COMPROMISING WITH EVIL

An Archival History of Greater Sudan, 2007 – 2012

Conclusion

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My ambition in the preceding Sections and in the Annexes that follow is to provide as full and accurate a record as possible of a wide range of reports about greater Sudan from the past five years. Complementing these reports are my own analyses as well as excerpts from analyses by the Sudan researchers who have done most to clarify events on the ground during this time. In a sense, I've attempted to create the historical equivalent of what anthropologist Clifford Geertz has famously described as the "thick description" of cultures. 1 Just as Geertz proposed that anthropology recognize the importance of the "strange, irregular, and inexplicit" features of (often superimposed) cultural structures, so I have accepted here the need to work with sources that are quite heterogeneous, sometimes irregular, and often "knotted" in their complexity and authority. The archival history I offer is dense and various in its citations; the excerpts from news reports, specialist analyses, human rights reports, humanitarian assessments, and first-person accounts are often long, even occasionally redundant. I make no apologies: an archival history—the primary ambition of this project—must be richly inclusive if it is to preserve the materials that will be critical to any future history about the past five years in this tortured region.

Despite the variety of materials that make up this "thick" archival account, there is one insistent conclusion that emerges throughout the text: whatever discrepancies in strategic outlook and tactics exist among its leadership, the National Islamic Front/National Congress Party regime is a force of evil. Readers will decide for themselves on the appropriateness of such a word choice, or if the word has any meaning in the context of international relations; but such a decision must be with a clear understanding of the evidence at hand. The men who have defined Khartoum's policies since their military coup 23 years ago have repeatedly employed a policy of genocidal counter-insurgency in confronting rebellion by marginalized and abused populations.² These men have shown themselves to be brutal, merciless, and racially intolerant: they do not hesitate to cause large-scale civilian destruction to achieve their ends, especially when the lives destroyed are ethnically African. They have never honored an agreement signed with a Sudanese party—not one, not ever. Their ruthless arrogation of national wealth and power ensures that so long as the regime survives, there will never be a just peace for Sudan that includes all the marginalized peoples and regions that have suffered so grievously, for so many years.

Despite what I would argue are inescapable conclusions about the character of the regime's behavior, international response to the NIF/NCP and its actions has been consistently weak-minded and expedient. The regime is treated as a legitimate actor on the world stage, even as its conduct clearly puts regime officials far outside the realm of international legitimacy as defined by a raft of important human rights conventions and conventions about civilian protection during armed conflict, many of which Sudan is in fact party to. The regime has repeatedly committed a range of atrocity crimes (as defined by the Rome Statute that is the treaty basis for the International Criminal Court). President Omar al-Bashir has been indicted on multiple counts of genocide and crimes against humanity; Defense Minister Abdel Rahim Mohamed Hussein has been indicted on multiple counts of crimes against humanity and war crimes; and Ahmed Haroun, Governor of South Kordofan, has also been indicted on multiple counts of crimes against humanity and war crimes. The names of many other senior regime officials—political and military—appear on various lists identifying those responsible for the worst atrocity crimes in Darfur. One such list, indicating officials for whom evidence provides a compelling case for ICC consideration, was confidentially prepared for the UN Security Council by the UN Panel of Experts for Darfur.³ It is a virtual certainty that if the new ICC prosecutor, Gambian jurist Fatou Bensouda, acts on the evidence available, a great many of the most senior members of the regime will end up in The Hague.

Yet the world continues to accept the regime's claims of sovereignty and territorial integrity, even as the NIF/NCP sends planes to bomb hospitals, refugee camps, and agricultural production; denies humanitarian relief to starving civilians; attacks or sanctions attacks on UN peacekeepers; hunts down fleeing civilians with helicopter gunships; turns these same gunships on humanitarian feeding sites; engineers famine; violates international borders in pursuing and attacking refugees; and wages a relentless, systematic war of attrition against humanitarian organizations throughout greater Sudan. These men also sanction the most barbaric forms of physical punishment in the name of Islam; they have maintained their tyranny by torturing countless political dissidents; and they have recently turned automatic weapons, with live rounds, against unarmed student and civilian protestors in Nyala (South Darfur), killing and wounding scores.

