

Rule of Lawlessness

ROOTS & REPERCUSSIONS OF THE DARFUR CRISIS



INTERAGENCY PAPER JANUARY 2005

Victor Tanner, Independent Consultant, victortanner@cs.com

Acknowledgement

This report was researched and authored by Victor Tanner for the Sudan Advocacy Coalition made up of CARE International, Christian Aid, International Rescue Committee, Oxfam International, Save the Children UK and Tearfund.

The views presented are those of the author and not necessarily those of the Sudan Advocacy Coalition. The Coalition's work is made possible by funding from the UK Government's Department of International Development (DFID).

Not for media release

Credits

Victor Tanner is a researcher on societies in crisis. He first lived in Sudan, in Darfur, in 1988. Since then he has worked as an aid worker and consultant in many conflicts, but has always kept a strong fascination and affection for Sudan, and for the peoples of western Sudan in particular. In recent years, he has worked on Sudan issues for the World Bank, UNDP, Save the Children UK and USAID. He currently teaches a class on 'humanitarianism and politics' at the School of Advanced International Studies (SAIS), at Johns Hopkins University, in Washington DC. He believes that, in the current context, it is only worth making recommendations to a responsible government of Sudan – a government that fulfills its responsibilities to all its citizens – because lasting peace will only come to Sudan when such a government becomes a reality.

Caroline Irby is a photojournalist based in London. Her work, focusing mainly on Africa, is published in magazines including The Sunday Times Magazine, Marie Claire and the Guardian. She spent three weeks in Darfur in June 2004, on assignment for NGOs including SCF-UK and the IRC. Her aim in her pictures is to evoke respect and empathy, rather than morbid fascination, for the people portrayed.

**Janjaweed, Bashmerga, Torabora
– We are all in the same boat, and
the boat is sinking.**

Local Government Official, Geneina, June 2004

Front Cover: Azahir Adam Harun, a 12 year old girl who fled her village in December 2003, returns in a sandstorm from market to the camp where she now stays, in El Geneina. (Photo: Caroline Irby / Network / SC-US)

Contents

Synopsis	4
Introduction	6
Geographical Note	7
Map of Darfur	8
Part One: Roots and Nature of the Conflict	9
Ethnicity, Land and Perceptions of Darfur	9
Long Term Roots of the Conflict	12
The Immediate Political Triggers of the Conflict	16
Nature of the Conflict	21
Part Two: Patterns and Consequences of the Violence	25
Strategies of Abuse and Patterns of Displacement	25
Short-Term Repercussions of the Violence	29
Long-Term Repercussions of the Violence	34
Looking to the Future: Rule of Law and Development in Darfur	38
Conclusion	41
Recommendations	43
1. Recommendations to the Government of Sudan	43
2. Recommendations to the SLM/A and JEM	44
3. Recommendations to Baggara Tribal Leaders	45
4. Recommendations to the International Community	45
Bibliography	47

Synopsis

The current violence is the worst in Darfur since the 1888-1892 wars between Mahdist forces and local Darfur rebels. Over the past two years, the Sudanese government has engaged in a civil war with armed rebel groups. As part of its counter-insurgency efforts, and as documented in numerous UN and independent human rights reports, the government has fostered, supplied and provided military support to local Arab tribal militias to attack Fur, Zaghawa, Masalit, Tunjur and many other non-Arab groups in Darfur – looting, raping, killing, abducting and displacing entire communities. The war is taking a deadly toll with rebels, government and militias showing scant concern for the rights and lives of ordinary civilians.

The attacks have devastated rural livelihoods and set Darfur back decades. They have forced close to two million people from their villages – nearly a third of the area's six million people. Over 1.7 million have been displaced inside Darfur, and a further 200,000 have fled to Chad. The violence makes this crisis far worse than drought-induced famines of past decades. The internally displaced, penned in crowded settlements prone to deadly epidemics, are the most vulnerable. Ongoing attacks at the hands of the militias restrict their movement and undercut their famine coping strategies. But protection remains the main humanitarian issue: state-sponsored militia violence is both the number one public health issue and the number one food security problem.

The current crisis has created international interest in Darfur, possibly for the first time ever. The stakes are high. Hundreds of thousands of lives are at risk. Enduring war in Darfur also threatens prospects for a sustainable peace with the South: it will harm Sudan's already fragile economy, strengthen hard-liners within the government, and foster militarisation and political repression. So far, much of the world's attention for Darfur has focused on emergency relief needs and short-term political-military measures, such as peacekeeping arrangements. These are indeed necessary. But by 2006, it is likely that donors will have spent over half a billion dollars on Darfur, without addressing a single long-term cause of the crisis. Something else is needed. In dozens of interviews conducted for this research, people of Darfur – ordinary citizens and

leaders alike – stated that their long-term rights must be addressed if enduring peace is to take hold. This requires a deeper understanding of the causes and consequences of Darfur's conflict. It also calls for an innovative, sustained approach to development, reformed governance and reconciliation in the region. This report is a modest attempt at both.

The current crisis is not an isolated episode in Sudanese history. The decades of neglect and exploitation that Darfur has suffered are part of broader patterns of marginalisation of the so-called peripheral peoples of Sudan at the hands of the political and economic elites of the Nile valley and central Sudan. The crisis in Darfur is but the most recent and brutal – and likely not the last – result of the deeply-engrained oppression that affects much of the country.

The immediate trigger of the crisis was armed attacks by two groups – the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM) – that began in early 2003. In response, the government chose military action. It engineered a counter-insurgency campaign the brutality of which has been incommensurate to the threat posed by the communities targeted and that has divided Darfur along ethnic lines. And while Khartoum's proxy Arab militias – themselves marginalised, poor, landless, desperate – have been the main agents of the violence, its intensity was only possible because of the government's direct involvement.

The *janjaweed* militias are overwhelmingly drawn from the small poor Arab camel-herding (*jammala*) tribes of northern Darfur. These tribes do not have a *dar* – a tribal homeland – that guarantees them access to land. The confluence of poverty, governmental neglect, ecological pressure, and generalised lawlessness has pitted these tribes against their neighbours – sedentary farmers with whom they used to live in close social and economic association. Over the past 35 years, successive governments in Khartoum have increasingly played on this tension for political advantage. Both sides – the camel-herding pastoralists and the sedentary farmers whose land and water the nomads need access to for

survival – feel that their very way of life is under threat. And each side feels the other is responsible. Hence the virulence of the violence.

While horrific everywhere, the violence has answered different objectives in different areas. In northern Darfur, where the rebels were especially threatening militarily, the objective of the violence has been a counter-insurgency operation: to break the spine of communities seen as supporting the rebels. Destruction has been extreme, but some life remains in rural areas, because the *janjaweed* do not occupy the area. In more fertile western Darfur, on the other hand, the violence centres on the desire of the *janjaweed* tribes to secure access to land, water, and pasture. Displacement is complete. The *janjaweed* occupy the countryside. Movement for the displaced is impossible. That is the epicentre of the humanitarian catastrophe.

The conflict in Darfur is often portrayed in the West as African versus Arab. This is inaccurate. Ethnic boundaries in Darfur are fluid and flexible. And while decades of abuse at the hands of Arabised elites from central Sudan have increased tension between communities in Darfur – and especially between nomadic Arab and sedentary non-Arab communities, there is a long history of political, economic and social cooperation. ‘Arabs’ and ‘Africans’ are not at war with each other in Darfur. The best proof of this is that the large, powerful Arab cattle-herding (*baggara*) tribes of South Darfur have refused to join *janjaweed* operations, despite direct pressure from the government. This leaves open a door for the Baggara, and especially the powerful Rizeigat tribe of southeastern Darfur, to play a future mediation role in helping communities live together again, one of the few silver linings in the current storm.

Darfur will be a hard crisis to resolve. A peace conference and a few well-chosen political appointments will not be

enough, as with the Fur-Arab conflict of the late 1980s – not to diminish the difficulty of those negotiations. Tribal and even ethnic polarisation has started to over-shadow political polarisation. Peace in Darfur hinges on the government’s will to make a long-term commitment to rule of law and development in Darfur. If the government is unwilling or unable to intervene between the communities involved in violence, then the current violence may have opened the door to years of war in Darfur.

Beyond compensation and reconciliation at the local level, a solution to the crisis requires a commitment on the part of the government to not only change its exclusionary policies toward Darfur (and the other marginalised peoples of Sudan), but to reintroduce law and order. In the short term, this entails increased security for the displaced populations who remain at risk from ongoing attacks and attempts to separate them from their land. In the long term, law and order means a working police force, a reliable judiciary, an empowered Native Administration, investment in minimal basic services. Whether the current government in Khartoum is willing to make this commitment is another question. Its record of violence suggests the contrary. But this research shows that rule of law in Darfur is both possible and necessary. This is what the people of Darfur, Arab and African, say they want above all else. Security. The rule of law.

In the course of the past 120 years, the people of Darfur have received precious little from successive central governments in Khartoum – often only grief and suffering. It is not surprising that their expectations are so low. What is striking is their enduring trust that something good can come to them from the state. For the sake of peace in Darfur, and for peace and stability in Sudan, it is time something did.

Introduction

Darfur is ensnared in the worst violence since the late 19th century. Nearly two million rural people, mostly non-Arabs, have been displaced – close to one in three of Darfur’s estimated six million inhabitants. Tens of thousands have been killed in state-sponsored militia violence. The displacement-induced humanitarian crisis threatens hundreds of thousands more.¹

But, despite the international attention on Sudan, there is still little understanding of what is happening in Darfur. There is little analysis of the underlying causes of the current conflict and of how the crisis links to broader issues across Sudan. The reality is that, between the hostility of the Sudanese government to outsiders traveling to Darfur and the embargo on development assistance to Sudan, relatively few outsiders have traveled to Darfur since the National Islamic Front government seized power in a military coup 15 years ago. The focus on the relief effort, erroneous assumptions, and general ignorance of Darfur have led to incorrect conclusions on the causes of the conflict, its ethnic nature and what Darfur needs to return to peace. This report is a small attempt to shed light on the causes of the crisis.

This paper is part of a broad attempt by a consortium of non-government organisations (NGOs) active in north and south Sudan to better understand how the peace process between the Government of Sudan and the Sudan People’s Liberation Movement/Army (SPLM/A) could affect marginalised areas of Sudan (Darfur, the Nuba Mountains, the Beja areas in the East, Southern Blue Nile).² The main concern was that these areas were not receiving adequate attention in the Naivasha peace talks. Ironically, as this report goes to press, it is now the North-South peace that is overshadowed by Darfur.³

The purpose of the research is to increase the understanding of the root problems and nature of the crisis in Darfur, to lay out its long term repercussions, and to explore what

can be done to mitigate the impact of the crisis. The most important aspect of the research is its focus on the views of people from Darfur – the present report is determined to echo their voices. The findings are the result of five weeks of fieldwork in Khartoum (10 days) and Darfur (three weeks). The author visited sites in North and West Darfur, spending one night only in Nyala (South Darfur) because of time and political constraints. During this period, the author met with many people from Darfur, from all walks of life, both in Khartoum and in Darfur. The choice of interviews carried a strong emphasis on community views: local officials, community leaders, Native Administration, traders, ordinary citizens, and victims of the violence.

The Government of Sudan at the federal and state levels was, from the beginning, fully apprised of the existence and objectives of this research. Permission was given both in Khartoum (by the Humanitarian Aid Commission) and in El Fasher and El Geneina (by the state governor or his delegate) to meet with local officials and citizens. The author presented himself with these written credentials to Sudanese local authorities in every location where he conducted field research.

But Darfur remains a place of violence. From the beginning, the decision was made not to cite names in the report other than the names of public figures, not to include a list of people met, and not even to record the names of those interviewed in written field notes. The interview references in the report are thus purposely vague – they mention only a general description of the person interviewed; give “Khartoum” or “Darfur” as only mention of interview locations; and only specify the month of the interview. This is not satisfactory by academic or journalistic standards, but it was the least – or the most – the author could do to protect individuals who took considerable risks just speaking to him.

1 The role of the Sudanese government in the violence has been thoroughly documented in research and field reports by human rights organisations, UN agencies, and aid agencies. Many of these reports are listed in the bibliography.

2 The consortium includes Save the Children-UK, the International Rescue Committee, TearFund, CARE International, Oxfam International and Christian Aid.

3 Planning for this research began in mid-2003, as the violence in Darfur had started to escalate, hence the decision to concentrate on Darfur. By the time the consortium approved the terms of reference in early 2004, Darfur had hit the international news.

* * *

The author is deeply grateful for the time, insights, patience, hospitality, as well as the courage of the many people who agreed to talk to him about the plight of Darfur, often at no small risk to themselves. Whatever errors – of fact or judgment – the reader finds in this report are the author’s responsibility.

* * *

This research is dedicated to the memory of Nureddin Issa Tayyeb, a father of five and Save the Children UK water engineer, killed by a landmine near Um Barrow in North Darfur on 10 October 2004, and to all the other Darfur victims of this violence.

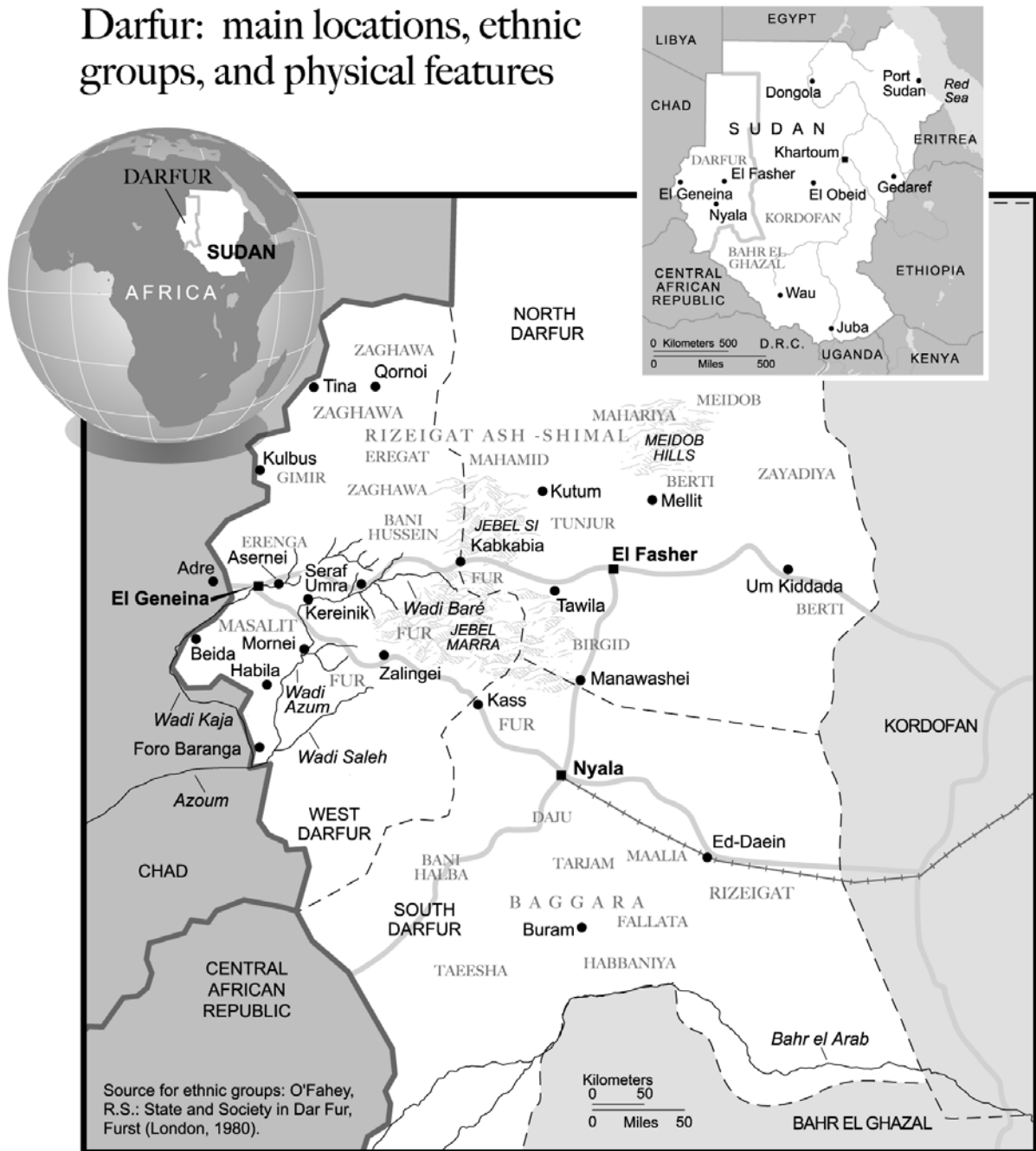
Geographical Note

In 1956, Darfur formed one province of the newly independent Sudan. In later years, Darfur was divided into two provinces, North and South Darfur. In 1994, the NIF government divided Darfur into three states, North Darfur, South Darfur and West Darfur, the capitals of which are El Fasher, Nyala and El Geneina, respectively. This is an artificial division that fails to reflect Darfur’s physical and human make-up. Dar Zaghawa, for instance, in the north-west corner of Darfur, is officially part of West Darfur State, but is clearly part of arid northern Darfur. To better understand local social and geographical realities, this report refers to three *natural* regions which it calls northern, southern and western Darfur:

- Northern Darfur is the arid belt of Darfur that stretches from the dry plains that border North Kordofan north to Libya and the Sahara Desert, and west to the Chadian border, including Dar Zaghawa.
- Western Darfur is the central farming belt of Darfur: a more fertile region that comprises the northern, western and eastern approaches of the Jebel Marra range – and drains the waters that run west from Jebel Marra – as well as Dar Masalit to the far west and the small mountain ranges south of Dar Masalit.
- Southern Darfur is a transition area with grassy plains suitable to cattle-herding that stretch from the border with South Kordofan westward to the border with the Central African Republic and south to Bahr al-Ghazal.

Map of Darfur

Darfur: main locations, ethnic groups, and physical features



Part One: Roots and Nature of the Conflict

Ethnicity, land and perceptions of Darfur – how Darfur is perceived in the centres of economic and political power in Central Sudan, and how in turn the people of Darfur see themselves within the broader Sudanese context –

form the backdrop to the current conflict. The violence is deeply rooted in longstanding dynamics of exclusion and oppression, and is in turn reinforced by more immediate political dynamics.

Ethnicity, Land and Perceptions of Darfur

Ethnicity

Ethnicity in Darfur is a fluid, highly flexible concept.⁴ First, the people of Darfur share a strong feeling of identity, of being from Darfur. This feeling is rooted in history – and sharpened by a long experience of discrimination from and in Central Sudan. Darfur bridges Sudan's 'African'-'Arab' divide. Darfur Arabs, for instance, are traditionally more likely to identify with African neighbours than with Arabs from Central Sudan, known, as elsewhere in the Sudanese periphery, as *jallaba*. Second, despite a tradition of local disputes over resources, ethnic groups in Darfur have long histories of political, social and economic cooperation. Elders meet to resolve differences. Families intermarry. Farming and herding communities see their economic activity as complementary. Trade relations are extensive. A vibrant, shared and long-standing Islamic identity further binds communities together. Third, smaller groups sometimes assimilate into larger ones. For instance, many communities became Fur under the Sultanate of Dar Fur that the Fur dominated. Since the fall of the Sultanate to the British in 1916, less powerful groups and newcomers have continued to assimilate into the dominant group of an area.⁵ While some groups may retain demonstrable Arab or African roots (because of historical migration, language, etc.), the fluidity of ethnicity in Darfur is such that the dichotomy between African and Arab tribes in Darfur is more rooted in political discourse than in social or racial reality.

