

Sudan

A background to the current worst humanitarian crisis



An opinion piece by Jacqueline Musitwa, JD Candidate, University of Melbourne

Darfur, Sudan

Sudan, located in northeast Africa, is the largest country in Africa. Darfur, the area plagued by the current tension in Sudan is bordered by Libya, Chad and the Central African Republic.¹

The crisis in Sudan stems from the post-colonial division of Africa which fostered conflict between what have become termed Black Africans and Arabs. This nomenclature, however, neglects to realise that within these groups are many ethnically diverse groups nuanced by their relationships. In this article, "Black Africans" will refer to Zaghawa, Fur and Masalit communities rather than the Dinka that have previously been terrorised by the Arabs. The reference to "Arabs" is to the Arabic-speaking groups of nomadic and semi-nomadic groups who have been recruited and deployed as Janjaweed militia.² Sudan is roughly divided into Arabs in the north and Black Africans in the south.

Historically, in other parts of the country, there also have been clashes between the Black Africans and Arabs. Until "the 1970s, the tensions were kept under control by traditional conflict resolution mechanisms"³ among negotiations of tribal leaders. However, with the increase in Arab dominance in government, the role of Black African leadership was reduced.

The Janjaweed militia arguably with government assistance has ravaged the Darfur region, raiding and burning villages and fields, raping women and killing men. It is not clear which of the forces is the commanding force.⁴ These activities has forced mass internal displacement and exile mostly to refugee camps in Chad. There is no apparent specific reason for these attacks other than the racist premise of the Black Africans being unequal to the Arabs. Following the Islamic faith has not excluded Black Africans from being targets.

Together, the government and Janjaweed militias target Black Africans through a military strategy that has deliberately targeted civilians from ethnic groups. At the same time the Sudanese Liberation Army,⁵ a Black African rebel group, is fighting for increased Black African rights, and protesting political exclusion, military repression, enslavement and economic exploitation.⁶

Exacerbating factors

"In recent decades, a combination of extended periods of drought; competition for dwindling resources; the lack of good governance and democracy; and easy availability of guns have made local clashes

increasingly bloody and politicised."⁷ The exacerbation of the paucity of resources and racist mentalities has culminated in the situation that few at the international level are even able to define.

Most of Sudan's wealth is in the south where oil wells are yet to be mined to their fullest potential. The barren north however, continues to be affected by the spread of the conditions of the desert of the nearby Sahara, hence the desire of the Arabs to move south.

Is another "Rwanda" happening before us?

According to Article II of *Convention on the Prevention and Punishment of the Crime of Genocide*:

... genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, such as:

- (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;⁸

Even though Sudan is not signatory to this convention, the fact that the crime of genocide has been recognised as having *jus cogens* status, allows it to be universally enforceable.⁹

It can be argued that the attacks and murders can be seen as the intent of the Arabs to destroy at least in part the Black African population of Darfur. Based on the amount of international bureaucracy and diplomacy, the lingering question is whether the international community is in fact letting another genocide occur while argument over nomenclature takes place. Even with the US House of Representatives calling the situation genocide,¹⁰ there has still be a slow response from other strong international players. From the humanitarian perspective, there has been strong criticism of United Nations (UN) Secretary-General Kofi Annan and his rather delayed response. It was not until April 2004, the marking of the tenth anniversary of the start of the Rwandan genocide that Mr Annan commented that the reports from Sudan filled him with foreboding that a similar tragedy could happen.¹¹ It is at that time he called on the international community to act but the reaction has been slow and patchy.

The rebel leaders and government have engaged in negotiations that seem to be failing because neither

is willing to surrender their arms. Even more difficult is the fact that "the Sudanese government maintains, that the current violence is merely a prolongation of the predominantly economic tribal conflicts that have always existed in the region,"¹² thus dismissing the gravity of the problem.

The newly created African Union has taken as much of an active role as it can by encouraging more humanitarian aid within the limits of its infancy and a quailing budget, but because the Sudanese government showing of indicating their willingness to find a compromise, the international community has not been as proactive as it otherwise could be.

Future prospects

A complication with the Sudanese situation is that since conflict has been an integral part of post-colonial Sudanese history, the international community did not regard the escalation in violence as a precursor to the current crisis. Instead, the increase in internally displaced persons and refugees was merely seen as "one of the worst humanitarian crises in the world"¹³ rather than the escalation of genocide.

The media focus on the mass migration of people into the desert areas of Chad has brought this crisis to world attention. What has come to be described as a "no man's land" of the disposed has been affected by militia who continue to terrorise people, outbreaks of communicable disease, and food shortages. This is another opportunity for the international community to test whether it will aid the situation or whether it will "continue to be guilty of sins of omission".¹⁴ ■

Due to the constant developments on this subject, this article does not reflect the changes that are occurring on a daily basis but rather provides insight to the topic.

1. Human Rights Watch, "Darfur Destroyed: Ethnic cleansing by government and militia forces in Western Sudan" 16(6A), 2004, 5.
2. Human Rights Watch 5.
3. Human Rights Watch 6.
4. Human Rights Watch 9.
5. Human Rights Watch 7.
6. Makau Mutua, "Racism at root of Sudan's Darfur crisis", *The Christian Science Monitor*, July 14, 2004.
7. Human Rights Watch 6.
8. Adopted by Resolution 260 (III) A of the UN General Assembly on 9 December 1948 (entry into force: 12 January 1951).
9. Jongsok Oh, "The prosecutor's dilemma - strengths and flaws of the Genocide Convention" (2003) 10(3) *Murdoch University Law E Law* 2.
10. BBC News "US House calls Darfur 'genocide'", 23 July 2004, <http://news.bbc.co.uk/1/hi/3918765.stm> at 22 August 2004.
11. UN News "The UN Responds to the Crisis in Darfur: A timeline", http://www.un.org/News/dh/dev/scripts/darfur_formatted/htm at 22 August 2004.
12. Human Rights 6
13. Comments made by Mr. Morris, World Food Programme Executive Director and other senior UN officials. UN News "The UN Responds to the Crisis in Darfur: A timeline", http://www.un.org/News/dh/dev/scripts/darfur_formatted/htm at 22 August 2004.
14. BBC News "UN chief's Rwanda genocide regret", 26 March 2004 bbc.co.uk at 22 August 2004.