The Khartoum regime's actions emerge unambiguously as atrocity crimes throughout the material contained in this archival history. In not only accepting the legitimacy of the regime, but also attempting to negotiate between Khartoum and the now independent South Sudan, the diplomatic world indulges in what I have repeatedly argued is "moral equivalence." During negotiations in Addis Ababa, in Doha (Qatar), in Nairobi, at the UN, and in many other venues, the political and military actions as well as the moral standing of Khartoum and Juba are made equivalent. This is simply not true, whether we are speaking about the conduct of war, human rights abuses, support for military proxies, or good faith in negotiations.

Most consequentially in recent months, small-scale Southern assistance to the

Sudan People's Liberation Army/Movement-North—primarily in the form of food and fuel—has been equated with Khartoum's longstanding and comprehensive support for renegade militia groups in South Sudan, which has included the provision of weapons, logistics, transport, and sanctuary to men such as George Athor, Simon Gatwick, Peter Gadet, James Gai Yoach, Johnson Olonyi, and others. These militias have as their primary ambition civilian destruction and chaos. Notably, the Small Arms Survey (Geneva) has established authoritatively that the vast majority of Khartoum-furnished weapons and ammunition are of Chinese manufacture, with a significant percentage also of Russian manufacture.⁴

The cruelest and most destructive of the regime's proxy forces is the Lord's Resistance Army, which for two decades has engaged in mindless, almost inconceivable savagery in northern Uganda and more recently South Sudan, Democratic Republic of Congo, Central African Republic, and most recently, according to certain reports, South Darfur. Khartoum has acknowledged its past support of the LRA; current circumstantial evidence suggests that such support continues, although this has not yet been authoritatively established.

In Darfur the regime has not only actively deployed *Janjaweed* militias against the African populations in its genocidal counter-insurgency, but has also recycled *Janjaweed* elements into the Central Reserve Police (*Abu Tira*), the Border Intelligence Guards, and other paramilitary guises. These reconstituted forces are responsible for most of the current violence directed against civilians in camps and rural areas. Recent large-scale attacks—in Kutum and Kassab IDP camp, in Mellit, and in Tabit—mark the beginning of yet another chapter in a more than nine-year history of massive violence against civilians.⁷

Darfur has long since lost its place as a galvanizing cause for Western advocacy movements. This is in large part because Khartoum has transformed the region into a kind of "black box" from which little information or news emerges. Even so, there is much that we do know. We know that the populous Jebel Marra region of Darfur has been cut off from nearly all humanitarian relief for over two years and experiences relentless bombings, with civilians overwhelmingly the victims. We know that humanitarian operations face constant harassment and abuse by Khartoum's agents, that an epidemic of regime-sanctioned sexual violence continues to afflict African women and girls, especially in and near the IDP camps, and we know that civilians in IDP camps are the focus of increasingly violent attacks by regime-allied militia forces.

As in Darfur, civilians in the Nuba Mountains and Blue Nile State are also constant victims of Khartoum's aerial assaults, which have now almost completely disrupted two full agricultural cycles. Warnings of famine from the Famine Early

Warning System Network (FEWSNet) began last November—over nine months later, Khartoum still has not granted humanitarian access under the terms proposed by the UN, the AU, and the Arab League (the SPLM-N signed the agreement within days of its first proposal in February 2012).⁸

Khartoum's denial of humanitarian aid is a longstanding regime strategy that was used relentlessly during the civil war, especially in the Nuba but also throughout South Sudan. As I argue at length in *African Studies Review* (December 2011), collectively Khartoum's actions constitute crimes against humanity.⁹

Again, this is the ruthless cabal treated as a morally and politically credible actor within the international community. Indeed, U.S. special envoy Princeton Lyman believes that the regime should not be changed because it is capable of overseeing a democratic transformation of Sudan. It is no overstatement to say that major obstacles to peace—whether in Darfur, Blue Nile and South Kordofan, or with South Sudan—have been created by those who refuse to recognize the brutal tyranny of Khartoum's rule.