It must be said, however, that tribal identity has tended to become more marked in the course of the past 35 years. This period has for the most been an era of one-party rule, first under Nimeiri's Sudanese Socialist Union (SSU) and then, after a brief democratic period under Sadiq al-Mahdi, under the current government's National Islamic Front (NIF, National Congress since 2000). In the absence of democracy and popular political participation, and given the dearth of opportunities to succeed in Darfur, people have resorted to ethnic identity as a way forward – in education, in one's career, in business, and in local politics. Over the past 15 years, the current régime has further emphasised tribal politics in Darfur by allocating power and re-drawing administrative boundaries along tribal lines. The tribe (*qabila*) has become a central political structure in Darfur, stronger than in pre-colonial times.

Land

Access to land is central to social and political life in Darfur.⁶ As in other subsistence-farming areas of Sudan, land in Darfur is for the most part not registered as individual title. But access to land nevertheless is protected by a land tenure management system that finds its roots in the *hawakiir* (plural of *hakura*, landholding, estate), both individual and tribal, granted by the Sultan of Dar Fur in pre-colonial times.⁷ After the British put an end to the sultanate in 1916, they did not carry out any systematic registration of land, preferring to integrate local land management mechanisms into their governance mecha-

4 See S. Harir: "Arab Belt" versus "African Belt: Ethno-Political Conflict in Dar Fur and the Regional Cultural Factors," in S. Harir and T. Tvedt, *Sudan: Shortcut to Decay*, Nordiska Africainstitutet (Uppsala, 1994): pp. 153 and 178-9 (beyond being an accomplished academic, Sharif Harir is also a leader of the SLA). See also A. de Waal: *Famine that Kills*, Oxford University Press (Oxford, 1989): pp. 48 and following.

5 For instance, non-Rizeigat residents of Ed-Daein, the 'homeland' (*dar*) of the Rizeigat, may often come to be considered, and see themselves, as Rizeigat. The same is true for other communities, with varying degrees of assimilation.

6 For overviews of land issues in Sudan and North Darfur respectively, see Y. Ajawin and A. de Waal: "Land Rights, Natural Resources Tenure and Land Reform" (chapter 6) in *When Peace Comes: Civil Society and Development in Sudan*, Red Sea Press (Lawrenceville NJ, 2002) and United Nations Development Programme, "Share the Land or Part the Nation – Pastoral Land Tenure in Sudan," (Khartoum, no date): p. 20.



nisms: the traditional custodians of the land, the tribal leaders, became the backbone of the Native Administration system. The British allotted *dars* or homelands to various tribes, mostly based on the *hakura* system. While the land officially became the property of the government, usufruct rights were the driving legal and social principles for sharing resources. Subsequent Sudanese governments have been far less *laissez-faire*. In 1970, the military régime of General Nimeiri, fresh in power, passed the *Unregistered Land Act*, which transferred to the government ownership of all land that had not been privately registered before April 1970, i.e., the majority of subsistence farming land, and abolished the right of native authorities to administer land.⁸ The 1970 Land Act is the cornerstone of rural expropriation in Sudan.

In this respect at least, Darfur remains somewhat fortunate: though altered, the *hakura* system has continued to function though the tribal *dars*. The result is a political and social consensus that cuts across tribal and ethnic

Omar Obaker Yousif teaches his son, Idris, to write by drawing words from the Koran in the sand outside the tent where they stay at Abu-Shouk camp in North Darfur. (Photo: Caroline Irby / Network / IRC)

lines: “No one touches the *hakura*.”⁹ The *dar* system enabled Darfur to weather times of terrible change, for instance the great dislocations of the 1970s and 1980s when drought forced entire communities of Zaghawa, Gimir, Fur and other groups to migrate south of Jebel Marra: the newcomers sought and obtained access to land from *dar*-holding tribes. The *hakura* system has also helped keep at bay predatory mechanised agricultural schemes that have done so much damage elsewhere in Sudan: even poor and weak communities have held onto their land – unlike many communities in the Nuba Mountains, Upper Nile or the Ingassena Hills (Southern Blue Nile), who have been forced to work their own confiscated land as underpaid wage labourers on schemes owned by outsiders. In interviews for this research, people across Darfur repeatedly expressed their view that the current crisis

7 Historically, the Sultan granted two types of estates. One was revenue-collection rights over large areas to local chiefs – in essence a mechanism to extend the sultanate’s administrative and military control over large territories. The second kind was a privileged status over a smaller territory, that conferred more exclusive rights over the land. (See R.S. O’Fahey and M.I. Abu Salim: *Land in Dar Fur: Charters and Related Documents from the Dar Fur Sultanate*, Cambridge University Press (Cambridge, 2003): pp. 12-18).

8 The trend continued with the *Abolition of Native Administration and Local Government Acts*, both of 1971, which dismantled the legal basis for the *dar*.

9 Interview, social researcher, Darfur, June 2004.

will not undermine the consensus around the *dar* system, and that this consensus will constitute a central feature of any sustainable solution to the crisis.¹⁰

There is, however, a flip side to this, one that is central to the current crisis: not all groups in Darfur have a *dar*. Colonial authorities did not allot *dars* to the small camel-herding (*jammala* or '*abbala*'¹¹) tribes of Darfur's northern belt. These highly mobile tribes may not have seen the need for a *dar* at that time as they lived in relative harmony with neighbouring sedentary communities. They enjoyed customary access to land and water, of which there was enough for all at the time. They negotiated the timing and location of their dry season transhumance migrations to the south. They traded their produce – meat and dairy.¹² They trusted in the social system. But over the past few decades, with both ecological conditions and law and order deteriorating, these interactions have become more problematic – the system began to change. Conflict has increased between those with access to land and those without.

Perceptions of Darfur in Sudan

Central Sudanese views of Darfur. Darfur occupies a complex place in the Sudanese psyche, a place that is both central and peripheral. This is important to understanding the current crisis. On the one hand, Darfur is part of the Sudanese periphery. It is far from Sudan's political and cultural centre of gravity – central Sudan. There the people of Darfur are looked down upon. Many of the people of Darfur speak Arabic with strong local inflexions, and some speak it imperfectly as a second language. In central Sudan, the 'sons of Darfur' (*awlad Dar Fur*) are seasonal labourers in the agricultural schemes of the Gezira and eastern Sudan, construction workers in Khartoum and other big cities, tea-ladies on the dusty verges of busy

streets, and regular soldiers in the army. They are often seen as poor, unsophisticated, uneducated. And decades of official neglect have made Darfur – and its people – poorer, less literate and more isolated than ever.

At the same time, however, Darfur is an integral part of Sudan, and seen as such, in a way Southern Sudan is not. It was Islamicised centuries ago, and the piety of the people of Darfur is well known. Darfur elites are an integral part of political life in Khartoum. Historically, the sultanate of Dar Fur was one of the oldest indigenous centralised states in Sudan, and was only subdued by the British in 1916 – some 18 years after the destruction of the Mahdist state.¹³ The *Mahdiyya* (1885 -1898) itself reflects the ambivalence between Darfur and the riverine areas of Sudan.¹⁴ Modern Sudanese view the Mahdist revolt as an early expression of Sudanese nationalism and anti-colonial struggle because it freed Sudan from foreign occupation. Darfur was key to its success because the region provided the military backbone of the Mahdi's army and some of his key leaders; his successor, the Khalifa Abdullahi, was a Taeesha, an Arab from Darfur. But Abdullahi spent much of his reign warring with Darfuri groups, both Arab and non-Arab, who balked at requests for financial tribute and man-power. And when Kitchener routed his army at the battle of Omdurman in 1898, Darfur rejected his entreaties for a common resistance to the invader and did not even allow him to return – he was finally killed in a skirmish with a British scouting force in deepest Kordofan, the historical province to the east of Darfur (see map), an episode that still resonates in Sudanese political life.

Since then, Darfur has given leaders in Khartoum other causes for concern. In the wake of the Fur-Arab war of the late 1980s (see below), the SPLA tried to establish a position in Darfur with a 1991 military foray led by a

10 What people say, or wish for, must of course be contrasted with the potential reality that government policies and the extreme violence of the last two years may already have undermined the *dar* system.

11 Literally, camel-people.

12 UNDP, no date (op. cit.): p. 20.

13 In the course of the 18th century, from a smaller Fur kingdom based in the Jebel Marra highlands, the Dar Fur sultanate emerged to control a large part of present-day Darfur and the multitude of peoples, Arab and non-Arab, who lived in these territories. The Fur-dominated sultanate developed sophisticated centralised administrative and judicial systems, and reaped large benefits as the trading bridge between Egypt and sub-Saharan Africa (through the so-called "40-day" caravan route – *darb al-arbain*). In the early 1790s, the sultan's mobile royal encampment (known as a *fashir*) became a permanent capital to the northeast of Jebel Marra – El Fasher. See R.S. O'Fahey, *State and Society in Dar Fur*, Furst (London, 1980).

14 In 1885, a revolt led by a charismatic religious leader named Muhammad Ahmad who called himself the *mahdi*, or savior, overthrew the Turco-Egyptian administration that had controlled Sudan since the 1820s (the revolt actually began in 1881). Muhammad instituted a fundamentalist state that rejected most modern and foreign influences, curbed trade and economic activity, and went to war with a succession of enemies within and outside Sudan. Poor policies were aggravated by drought and a massive epizooty, and Muhammad Ahmad and his successor, the Khalifa Abdullahi, presided over a period of massive upheaval and suffering. The Mahdist state was overthrown by a bloody British campaign in 1898.

former NIF activist, Daud Bolad, himself a Fur. Bolad's campaign (*hamlat Bolad*) replicated the SPLA strategy of fomenting anti-Khartoum resistance outside the traditional borders of the South in the Nuba Mountains and Southern Blue Nile. But the SPLA was weakened by the loss of its support network in Ethiopia (Colonel Mengistu's *Derg* régime had just been ousted) and the Nasir group split.¹⁵ Once launched, Bolad received no further support from the SPLA. Government forces quickly defeated him in Jebel Marra, relying heavily on Arab militias from the Bani Halba.¹⁶ It is unclear how serious the SPLA was about Darfur in 1991. But for the Khartoum government, the link between the SPLA and Darfur – an integral part of northern Sudan and one of the armed forces main recruitment reservoirs – must have been disquieting. Rumors of SPLA support to the SLA and JEM in 2003-2004 reawakened those feelings of disquiet.

Large, populous, proud, potentially rich, independent-minded – Darfur is threatening to national leaders in Khartoum. For many people of Darfur, this sense of threat explains the decades of official neglect of their region on the part of successive central governments. For many, it also explains the extraordinary levels of government-sponsored aggression in the current crisis.

Darfur views of Sudan. The people of Darfur view their place in Sudan with ambivalence. Again, unlike most Southerners and many Nuba, the people of Darfur feel

unequivocally part of Sudan. There is no doubt that they consider themselves citizens of Sudan. The current insurgency has little if any secessionist platform. What is evident are the acute feelings of oppression, exploitation and exclusion at the hands of the central government. This plays out at different levels. Locally, there is longstanding resentment against Nile valley traders and administrators, *jallaba*, who have dominated positions of economic and administrative power. At the provincial level, a strong emphasis has developed for Darfur to be governed by Darfur politicians. In the 1960s and 1970s, militant groups sprung up in Darfur demanding an end to central government discrimination.¹⁷ Darfur then demonstrated real power: in the early 1980s, when Nimeiri tried to name a non-Darfur native as governor, he met with an *intifadha*, an uprising, that included students from Darfur in Khartoum, and had to back down.¹⁸ At the national level, the people of Darfur feel that their voices are heard neither in government, nor in the National Assembly. Despite a growing mistrust between Arab and non-Arabs, which the democratic government of Sadiq al-Mahdi and the NIF government since 1989 have nurtured over the last 20 years, all groups in Darfur, regardless of ethnicity, are acutely aware that the decisions that affect them are taken without them, in places far away from them.

Long Term Roots of the Conflict

The scope of the current human rights crisis in Darfur, unprecedented in modern times, obscures the fact that this conflict is deeply rooted in a history and shares strong elements of continuity with past conflicts.

Marginalisation

Successive authorities in Khartoum have, since Independence, and perhaps even before, failed to extend essen-

tial services of government to Darfur, as they have to other so-called peripheral areas of Sudan – the South, the Red Sea Hills, Southern Blue Nile (Funj and Ingassena) and Kordofan (including the Nuba Mountains).

The neglect, exploitation and repression of Darfur within Sudan is the result of the combined action of a number of agents, including the state, governments, political parties, and opportunistic economic actors. First, the con-

15 In August 1991, two senior SPLA Upper Nile commanders, Riek Machar and Lam Akol, attempted an overthrow of John Garang, forming the so-called Nasir faction (Riek's headquarters were in the town of Nasir).

16 For more on Bolad's campaign, see D. Johnson: *The Root Causes of Sudan's Civil Wars*, James Currey (Oxford, 2003): p. 140, and A. de Waal: "Counter-Insurgency on the Cheap," *London Review of Books*, 5 August 2004.

17 These groups included *al-Lahib al-Ahmar* (Red Flame), *Jabhat Suni* (the Suni Front; Suni is a village with a famously beautiful waterfall in the heart of Jebel Marra), and *Jabhat Nahdat Dar Fur* (Darfur Renaissance Front).

18 Nimeiri finally named a respected Darfur MP, Ahmad Direige, to the governorship. Direige broke with Nimeiri in 1983 over the handling of the 1980s food crisis in Darfur, left Sudan, and has lived in exile ever since.

sistent tendency of Sudanese state institutions – from the nation’s body of laws to the national assembly, to the military, to public utility corporations, to the bureaucracy itself – has been to operate against the interests of Darfur and the other peripheral areas. Second, successive governments have devised and implemented policies that have impoverished, weakened, and divided Darfur, and these governments have failed to implement others that could have been beneficial to the region. The trend of neglect and exploitation accelerated under the three most recent governments of the past 35 years: Jafar Nimeiri’s military régime (1969-1985), the parliamentary government of Sadiq al-Mahdi (1986-1989), and the current military Islamist régime. Third, state institutions with a high degree of political independence, namely various components of the state security apparatus, have long sought to further their own political and ideological interests in Darfur, often at the expense of the people of Darfur. Fourth, political parties, and especially the ruling presidents Nimeiri and Bashir, have built political and economic muscle by enabling favoured institutions, firms, banks and other clients to seize economic opportunities in Darfur, again at the expense of the people of Darfur. And finally, individual Sudanese traders, merchants, investors, administrators, military officers and entrepreneurs from the Nile valley have also been able to exploit the situation in Darfur to their own advantage in an opportunistic manner.

Over the last 35 years, neglect in Darfur has taken a variety of forms. Mainstream voices from Darfur have either been under-represented or ignored in national politics, whether in government and the national assembly, within state institutions, or within the successive ruling parties and their spin-off organisations. Under the guise of administrative and fiscal decentralisation, the central government has progressively absolved itself of much of its obligation to pay for health, education and other services, while continuing to extract resources from Darfur. The constant reshaping of administrative borders and local government mechanisms has also divided communities.

The government’s decision in 1994 to carve up the old Darfur region into the three federal states of North, South and West Darfur, as part of a would-be federalisation of the country, created artificial divisions within Darfur and weakened the stronger non-Arab tribes, especially the Fur. These heavy-handed divide-and-rule policies have also shown the weakness of the so-called Native Administration (*idara ahlia*) before the state. The result has been damage to their legitimacy and ability to resolve local conflicts.

The state has abdicated its commitment to rule of law. The police and judiciary have been neglected, impoverished, corrupted and sidelined. Banditry and lawlessness have become ingrained. The authorities have also shown scant commitment to resolving resource-based conflicts; indeed they have often been accused of pursuing policies that increase division and violence. One example is the government’s creation, in 1995, of 13 geographically defined *imarat* (literally emirates, i.e., chiefdoms under the authority of an *amir*, or prince) in Dar Masalit, five of which were allocated to Arab traditional leaders.¹⁹

Underdevelopment

The Sudanese state has failed to invest sufficiently in development activities in Darfur. This has aggravated underdevelopment, which has only increased since the withdrawal of western development actors in the 1990s.²⁰ In numerous interviews for this research, people in Darfur argued that a decade and a half of donor policies to withhold development monies from Darfur aggravated the lack of economic opportunity, thus contributing to local conflict. Investment, tax and customs regulations continue to discriminate against producers and traders from Darfur.²¹

The state has also failed to implement simple policies to mitigate against food insecurity: working grain-price stabilisation mechanisms, effective grain storage systems both at town and village level, just to name a few. The

19 International Crisis Group: “Darfur Rising: Sudan’s New Crisis” (Nairobi/Brussels, 25 March 2004): pp. 7-8. Traditionally, local Arab leaders in Dar Masalit oversee the affairs of their communities under the overall authority and protection of the sultan of the Masalit, but do not normally have authority over territory. The creation of the five Arab emirates did two things: it gave local Arab leaders administrative control over physical territory, thus undermining the traditional status quo, and it over-represented Arab political sway in Dar Masalit.

20 The large development projects in Darfur – the Western Savannah Development Project and the Jebel Marra Rural Development Project – were shut down at that time because of donor unhappiness with the NIF régime.

21 Interview, customs official and traders, Khartoum, June 2004. For instance, lorries from Kufra in southeastern Libya that would otherwise have come down through northern Darfur are now rerouted directly east to the Nile city of Dongola, in Northern State, where they pay duties and taxes.



starkest symbol of this neglect is the failure of the state to construct the Western Salvation Road to Darfur (*tariq al-inqaz al-gharbi*). This asphalt link between Darfur and the Nile valley, planned and officially announced by the government, has never been built.²²

Not only does the government fail to take mitigating measures against food insecurity: once food crises occur in Darfur, the authorities in Khartoum manipulate the nature, shape and timing of relief operations to serve their political interests and benefit client groups, such as grain producers, grain merchants and brokers, and transporters from Central Sudan.²³

Pressure on resources

Policies of exploitation and neglect, implemented over the last three decades, have compounded the rising pressure on natural resources -- such as cultivable land, grazing and water -- which has occurred as a result of drought and ecological destruction. Increasing cycles of drought, starting with the great Sahel drought of the early 1970s

One of Darfur's 1.2 million displaced people rides back to the camp where he is staying in El Fasher on a donkey that he managed to take with him as he fled his burning village. (Photo: Caroline Irby / Network / SCFUK)

and subsequent droughts in the mid-1980s, drastically affected the region as both pastoralists and farmers from northern Darfur started to move south in search of cultivable land and water, putting pressure on the more fertile areas of Jebel Marra and southern Darfur. In these years, populations and livestock holdings alike have increased in number, further squeezing resources. This has led to rising tensions among communities, especially between some farming and nomadic communities. Farmers blame pastoralists for wantonly destroying farms and crops during their seasonal migrations for pasture. The latter blame the former for planting in traditional transhumance corridors, blocking them with empty enclosures (*zara'ib al-hawa'*, literally 'air enclosures') and arbitrarily confiscating livestock which they park in *zara'ib hawamil* (enclosures for wandering animals) and only release against payment of a fine. Each side accuses the

22 The people of Darfur -- who contributed years of sugar rations to help raise money for the road -- see the Government's failure to make good on the Western Salvation road as proof that it has no intention to develop their region. The road comes up repeatedly in conversations with both politicians and ordinary people in Darfur.

