studies (CSIS) which conceived Sudan's problems exclusively in North/South terms. That was the preferable analysis for the GOS. Unfortunately, the SPLM, which knew better, went along with this conception. The two Sudanese negotiators, therefore, conducted their peace talks on the basis of three mistaken assumptions, namely:

- That the problem was exclusively North/ South.
- That the GOS represented the whole North, and the SPLM represented the whole South.
- That Agreement between the two basically rebel forces, would be described as Comprehensive Peace Agreement (CPA).

The International Community should know better. However, because they were eager for a quick fix to satisfy their home lobbies that the South has been rewarded, and peace in Sudan has been established, they rushed to peace ceremonies, and self-congratulation. What they reached did realize so many benefits including the cessation of North/ South hostilities. However, many problems related to the wrong assumptions remained to haunt the agreement. The rush towards a quick fix left many points of

ambivalence in the Agreement. The description of CPA meant that there was no room left for further peace deals. This effectively blocked the way for a meaningful *Darfur* Agreement.

The International Community needs to take stock of all this and be prepared for revisiting the CPA not to take away Southern benefits, but to do justice to the other Regions as well. There is a need for a universalized approach to peace making in Sudan.

### **The Required Measures**

The International Community should help that process by supporting the following measures:

- A realistic declaration of principles for peace in *Darfur* which are not shackled by previous Agreements.
- An all *Darfurian* Comprehensive Conference to spell out a Peace Agreement for *Darfur*.
- An all party National conference to give the Agreement National legitimacy, and to generalize its benefits towards other Regions.
- A security Conference involving Sudan and all its neighbors to reach an Agreement of security and cooperation.

The all party Sudan conference would be the mechanism for:

- The desired Comprehensive Peace Agreement.
- A program for Democratic Transformation. Democratic transformation should involve the guarantee of Human Rights and basic freedoms and holding General elections to ensure the peaceful transfer of power. Free General elections involve, among other things, that they are administered by an independent commission, the elimination of the instruments of totalitarian control and internal and International mechanisms of observation. It is necessary that such mechanisms be specified and set up before the elections and enabled to function.
- The establishment of a National Government authorized to realize the twin aspirations of just comprehensive peace, and Democratic transformation.

The present conflicts and contradictions may make the Sudan a failed state. Africa, the Arab world, the Muslim world, indeed the whole World should help the Sudan avoid that fate. A failed state in Sudan will have catastrophic consequences in all directions.

### **What Can America Do?**

Here, I wish to address the question about what is expected of the new American administration.

The election of Obama by itself is the greatest public relations revolution in favor of the United States. It is pregnant with numerous positive signals. The slogan of change in the background of the catastrophic Bush eight years was the most charismatic signature tune ever adopted.

It is now incumbent upon the new administration to live up to the expectations of this Washington Spring, and not to squander this historic opportunity.

The first good news in this respect is to be quite transparent about the mistakes which caused the World to view its greatest state as an outlaw:

1. In the first place, there are the numerous International conventions, and protocols, which are so essential for good world Governance, and which America opposed, namely, the Kyoto Protocol, The International Criminal Court, The prohibition of many types of weapons, and so on. America must recognize these mistakes and promptly rectify them.

2. The Islamic World was so unjustly dealt with:

(A) All aspects of Islamic extremism had a history of American links during the Cold War. So many of the violent extremist groups were born in the cradle of Afghanistan during the war with the USSR. Extremist violent trends are all related to some form of injustice, domination and occupation. During the Soviet occupation, they were directed against them. The war against Taliban was initially justified, because they hosted a group which declared war against USA. The situation now is different. Taliban has become the spearhead of a liberation movement. The attempts by NATO to suppress them will fail. The only rational course is to negotiate with them to free Afghanistan on condition it does not host groups who declare war on America.

(B) The handling of Iran is another case which requires review. Iran is entitled to acquire nuclear technology for civil purposes. The deal being offered to Iran misses the point. Iran is offered certain economic benefits, but is being threatened by being labeled axis of evil, while America announces its policy of unilateralism and preemption. What is needed here is to reassure Iran about its security. The whole issue of WMD must be approached through collective security and not double standards.

(C) The majority of Muslims are peace loving and wish to engage in building world peace. However, the Muslims are marginalized and exploited. It is necessary to address these grievances to stem the tide of extremism.

Over all issues concerning the world of Islam, America needs to listen to representatives of genuine Muslim social forces, before embarking upon its new policy towards them.

3. Africa: The African continent is the most devalued section of the human race. Obama is poised to redress this to beef up the image. It is true that much of the present African trouble is self inflicted. Bush's policies towards sub-Saharan Africa were relatively benevolent.

There are three specific aspects which the new U.S administration could espouse:

- To enforce a regime of good behavior upon the multinational companies.
- To establish developmental relations upon trade and investment not aid.
- To help with the major health problems especially Malaria and AIDS.
- For the major polluter in the planet – the USA – to compensate the sufferers in Africa by a real campaign against desertification.

4. The Arab world: Here the USA has so much to answer for:

In Palestine, the Arabs have been made to pay for the crimes that others committed against the Jews.

A. The U.S must make it crystal-clear that its support of Israel does not include support for Israel's conquests. So long as Israel expands into Palestinian and other Arab territories, the owners of those territories have got the right to resist. Israel has the right of self-defense within its borders, not as an occupier of other people's territories.

B. U.S invasion of Iraq was a war of aggression whose consequences the U.S must promptly disentangle itself from.

C. The U.S support for the July 2006 Israeli war on Lebanon was a major blunder. Taliban, Hamas, Hizb Allah and other similar organizations are genuine resistance movements to

- D. The Sudan: In the Sudan, U.S policy was supportive of peace agreements and should be credited with what has been achieved so far. However, the USA gave uncritical support for the very faulty assumptions which we have detailed above. The Naivasha Peace Agreement did not establish comprehensive peace, as it claimed. The USA must say it loud and clear, the combatants' agreement is necessary to stop war, it is not sufficient to build peace. The USA must associate itself with efforts to review the Peace Agreement to make it really viable and really comprehensive. The USA must associate itself with efforts to make the agreement a real vehicle of Democratic Transformation instead of the prevailing lip service to Democracy.
- E. It was wrong for the USA to support the futile effort to settle the problem of *Darfur* under the ceiling of the Naivasha Peace Agreement. The effort simply produced the born dead *Darfur* Peace Agreement.
- F. The visible support of USA for one party, the SPLM, and hostility to the other party the NCP, both of whom are bound by the Peace Agreement to cooperate, subverted that cooperation and contributed in no small way to the setback of the Peace Agreement.
- G. The fact that America decided to apply sanctions to some regions of the Sudan and exempt others was a most ill advised decision with many negative signals.
- H. Finally, it is necessary for USA to listen to the Sudanese representatives of genuine social forces before embarking about the promised change of U.S policy in Sudan.

In a previous section, we have suggested what the International Community could do to help the peoples of Sudan help themselves. The USA should play the leading role in directing the international community to that end. America has a golden unique opportunity to make powerful first impression and lead the way. There will be no second chance to make a first impression.