One of the most debilitating ways in which assertions of moral equivalence take form is as a skepticism about reports of Khartoum's actions. Again and again, international actors—including representatives of the UN, the AU, the U.S., and the EU—have expressed doubts about reported atrocity crimes for which there is conclusive evidence. Following the widespread leak of the unredacted and damning UN human rights report on events in Kadugli during June 2011, Valerie Amos, the senior UN humanitarian official, declared in mid-July: "We do not know whether there is any truth to the grave allegations of extra-judicial killings, mass graves and other grave violations in South Kordofan." Yet the UN human rights report had been available for weeks and had authoritatively documented precisely such "extrajudicial killings [and] mass graves."

For her part, UN High Commissioner for Human Rights Navi Pillay has spoken with comparable equivocation on a number of occasions. Following Khartoum's repeatedly confirmed bombings of civilian targets in South Sudan in April 2012, Pillay would say only that "deliberate or reckless attacks on civilian areas can, *depending on the circumstances*, amount to an international crime"—as if the "circumstances" of Khartoum's bombing attacks of the South had not already been definitely established. Khartoum's aerial attacks also include the November 10, 2011 bombing of the large refugee camp at Yida, Unity State. Journalists for Reuters and the BBC were on the ground at the time, and even the UN publicly confirmed what hundreds had witnessed. A refugee camp in the Mabaan region of Upper Nile was bombed on November 8, 2011.

Pillay is also reported to have presented to the UN Security Council a deliber-

ately eviscerated version of the UN human rights report on atrocity crimes committed by Khartoum's forces in Kadugli. Moreover, on July 28, 2011 Pillay declared that "while there is much disturbing information coming from the region [South Kordofan], we are regrettably not in a position to verify it." As the UN human rights report and numerous other accounts make clear, Pillay's claim, like Amos's, was simply false.

In late July 2011, Princeton Lyman also expressed great skepticism about the existence of mass graves in and near Kadugli, despite incontrovertible satellite imagery and numerous interviews with eyewitnesses (some interviewed by the UN team) that confirmed the graves. ¹⁴ For months the U.S. refused to speak honestly about the scale of suffering and displacement in the Nuba Mountains. Lyman went so far as to declare that he believed Khartoum had neither the intent *nor the ability* to displace large numbers of Nuba—skepticism soon overwhelmed by evidence from all quarters. ¹⁵ Even earlier, the UN report from the ground in Abyei, characterizing Khartoum's military seizure of the region as "ethnic cleansing," was revised to remove such language. ¹⁶ This pattern of deferential reporting is evident in countless similar cases in both Darfur and the border regions.

Such skepticism and compromised statements inevitably work to convince Khartoum that "moral equivalence" represents a perverse diplomatic triumph. The NIF /NCP leaders know what they are responsible for and what they have done; and so they know also that they have prevailed in negotiations when the international community equates the regime's cruelest and most destructive acts with those of the South. At the same time, the South has too often been accused in some quarters of diplomatic stubbornness; but this stubbornness has nothing in common with Khartoum's obduracy in all negotiations and everything to do with the South's sense of a fundamental unfairness in international treatment of the two parties.

In the context of Lyman's skepticism about Khartoum's ambitions and abilities in the Nuba, it is worth considering a particular threat made last year by President al-Bashir.¹⁷ Following the election for the governorship of South Kordofan (May 2011), al-Bashir is reported to have declared that if the Nuba did not accept the results of the South Kordofan election (won by indicted war criminal Ahmed Haroun under suspect circumstances) then "[w]e will force them back into the mountains and prevent them from having food, just as we did before."

Such a confession should seem astonishing; from al-Bashir, it is simply a statement of fact that works to establish more firmly his position within the regime, a security cabal that is moving ever closer to military solutions in resolving outstanding issues with South Sudan and its former allies in South Kordofan and Blue Nile. Moreover, al-Bashir has been as good as his word: just as the regime im-

posed a total humanitarian blockade on the Nuba in the 1990s, so beginning in June 2011 al-Bashir has presided over the destruction of all agricultural production and foodstocks by means of aerial bombardment. His regime has subsequently again imposed a blockade on humanitarian relief in a bid to starve the rebels into submission—even if doing so means starving hundreds of thousands of Nuba civilians in the process.