23 See Save the Children UK: "Save the Children UK's Response to Drought in North Darfur, 2000-2001," (London/Khartoum, August 2002).

other of using unwarranted force. Ominously, both sides feel that their livelihoods – their very way of life – are under threat. And each side feels the other is responsible. This is not to say that there is generalised violent conflict between farmers and pastoralists. There is not. But tensions have risen over the past two decades, and are especially high in areas where given groups do not have access to land. The waning influence of traditional leaders and the retreat of the state from its law and order duties have only made things worse.

As a result of decades of marginalisation, all ethnic groups in Darfur suffer from neglect and have reason to feel threatened, including those among whom the main perpetrators of the current human rights nightmare have been recruited – the nomadic Arab camel-herders of northern Darfur.

Continuity with past conflict

While the Darfur crisis is rooted in long-term dynamics, more direct elements of continuity exist as well that show that the current violence is not altogether without precedent. These include the nature of the violence itself, the involvement of the state, and the involvement of foreign forces.

The nature of the violence. The current violence may be unprecedented in scope, and many observers decry new forms of violence that are not in keeping with past tribal conflicts. The reality is, however, that Darfur has witnessed similar patterns of abuse in the past, albeit on a smaller scale. The Fur-Arab war of the late 1980s, for one, involved the wholesale burning of villages, the systematic destruction of agricultural assets (orchards, irrigation channels, pumps), and the killing of men and raping of women to instill fear and restrict people's movement. That war was in many ways a forerunner of this conflict. It arose between sedentary Fur communities in Jebel Marra and an alliance of 27 Arab tribes of northern Darfur,

including most of the same 'northern Rizeigat' groups whose fighters currently form the bulk of the *janjaweed*. Like the current crisis, the 1987 conflict was triggered by the convergence of a political agenda in Khartoum – the ideologically-driven push to expand the 'Arab belt' – and pressure on land and water as a result of the 1984-1985 drought. More recently, since 1995, Arab militia violence against Masalit communities has also involved the complete destruction of hundreds of villages.²⁴ The current violence may be new in scale, but it is not unprecedented in nature.

Involvement of the state in local violence. The support of the Sudanese state to local militias is not new. Since at least the mid 1980s, under the democratic government of Sadiq al-Mahdi, the central government has shown a bias toward certain, but not all, nomadic Arab groups. This bias has been mostly military, involving cooperation between Sudanese armed forces and local Arab militias who are then able to act without the restraint normally imposed by traditional conflict-mitigating processes.

Involvement of forces from outside Darfur. Much is made of the involvement of non-Darfur forces in the current violence: reported support from Chadian Zaghawa and other tribes to the rebels, as well as alleged assistance from the SPLM/A (the Sudan People's Liberation Movement/Army, the main rebel group operating in the south of Sudan); and support from Arab groups and Arab governments outside Sudan to the Sudanese government and its proxy militias. There is nothing new in this. Throughout the 1970s, 1980s and 1990s, various Chadian and Libyan groups fought proxy wars in Darfur, often attacking local communities in the process, drawing them into broader conflicts and pitting them against one another.²⁵ This violence introduced large numbers of small arms into Darfur and heightened insecurity and the erosion of the rule of law.

24 For details on gross human rights abuses in Dar Masalit between August 1995 and March 1999, including reports of Sudanese military land and air support to Arab militias, see "Genocide of the Massaleit in Western Sudan" by Dawud Ibrahim Salih, Muhammad Adam Yahya, Abdul Hafiz Omar Sharief and Osman Abbakorah, representatives of the Massaleit Community in exile, Cairo, 1999 or 2000 (on file with the author). This is probably the same document as the one quoted in ICG (March 2004), op. cit.: p. 7, n. 37.

25 See Harir (1994), op. cit.: pp. 163-168. See also M. Khalid: *The Government They Deserve*, KPI (London 1990): pp. 404, 406 and 415 (n.77).

The Immediate Political Triggers of the Conflict

The insurgency

Insurgents appear to have been organising in Darfur since late 2001. In early 2003, they evolved into two armed rebel groups, the Sudan Liberation Movement/Army (SLA) which has its base in the Zaghawa community and later the Justice and Equality Movement (JEM) dominated by the Fur. Other than the short-lived campaign of Daud Bolad, this was the first time in modern history that Darfur witnessed a cohesive armed rebellion with a comprehensive agenda for the province, rather than merely local demands.

The SLA and JEM grew out of the convergence of a number of factors. First, discontent among local sections of Darfur's major non-Arab tribes, the Zaghawa, Fur and Masalit, had been noticeably mounting since 2001. While rooted in a general sense of repression, the unrest seems to have been triggered by a number of specific incidents in 2001 and 2002: an Arab attack on a Zaghawa camp in Bir Tawiil (in Dar Zaghawa, between Qurnoi and Kabkabia), a riot in the Fur town of Tur following the rape by police of a local woman, and burned Fur villages in west Jebel Marra. In a meeting called by the authorities in the Jebel Marra town of Nyertete in August 2002, the government allegedly made commitments to Fur traditional leaders but did not keep them, heightening anger and resentment.²⁶ These iconic events are repeatedly invoked by people in Darfur and reflect the alienation felt by local populations. They also appear to have led to more men taking to the bush and joining the embryonic rebel groups. The restiveness of these localised armed groups, whose outlook was often more local than political, then converged with the broader ambitions of Fur and Zaghawa political and intellectual figures in exile outside Sudan.

A further factor often cited in the timing of the Darfur insurgency is the North-South peace process – the Machakos Protocol breakthrough in mid-summer 2002 and the subsequent negotiations between Khartoum and the Sudan People's Liberation Movement/Army (SPLM/A).

Many Sudanese observers speculate that the Darfur rebels (and perhaps others as well) saw the SPLM/A's success in getting southern grievances addressed in an internationally mediated peace process as vindication that armed rebellion brings economic and political gains.²⁷ Other well-informed analysts state unequivocally that "progress in the peace talks between the government and the [SPLA] provided the immediate trigger [to the insurgency] since the Darfur groups feared they would have little leverage after a North/South deal was concluded."²⁸

The rebels initially attacked isolated army posts, police checkpoints and convoys: military check points were attacked in Jebel Marra localities such as Abu Gamra, Tur, Golo. Then the scope of attacks increased. In April 2003, the SLA attacked the capital of North Darfur State, El Fasher, attacking government premises, looting supplies and destroying military aircraft at the airport. Later the same year they attacked and briefly seized the towns of Kutum and Mellit, also in North Darfur. They also had battleground successes in Buram in South Darfur, and continued harassing military positions throughout the region. In the space of a few months, seemingly coming from nowhere, and despite lingering confusion as to their structure and internal relationships, the Darfur rebels asserted themselves as military and political forces to be reckoned with.

The military tactics of the rebels – especially the SLA, who appear to be a better organised and more effective fighting force than the JEM – are similar to those used in the late 1980s and early 1990s by the Zaghawa rebels of Idriss Deby in Chad to defeat the then-government in Ndjamena and its Libyan backers. They are loosely organised in small, highly mobile units of four-by-four vehicles armed with heavy machine-guns. They rely on hit-and-run attacks to demoralise government forces and acquire critical supplies of fuel, weapons, ammunition, and even cash. Typically, they do not hold territory, but rather deny governmental access to large areas by attacking officials, cutting roads and controlling trade flows. In addition to the war-

26 A number of people interviewed referred to these incidents, with some variations (dates, numbers of people killed, etc.).

27 Interviews, Khartoum and Darfur, November-December 2003, May-June 2004.

28 The International Crisis Group: "Sudan: Now or Never in Darfur" (Nairobi/Brussels, 23 May 2004): p. 1. At the same time, however, observers point out that the North-South peace process became an obstacle to early political involvement in the Darfur crisis on the part of Western powers, especially the US, who were keen not to jeopardise the Khartoum-SPLM/A negotiations.

rior and raiding traditions of the Zaghawa (“one bullet, one kill,” in the wry words of a former high-ranking North Darfur state official), the rebels are said to benefit from the experience of many former non-commissioned officers who served in the Sudanese military. There are also repeated reports that the SPLA provided advice, training, equipment, and supplies well into 2003, and perhaps beyond.²⁹ This support is reported to have included re-supply flights, the training of as many as 1,500 SLA combatants in Raja (Bahr al-Ghazal), and assistance with drafting political platforms and statements.³⁰ Other sources of support are also routinely mentioned.³¹

Popular support for the rebel groups exists on different levels. The SLA's platform, which demands an end to the Sudanese state's social, economic and political discrimination of Darfur, enjoys widespread popular support, including among 'Arabs' of Darfur.³² Some communities have been active in their material support of the insurgents, especially Zaghawa and Fur communities in North and West Darfur, with communities providing food, shelter and information, and merchants and other affluent people contributing cash and supplies. But most of the Darfur people interviewed for this research, rich and poor, Arab and African, victimised and not – and most of them supportive of the rebels agenda for change – stated both their opposition to armed rebellion, and their belief that the current violence escalated in response to the insurgency (which is not, of course, to say that they excused the violence).

Response of the Sudanese government

The brutality of the government's reaction to the nascent insurgency stunned people in Darfur. By all accounts,

Khartoum felt highly threatened.³³ Politically, the insurgency in Darfur could trigger general instability just as the government was reaching agreement with the SPLM/A on key issues around governance, self-determination and democracy. The groundbreaking Machakos Protocol was signed in July 2002. Subsequent negotiations with the SPLM/A generated dissent within ruling circles in Khartoum as to whether the considerable concessions made by the government to the SPLM/A on wealth and power were desirable. The insurgency served to strengthen the hand of figures within the regime who maintained that peace with the SPLM/A would weaken the ruling party's hold on power.

The Darfur crisis also revived long-standing political divisions within Sudanese governing circles. In the 1980s and 1990s, Hassan al-Turabi – the charismatic leader of the Sudanese Muslim Brothers, founder of the NIF, and mastermind of the 1989 military coup – sought to build a political base in Darfur by reaching out to Islamist elites among the non-Arab tribes. His aim was to extend the reach of political Islam in Sudan beyond the Nile valley. He also wanted to undermine the power base of Sadiq al-Mahdi's Umma party that traditionally drew its support from the Arab tribes of western Sudan. But Turabi was sidelined in a 1999-2000 power-struggle with President Bashir, and his Darfur supporters also lost in the process. The ideological wing of the Sudanese Islamist movement, which Turabi's People's Congress party (PC) represents, is probably the opposition the government most fears. There are insistent reports of ties between Turabi and some rebel figures, notably a JEM leader, Khalil Ibrahim, once a close ally of Turabi's. These alleged ties brought a rebellion in distant Darfur straight into the heart of Islam-

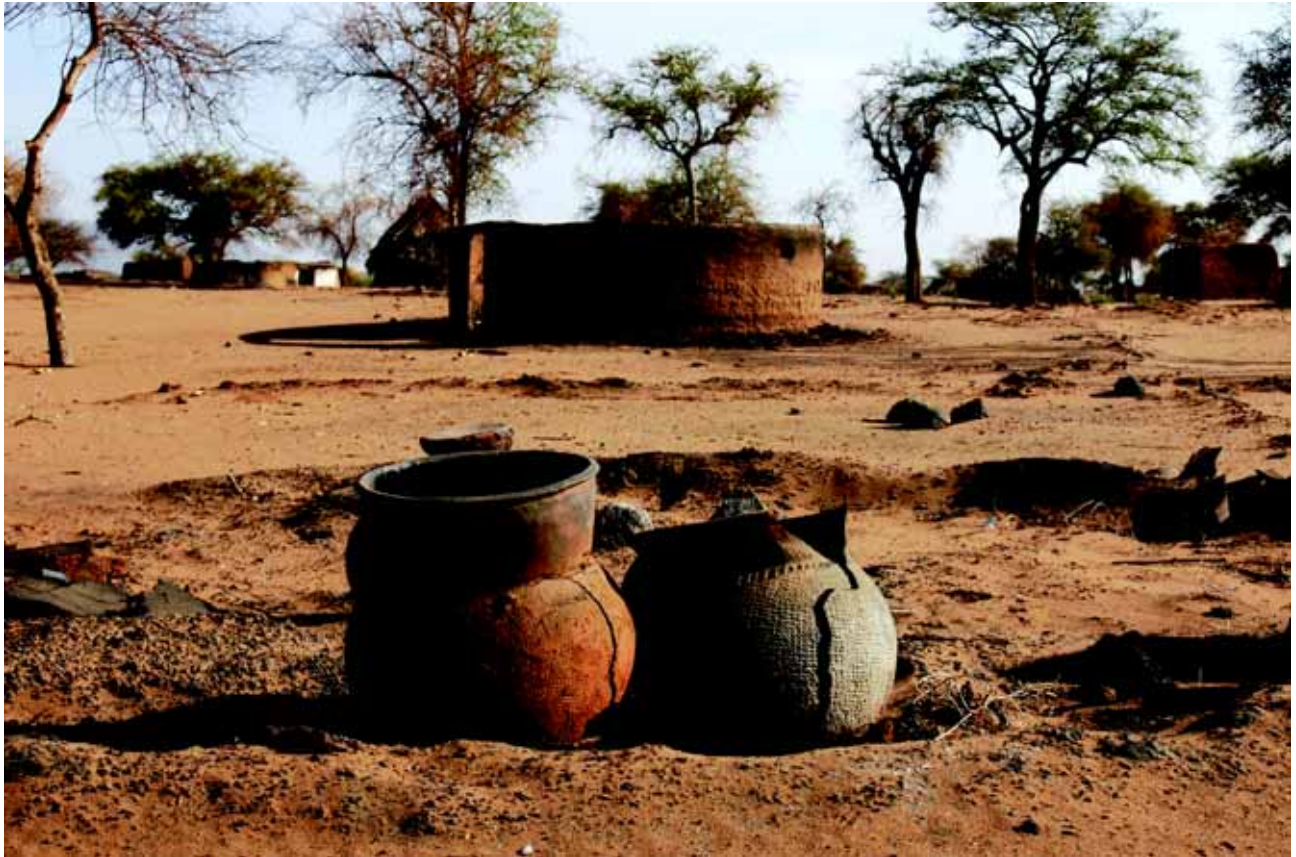
29 The International Crisis Group backs this claim citing “numerous sources,” interviewed in 2003 and 2004 (ICG (March 2004), op. cit.: p. 20). A later ICG report states that, “while the exact ties between the SPLA and the Darfur rebels have not been documented, there appear to be at least important tactical links. The SPLA, which has always recognised that the more rebellion could be extended to the rest of Sudan the better positioned it would be, encouraged the Darfur insurgents as a means to increase pressure on the government to conclude a more favourable peace deal at Naivasha.” (ICG (May 2004), op. cit.: p. 1). According to an aid official in Nairobi with good contacts in the SPLA, there are two takes on SPLA support to the Darfur rebels, depending on who you talk to. On the one hand, it appeared in the interests of the SPLA to weaken Khartoum's position by adding to the violence. But on the other, it was not in the interests of the SPLA to have a strong movement in Sudan with which it might have to renegotiate gains already established with the government: a strong SLA, for example, might make demands on the sharing of wealth and power (Western aid official, Nairobi, October 2004). At any rate, it is thought that SPLA support dried up in the latter stages of the Naivasha negotiations, mostly under US pressure.

30 ICG (March 2004), op. cit.: p. 20. The same report also states that SPLA commanders subsequently denied reports of the SPLA training Darfur rebels in Raja.

31 Interviews for this research with both pro- and anti-rebel individuals made reference to Eritrean support to the rebels; this is a long-standing claim of the Khartoum government.

32 See for instance: SLM/A, “Political Declaration,” dated March 13, 2003 and signed by SLM/A secretary general Minni Arkou Minnawi (<http://www.sudan.net/news/press/postedr/214.shtml>, posted on March 14, 2003).

33 Interviews, government officials and civil society leaders, Khartoum and Darfur, May-June 2004.



Namey village, North Darfur, annihilated. (Photo: Caroline Irby / Network / SCFUK)

ist politics in Khartoum. This made it especially threatening to the government.³⁴

The early military successes of the rebel insurgency, especially the attack on El Fasher, further threatened the government. There is no underestimating the reservoir of popular ill-will toward the régime, and it was not far-fetched to imagine, with little information on the actual strength of the insurgency, rebel forces moving east through Kordofan toward the cities of Central Sudan – where millions of people from Darfur live, many of them in poor conditions. The rebels had to be stopped. By early 2003, Khartoum had decided that it would respond with military force.³⁵ It sidelined outreach initiatives such as the inter-tribal conference organised in February 2003 by the then-governor of North Darfur, Ibrahim Suleiman, and other reconciliation initiatives.³⁶ Suleiman – a former army chief of staff and federal minister of defense – resigned shortly thereafter. A Berti from northeastern

Darfur, he remains a widely respected figure throughout Darfur.

The government was faced with a conundrum. In the midst of negotiations with the SPLM/A, the government did not feel it could resort to direct and forceful military intervention. The Government, itself the result of a 1989 military coup, was reluctant to entrust a brutal counter-insurgency campaign to the Sudanese army which includes a high proportion of Darfur troops in its rank-and-file. Since the beginning of the rebellion the government has moved to purge the armed forces officer corps (and other critical government institutions, such as the police, customs, and others) of Darfur elements it does not trust.³⁷ It is widely believed in Sudan, for instance, that the alleged 2004 coup was used as an excuse to arrest Darfur officers

34 As the crisis drags on, the government fear that its Islamist opposition (Turabi) will take advantage of the situation – whether by lining up with some of the rebels, or by castigating the government for being weak, or both – has increased.

35 Interview, high-ranking government official, Khartoum, June 2004.

36 On the El Fasher conference and other initiatives see ICG (March 2004), op. cit.: pp. 12-14. According to at least one prominent participant, the conference, which brought together 500 delegates, came up with useful recommendations on how to deal with the insurgency and address the long-term problems of Darfur; the Government claimed they had not been consulted, and gave this as the reason for not endorsing the initiative (interview, Khartoum, June 2004).

37 Interviews, politicians and government employees from Darfur, Khartoum, May 2004.

and discredit Turabi by linking them to his Popular Congress party.³⁸

Khartoum then resorted to a strategy which had proven useful in the past: the use of proxy militia forces. Khartoum is said to have issued a region-wide call – to all tribes – to join the fight against the rebels, arguing that the state was under attack.³⁹ Unsurprisingly, the African tribes, including the large ones – the Fur, the Masalit, the Zaghawa – declined to join in. But the real push was elsewhere: leading figures in the government, and especially the security forces, worked with local Arab leaders to recruit them into the counter-insurgency effort.⁴⁰ A number of Arab tribes began operating alongside or even as part of the government's auxiliary Popular Defense Forces (PDF).⁴¹ Some militias are reported to have been directly recruited by the military.⁴² They called themselves *janjaweed*.⁴³ Since early 2003, the *janjaweed* have been the shock troops of the government's ruthlessly brutal counter-insurgency campaign in Darfur.

Who are the *janjaweed*?