There is simply no equivalent act or series of actions by any who have opposed the regime that can be even roughly compared with such a deliberate policy of civilian starvation, one that has unfortunately numerous precedents. Suggesting "moral equivalence" in this context—implicitly or explicitly—reveals the international community taking the path of least diplomatic resistance. And this is indeed the path chosen not only by Khartoum's allies—the Arab League, the Organization of Islamic Conference, China and Russia on the Security Council—but by many of its nominal "friends." In the end, such equivocation becomes the claim that diplomatic progress cannot be made because both parties are equally responsible for the obstacles to a just peace. This is a formula guaranteeing paralysis in meaningful negotiations.

The flaws in this asserting of "moral equivalence" have led to incoherence in national policies. Thus, for example, U.S. Secretary of State Hillary Clinton declared on February 29, 2012 that "what we've got with Bashir is a very determined effort to try to undo the results of the Comprehensive Peace Agreement," whereas special envoy Lyman is on record as earlier declaring that al-Bashir's regime is capable of "carrying out reform via constitutional democratic measures." Which is it? These two assessments cannot square with one another, yet both inform U.S. Sudan policy. This incoherence only encourages Khartoum's recalcitrance in negotiations.

Moral equivalence has proved disastrous at many junctures, most notably in U.S. urging that Juba again compromise on the issue of Abyei's boundaries, even after the Permanent Court of Arbitration had already substantially reduced the size of what it recognized as Abyei by revising the findings of the Abyei Boundaries Commission. The ABC was stipulated by the Comprehensive Peace Agreement, and since its membership was divided between Khartoum and the South, compromise was built into the findings of the Commission. For Clinton, Gration, and *ad hoc* envoy Senator John Kerry all to urge "further compromise" on Abyei at the critical moment (October to November 2010) gave Khartoum the only signal it needed to abort the self-determination for Abyei. With its status left unresolved, and without the voice of a self-determination referendum, Abyei became the inevitable flash-point for military conflict. The violence in Abyei that began in January 2011 was followed in February, March, and April by Khartoum's deployment of the SAF, with its Misseriya militia allies; Abyei was quickly and easily seized militarily on

May 21, 2011, with no significant outcry from the international community.

Much of the preceding Section Three traces the grim unfolding of events following the misguided diplomacy of fall 2010. The relation of Abyei to subsequent military actions—first in South Kordofan (June 5, 2011) and then in Blue Nile (September 1, 2011)—is now clear, but was already foreseeable at the time, as this archival account demonstrates. In turn, border violence between Khartoum and Juba also became increasingly likely following 2010, and at various points resumption of war was only narrowly averted; this was especially true in April 2012 in the Tishwin-Heglig/Panthou border region.

Moral equivalence also ignores the deeply racist attitudes that pervade the NIF /NCP, which are widely acknowledged by northerners and those who have spent significant time in Khartoum. Recently President al-Bashir, speaking of bringing down the leaders of South Sudan, referred to these leaders as "insects," a terrible and revealing echo of the term "cockroaches" as used by Hutu extremists during the Rwandan genocide.²¹ Racism has also been elevated to national policy in addressing the question of citizenship. People living in Khartoum and other parts of Sudan are being denied citizenship solely on the basis of Southern ethnicity. No matter that many of these "Southerners" were born in Sudan and have lived in the north all their lives, often owning property, businesses, pensions or other assets threatened by the lack of northern citizenship. Roughly half a million "Southerners" are being ethnically culled through a denial of citizenship and are compelled to return to the South, a land many do not know and whose languages they do not speak. To be sure, xenophobia has also grown in South Sudan since independence, particularly against Kenyans and Ugandans. But this xenophobia has not become government policy, and has been condemned by the GOSS.

As I write this conclusion, the situation in locations throughout greater Sudan looks desperately threatening. Violence against non-Arab civilians by Arab militia groups has escalated dramatically in recent weeks, and Kutum (and nearby Kassab IDP camp), Mellit, and Tabit (just a few miles south of el-Fasher, the major UN-AMID military base) have all faced devastating, large-scale militia attacks. The attack on Kutum also resulted in the looting of humanitarian supplies, including food, fuel, vehicles, and medicine. There is considerable doubt within the humanitarian community about whether to attempt to rebuild; at present this looks unlikely. Together with MSF's recent suspension of activities in Jebel Si, Khartoum's expulsion of Médecins du Monde from Jebel Marra (February 2011) and the forced withdrawal earlier this year of two humanitarian organizations from West Darfur (Medair and Aide Médicale Internationale), the attack on Kutum may prove a signal moment in the demise of what was once the world's largest humanitarian operation.²² This decrease in humanitarian capacity occurs even as well over 2 mil-

lion people remain displaced in camps, host villages or families, and as refugees in Chad. Khartoum has severely clamped down on what humanitarian data and assessments can be reported, but the evidence from Radio Dabanga and sources on the ground collectively reveals a growing health and nutrition crisis. Meanwhile, Antonov bombers continue their relentless aerial attacks on civilians.

In Blue Nile and South Kordofan the UN estimated in early August that 655,000 people were either displaced or "severely affected" by conflict (i.e., they are starving to death—dying of malnutrition and malnutrition-related diseases). These people are, judging by the condition of refugees arriving in the South, extremely vulnerable. Mortality is already high. The number of displaced persons and refugees in South Sudan—including roughly 100,000 Dinka Ngok displaced from their homes in Abyei, some 70,000 in Unity State displaced from the Nuba, and roughly 130,000 in Upper Nile displaced from Blue Nile—is in the range of 300,000. Many of these people have not been registered as camp residents and thus do not appear on official UN rosters. Tens of thousands have also fled from Blue Nile into Ethiopia to the east. Conditions in the camps in Upper Nile are extremely bad, and both morbidity and mortality rates are skyrocketing—during the period of heaviest rains.²³ Diarrhea is the leading cause of death, but malaria and other diseases are also taking a heavy toll on those who arrive in a highly weakened state, often extremely dehydrated and malnourished.

Negotiations between Juba and Khartoum over oil revenues, border delineation, border security, ongoing military actions by the SPLA-N, Khartoum's support of militia proxies in the South, and the final status of Abyei are far from settled—though they should have been if the international community had committed itself to insisting that Khartoum abide by the time-frames specified in the CPA. Instead, the "agreement" on oil revenues is being held hostage to Khartoum's demand that its version of "security issues" be resolved on terms it finds acceptable. This would mean self-disarmament by the SPLA-North and Juba's accommodation of Khartoum's drawing of the North/South border. In turn, Juba insists that Abyei's status also be resolved during these negotiations. Despite various optimistic statements, it is unlikely that the oil will flow anytime soon.

The Future

Will Sudan see an "Arab Spring"? Darfuris I have spoken with seem certain that the regime will fall within a matter of months, and there are already reports that senior regime officials have begun to move their families and ill-gotten wealth to Qatar and other Arab countries. All agree that the tipping point will come when fear of

the brutality of government security services is overcome by anger at this brutality, at the regime that orders it, and at the chaos that is descending as the economy collapses. Inflation, particularly for food and fuel, continues its relentless rise and now exceeds 50 percent, with no signs of deceleration. Despite the U.S. views as expressed by Princeton Lyman, this seems precisely the moment for regime change. Whatever democratic impulses there are lie mainly outside Khartoum and are militarily represented by the Sudan Revolutionary Front (including groups from Blue Nile and South Kordofan, Darfur, and the eastern provinces—Red Sea, Kassala, and Gaderif). Nubia in the far north is also restive and there is much resentment at the huge Nile River dam projects that have been built to serve Khartoum's electricity needs, but have also displaced many thousands of farmers in this remote region to non-arable land.

South Sudan, to be sure, has much to answer for over the past seven years, and its shortcomings and failures need to be addressed by both Southerners and friends of the South. Corruption is a staggering and debilitating problem: many of those who possess large illegal bank accounts also control elements of the security forces, thus posing a severe threat to national stability. Discipline within the SPLA and the police is often very poor and results in gratuitous violence—often against civilians—that is too often accompanied by drunkenness. Human rights abuses involving the SPLA are also a very serious matter, especially in the difficult matter of disarmament (the South remains awash in weapons after decades of war). Ethnic tensions and clashes have also become too common—particularly in Jonglei, where poorly planned disarmament efforts have led to killings and brutal violence. And security elements in Juba are responsible for wholly unacceptable behavior, including beatings and jailings of journalists.