The *janjaweed* are mostly recruited from the smaller camel-herding (*jammala*) tribes whom the colonial authorities did not allocate a *dar* to. These groups include many tribes (or clans) of the so-called northern Rizeigat (*Rizeigat ash-Shimal*, or *Rizeigat Shimaliyya*) – the Shattiya, the Mahamid, the Eregat, the Huttiya, the Etefat, the Jalul,

the Mahariya, and others – as well as the Zayadiya.⁴⁴ The northern Rizeigat do *not* come under the authority of the *nazir* (paramount chief) of the Rizeigat of South Darfur. The latter have not, like most of the larger, richer, more powerful cattle-herding (Baggara, or cow-owning people) Arab tribes of South Darfur, joined the *janjaweed*. (This is a critical point and will be treated in greater detail below.) Other groups have also joined the *janjaweed*: the Tarjam, the Zaghawa Umkammita (who consider themselves Arab) and some Bani Halba groups led by *nazir* al-Hadi Issa Dabaka.⁴⁵ Some smaller African tribes, like the Gimir and the Tama, have also joined the *janjaweed*, and there are reports of non-Sudanese elements as well (see below).⁴⁶ Most estimates concur that there are no more than 10 to 15,000 *janjaweed* active in the field.⁴⁷

From interviews and conversations for this research, it appears that individual participation in the *janjaweed* does not imply tribal responsibility in the eyes of people from Darfur, including victims of the violence. There are many reports of individuals from tribes that are not involved in the violence participating in *janjaweed* operations, mostly because these men are attracted by opportunities for looting. But it is the decision of leaders within a tribe to join the violence, to organise men and lead war parties, that seems to be what determines whether a tribe is considered involved or not – the Baggara are considered to have more centralised and hierarchical structures than nomadic groups in the East.⁴⁸ It will be easier for

38 Sudan Organisation Against Torture, SOAT Newsletter Nr. 42 (March-April 2004): p. 3. In April 2004, Oxford Analytica wrote that "the extent of the government's claims and, in particular, its attempt to link the coup plot to the conflict in Darfur, point strongly to exaggeration, if not outright fabrication" (Oxford Analytica, "Sudan: Coup claim probably aims to deflect criticism," 8 April 2004). On the other hand, US State Department officials are reported to have said that the purge was actually triggered because Darfur officers refused to carry out orders (aid official, Nairobi, October 2004).

39 From the research it was unclear how exactly this process was managed, and if there were any public calls by the government. But numerous local leaders in Darfur, both politicians and traditional leaders, African and Arab, mentioned this (interviews, Khartoum, Darfur, May and June 2004), saying that the message was passed through meetings with tribal leaders.

40 International Crisis Group: "Darfur Deadline: A New International Action Plan" (Nairobi/Brussels, 23 August 2004): p. 9.

41 Interviews, Khartoum and Darfur, June 2004. The Popular Defense Forces are paramilitary militias that operate alongside the military, mostly to harass and subdue civilian populations considered hostile. The PDF were first introduced by Sadiq al-Mahdi when he was prime minister, and have since been used extensively by the current régime, mostly in southern Sudan, but also in Darfur and the Nuba Mountains. At times, Khartoum has mobilised and deployed PDF forces in the tens of thousands. President Bashir is said to have used them extensively while military commander in Muglad in South Kordofan in the late 1980s; he made their existence official with the Popular Defense Act of late 1989 (Johnson (2003), op. cit.: pp. 83 and 140).

42 ICG (August 2004), op. cit.: p. 8.

43 *Janjaweed* comes from the Arabic *jinn* (devil, mad person) and *jawad* (horse). *Janjaweed* is by no means a new word: it is an old Darfur term for cross-border cattle-rustlers, and was also used to refer to Arab militias in recent tribal conflicts, most noticeably the conflict between Fur and Arab tribes of northern Darfur in the late 1980s. It is unclear whether *janjaweed* is a name given to the Arab militias by the government, as some claim, whether this what they called themselves, or whether it is just the result of the Sudanese love for slang names.

44 Some groups that are part of the *janjaweed* do have a *dar*, such as the Zayadiya, Gimir and the Tama.

45 Many, if not most, Bani Halba have refused to join the *janjaweed*. Al-Hadi headed the Arab delegation to the tribal reconciliation conference that marked the end of Arab-Fur war of 1987-1989.

46 The Gimir *janjaweed* are from the original Gimir areas around Kulbus, in northwestern Darfur. The large Gimir communities who migrated to the Katila area of South Darfur have not joined the *janjaweed*.

47 Interviews, local leaders, Darfur, June 2004; and State Department, Washington, August 2004. It is of course very hard for anyone to make an estimate of total numbers of what is by definition an ill-defined and fluctuating group.

tribes (or groups, or ethnic communities, or whatever one wishes to call them) who are not seen to have taken part of the violence to co-exist in the future with other groups who have been attacked; they are also likely to offer greater potential for reconciliation or mediation roles.⁴⁹

With some exceptions, most of the home areas of the camel-herders lie between the northern slopes of Jebel Marra and the southern edge of the desert, where they lived in close social and agricultural cooperation with sedentary (or semi-nomadic) Masalit, Berti, Fur, Meidob, Tunjur and Zaghawa populations, sharing cultivated land and pastures. But drought, lawlessness and poverty gradually eroded the ability to peacefully share resources. Conflicts arose between the camel-herders and sedentary populations. The camel-herders demand for a *dar* were impossible to answer because there was no land available. The central government failed, over the years, to effectively mediate local conflict.⁵⁰ Many of the landless camel-herding groups saw the government's counter-insurgency as a chance to loot and gain access to land. The *janjaweed* were unleashed.

Shorthand perceptions of the current crisis have cemented the view that the Arabs tribes from which the *janjaweed* come form a privileged group. They do not. They are in among the poorest and most vulnerable communities in northern Sudan. The current crisis confirms that bitter irony of Sudan – and elsewhere – that it is often society's least privileged groups that end up in human rights-abusing militias.

Strikingly, a majority of those interviewed for this research stated that the *janjaweed* include many non-Sudanese Arabs – some from neighbouring Chad and the Central African Republic (CAR), and others from as far afield as Nigeria, Niger, Mali, Burkina-Faso and Mauritania. This was repeated by actual victims of *janjaweed* attacks and by townspeople in areas where *janjaweed* congregate, who said that foreigners are recognisable by their strange Arabic dialects and their lack of familiarity with Sudanese money. This claim was made by educated 'African' elites

– who saw proof in this of an Arab conspiracy to take over Darfur – as well as by 'Arab' elites – who used it as a demonstration that the violence was the result of foreign, not Sudanese, forces. Neither perception is entirely true, of course, and it is likely that the numbers of foreign *janjaweed* are actually not that high. However, the presence of foreign Arabs should not be discounted. In the past decade, Central African and especially Chadian Arabs have increasingly been settling in western Darfur, with the encouragement of Sudanese authorities. The government has involved them in local politics, playing them off against the Fur and Masalit. They have become a presence, and not always a welcome one, in Darfur. Also, it is not unfathomable that, individually or in small groups, Arab (and perhaps other) freebooters from further afield (the western Sahel, West Africa) may view Darfur as an El Dorado of fertile land, good grazing, and water – and welcoming authorities.

In many cases in northern and western Darfur, the *janjaweed* do not appear to have attacked communities where they were individually known: for the most part, victims of attacks interviewed for this research did not personally recognise their assailants.⁵¹ The violence was not personal, the way it has been in many instances in Bosnia, Burundi, Rwanda, or Kosovo. Of course, many victims also pointed out that they did not wait around to see who was shooting at them and that attackers were typically masked ("you would not know your brother..."⁵²). In several cases in western Darfur, villagers said they recognised local Arab headmen among the attackers, acting as guides to larger *janjaweed* groups.

The involvement of foreigners notwithstanding, one thing, however, must be made clear: the *janjaweed*, and the terrible violence that came with them, are a Sudanese phenomenon. The *janjaweed* came into being as a military force by the will of Khartoum. They rampaged across Darfur with close air support from Sudanese government aircraft. And one of the main *janjaweed* leaders is a man from North Darfur: Musa Hilal.⁵³

48 M. Lavergne, "Introduction géographique," in *Le Soudan contemporain* (M. Lavergne ed.), Karthala (Paris, 1989): p. 44.

49 The issue, however, of collective tribal responsibility – i.e. the question whether, under formal or customary law, a tribe can be held legally accountable for what its members do – is more complex: it goes beyond the scope of this research and deserves a far more textured examination.

50 When committed local politicians tried to do so, Khartoum would undermine their action, as was the case with Governor Ibrahim Suleiman's February 2003 inter-tribal conference in El Fasher.

51 Some reports say that in South Darfur, there have been instances (in Duma and Marsheng) where there were close relations between attackers and attacked.

52 Interview, victim of attack, Darfur, June 2004.

Nature of the Conflict

The current crisis in Darfur started off as a political and military confrontation between the government and armed rebel groups. But it has now taken on a strong ethnic overtones. This raises two questions. One, is the conflict ethnic or political? And two, does 'African versus Arab' capture the essence of the conflict?

The conflict: ethnic or political?

Is the conflict ethnic or political in nature? This is an important question because of a tendency, especially in the West, to view political violence in Africa as an extension of tribal conflict. Conventional wisdom has it that tribal issues play out in the political arena: rebel movements and political parties reflect ethnic membership; local interests drive would-be national agendas; ethnicity determines elections. Such conclusions seldom resist careful analysis, and they assuredly do not apply to the current crisis in Darfur. In fact, what we have in Darfur is a political crisis that has grown increasingly tribal at the local level.

Originally, the conflict began as an insurgency against the government. The rebel groups drew from the main African tribes of Darfur because these groups are the most oppressed by government policies. But the agenda of the insurgents is political in nature: to assert the social, economic and political rights of all of the people of Darfur. The fact that this call is likely to resonate with a majority of Sudan's rural population, regardless of ethnicity, partly explains why the rebels appeared such a threat to the government. Only some Arab communities responded to the government's call to counter the insurgency. So when these Arab militias – the *janjaweed* – swung into action, tribal dynamics became more significant. Once the *janjaweed* started asserting their own agenda of access to the land and water that they do not have, at the expense of non-Arab communities, tribal politics had come

to the fore. Western analyses of the conflict seized on this dynamic and furthered the notion of an ethnic war. A political and economic issue became, on the ground, a tribal problem.

At the same time, however, the crisis remains deeply political because it is rooted in the conflict between centre and periphery. As such, it touches the heart of politics and conflict in Sudan. As one Darfur leader put it, the problem is evolving from 'the Darfur problem' to 'the problem' – the problem of Sudan in general, and the specific problem of current government policies toward all marginalised areas, not just Darfur.⁵⁴

In essence, two separate if highly interrelated conflicts have occurred in Darfur. One is the conflict waged between government forces and the rebels of the SLA and JEM, which is political in nature. It is symptomatic of other centre-periphery conflicts in Sudan. The solutions to this conflict are also political in nature: political negotiations in the short term, and law and order and good governance in the long term. The other conflict is the land- and loot-driven war – a war with tribal agendas – that the militias of the camel-herding Arabs of northern Darfur are waging, with government support, on African communities.⁵⁵ Currently, the latter appears the harder to resolve. Now that the insurgency is less threatening, the government is likely to want displaced farming communities to return to their home areas so that some measure of food security and stability can be restored. The *janjaweed* on the other hand do not want the return of communities whose land they covet. As a result, the Sudanese government and the *janjaweed* may find themselves on a collision course.

53 This is a famous and respected name in Darfur. Musa Hilal's father, *sheikh* Hilal Musa, was a renowned *nazir* of the Jalul tribe of the northern Rizeigat Arabs. The contrast between father and son – the difference in their worlds and in the paths they chose – bears witness to the tremendous changes that have come over Darfur in the last 35 years (for a striking portrait of *sheikh* Hilal and the world changes in Darfur, see de Waal (2004), op. cit.). For reports of the direct role of Musa Hilal (*filis*) in organising the current violence, including some of its ugliest episodes, see ICG (August 2004), op. cit.: p. 8.

54 Interview, Khartoum, June 2004.

55 There have been few cases of direct clashes between the rebel groups and *janjaweed*. In interviews, people argued that this is because on the one hand the *janjaweed* have no interest in facing off with an armed enemy, preferring to secure loot and land from unarmed villagers. On the other hand, some say it reflects a desire on the part of the rebels to not create blood feuds with Arab communities. But by mid 2004, there were reports of Arab livestock being attacked by SLA in northern Darfur (interviews, Arab and Zaghawa local leaders, Darfur, June 2004).



Darfur: Arab versus African?

So, if the Darfur crisis has in certain respects turned tribal, can one sum it up as an ‘Arab versus African’ affair, which is how it is portrayed Western media and human rights reports? The answer is no. Rather, it is a war between a central government and an insurgency that is being played out, through the use of proxy Arab militias, as an aggression by tribal groups with no land against groups with land.

It is important to recognise that the Arabs of Darfur are not at war with the African tribes. While individuals and some lesser leaders may have joined the *janjaweed*, the larger, richer, more powerful Arab tribes of South Darfur – most notably the Rizeigat, the Taesha, the Maalia, the Habbaniya, the Bani Hussein, a good part of the Bani Halba and others, in short nearly all the Baggara cattle-herding nomads of Darfur – have not, as tribes, taken part in *janjaweed* violence.⁵⁶

This is a critical point for the future of Darfur, one of the few silver linings in the current storm. It was raised by

Windstorm in a displaced camp. (Photo: Geoffrey Chege)

many of the individuals interviewed for this research – Arab and non-Arab, victims of the violence and not. That the *janjaweed* do not represent the Arabs of Darfur indicates there is hope for coexistence in Darfur. The neutrality of the large Arab tribes opens prospects for future solutions.

In a positive sense, tribes which have not engaged in violence could act as mediators (*ajawid*, a longstanding Darfur tradition) between communities engulfed in violence, contribute to an inter-positional deployment in disputed areas, or even help lead political negotiations with the rebel groups. All these suggestions were made by local leaders in conversations for this research. A recurring name in this regard was Saeed Musa Mahmud Madibbo, *nazir* (paramount chief) of the Rizeigat. He commands respect throughout Darfur as a powerful leader, all the more so that he is reported to have resisted direct entreaties from the highest levels of the government to contribute *fursan* (literally, knights, i.e., horsemen) to the *janjaweed*, saying that he would only do so to defend his

⁵⁶ In fact it is rumored that at least one, if not several, ranking SLA commanders is Rizeigat.

dar. Nazir Madibbo reportedly argued that he is now acceptable by all the tribes and can mediate at any time, but that should the Rizeigat start to fight, his mediation role would no longer be accepted.⁵⁷

In interviews, a number of Darfur notables – tribal, political and intellectual – stated they felt the main tribes involved, both Arab and African, would indeed accept Madibbo's mediation. One Darfur politician, a Fur known for his pro-Darfur militancy, called the Rizeigat decision not to join the *janjaweed* "the hope of Darfur."⁵⁸ (On a different level, it is unclear whether the SLA, JEM, or the government for that matter, would welcome Rizeigat mediation.)

The case of the Rizeigat is worth examining in greater detail. After all, the Rizeigat, probably the most powerful Arab tribe in Darfur, long served as *murahaleen* (government-sponsored militias) against southern Sudanese communities.⁵⁹ Why would the Rizeigat not join in on the *janjaweed* project? The answers to this question show the viability of intra-ethnic relations in Darfur and the prospects for co-existence. First, the Rizeigat have at the moment cause for conflict with neither the Zaghawa, with whom they have extensive trade relations (most merchants in Ed-Daein town are Zaghawa); nor the Fur, with whom they have extensive family relations since the time of the Sultanate; nor the Masalit, the Sultan of whom has married Nazir Madibbo's daughter. Second, the militia adventures of the current *nazir*'s father brought the tribe little more than a bad name, and mostly benefited Prime Minister Sadiq al-Mahdi's political calculations and the commercial interests of a small number of Omdurman livestock merchants. Third, the main reason for becoming *murahaleen* was economic: to re-stock animal holdings depleted by the droughts of the 1980s. Lastly and most relevantly, the Rizeigat have nothing to gain from becoming *janjaweed*: unlike the camel-herding tribes of

the northern Darfur, they already have a *dar* – they have land.⁶⁰

The Arabs of Darfur are not at war with the Africans, and neither are the Africans of Darfur at war with the Arabs. Some small (and not so small) African tribes operate alongside the *janjaweed*, such as the northern Gimir and the Tama. Many others have managed to remain neutral: the Borgo, the Berti, the Borno, the Hausa/Fellata (who, like the neighbouring Arab tribes, are mostly camel-herding nomads) and, until recently, the Birgid.⁶¹

This is not to say that racial aspects to the conflict do not exist. They do. First, social and political life in Sudan is rife with discrimination. The country has endured 15 years of forced islamisation and arabisation policies under the current government, which has treated those of its citizens who do not hail from Central Sudan with a callousness akin to racism. Second, there exist strong racist underpinnings to the *janjaweed* project. In the late 1980s, a group called the Arab Gathering (*at-tajammu' al-arabi*), made up of Arab politicians and intellectuals from Darfur, issued a series of documents – reportedly titled *Qureish I* and *Qureish II*, and also an open letter to then-PM Sadiq al-Mahdi – that laid out plans for asserting Arab power in Darfur. One of the ideas was that of an Arab 'belt' (*al-hizam al-arabi*) that would extend from eastern Sudan, down into southern Blue Nile, across the Nuba Mountains and the oil field region, and up through the central belt of Darfur.⁶²

Finally and most importantly, many of the people in Darfur now perceive the current violence in a racial context. In interview after interview, victims stressed that they were targeted because they are 'blacks' (*zurqa*, or *zurga* in Sudanese Arabic, and the more offensive *zunuu*), and often said they saw the conflict as part of a broader strategy to clear them off their land. According to vic-

57 Interview with a witness to these discussions, location and date withheld.

58 Interview, Darfur, June 2004.

59 The list of their depredations against non-Arab neighbours, especially the Dinka, throughout the late 1980s and 1990s, is long: the 1987 Ed-Daein railway massacres; the disruption of Dinka transhumance routes and systematic looting of their cattle; the looting, killing, rape and abductions of Dinka in southern Darfur and northern Bahr al-Ghazal; and the exploitation of displaced Dinka populations in Dar Rizeigat.

60 For more on the 1980s in northern Bahr al-Ghazal and southern Darfur, see D. Keen, *The Benefits of Famine: A Political Economy of Famine and Relief in Southwestern Sudan, 1983-1989*, Princeton University Press (Princeton NJ, 1994).

61 In late June, early July 2004 there were skirmishes between Birgid and Rizeigat following *janjaweed* attacks on Birgid communities east of Nyala. For a while it was feared that the Rizeigat were about to enter the fray, but *nazir* Madibbo reportedly intervened swiftly to defuse the situation.

62 From there the belt would stretch westwards through the Sahel to the Atlantic Ocean, as part of a wider project to insulate the Arab World from Sub-Saharan Africa.

tims, during attacks the *janjaweed* themselves often articulate their threats and abuse in racist terms.

Genocide?

At this point, a most important caveat is necessary. That the crisis cannot be described as Arab-African does not in any way imply a judgment on the issue of genocide. Article II of the 1948 Convention on Genocide reads as follows: "In the present convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group."⁶³

This report does not have the tools to answer such questions from a legal standpoint. But ultimately, whether the violence of the last 18 months in Darfur amounts to genocide must be judged by an analysis of whether the actions target an ethnic or racial group and whether the atrocities were committed with the intent to destroy in whole or in part the group.⁶⁴ Two findings emerge conclusively from the field research conducted. First, it is clear - the fluidity of ethnic identity notwithstanding - that the victims in Darfur belong to clearly defined and perceived groups. Second, the author believes that the scale and deliberate nature of the violence are such that, in many instances, the complete destruction of the affected communities' way of life appears a clear aim of the attacks, and certainly remains a possible outcome - especially in West Darfur (less so in North Darfur).

63 Convention on the Prevention and Punishment of the Crime of Genocide, approved and proposed for signature and ratification or accession by General Assembly resolution 260 A (III) of 9 December 1948, Article II (posted on http://www.unhchr.ch/html/menu3/b/p_genoci.htm).

64 This echoes similar points made by Alex de Waal in a confidential memo on Darfur prepared for the management of CARE in Summer 2004.

Part Two: Patterns and Consequences of the Violence

Strategies of Abuse and Patterns of Displacement

Findings consistent with independent human rights reports

This research did not focus on human rights abuses per se. But the tales of atrocities resurfaced in conversation after conversation – they were unavoidable. The many interviews conducted repeatedly and consistently confirmed the testimony found in human rights and political analysis reports produced to date on the violence in Darfur.⁶⁵ This report finds the same elemental features of the violence, now both well known and well documented, including in the Sudanese press. They are as follows:

- The attacks on non-Arab villages are systematic, murderous, and unprovoked; they are carried out by Arab militias on horse or camel-back, and sometimes with vehicles.
- In a majority of cases, the attackers act with direct support from the Sudanese military, in the form of troops, logistical back-up, or close air support from fighter-jets, bombers, and helicopter gunships.
- The looting is methodical, including the plunder of household goods, livestock, commercial goods, vehicles and productive assets (e.g., tools, diesel pumps, vehicles).
- What cannot be taken is destroyed: huts and shops, grain and water storage pots, orchards, irrigation channels, wells, mills, and so on.
- Communal structures such as government buildings, markets, mosques, schools and health units are targeted and often destroyed.
- Individuals are subjected to systematic abuse: men of fighting age are killed; women are raped, and sometimes mutilated and abducted for additional sexual assault; some children are abducted, mostly to help care for looted livestock.
- The violence occurs both at the time of attack and during flight, and continues to be visited on civilians who have sought refuge in camps and towns.
- In many places where large numbers of displaced have congregated, their movement is curtailed, and with it their traditional coping mechanisms.
- Sudanese who speak out about the violence, whether in meetings with foreign dignitaries, in interviews with Western human rights investigators, researchers or reporters, or even in the Sudanese press, are either harassed by government security or fearful of being so.

Different aims behind the violence

The violence may appear undifferentiated, but in fact, in different areas of Darfur, the violence resulted from different sets of objectives. As a result, the nature of the abuses varied, and continues to do so, which in turn has yielded different patterns of displacement and different levels of vulnerability.⁶⁶

65 These include reports by the following institutions: United Nations High Commissioner for Human Rights ("Situation on Human Rights in the Darfur Region of the Sudan," 7 May 2004); Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions ("Report of the Special Rapporteur, Ms. Asma Jahangir, Addendum, Mission to the Sudan (1-13 June)," Geneva, 6 August 2004); Special Rapporteur of the Secretary-General in Internally Displaced Persons ("Mission to the Sudan, the Darfur Crisis," 27 September 2004); the UN Office for the Coordination of Humanitarian Affairs ("United Nations Inter-Agency Fact Finding and Rapid Assessment Mission, Kailek Town, South Darfur," 25 April 2004); the International Crisis Group ("Darfur Rising: Africa's New Crisis," 25 March 2004; "Sudan: Now or Never in Darfur," 23 May 2004; "Darfur Deadline: A New International Action Plan," 23 August 2004), Human Rights Watch (Darfur in Flames: Atrocities in Western Sudan," 2 April 2004; "Darfur Destroyed, Ethnic Cleansing by Government and Militia Forces in Western Sudan," 7 May 2004; "If We Return, We Will Be Killed: Consolidation of Ethnic Cleansing in Darfur Sudan," 15 November 2004); Amnesty International ("Sudan: Immediate Steps to Protect Civilians and Internally Displaced Persons in Darfur," public statement, 29 August 2003; "Sudan: Killings, Abductions of Children and Arbitrary Detention in Darfur," news service 7 January 2004; "Darfur: 'Too Many People Killed for No Reason,' " 3 February 2004; "Deliberate and Indiscriminate Attacks Against Civilians in Darfur," 7 April 2004; "At the Mercy of Killers-Destruction of Villages in Darfur," 2 July 2004; "Darfur: Rape as a Weapon of War: Sexual Violence and its Consequences," 19 July 2004; "Intimidation and Denial: Attacks on Freedom of Expression in Darfur," 25 August 2004; "Sudan: Civilians Still Under Threat in Sudan," 13 October 2004; "Sudan: Arming the Perpetrators of Grave Abuses in Darfur," 16 November 2004), Médecins Sans Frontières ("Emergency in Darfur, Sudan: No Relief in Sight – Focus on Mornay Camp, West Darfur State," 21 June 2004).

66 The geographic distinctions made below (northern, western and southern Darfur) do not refer to North, West and South Darfur states. Rather they are natural geographical areas that organise around the Jebel Marra massif (see Geographical Note in introduction).

Northern Darfur

In northern Darfur, the violence was an extraordinarily brutal counter-insurgency campaign, instigated by the government. Jebel Marra and northwestern Darfur is the cradle of the insurgency. Communities there are thought to have provided support to the nascent SLA and JEM. North Darfur state is also the site of the SLA's early battle-ground victories: the attacks on El Fasher, Kutum and Mellit. The government's main objective in northern Darfur was to counter the insurgency: to break the economic spine of communities perceived to be supporting the rebels. The pattern of attacks in northern Darfur reflects this objective.

It is hard to know to what extent Sudanese government authorities offered plunder as an incentive to join the campaign, but the destruction clearly shows that the *janjaweed* had a free hand to loot. The militias, some organised as Popular Defense units, others in civilian clothes, attacked communities – looting, burning, raping, and killing. But they did not stay beyond a few days. The reason for this is that they had no design on the territory. Sometimes they returned to harass those who had not yet left or come back too soon, but still they did not occupy territory. North Darfur is for the most part arid and dry – this is not land that is of interest to the Arab camel-herders of North Darfur.

The only areas where the *janjaweed* have land-related designs in northern Darfur are ones like Damrat ash-Sheikh, near Kutum in North Darfur, and other traditional encampment areas (*damra*).

Western Darfur

Western and southwestern Darfur – mainly the Dar Masalit, Wadi Azum, Wadi Saleh and Kabkabia-Wadi Baré areas⁶⁷ – are fertile areas. Here, the violence has been primarily about gaining access to land, rather than counter-insurgency. These areas have witnessed relatively light rebel activity: despite a decade of harsh state-sponsored political and physical violence in Dar Masalit, the Masalit have not embraced the insurgency as have the Fur and Zaghawa. There was no counter-insurgency rationale for violence. But what western Darfur has is good arable land,

rich rangelands, and large seasonal watercourses that retain water well into the dry season and offer good planting opportunities. This is what the *janjaweed* want. Again, the patterns of violence in this region reflect *janjaweed* objectives: in western Darfur, the *janjaweed* attacked – and stayed. They occupy the countryside, where they have set up traditional encampments with the distinctive round, tent-like huts of the nomads, and graze their livestock – much of it newly acquired.

The absence of a primary counter-insurgency motive in western Darfur does not mean that the *janjaweed* are the sole instigators of the violence. On the contrary, the violence in western Darfur is government-led. The *janjaweed* are the main perpetrators of the violence but in numerous interviews displaced people stressed that the militias receive strong government support in fire-power, *materiel* and logistics: villagers described weaponry and vehicles that the *janjaweed* were unlikely to have acquired on their own, attacks by Sudanese military units, and air attacks. The brazen behavior of the *janjaweed* in the towns is further evidence, if there was a need for it, that their presence has the full assent of the authorities.

The logic of conflict in western Darfur is a continuation of the government's policy in the last decade to empower local Arabs at the expense of Masalit, Fur and other non-Arab communities. Local people make the clear assumption that the violence involved an element of quid-pro-quo: participation in counter-insurgency operations in northern Darfur gave a free hand for land-grabs and livestock corridors in western Darfur. While this research has no hard evidence of this (documentary or other), this is not an unreasonable assumption.

*Southern Darfur*⁶⁸

In southern Darfur, the situation is different, more complex. Arab tribes form a majority of the population in South Darfur state, especially the large cattle-herding Baggara tribes who, for the most part, have not joined the *janjaweed*. But there has nevertheless been substantial violence. Some of the violence has centred on land, and on local competition for resources. For instance, attacks on Fur communities in the southeastern foothills of Jebel

67 The Wadi Baré-Kabkabia area actually straddles the border between West and North Darfur. Wadi Baré and Kabkabia sit at the foot of the northern foothills of Jebel Marra, and have more in common physically and socially with western Darfur than with northern Darfur.

68 Note: Southern Darfur was visited only briefly because of political and security concerns.

Marra (Malam), southwest of Nyala (Sani Deleba), and possibly in other places, seem to have been motivated by land-grabs. Similarly, the Bani Halba attacks on southern Gimir communities near Katila were clearly little more than cattle-rustling raids that took advantage of the general state of lawlessness.⁶⁹ The importance of South Darfur is strategic: it commands access to the highlands of Jebel Marra and is Darfur's most prosperous economy. The government and the *janjaweed* have worked hand in hand to try to deny the rebels a foothold in South Darfur, and have, as a result, engaged in hard counter-insurgency operations. The area of Kass, for instance, has witnessed, in addition to early attacks, harsh ongoing abuse, including forced labour and restricted movement. These abuses were documented by a UN assessment team whose report concluded that the South Darfur state government had actively covered up abuses.⁷⁰ In recent clashes, *janjaweed* and the SLA have also been vying for tactical advantage along the strategic roads in and out of Nyala. This has sparked attacks and counter-attacks, which have in turn triggered displacement.



Ussa Abdullah Isaaq with her daughter Selima, 29 months, at a therapeutic feeding centre in Tawila. (Photo: Caroline Irby / Network / SCFUK)

Note: The United States State Department has compiled a map of destroyed villages in Darfur based on interviews of refugees in Chad. The map shows two main areas where villages were destroyed: Dar Zaghawa in the northern part of West Darfur state, and Dar Masalit, in the westernmost point of West Darfur State.⁷¹ Dar Zaghawa was attacked for counter-insurgency purposes, because it is the home-ground of the Zaghawa-dominated SLA. Dar Masalit was

targeted because of the richness of its land and water resources.

Patterns of displacement

The different patterns of abuse have triggered different patterns of displacement.

69 Interview, local leader, Darfur 2004. The Gimir communities in the Katila region are a result of southward migration of Gimir from their home areas in northwestern Darfur following drought in the 1970s and 1980s. These 'southern' Gimir have not joined the *janjaweed*, unlike their northern brethren.

70 Office for the Coordination of Humanitarian Affairs (OCHA): "UN Inter-Agency Fact Finding and Rapid Assessment Mission, Kailek Town, South Darfur, 25 April 2004," (Khartoum, July 2004).

71 U.S. Department of State: "Documenting Atrocities in Darfur," Publication 11182, September 2004 (<http://www.state.gov/g/drl/rls/36028.htm>, accessed 26 September 2004). The map refers erroneously to the three states of Darfur as northern, southern and western Darfur (rather than North, South and West Darfur).

*1. Displacement where counter-insurgency and loot were the primary objectives of the violence (northern and parts of southern Darfur)*⁷²

In northern Darfur and some areas of southern Darfur, where counter-insurgency and looting were the main objectives of the violence, the attacks focused on destroying the ability of local communities to maintain a livelihood. Many, but not all, people fled. The *janjaweed* did not stay either, as they had no immediate interest in the land. Many of the displaced sought refuge in camp-like settlements in larger towns, often in a staggered manner: people from small villages moved to larger villages and small towns, while the inhabitants of the latter moved to larger towns like Kutum, Kabkabia and El Fasher, where they received humanitarian aid. The displaced in camps and towns with a heavy *janjaweed* presence, for instance Kutum and Kabkabia, continue to be brutalised (looting, killing, rape) and remain very frightened.

But there also exist numerous pockets of displaced people who are not in camps, who are dispersed.⁷³ Some have fled to mountainous areas like Jebel Marra, Jebel Si, or smaller, local mountain ranges, or simply remote bush areas. Others remain close to their villages but do not sleep there for security reasons (micro-displacement). As of June 2004, many of these non-camp displaced were not registered and were not receiving aid.

The fact that the *janjaweed* do not occupy the land in these areas, means that people are slightly less worse off than in areas like western Darfur where movement is highly restricted. In much of northern Darfur, people can move. There is some movement out of the main towns and camps, albeit at night, because of marauding *janjaweed*. There is also a steady nightly flow of humanitarian aid from the camps that is dispersed to relatives in the bush. In rural areas, around smaller villages, people appear to move more freely, gathering fuel wood, grass for fodder and wild foods. People also travel to trade and seek wage labour, either locally or outside the region.

Some markets function, while others are closed because of recent attacks. There is even some limited return, much of it staggered, like the displacement, with people returning to larger settlements before returning to their home villages and compounds. Furthermore, some planting took place: by people who were not displaced at all, by people who moved but stayed close to their areas of origin, or by people who have returned to or near their home-areas. For these reasons, despite the brutality of the attacks, massive displacement and ongoing *janjaweed* violence in towns like Kutum and Kabkabia, people have in some instances been able to still resort to traditional coping strategies.

2. Displacement where land is the object of violence (western Darfur)

In Darfur, usage is a key element of access to land, with a usual statutory limit of three years: if a farmer does not work the land in a three-year period he or she is likely to lose access to that land.⁷⁴ Preventing people from working their land is a first step in taking it from them. In areas where land is the object of violence (Dar Masalit, and foothill areas of Jebel Marra like Wadi Saleh to the south and Wadi Baré to the north), displacement is near complete. Here, *janjaweed* are visible throughout the area. Livestock graze in what are normally fields. Fruit tree limbs have been cut down to provide fodder. The countryside is empty of its usual inhabitants: they have congregated in towns and camps like El Geneina, Zalingei, Mornei, Kereinik and others, where they are isolated, brutalised, terrorised and preyed upon. A striking fact is that a majority of the displaced interviewed said this was the first time they were displaced since the droughts of the mid-1980s. There is little micro-displacement and few dispersed. People do not move outside of the camps. In normal times, this is one the breadbasket regions of Darfur, but there has been practically no planting this season.

72 See "Geographical Note" at the end of the introduction.

73 The Arabic equivalent of the French term *dispersés* (often used in the eastern Congo context) is *munshiriin*.

74 De Waal (1989), op. cit.: p. 47.

Short-Term Repercussions of the Violence

There is a tendency, in humanitarian circles, to underestimate the resilience of communities in crisis – and, by extension, to overestimate the difference aid programmes can make to survival and recovery. We overlook the coping strategies of local people. We disregard their social priorities. We misunderstand their societies. The 1984-85 famine witnessed the then-largest famine relief operation in Darfur to date; yet there is now doubt as to whether these programmes had any real mitigating impact on short-term destitution and mortality.⁷⁵ Since then, recurring, albeit smaller, food crises, especially in northern parts of Darfur, have triggered a succession of relief operations, many of which had little real impact on the short or long-term vulnerability of rural people because they came too late, were poorly targeted or were not the best intervention to begin with.⁷⁶

The situation in Darfur today is very different to 1984-85 – far graver in terms of the severity of the immediate emergency and the prospects for recovery of the affected communities. In terms of the emergency, the violence puts the people at far higher risk than in previous famines. Not only are they still vulnerable to attack and abuse, but physical insecurity forces people to congregate in crowded camps where they are vulnerable to epidemics and other health and sanitation problems. And restricted movement undercuts their ability to resort to the coping mechanisms central to their resilience and ultimately to their survival.

Three immediate humanitarian issues in Darfur need to be considered: protection, livelihoods and the threat of famine. The severity of the crisis also carries grave short-term political consequences, especially for the Sudanese government.

Protection

Violence is the central trigger of the humanitarian crisis in Darfur today, and protection is the central humanitarian issue. The other humanitarian issues – crowded displacement camps, dwindling livelihoods and the threat of famine – are the result of physical insecurity.

Violence as a leading cause of mortality. Enduring violence raises serious concerns with respect to civilian protection. In areas where *janjaweed* forces are in control over large concentrations of displaced people (Kutum, El Geneina, Kabkabia, Mornei and most of the large camps of western Darfur), direct violence appears to be a leading, if not the primary, cause of mortality. The violence is well documented in a June 2004 retrospective mortality survey conducted by Médecins Sans Frontières (MSF) / Epicentre among displaced people in Mornei. Mornei is a village that lies some 80 km east-southeast of El Geneina; its original population of about 6,000 now hosts 75,000 to 80,000 displaced from 111 villages throughout western Darfur.⁷⁷ The MSF data shows that, between 26 October 2003 and 5 May 2004, among villagers, *janjaweed* violence was the cause of 50 percent of the deaths of under-fives and 95 percent of the deaths of people aged five and older. This reflects the extraordinary violence visited upon villages in that period.⁷⁸

A striking point is that the attacks occur both before and after displacement. Violence is an obvious and necessary condition of displacement – experience from the world over shows that unless people are terrified, they do not flee. For many displaced in Darfur – and Darfur refugees in Chad – the violence does not abate after displacement.⁷⁹ Displaced men in camps and a number of towns say they cannot stray beyond a few hundred meters of the camp or town without risking death; even local men are fearful of moving around town after dark.⁸⁰ Abductions, sexual violence and protection rackets continue.

75 De Waal (1989), op. cit.: p. 213 and following.

76 See for instance Save the Children (UK) (2002), op. cit..

77 Médecins Sans Frontières / Epicentre: "Emergency in Darfur, Sudan: No Relief in Sight – Focus on Mornay Camp, West Darfur State," (Khartoum/Paris, 21 June 2004). Epicentre is a specialised epidemiological and widely respected research group affiliated with MSF.

78 Mornei itself was not targeted to the same extent – which is why it became a haven of sorts for displaced villagers; in Mornei, violence accounted for 'only' 10 and 30 percent of the under-fives and people five and above, respectively.

79 On *janjaweed* attacks on refugees in Chad, see HRW (April 2004), op. cit.: pp. 37-38.

80 Repeated interviews (dozens), displaced and local citizens, Darfur, June 2004.

Violence and public health. The violence has forced the displaced, most of whom are rural people not accustomed to living in close proximity with others, into highly crowded settlements with insufficient access to water and with poor sanitary conditions – and keeps them penned there. These conditions are highly conducive to epidemic outbreaks of diarrheal diseases, malaria, measles and respiratory infections, which are likely to become the main causes of mortality as time goes by.⁸¹

Sexual violence. One especially brutal element of sexual violence which surfaced several times in interviews conducted for this research and had not, at the time at least, been reported in human rights reports was that of forced circumcision. Some 'African' communities in Darfur do not practice female genital mutilation (female circumcision): this is true of the Fur, and to a lesser extent of other groups such as the Masalit. According to people interviewed, women who were not circumcised were forcibly cut, most often after having been raped.⁸² This mutilation sometimes consisted of an attempt at full circumcision or, most often, of a token mutilation of the victim's genital area to show contempt and trigger further injury, shame and humiliation. (In many instances, groups of assailants publicly inflicted sexual violence, an exercise in humiliation not only of the women, but also of their relatives or communities who were forced to watch.)