The leadership of the Government of South Sudan must take responsibility for these problems and commit to making civil and human rights an urgent priority. Otherwise a culture of impunity, which already shows signs of taking hold, will only become more entrenched, posing a greater threat to South Sudan's national prospects going forward. The country is defining itself with many of these actions, and such self-definition will shape South Sudan's economic prospects, which at the moment are extremely grim.

The GOSS has no substantial hard currency reserves, has lost all income from the international sale of oil, and faces an inflation rate that could soon become hyper-inflation—a development that would destroy what banking, importing, and commercial activity has been possible to date. Despite the opportunities the economy of the South has had to benefit from international efforts, many of the "quick impact projects" discussed in 2005—including agriculture and infrastructure—have made no progress for lack of Southern leadership and capacity. There has been a

general lack of foresight in economic planning, especially concerning oil revenues. Whatever the future role of the oil pipeline running north through Sudan, South Sudan should have been building oil refineries so that crude oil would need only to be transported to these refineries, not almost 1,000 miles north to Port Sudan. With refineries and an improved road system, the South would gain the potential to export refined petroleum products regionally. Both the refineries and the roads would also provide substantial employment opportunities.

Most obviously, Juba should also have done more to prepare for the current stalemate over oil revenue-sharing with Khartoum. Given the regime's history of bad faith, it should not have been surprising that it proposed a preposterous \$36/barrel transit fee—a proposal so incommensurate with similar arrangements around the world that it appears to be a deliberate ploy by Khartoum to halt negotiations. Nonetheless, the South should have had a "Plan B" at the ready—with financing, a credible construction plan, and a realistic time-frame for completion.

Even better would have been an early commitment to build a rail line to Port Lamu, thus securing South Sudan's ability to import as well as export goods. A rail line also would have provided a critical start in building a national transportation infrastructure—one of the country's highest priorities. Juba should have assumed that some form of economic warfare against the South by Khartoum was more than likely, and that transportation south to Kenya and Uganda might become essential. In the event, Khartoum began economic restrictions designed to hurt the South immediately after the self-determination referendum, and these restrictions have only been tightened since the seizure of Abyei and the beginning of fighting in the Nuba Mountains.

Still, none of these weaknesses—in a country that has barely emerged from decades of war and unfathomable death and suffering—are comparable to Khartoum's policies of maintaining national wealth and political power through deliberate human destruction. By continuing to accept Khartoum as a legitimate negotiating partner, by refusing to help bring further pressure on the regime, and by refusing to break the blockade of humanitarian relief to the Nuba and Blue Nile, the U.S., the UN, the EU, the AU and others are giving this brutal regime time to re-group. When the regime eventually does fall, international inaction will not be forgotten by Sudanese, either in the north or the South. The people of greater Sudan understand how badly they have been betrayed by the international community over the past five years—and how little of their suffering has received a full reckoning. This archival account reveals that these betrayals have all too much in common: a compromise with evil.

Notes

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Photography credit: United Nations

SUDAN'S CONFLICTS IN SOUTHERN KORDOFAN AND BLUE NILE, AND DARFUR How long will remain indifferent to the violence and barbarism that continue to create such refugee populations in South Sudan? Or the massive numbers of civilians who remain displaced in Darfur?



Photography credit: Samaritan's Purse

Life in the refugee camps of Upper Nile and Unity states is unbearably crowded These scenes will only grow more grim in the approaching dry season (fall 2012)



Photography credit: United Nations

Forces of the Sudan People's Liberation Army

What we may be sure of is that should war come again, civilians will be the ones who suffer most. We may be equally sure that the people of South Sudan will fight vigorously against military encroachment on their sovereign territory by the Khartoum regime. The likelihood of war cannot be calculated except insofar as we know it is far, far too great.

In January 2003, when traveling to various regions of Sudan, I heard the same comment again and again from military and civilian officials—including from John Garang: "If war comes again, it will be the most destructive war in our history." Given that the South was only just then emerging from two decades of unfathomably destructive civil war, such conviction was terrifying—and remains so today.



Photography credit: Buba Jafarli

What has he seen? What will he live to see?



Photography credit: Mia Farrow

In Darfur, eastern Chad, South Sudan, Blue Nile, South Kordofan, and too much of greater Sudan, we must seek to see ourselves.