Extortion. In most areas with large concentrations of displaced populations, people also reported protection rackets that were often similar from place to place. In some cases, militiamen demanded protection payments from local communities in exchange for not being attacked. People said these payments were computed either by asset (e.g., so much for a shop, so much for a diesel pump), or by traditional leader (for instance, an *omda* would be asked to pay an amount for each *sheikh* under him). In many cases, extortion did not buy protection, merely a reprieve from attack. Some of those interviewed noted wryly that the offers of protection were actu-

ally reconnaissance missions in preparation for future attacks.

Post-displacement extortion is common in many camps. The *janjaweed* extort payment from women and children in exchange for allowing them to leave the settlement to collect fire wood, grass for fodder and wild foods, whether for household or commercial use. In some cases, like in Kass, the racket takes the form of a crude looting: women and children are allowed out of the settlement but have to surrender part of whatever they bring back.⁸³ In larger camps like Mornei, extortion is an actual fee-driven system: women wishing to leave the settlement have to pay *janjaweed* militiamen a protection fee of LS1,000 per head (or LS2,000 per donkey) to collect wood or grass. For that price, one or two gunmen escort groups of two or three dozen women out of the town. Despite the payment, it is common for the 'protecting' militiamen to sexually abuse women in the group.⁸⁴ Because they control transport, the *janjaweed* also control the sale of the grass or firewood beyond the camp.⁸⁵

Livelihoods

Violence and livelihoods. Violence has hit the livelihoods of affected communities very hard. Past droughts and conflict do not approach the current levels of destruction, especially in western Darfur and its traditionally well-to-do food-surplus areas where many people are displaced for the first time in 20 years. Assets that have taken generations to build have been wiped out: household items such as beds, blankets and utensils, donkeys, livestock, orchards, diesel irrigation pumps, grinding mills, lorries and tractors have been lost. According to local notables interviewed, many affluent or influential people who could afford to move away from the area have done so. Because they have been targeted, many men of working age have been forced to move away to central Sudan, to Chad, to Libya, departing as the conflict came to their communities. They have no prospects of return anytime soon, and

81 A suspected cholera case in Kalma camp and similar poor sanitation in Kass have necessitated emergency cholera vaccinations in both camps. An outbreak of Hepatitis E has already occurred, mostly in West Darfur but also in South Darfur. Measles, a major killer of under-fives, is probably the most likely to be contained thanks to emergency immunisation campaigns.

82 These interviews were with male and female members of affected communities, including local community leaders; but no interviews took place with women who has themselves suffered post-rape mutilation.

83 OCHA (2004) op. cit.

84 Interviews, displaced women, displaced men, traditional leaders, Darfur, June 2004.

85 Direct observation, Darfur, June 2004.



even if they are able to find wage labour, they will not be able to remit any monies to their families.⁸⁶

As mentioned above, the violence has gravely disrupted traditional coping mechanisms – e.g., firewood and wild food collection, economic migration, remittance flows. The main factor is the restriction in personal movement: people cannot move in safety. Violence has also affected economic activity: there is less trade, and well-to-do farmers who in normal years would hire seasonal labourers have themselves been displaced.

Pastoralist livelihoods. The livelihoods of pastoralists have also been affected by the violence, including groups who have joined the *janjaweed*. They are “starting to pay the price” of the violence, in the words of a northern Rizeigat *sheikh*.⁸⁷ Insecurity affects livestock markets and traveling livestock traders. In a natural economy that relies on the complementary nature of nomadic and sedentary activity, nomads find that their traditional trading partners – farmers – can no longer trade: either they could

Displaced villagers who have recently arrived at Abu-Shouk camp, North Darfur, collect the metal rods, string and tarpaulin sheeting distributed by humanitarian organisations, to construct rainproof housing. (Photo: Caroline Irby / Network / IRC)

not produce and therefore have nothing to sell and no money to buy with, or else, having been displaced, they are no longer around to trade. SLA raids have targeted *jammala* livestock concentrations in Darfur and, increasingly, the desert routes that pastoralists use to bring their animals to markets in North Africa and Arabia. Finally, the generalised violence has led to an increase in opportunistic camel-raiding by non-Arab pastoralists on Arab groups.⁸⁸

Seeds and tools. In most targeted communities, seeds and tools were looted. In burnt villages, holes left by attackers seeking buried grain reserves are visible around the ruins of compounds. Affected families are forced to share basic agricultural tools like hoes and axes for wood-cutting. In northern Darfur, where some return has occurred,

86 Many men, embittered by *janjaweed* attacks and fearing for their security, are also reported to have joined the rebels.

87 Interview, traditional leader, Darfur, June 2004.

88 For instance it was reported that, in June 2004, a combined party of Meidob and Berti raided Zayadiya Arabs north of Kuma in northeastern Darfur. While the incident itself was limited (70 camels looted, two Zayadiya men wounded), it was perceived as ominous because of the unusual cooperation between Berti and Meidob (interviews, local community leader, Darfur, June 2004).

people interviewed say they do not have seeds to plant. In western Darfur and the more fertile parts of southern Darfur, a September planting season would have been possible for certain vegetable and spice crops (tomatoes, sweet potatoes, cumin, certain nuts, water melon) if people had had the security necessary to return and work their land – which they did not.

In places where camp populations are sharing their rations with displaced and dispersed populations in the bush, aid agencies could use this mechanism to channel seeds to populations who have access to land and might be able to plant.

Dying donkeys. As elsewhere in rural Sudan, donkeys are one of the most common and valuable household assets in Darfur. They are durable, economical and useful as transport for people, goods and water. For those displaced who were able to save their donkeys, these animals are often their last productive assets. Farmers will go to extraordinary lengths to protect them. Caring for the animals has been very difficult for the displaced, especially in the dry season when there is no grazing and fodder is necessary. *Janjaweed* militiamen know the value of donkeys: they are interested in looting a valuable asset, as well as in further crippling the livelihoods of their victims. They do not allow displaced people to leave their camps to graze their donkeys. As a result, settlements of the displaced are strewn with donkey carcasses. This further damages victims' livelihoods, affecting their ability to make the journey home. The inability of aid agencies to focus on fodder in the run-up to the rains was a failure – an illustration of the inability of many relief programmes to meet key needs of the displaced.

The threat of famine. The confluence of the recent atrocities, massive displacement and enduring insecurity are disastrous for both long and short-term survival in Darfur. The habitual resilience of the people will not be enough. A striking sense of fear and doom prevails, especially in western Darfur where the people have been forced from their farms. There will be no harvest here and the great *wadis* become unfordable torrents when come the rains.

“Janjaweed, bashmerga, torabora – we are all in the same boat, and the boat is sinking,” one person interviewed in El Geneina said, using the local slang terms for the various combatants.⁸⁹ The problem in the short term is the rainy season, which is already disrupting food deliveries by land. Deliveries by air (airlift or airdrop) are difficult and costly.⁹⁰ The problem is cumulative. Because of past violence, there was only a limited harvest in 2003 and, in some places, none in 2002. And in most of West Darfur and in many places in North and South Darfur there will be no harvest this year.

The fact that there was little surplus from prior seasons makes reports that people were able to save grain, either by hiding it in the bush or by transporting it to larger towns before the war, unlikely. In this research, only a couple of mentions arose of local leaders being able to save grain. Mostly, people said that attacks took them by surprise and that they had no time to organise the moving of grain. Those few who had received some warning said they had been skeptical about the announced attacks.

Pockets of acute food insecurity may also develop because of localised conditions, such as high levels of past violence, continuing abuses and logistical problems. Of particular concern are those areas under the 'control' of the SLA and JEM – or rather those areas no longer under the control of the government – which have not been fully assessed and where relief assistance is unreliable or at best intermittent.

Short-term political repercussions

The fact that the question of genocide is being raised publicly in the West – as well as privately in Sudan – indicates how significantly the government miscalculated its management of the Darfur crisis. The Sudanese government had hoped to hide its counter-insurgency campaign behind the veil of the North-South peace talks. The tactic backfired. Now it is difficult to predict the long-term consequences to overall peace in Sudan. While the insurgency may be contained or at least confined to Darfur,

89 *Bashmerga* (from the name of the Kurdish fighters, the *pehmerga*) are *janjaweed* who have been incorporated into the armed forces. *Torabora* (from the mountainous area in Afghanistan where US forces cornered and then failed to find Osama Bin Laden) is the Sudanese slang name given to the SLA and JEM rebels, who often seek refuge in the mountains.

90 This research has not delved into food aid delivery plans, but one must note that El Geneina, with its 150,000 inhabitants, requires approximately 75 MT of grain per day. This represents about five large *suq* lorries or seven C-130 aircraft.

the resulting human rights and humanitarian crises have been highly destructive nationally for the Sudanese government. Here is why:

Awkward domestic politics. The crisis in Darfur damages the government in terms of domestic public opinion. Central Sudanese may look down on Darfur, but they still consider it an integral part of northern Sudanese society, unlike people from Southern Sudan, or even Southern Blue Nile or the Nuba Mountains, where people can perish by the hundreds of thousands with little more than a ripple in public opinion. A major famine or food crisis in Darfur is terribly awkward for the government, especially against the backdrop of official slogans of Sudanese economic self-sufficiency and oil production. There is a historical precedent here: Nimeiri's failure to first acknowledge and then address the 1984 famine in Darfur was a strong factor in the fall of his régime the following year.⁹¹

Government social control undermined. The crisis undercuts some of the government's more reliable instruments of social and political control. The scope of the violence is such that Darfur élites and politicians, even those closest to the régime, and including high-ranking members of the ruling National Congress party, can no longer defend the government's actions. The government can no longer count on their support, and with that, it is losing part of its traditional support base. The crisis has also undermined the legitimacy of traditional leaders normally loyal to the régime. In an attempt to salvage credibility with their own communities, these local leaders – from the Sultan of the Masalit to the most modest of local tribal chiefs, to Darfur community leaders in Khartoum – have often had to distance themselves from the government. For instance, government delegations from Khartoum have been snubbed when they visited the region. Members of parliament refuse to visit their constituencies. Local leaders and government em-

ployees have resisted peddling the government line on return. And, in the privacy of conversations with friends and kin, Darfur politicians, both local and national, who were once supportive of the National Congress, are now silent, non-committal, and even critical of government policies.⁹²

Divisions within the government. The crisis also highlights divisions within the federal government. There is reported disagreement among ministers and influential members of the government regarding a solution in Darfur – many think that the violence has gone too far, while others reportedly argue that anything is justified to counter the rebels.⁹³ The continuing violence also indicates that high-ranking officers in Sudan's many security agencies (as opposed to the military) act with impunity and may prove hard to rein in. Some analysts think that the erratic, counter-productive behavior by some elements of the security forces may be the result of their wish to undermine Vice President Ali Osman Taha by creating a situation where the country is "ungovernable," and precipitate a change in government in Khartoum.⁹⁴

International condemnation. Finally, the violence and the resulting humanitarian crisis have brought unwanted international pressure. Spearheaded by the United States and what appears to be a personal commitment by UN Secretary-General Kofi Annan, numerous international bodies have condemned the government's actions in Darfur, including, initially at least, the Arab League. The Bush administration has officially accused Khartoum of genocide. Such opprobrium came just as Khartoum seemed poised to regain greater international legitimacy following the signing of the Naivasha Accord with the SPLM/A in May 2004.

91 African Rights: *Food and Power in Sudan: A Critique of Humanitarianism* (London, May 1997): pp. 46-50.

92 Interviews, local leaders, Darfur politicians, Khartoum and Darfur, May and June 2004. The change in attitude of many normally pro-government Darfur politicians was both reported to the author and observed directly.

93 Interview, Darfur politician, Khartoum, June 2004.

94 Justice Africa, "Prospects for Peace in Sudan Briefing, October-November 2004," p. 5.

Long-Term Repercussions of the Violence

Darfur has been set back decades

The stripping of people and assets from communities has set Darfur back decades. In terms of rural livelihoods, entire areas of Darfur are devastated. The destruction is not uniform, however. Some places are more affected than others – and one must remain mindful of the trap of downplaying the resilience of rural communities. But it is critical to understand that the scope and destruction of the current violence makes it probably the worst Darfur has witnessed since the bitter fighting between Mahdist troops and local Darfuri rebels in 1888-92. That violence led to what some consider the most deadly Darfur famine in the last 150 years: the *sanat sitta* famine.⁹⁵

There is no underestimating the overall impact of this crisis on Darfur. In many areas the violence has been so harsh and so widespread that it has precipitated a general leveling of economic (wealth ranking) groups: poor households are poorer, and middle-income and high-income households are now poor. This will have far-reaching consequences in terms of displacement, long-term out-migration, rural productivity, even capital flight. Many people who live outside the main towns and who retain some money and assets, African *and* Arab, say they want to leave the area – to the state capitals, to central Sudan, to Khartoum. Darfur can ill afford either brain-drain or capital flight.⁹⁶ Abused communities will take generations to recover. The consequence for this already underdeveloped and poor region is further impoverishment.

Social repercussions

The social repercussions of the crisis will be far-reaching in a number of ways.

Sexual violence. The high number of incidences of sexual violence and rape raises the question of how affected individuals and societies will recover, especially given the fact that these are highly conservative rural communities. Darfur society has never experienced, in living history, the problem on such a scale before. The individual cases that usually occur are committed by young men either from the same tribe or another tribe in the area, but that is of a different nature. Here, rape is used as a weapon to humiliate, harm and displace entire communities.⁹⁷ There are no obvious ways of dealing with it: different groups seem to react differently to the aftermath of rape.⁹⁸ The scale of the problem means that society will have to devise new ways of dealing with the victims of rape and their families and communities.

Gender relations. The violence has recast gender relations in a way that many people believe will have a lasting impact. In many areas, and certainly in most displaced communities, insecurity prevents men from carrying out traditional male roles. Men are targeted, and cannot move. As a result, they are unable to contribute to the household's survival. This in turn forces women to take on a primary role in grazing animals, finding food, dealing with the world outside the community, and so on – despite the risk of sexual violence. In short, women must risk being raped so that men do not have to risk getting killed. This terrible situation, protracted over time, can

95 De Waal (1989), op. cit.: p. 63.

96 It is a deeply unjust feature of contemporary Sudanese society that what limited potential for economic development exists in the so-called peripheral areas (capital, labour, know-how, entrepreneurship) is often forced from these areas by repressive government policies, only to gravitate toward central Sudan and Khartoum because of the security there. This is true of the South, of the Nuba Mountains, of Darfur, of the Beja areas of the East, of southern Blue Nile.

97 Interviews, displaced people, Darfur, June 2004. See also Amnesty International: "Darfur: Rape as a Weapon of War: Sexual Violence and its Consequences," 19 July 2004.

98 For instance, numerous interviews with both Fur and Zaghawa, both educated and not educated, indicated that the two groups react differently to the problem, especially to the rape of married women. With the caveat that the following findings are based on anecdotal evidence collected from mostly (but not exclusively) male respondents, it appears that the aftermath of rape is even harder for a Fur victim because of a higher level of intransigence within her community. People interviewed stated that in Fur society, rape is a blemish that is very hard for a family to overcome socially: even if the husband wants to keep his wife who has been raped, he is likely to come under intense social pressure to divorce her. Her family too may find it socially difficult to take her back. A Fur woman who has been raped may well enter a life of ostracism. In Zaghawa society, on the other hand, respondents said that it is more readily accepted that if a woman was raped, it was because she could do nothing about it, especially if males from her family were in the vicinity of the rape and were themselves not able to intervene. These views were confirmed by the impressions of a Sudanese social worker (male) with an international aid agency whose team works with victims of rape. Nevertheless, these findings clearly beg further, systematic inquiry, with a focus on the views of female victims. Also, a small number of respondents stated that the analysis above was not accurate. (Interviews, traditional leaders, social worker, displaced women, Darfur, June 2004.)

only have lasting consequences. Men and women are likely to have to deal with feelings of inadequacy, depression, resentment, confusion, and anger, among others. Also, many men have had to become providers for multiple families due to the absence of other men in camps.⁹⁹ The resulting tensions within households may lead to long-term alterations in gender roles and relations.

Long-term separation of families. Separation is nothing new for Darfur families – it is a traditional mechanism to increase household income during times of stress. In this crisis too, people have separated. To avoid being targeted, many men of working age have traveled to Libya and Central Sudan in search of wage labour, while others have fled to the hills, or even joined the insurgents. Families have become separated in displacement. The problem is that, for many, the separation is indefinite, and little, if any, communication is possible. The insecurity has made it especially hard for men who have succeeded in finding wage labour to remit any monies to Darfur. If this situation continues for too long, it will likely become another source of social disruption and social instability.

Manipulation of population movements

Displaced communities, both in Chad and in Darfur, will remain vulnerable to a host of abusive manipulations, most of which would aim to separate them from their land.

Forced refugees in Chad. The UN High Commissioner for Refugees estimates that over 180,000 Sudanese refugees entered Chad between May 2003 and June 2004.¹⁰⁰ Most of these people are Masalit and Zaghawa, who have strong tribal and sometimes direct family connections in Chad. Some carry Chadian citizenship. Nevertheless, there is a fear that a number of these people will become long-term refugees: people who never quite enjoy the full benefits of citizenship in their country of asylum, and yet who cannot return to their home country.

This could play out in several types of scenarios. The refugees may not be allowed to return by Sudanese authorities, with or without the collaboration of the government



Nimat Adam Mosa, a nomadic Arab girl living in North Darfur. (Photo: Caroline Irby / Network / SCFUK)

of Chad. Or they may not be able to return because of enduring insecurity and communal violence. Or they may choose to remain in Chad because the services they receive there through international refugee programmes are better than anything they hope to receive back home, which could trigger resentment on the part of host communities.

Forced return of refugees or displaced. By May 2004, when it became clear that the planting season would come and go with little planting taking place, and faced with the prospect of a major food crisis, Sudanese authorities began pressing the internally displaced people to return to their homes. They used a mix of incentives and pressure: they offered small pilot projects and return packages, withheld salaries from government employees, pressured local leaders into promoting return, and reportedly threatened local leaders, mostly without success.¹⁰¹ The reason for this is that the displaced do not feel secure

99 Communication, foreign aid-worker, Khartoum, August 2004.

100 UNHCR: "Real Time Evaluation of UNHCR's Response to the Emergency in Chad," 11 August 2004.

enough to return. The only successful returns occur in areas where some law and order has been restored, around Tawila in North Darfur, for instance. In other areas where return has occurred, it has resulted in further flight as a result of violence or lack of services. As of June 2004, no large-scale forced returns have occurred. But in the course of the coming year, as the humanitarian situation worsens – and with it the political cost for the government – and as international pressure builds on Khartoum, Sudanese authorities may step up their pressure on the displaced to return without adequately addressing issues of local security and livelihoods.¹⁰² In the meantime, displaced populations fear forced removal – in essence, being displaced again.

Forced resettlement of populations. There are as many as 1.8 million people currently displaced in Darfur, internally or as refugees.¹⁰³ This amounts to an estimated quarter of the population of the three states. Various players – the government, local authorities, local tribes, economic interests, etcetera – may be tempted to take advantage of the resulting dislocation to engineer changes in settlement patterns, either to the perceived advantage of the communities or, more likely, to their advantage.

A recurring issue in this regard is that of cluster-village schemes. Darfur's habitat is highly dispersed: people live in numerous small settlements to be close to the land they work. The result is a landscape of scattered homesteads, with a mosque here and a market there, a health unit here and a school there. This is an environment that is hard to govern, and where the provision of social services is very difficult. When one talks about this problem to local authorities, and even to local people, the remedy they sometimes suggest is to create village-clusters: to concentrate rural people in larger settlements. The suggestion carries some valid arguments: rationalised services, better roads, and more effective government. The current crisis even suggests a new argument: enhanced

security (it is easier to defend a larger settlement against attack).

But such proposals, if implemented in a top-down manner, will meet resistance at the local level. People do not like to uproot their lives. The temptation for the Sudanese government to use the current upheaval to push through resettlement schemes that local people do not have a say in is very real. And given that land-grabs have triggered the heaviest displacement, the fear is that powerful interests may design resettlement schemes to separate people from their land, or make it harder for them to keep it.

Another issue with the potential resettlement of Darfur populations is the fear that the government will take advantage of the displacement to create a pool of cheap, desocialised labour, much as it has done with southerners and Nuba people, and especially with Dinka displaced in southern Darfur.¹⁰⁴

Expulsions and land-grabs. Another danger is that expulsions of people continue, or that past expulsions are made official by the authorities. Some groups, with or without the government's assent, may attempt to take control of land that belongs to other groups. To some extent, the military part of this strategy has already taken place, especially in western Darfur. Now, the administrative aspect is being enacted. According to displaced leaders in western Darfur, local Arab communities are already redrawing local landholdings, assigning specific tracts of land to specific *sheikhs* and *omdas*, so that they in turn can allocate land usage rights. In essence this means awarding *hakura*. In interviews, displaced people say that, while this is clearly of concern to them, the idea that their land could be taken from them was ludicrous, and they had no doubt that traditional *hakura* rules would hold.¹⁰⁵ The research for this report showed no evidence that governmental authorities (as opposed to the Native Administration) were lending official approval to these attempts to grab land. However, the government's support to the

101 Multiple interviews, displaced people, local leaders, government officials, UN official, Western diplomat, Khartoum and Darfur, May-June 2004. See also MSF (July 2004) op. cit.: p.2.

102 On 21 August 2004, the Sudanese government signed a Memorandum of Understanding with the International Organisation for Migration (IOM) where, according to the IOM, the government "confirm[ed] its policy of no involuntary returns and commit[ted] itself to establishing the necessary security and humanitarian conditions for the phased return of IDPs in a safe, dignified and efficient manner" (IOM Press Briefing Note, 24 August 2004). It is unclear how much this MOU will bind the government: in September 2004, USAID reported that forced relocation of displaced people had taken place in Bisharia, near El Fasher, and that OCHA was planning to file a complaint with the authorities (USAID/OFDA, Fact Sheet #1 - FY05, 1 October 2004).

103 USAID/OFDA, Fact Sheet #7 - FY05, 12 November 2004.

104 See M. Duffield: *Global Governance and the New Wars: The Merging of Development and Security*, Zed Books (London, 2001): pp. 205 and following.

105 Interviews, Darfur, 2004.

janjaweed, as well as recent governmental policies in West Darfur, for instance with the creation of Arab emirates in Dar Masalit, leave little doubt that they could one day do so.

Predatory development projects. Experience from elsewhere in Sudan demonstrates the danger of invasive mechanised agricultural schemes that, under the guise of rationalised production, expropriate poor rural communities and then destroy the ecology of their land through unsustainable, profit-maximising farming practices. To date, this has not been a major problem in Darfur because of the inter-tribal political consensus around the *hakura* system and the resilience of the system. But the upheaval of the past 18 months could open the gate to predatory investments in so-called modern agriculture – mechanised grain schemes, vegetable- and fruit-processing plants, honey-making, dairy and meat processing factories and so on – that are in fact attempts to separate people from their land or their livelihoods. In 1999, the government reportedly brought a group of Palestinian investors to Jebel Marra to look at tourism possibilities, creating concern in Fur circles.¹⁰⁶ In North Darfur, Abu Dhabi investors are said to have visited since the violence broke out to look at camel-raising opportunities in Damrat ash-Sheikh, near Kutum.¹⁰⁷ In the course of the last decade, economic interests close to the NIF government have invested heavily in the meat-processing industry, attracting external capital and asserting control over a critical export-sector of the Sudanese economy.¹⁰⁸ It would not be surprising if these same interests attempted to capitalise on the current violence to extend their control to the richer range-lands of Darfur, at the expense of traditional owners and users.

Long-term political repercussions

The long-term political repercussions play out both in Darfur and nationally.

The new interminable war? Darfur will be a hard crisis to resolve. A local peace conference and a few well-chosen political appointments will not be enough, as with the Fur-Arab conflict of the late 1980s (not to diminish the difficulty of those negotiations). Tribal and even ethnic polarisation has started to shadow political polarisation. Agendas that benefit both politically and economically from an ongoing conflict are becoming clearer, especially on the part of elements in the governmental security services.¹⁰⁹ Peace in Darfur hinges on the government's will to make a long-term commitment to rule of law and development in Darfur. In the short term, if the government is unwilling or unable to intervene in community violence, then the current violence may have opened the door to years of war in Darfur.

Impact on North-South peace. The current crisis in Darfur erupted and then unfolded amidst calculations and miscalculations by all sides – the rebels, the government, the international community – around the North-South peace negotiations. The full impact on the long-term peace is yet to be determined. However, international attention has switched to Darfur, at the expense of the implementation of North-South peace. In addition the Darfur crisis creates a new element of tension between the SPLM/A and Khartoum: the SPLM/A cannot ignore Darfur even if it might like to; and Khartoum may feel threatened by any SPLM/A involvement in Darfur, whether political, military or other. Finally, while there are great differences between the conflicts in southern Sudan and Darfur, they share some common solutions, starting with an end to governmental policies of geographic and racial discrimination in all areas of social, economic and political life. In other words, efforts to bring lasting peace to one area have the potential to bring lasting benefits to the other.

106 Interview, former high-ranking state official, Darfur, June 2004.

107 Interview, Arab leader, Darfur, June 2004.

108 Interviews, UN development official and high-ranking government official, Khartoum, June 2004.

109 Justice Africa (October-November 2004), op. cit.: pp. 4-5.

Looking to the Future: Rule of Law and Development in Darfur

In the short term: improved security

The immediate relief needs may seem clear: food, plastic sheeting and blankets, water and sanitation. But the first priority people repeatedly expressed in interviews is security. Violence triggered the humanitarian crisis. Insecurity aggravates it. Improved security in the short term would allow the people of Darfur to return home and meet their own needs, which they are far more effective at doing than aid agencies are.

Expatriates as a stopgap protection measure. In the short term, an immediate measure to bolster protection is the deployment of large numbers of foreign personnel: aid workers, human rights observers, and military observers. The presence of international personnel is always problematic, and in many crises does not lead to more effective or appropriate relief programmes. But in Darfur today, the presence of expatriate aid-workers has had an immediate dampening effect on levels of violence. In at least some instances, their presence has made *janjaweed* abuses less brazen, and government support for their depredations more difficult.¹¹⁰ Displaced people repeatedly stressed that they saw more expatriate relief personnel as a short-term protection measure. This remains a stopgap measure, and cannot be a substitute for trained human rights monitors or peacekeepers.¹¹¹

Short-term law and order measures. The key to the eventual return of the displaced is the return of law and order. However inadequate the current security situation, Darfur offers models of what might work, should the authorities be willing to commit themselves.

The Tawila model

Tawila lies some 65 kilometers west of El Fasher. It is a trading centre for the villages of the surrounding area, with government compounds, a school, a large mosque, a market with brick shops, juice stalls, restaurants and a

truck stop. It is, or rather was, a busy small town, prosperous by Darfur standards. At the end of February 2004, Tawila was attacked by a large *janjaweed* force. The looting lasted four days. Amnesty International reported that 80 people were killed.¹¹² Many women were raped, several young women and children were abducted. The market was burned, as were numerous compounds and huts. Nearly the entire population fled, mostly to El Fasher.¹¹³

Four months later, Tawila showed unexpected signs of recovery. Some shops had opened again, including the juice stalls. The minaret of the mosque was again lit at night. Trucks came and went in the night. Men milled around the market. Some of the recovery is illusory. Many buildings remain charred. The busy aspect of the market is due in large part to displaced from surrounding villages who do not dare return home. And water is expensive and in short supply because there are not enough donkeys to ferry it from the wells to town. Nevertheless, Tawila's return to life is remarkable. There are two factors at play. The first has already been explained: the *janjaweed* had no designs on the land that surrounds Tawila, land that is poor. They did not stay after the attack. There is no permanent *janjaweed* presence around Tawila.

The second factor is what is of interest here: an empowered police force. The brazenness and brutality of the attack on Tawila came as a shock to North Darfur. During the attack, *janjaweed* reportedly told local notables that they would not answer to the authority of the governor of North Darfur. This went too far. After the attack, the governor dispatched two forces to Tawila with clear orders: a police detachment (about 70 men) and a Popular Defense Force detachment. It quickly became apparent that the police were committed to the security of Tawila, while the Popular Defense troops engaged with roving *janjaweed* elements who would occasionally harass returning residents. After clashes broke out between the police and the PDF, the governor withdrew the latter. Until

110 Interviews, local leaders and victims of attacks, Darfur, June 2004.

111 Local knowledge and insight are often casualties in expatriate-heavy emergency programmes. This has already happened to at least one NGO with a long-term development programme in Darfur, whose senior Sudanese professional staff have been sidelined by newly arrived expatriates. As agencies gear up with international staff, especially agencies with existing development programmes in Darfur (or plans for future ones), it is critical that they retain the full input of their Sudanese staff.

112 Amnesty International: "Darfur - Attacks Against Civilians Ongoing," News Service No.61, 16 March 2004.

113 Interviews, displaced people, local leaders, Darfur, June 2004.

June, Tawila was calm and relatively secure. It is striking to note that both the police and the PDF included a mix of locals, Nuba and men from Central Sudan. The difference was that the police were under clear orders from authorities to keep the peace – and they obeyed. This indicates that, when the authorities are willing, they can protect the people, even from the *janjaweed*. And they can do so with modest resources. In other words, the notion of state authority is still relevant in Darfur.¹¹⁴

The countervailing example comes from places like Kabkabia, El Geneina and Kutum. Here the police do not have the backing of state authorities. They are themselves threatened and even abused by the *janjaweed*. Without support from the authorities, the police are sidelined and cannot protect citizens.

The Sese camp model

Sese camp is a displaced settlement some two hours drive east-southeast of El Geneina, about two thirds of the way to Mornei. It was formed when fleeing displaced people gathered around a pre-existing police check-point. Most of the police in Sese are local. When *janjaweed* tried to pursue the displaced, the police fired back at them. As of late June 2004, *janjaweed* had not carried out abuses inside the camp. At that point, there were about 6,500 displaced in Sese. There were only 13 policemen, headed by a sergeant.

Of course, things were not all positive in Sese. It remained a miserable camp. Men could not venture further than a few hundred meters as the police said they could not protect them. Women were harassed when they collected firewood and wild foods. There were rumors of corruption within the camp council. And the apparent success of the policemen in protecting Sese may have resided in the fact that there were far easier pickings nearby (Mornei). Nevertheless, Sese shows that even people who had witnessed the harshest attacks, including the use of air power and military personnel against them, still turned

to an institution of the state – in this case a police check-point – for protection. And these police, without direct orders, were able to offer limited protection. The notion of law and order is not dead in Darfur.

The Masalit Sultan protection initiative

The Sultan of the Masalit is traditionally one of the most powerful local leaders in Darfur. The position of the sultan carries tremendous prestige with the Masalit people in both Sudan and Chad. The current Sultan presents a paradox: he is known for his close ties to Khartoum; yet since the late 1990s he has had to contend with unprecedented attacks on both his political power and his community. Dar Masalit has been one of the areas hardest hit by the current violence. Early in 2004, the Sultan proposed joint Masalit and *janjaweed* patrols to try and maintain the peace. Results have been mixed. There were some successes in areas that, while under attack, had not been destroyed: like Kereinik, Wadi Milih, Asernei. But in areas where villages had been burned to the ground, which was most of them, the initiative failed, understandably. In these areas, an external force, whether Sudanese or international, will be necessary to ensure that coexistence is again possible.

Long term: rule of law

Long-term solutions to land and security issues can only come from inside Sudan. But international support will be critical to the efforts of Sudanese working at both the local and national levels.

At local level, hakura, compensation and reconciliation. The first level of a return to normalcy will require the reinstatement – and general acceptance – of traditional landholdings. In interviews, victims of *janjaweed* violence expressed their strong belief that the *hakura* system would not only resist the current crisis but also be a central feature to any just solution. They maintained this even as they reported that traditional leaders from Arab tribes had

114 Since this research was conducted in June 2004, the situation has deteriorated in Tawila, most noticeably since September. On 16 November 2004, a market brawl led to the mob-killing of four Arab men whom local residents accused of taking goods without paying for them (“African Union Strives to End Deadly Cycle in Darfur,” the *New York Times*, 29 November 2004). This sparked an apparent retaliatory raid by Arabs in the following days. Then, on 22 November, the SLA attacked Tawila, briefly occupying the town and, according to the Sudanese government, killing as many as 30 police officers before leaving the town under reported air raids (“Sudan Rebels Retreat Under Government Air Attack,” *Reuters*, 24 November 2004 – the government denies the air attacks). Local residents told a visiting Western reporter that “they feared that the police would harass people who had spoken to the [AU] monitors” and that “they did not trust the police and soldiers” (the *New York Times*, 29 November 2004). These statements do not invalidate the findings of the June research – rather they prove just how difficult it is to maintain good relations between police and residents, even in a locale where there seems to have been mutual good will, when the general law and order situation is out of control.

laid claim to their land and were allocating it among themselves. Also, interestingly, interviewees did not see any time proscription to their claim to the land, despite the Darfur usage that a farmer can only maintain a claim to the land if he can show his work on the land within a period of three years, probably because the inactivity was involuntary. *Hakura* has the clear potential to be a potent remedy for disorder and dislocation.

Compensation will be a necessary element of reconciliation. Monetary (or in kind) compensation is, in the Islamic world, as well as in many parts of Africa, a form of justice. Whether blood money (*diyya*) or reparations for physical damage, the agreement by a group to pay compensation to another represents an acknowledgement of wrongdoing and a symbol that the dispute is closed. It is worth noting that, in interviews, victims said they expect compensation from two sources, the perpetrators and the state. Compensation is expected from perpetrators, because they are the direct source of the damage, and will only be able to live in peace with their victims if they pay compensation. Compensation is also expected from the state, because of its support to the *janjaweed*, and also because its resources will be necessary to complement whatever comes from the tribes involved in the violence. The Federal Ministry of Justice has begun a registration drive to establish claims for future compensation.

Many of those interviewed for this research thought that reconciliation was possible. This was not seen as an uplifting process, but rather one of necessity if people were to live together again. Traditional leaders would play a critical role; for some groups, for instance the Masalit, it is clear that the community would only engage in reconciliation if their leaders told them to do so. Some people spoke of prosecution in addition to compensation, at least prosecution of *janjaweed* leaders and key enablers within the government and the security forces. The issue has been raised in the Sudanese press, and should be pursued by the international community, which should weigh which mechanisms, including international criminal justice proceedings, will best contribute to peace and justice.

Finally, there is a pessimistic view, expressed by some, that the violence has gone too far for reconciliation to be possible. This view holds that the *janjaweed* will never sur-

render their weapons because there is no way back after what they have done and that they can only count on themselves for survival. There is some truth to this, and it is likely that when the government seeks to disarm the *janjaweed*, it will probably have to do so by force. But people will still have to live together, both because that is the Darfur tradition and because there really is no other choice. The role of other groups in Darfur as mediators and guarantors of the peace will be critical, especially that of powerful Arab cattle-herding tribes, such as the Baggara, who have not taken sides in the conflict. It would not, for instance, be surprising to see a Rizeigat-led stabilisation force deployed in the context of a reconciliation conference.¹¹⁵

At national level, reinstate the rule of law. But lasting security cannot be externally imposed. Ultimately, it must come from the Sudanese state. One of the more striking and indeed moving features to come out of this research was the clearly expressed desire of the great majority of those interviewed to see the Sudanese state return to Darfur, but in a benign, protective guise. For too long, lawlessness has been the rule in Darfur, culminating with the violence of the last two years. People are fed up. In conversation after conversation, Darfur people interviewed for this research described their yearning for a return of the rule of law. It is striking that uneducated people and educated people, rich and poor, and, yes, 'Arab' and 'Africans' used the same term: *heibat ad-dawla*, literally 'reverence of the state.'

Unlike most southerners, or many Nuba, only a small minority of people in Darfur want secession from Sudan. They do not reject the notion of Sudanese unity, or even the authority of the central government – though many reject the current government, especially after the role it has played in the violence of the last several years. On the contrary, the people of Darfur want the state back. They want the Sudanese state to take on the responsibilities it has been gradually shirking over the decades, especially law and order responsibilities. But they want the state to return by investing in its positive institutions: a working police force, a reliable judiciary, fair local governance and tribal affairs officers that will empower the Native Administration, minimal basic services, including agricultural and veterinary extension.

115 The Rizeigat may also play a role in negotiations with the SLA and JEM.

Conclusion

The stakes in Darfur are high. In the immediate term, hundreds of thousands of lives are at risk. In the long term, if not addressed properly, the issues underlying the conflict will cause it to drag on and affect millions more lives. Enduring war in Darfur will harm Sudan. It will damage its brittle economy, strengthen hard-liners within the government and the security forces, foster militarisation and political repression, and ultimately undermine prospects for a sustainable peace with the South.

Without peace in Darfur, there will be no peace in Sudan.

The humanitarian situation may be spinning out of control, but the political situation is still salvageable, if action is taken soon. The destruction and displacement, while unprecedented in living memory, are still relatively recent: the damage done to Darfur's social fabric can be reversed. Traditional conflict-solving and reconciliation mechanisms can still work, especially if powerful Arab groups like the Rizeigat and other Baggara remain neutral, retaining their ability to mediate.

The virulence of the crisis seems to have taken the Sudanese government by surprise – the humanitarian repercussions of the *janjaweed* land-grab in western Sudan, and the international reaction to the violence, in particular. A central feature of the crisis has been the convergence of Khartoum's counter-insurgency agenda and the *janjaweed* quest for land. These agendas now appear on a collision course: the government wants non-Arab farmers to return to areas where the *janjaweed* do not want them back, so that they can resume supplying food. It is unclear how the situation will play out: the Government turning militarily on recalcitrant *janjaweed* groups cannot be ruled out. At the same time, however, various elements within the different state security agencies appear to be acting to exacerbate, rather than defuse, the situation.

The danger now is that the more anti-democratic forces within Sudanese political life manage to exploit the current crisis to advance their political and economic interests. Of most concern is the relationship between local populations and their land. This bond has re-

mained vibrant in Darfur, unlike other parts of the country where abusive land laws and investment schemes have corroded the customary land rights of local communities.

The magnitude of the current crisis in Darfur, with its massive displacement, could change this. Under the pretense of better security or improved services or even access to relief, the government may force populations far from their traditional lands, to 'peace camps' or IDP slums near the big cities of central Sudan – as it systematically did in the Nuba Mountains, Upper Nile and Bahr al-Ghazal throughout the 1990s. Unscrupulous investors may try to take control of local agricultural activity with mechanised schemes or food and livestock processing plants. Local groups who have sided with the government – the *janjaweed* – may seek to establish customary rights over land that is not theirs, as they are already doing.

If this came to pass, if the traditional bond between rural Darfur communities and their land is broken, millions of Darfur farmers will become reliant on exploitative wage labour – they will join millions of other Sudanese from 'marginalised' areas, and indeed hundreds of thousands of other natives of Darfur, in the agricultural schemes, construction sites and military ranks of Central Sudan. Life in Sudan is not kind to the people of the periphery.

Thus, the problem of Darfur is Sudanese, quintessentially so. It is about the very nature of Sudanese identity. It is about the ability of people who do not hail from the Nile valley – Arab and non-Arab alike – to find their place and be heard in Sudan. It is about the ability and willingness of the Sudanese state to meet their needs. It is about their ability to share resources and prosper. Sustainable solutions to this crisis can only come from within Sudan.

International reaction to the crisis has been mixed. There was little initial response to the violence, but outrage gathered as the tenth anniversary of the Rwandan genocide came and went. And while the international pressure on the Sudanese government, at the end of 2004, may be disappointing to advocates of a harder line on

Khartoum, the extent of this pressure (multiple Security Council resolutions, a peace-keeping force) is remarkable when compared to the 18-year dismal record of international diplomacy in Southern Sudan prior to 2001.

But the reality is that the international community – the West in particular – must tread gingerly in Darfur. On the one hand, it is clear that robust Western diplomatic, military, economic and legal pressure is the best chance to get the government of Sudan to curb the violence it has created, at least in the short term. This pressure should increase, to include sanctions, war crime indictments, possibly a no-fly zone. But at the same time, the wrong kind of pressure could trigger a backlash that would lead to more intransigence and more violence. Confrontational Western military intervention, for instance, would likely backfire because of the opposition it would cause in Darfur, let alone in Sudan. A consensus emerged from the interviews for this research: people spoke of their need for international help to address the short-term human rights and humanitarian crises, but stressed that Sudanese solutions were needed to resolve Darfur's long-term problems of poverty, exclusion and lawlessness.

This is why the majority of the recommendations that follow go to the Sudanese government. But this is problematic. After all, the government is the main instigator of the last 18 months of organised attacks, murder and displacement, and the resulting humanitarian catastrophe. The Sudanese state – its relationship with the country's so-called peripheral areas and the people who inhabit them – is at the heart of the problem. The *janjaweed* militias are, to a clear extent, an extension of the government: they only exist because of government support, they carry out government policy, and key play-

ers in the security establishment are from the tribes that make up the *janjaweed*. It may therefore appear not very useful to blithely recommend actions that go against the thrust of nearly all what the government has done in Darfur since 1989.

Nevertheless there are several reasons to address recommendations to the government. First, the crisis has gone beyond what the government expected and has clearly divided ruling circles in Khartoum. Some high-ranking officials disagree with the brutality of the *janjaweed* campaign. Some merely want to weather the crisis as best they can. Others yet, especially within the security services, seem to want to exacerbate the crisis to a point where a change in régime becomes the only viable option. The less radical elements within the Sudanese government know they need to find ways to curb *janjaweed* violence in areas where it is likely to cause acute food shortages, and more generally to quell international condemnation. Second, the peace process with the SPLM/A is recasting Sudanese political dynamics. For the first time in 15 years, there is increased political space and talk of real change in Sudan. This must include redefining the relationship between the central government and Darfur. Third, any analysis of the crisis requires that one list the measures a responsible Sudanese government could take to address the problems of Darfur. And finally, the recommendations that follow come from dozens of conversations throughout Darfur, from the answers that people gave to this researcher when asked what future they saw for themselves and their region, often at considerable risk to their own safety. They reflect the belief of the people of Darfur that they can expect better from the central government in Khartoum. Not including them would be a betrayal of that belief.

Recommendations

1. Recommendations to the Government of Sudan

A democratic government must fulfill its obligations to all its citizens. This is not the case in Sudan today. The overarching objective of a democratic Sudanese government should be “to rebuild trust between the government and the people.”¹¹⁶

1.1 Address immediate concerns of war-affected populations

Return spoils of violence. As a necessary first step in re-creating trust with victims of state-sponsored violence, the government should take assertive action against Arab leaders who are appropriating land in western Darfur and conduct a sustained effort to return looted livestock.

Put an end to pressure on the displaced to return to insecure areas. And make an aggressive effort to identify, locate and release abducted people.

End impunity in Darfur. Halt perpetrators of violence and investigate all abuses. Prosecute human rights abusers and their supporters, including government officials. Where the Sudanese state is unable or unwilling to prosecute war crimes, regional and international avenues need to be pursued. Government security forces must cease harassment of Sudanese who speak out on Darfur.

Empower an independent investigative committee. The government should establish an independent committee to investigate abuses, establish human and material losses, and collect grievances.¹¹⁷ This committee must include known critics of government policies, including people from Darfur and Sudanese from elsewhere in Sudan, and possibly non-Sudanese African voices, and must be allowed to cooperate freely with other international missions.

Organise a genuinely representative, Darfur-wide consultative conference. The government must publicly affirm its commitment to a consultative conference similar to the one it failed to endorse in El Fasher in February 2003. Delegates should be allowed to participate effectively and in safety, from all areas of Darfur, as well as from the diaspora.

Initiate compensation and reconciliation at the local level. To jumpstart inter-communal reconciliation, government-endorsed mediators must initiate community-level compensation processes. As the scale of the losses will limit individual reparation, many victims of the violence expect the government to step in with a public compensation scheme.

Establish a land adjudication mechanism. Victims of violence feel vulnerable; some may be tempted to sell land, especially if they can get a good price for it. The dislocation induced by mass displacement will make fraudulent land purchases possible. The government should empower an independent land commission to oversee land sales. The commission should explore a temporary moratorium on land sales in areas of high displacement and insecurity.

Note: Leaders of the Baggara Arabs, and *nazir* Madibbo of the Rizeigat in particular, may be able to play a useful role in several of the points above.

1.2 Build rule of law, including in rural areas.

Equip, train, deploy and empower a reformed police force. The erosion of the rule of the law in Darfur is a central cause of the crisis. The government should commit long-term, sustained investment in a police force that has a mandate and the capacity to protect local communities.

¹¹⁶ Interview, neighbourhood traditional leader, Khartoum, June 2004. Note that the terrible record of the Mahdi government, one of the few democratic episodes in Sudan’s political history since Independence, shows that a democratic government can also encourage famine, arm local militias and act against its people.

¹¹⁷ An official committee led by Dafa’allah Haj Yousif, a former chief justice under Nimeiri, is said to not be trusted by many in Darfur (interviews, politicians and local citizens, Darfur, June 2004).

Reduce the availability of small arms, through control and registration action.

Build an apolitical and streamlined judiciary. Seeking legal redress in Darfur today demands time and expenses that plaintiffs cannot afford. Magistrates are often subject to bribery and intimidation. The government should build a judiciary that is free from executive branch pressures and responsive to local needs.

Re-empower Native Administration leaders. Past governments have in turn weakened traditional leaders and reinstated them as tools for socio-political control. The government should explore how to empower traditional leaders through practical measures that highlight local independence, e.g., through involvement in political negotiations, in compensation and reconciliation efforts, or through the reestablishment of traditional courts for petty crimes and misdemeanors (*mahaakim shaa'bia*).

1.3 Focus on the development of Darfur.

Develop public services in Darfur, particularly basic education. Education has been a long-term casualty of the state's withdrawal from Darfur. The government must launch a major drive to set up sustainable schooling structures, especially non-traditional educational services, including seasonal, mobile and boarding facilities, for remote or nomadic communities. Health services also require massive investments.

Develop water resources. There is widespread consensus that a concerted effort to address water shortages, especially in the arid areas of northern Darfur, would mitigate many instances of local conflict. The government must find, in partnership with communities and

donors, creative and sustainable solutions for water problems in Darfur.

Build the western trunk road. The government should at last complete the all-weather Nile-Darfur road link, the absence of which remains both an economic hardship and a psychological slap in the face for Darfur. A feeder-road system along the Nyala-El Fasher-El Geneina triangle is also critical to the commercial viability of agriculture in Jebel Marra and Darfur's central farming belt.

Initiate legal recognition of tribal dars. The *dar* system is the most effective conflict-mitigation system in Darfur. Recognition of tribal landholdings will strengthen the claim of communities to their land and discourage land-grabs. The government must initiate a process to identify the best means to achieve legal recognition for tribal *dars*, and to protect the rights of groups who do not have a *dar*.

End economic and fiscal discrimination. The government should take measures to change the fiscal, customs, trading and other regulations that discriminate against Darfur producers and traders, starting with the establishment of an independent commission to catalog grievances, list abuses, and suggest corrective measures.

Enable community-driven negotiations between sedentary and nomadic populations, for instance over *masarat* (transhumance corridors), the timing of *talaga* (when nomads graze their animals on harvested fields) or water-point sharing. The government will appoint an independent committee to review and approve all large-scale development and resettlement programmes, to ensure that concerned communities have been adequately involved in the planning process.

2. Recommendations to the SLM/A and JEM

Continue to articulate political demands for an end to state discrimination of Darfur both in peace talks, with government officials and tribal and community leaders. To date neither the SLA or JEM have examined the Naivasha Protocols nor have they been appraised of how the agreements on power and wealth sharing could address their

political and economic grievances. The parties are urged to work with the international community to analyse the protocols, to see where grievances are addressed and where serious shortcomings remain. In the long term it is crucial that the Naivasha protocols are seen as the starting point for peace in all areas of Sudan.

3. Recommendations to Baggara Tribal Leaders

Remain neutral.

4. Recommendations to the International Community

By 2006, it is likely that donors will have spent over a half billion dollars on Darfur if not more, without addressing a single long-term cause of the crisis.¹¹⁸ The international community must maintain a commitment to Darfur beyond the current emergency.

4.1 Adapt relief operations to the political nature of the violence.

Integrate protection components into relief programmes. Aid agencies should increase the presence of expatriate personnel and vehicles. 'Fly the flag' for protection reasons. Identify and establish contact with abused groups. Collaborate with other agencies on protection reporting, and establish links with human rights groups. The MSF/Epicentre June 2004 report is a shining example of how to use technical expertise – in this case public health – to document, analyze and speak out on human rights abuses.

Do not reward negative forces and other human rights abusers. Agencies and especially donors should be careful not to make the emergency financially rewarding for groups or individuals who are part of the system of abuse (for instance through 'local' grain purchases in eastern Sudan, ground and air transportation contracts, warehousing and grain handling contracts, etc.). It may be necessary to resort to more expensive solutions.

Do not allow relief programmes to uproot long-term development programmes. Aid agencies should ensure that expatriate-heavy relief programmes do not sideline senior Sudanese staff. OCHA should take the lead in establishing 'wise person' councils of long-term, senior national staff (especially from Darfur) and channeling their analyses into relief and recovery programmes.

Provide legal aid. Abused communities require legal aid to deal with non-traditional compensation initiatives. There are numerous Sudanese legal aid organisations in Khartoum and other cities that are eager to help and should be supported in this effort.

4.2 Speak out for Darfur.

For the past decade and a half, international aid programmes in Darfur have focused more on the provision of relief and basic services than on enhancing the ability of Darfur communities to stand up to repression, exploitation and neglect. This should change.

Monitor abuses of displaced populations. The displaced (internal and refugees), remain at risk of further attacks, land-grabs and forced land sales, and forced return. The international community must continue to monitor and take action against abusers.

Remain alert to long-term abuses. These could include ongoing attacks, expulsions and land-grabs; forced return or resettlement; the arrival of development projects or investment schemes that serve the interests of outside players at the expense of local populations, especially as large donors unfamiliar with the dynamics of violence and exploitation start to become active.

Understanding Darfur better. In order to advocate, more knowledge is required on Darfur: on land tenure and use, on settlement patterns, on fiscal issues and on patterns of public expenditure (for instance state expenditures on education in Darfur and the repercussions on child labour; poverty, migration and enrolment in the military; government health spending trends and mortality and morbidity trends; water investment and conflict; and many other things.) More analysis is also required on the impact of relief operations.

¹¹⁸ As of 30 September 2004, the US had provided over \$257 million for fiscal years 2003 and 2004 (USAID/OFDA, Fact Sheet #1 - FY05, 1 October 2004). As of 2 September 2004, ECHO funding for Darfur is 47.7 million Euros (http://europa.eu.int/comm/echo/field/sudan/darfur/echo_en.htm). These figures include monies for refugees from Darfur in eastern Chad.

Advocate the Darfur cause. Agencies must speak out on their findings of their research so as to better inform both mainstream Sudanese public opinion and the international community.¹¹⁹

4.3 Make a long-term commitment to quality development in Darfur.

Explore the potential for Darfur-wide development projects that can have impact beyond individual communities. The demise 15 years ago of the Western Savanna Development Project and the Jebel Marra Rural Development Project deprived Darfur of considerable investment. These projects were not without problems, and new approaches may be required, but support to large-scale initiatives will be necessary to make a difference in the economy of the region.

Focus assistance on rural livelihoods to build resilience to oppression. Promote the ability of local communities to

obtain fair terms of trade (e.g., through better information, transportation), or resist price fluctuations. Focus assistance on grassroots organisations and management capacity, because a focus on services is not sustainable and creates dependency.

4.4 Look beyond Darfur.

Look beyond Darfur. The international community must not let political violence elsewhere in Sudan take it by surprise, as happened in Darfur. Research similar to this report, focusing on local governance and conflict – but before rather than after the violence – should be undertaken for other marginalised areas: eastern Sudan, southern Blue Nile, the Nuba Mountains and western Kordofan, displaced and landless populations in central Sudan. The Beja and Kordofan are the first priority.

119 For example, UNDP and Oxfam have commissioned a remarkable series of studies on conflict and local resources, but at it remains all but unavailable to the broader public.

Bibliography

African Rights:

- *Food and Power in Sudan: A Critique of Humanitarianism* (London, May 1997)

Ajawin, Y. and A. de Waal:

- "Land Rights, Natural Resources Tenure and Land Reform" (chapter 6) in *When Peace Comes: Civil Society and Development in Sudan*, Red Sea Press (Lawrenceville NJ, 2002)

Amnesty International:

- "Sudan: Immediate Steps to Protect Civilians and Internally Displaced Persons in Darfur," public statement (29 August 2003)
- "Sudan: Killings, Abductions of Children and Arbitrary Detention in Darfur," news service (7 January 2004)
- "Darfur: 'Too Many People Killed for no Reason' " (3 February 2004)
- "Deliberate and Indiscriminate Attacks Against Civilians in Darfur" (7 April 2004)
- "At the Mercy of Killers-Destruction of Villages in Darfur" (2 July 2004)
- "Darfur: Rape as a Weapon of War: Sexual Violence and its Consequences" (19 July 2004)
- "Intimidation and Denial: Attacks on Freedom of Expression in Darfur" (25 August 2004)
- "Sudan: Civilians Still Under Threat in Sudan" (13 October 2004)
- "Sudan: Arming the Perpetrators of Grave Abuses in Darfur" (16 November 2004)

De Waal, A.:

- "Counter-Insurgency on the Cheap," *London Review of Books* (5 August 2004)
- *Famine that Kills*, Oxford University Press (Oxford, 1989)

Duffield, M.:

- *Global Governance and the New Wars: The Merging of Development and Security*, Zed Books (London, 2001)

Harir, S.:

- "'Arab Belt' versus 'African Belt': Ethno-Political Conflict in Dar Fur and the Regional Cultural Factors," in S. Harir and T. Tvedt, *Sudan: Shortcut to Decay*, Nordiska Africainstitutet (Uppsala, 1994)

Human Rights Watch:

- "Darfur in Flames: Atrocities in Western Sudan" (2 April 2004)
- "Darfur Destroyed, Ethnic Cleansing by Government and Militia Forces in Western Sudan" (7 May 2004)
- "'If We Return, We Will Be Killed': Consolidation of Ethnic Cleansing in Darfur Sudan" (15 November 2004)

International Crisis Group:

- "Darfur Deadline: A New International Action Plan" (Nairobi/Brussels, 23 August 2004)
- "Darfur Rising: Sudan's New Crisis" (Nairobi/Brussels, 25 March 2004)
- "Sudan: Now or Never in Darfur" (Nairobi/Brussels, 23 May 2004)

International Organisation for Migration (IOM):

- Press Briefing Note (24 August 2004)

Johnson, D.:

- *The Root Causes of Sudan's Civil Wars*, James Currey (Oxford, 2003)

Justice Africa:

- "Prospects for Peace in Sudan Briefing, Oct.-Nov. 2004," www.justiceafrica.org

Keen, D.:

- *The Benefits of Famine: A Political Economy of Famine and Relief in Southwestern Sudan, 1983-1989*, Princeton University Press (Princeton NJ, 1994)

Khalid, M.:

- *The Government They Deserve*, KPI (London, 1990)

Lavergne, M.:

- "Introduction géographique," in *Le Soudan contemporain* (M. Lavergne ed.), Karthala (Paris, 1989)

MSF / Epicentre:

- "Emergency in Darfur, Sudan: No Relief in Sight – Focus on Mornay Camp, West Darfur State," Médecins Sans Frontières (21 June 2004)

O'Fahey, R.S. and M.I. Abu Salim:

- *Land in Dar Fur: Charters and Related Documents from the Dar Fur Sultanate*, Cambridge University Press (Cambridge, 2003)

O'Fahey, R.S.:

- *State and Society in Dar Fur*, Furst (London, 1980)

Save the Children (UK):

- "Save the Children (UK)'s Response to Drought in North Darfur, 2000-2001" (London/Khartoum, August 2002)

Sudan Liberation Movement/Army (SLM/A):

- "Political Declaration," dated March 13, 2003 and signed by SLM/A secretary general Minni Arkou Minnawi (<http://www.sudan.net/news/press/postedr/214.shtml>, posted on March 14, 2003)

Sudan Organisation Against Torture (SOAT):

- SOAT Newsletter Nr. 42 (March-April 2004)

United Nations:

- Convention on the Prevention and Punishment of the Crime of Genocide, approved and proposed for signature and ratification or accession by General Assembly resolution 260 A (III) of 9 December 1948, Article II (http://www.unhchr.ch/html/menu3/b/p_genoci.htm)

United Nations Development Programme:

- "Share the Land or Part the Nation – Pastoral Land Tenure in Sudan" (Khartoum, no date)

United Nations High Commissioner for Human Rights:

- "Situation on Human Rights in the Darfur Region of the Sudan" (7 May 2004)

United Nations High Commissioner for Refugees (UNHCR):

- "Real Time Evaluation of UNHCR's Response to the Emergency in Chad" (11 August 2004)

United Nations Office for the Coordination of Humanitarian Affairs:

- "United Nations Inter-Agency Fact Finding and Rapid Assessment Mission, Kailek Town, South Darfur" (25 April 2004)

United Nations Special Rapporteur of the Secretary-General in Internally Displaced Persons:

- "Mission to the Sudan, the Darfur Crisis" (27 September 2004)

United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions:

- "Report of the Special Rapporteur, Ms. Asma Jahangir, Addendum, Mission to the Sudan (1-13 June)" Geneva, (6 August 2004)

United States Department of State:

- "Documenting Atrocities in Darfur," Publication 11182, September 2004 (<http://www.state.gov/g/drl/rls/36028.htm>, accessed 26 September 2004)

Christian Aid
We believe in life before death



For further information, contact the agency spokesperson: phone Nairobi (254) 2719 721.

Back Cover: A woman prepares the land to plant millet when the rains begin. Her village has been deserted for fear of a Janjaweed attack but she and her family refuse to leave. 'We've stayed here because we have children and we can cultivate here. We cannot all go to the camps. But we are afraid of the Janjaweed, of Antonovs (government army helicopters), of everything. (Photo: Caroline Irby / Network / SCFUK)

