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‘Our Darfur, Their Darfur’: Sudan’s Politics of Deviance and the Rising ‘Ethnic-Cleansing’ in an African Emerging Anarchy

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Abstract: *This article analyses the current civil war in the Republic of the Sudan’s [RoS] western region of Darfur within the broad context of the country’s age-old crisis of governance at the national level; conditioned by the inequitable State’s policies of the central state and its dominant Arab elite. Using Frost’s [1996] identified ‘settled’ body of norms in international relations to probe Sudan’s conducts in domestic and international politics, this paper found Khartoum guilty of gross misconducts and violations of international humanitarian law [IHL]. These deviant behaviours, rooted in its quest to establish a theocratic state and export its radical ideology overseas, have pitted the RoS with the wider international community. Drawing from Khartoum’s current military engagements in Darfur and previous similar operations, this study contends strongly that for Sudan to come out of its present political hiccup, its rulers must jettison its lopsided policies in preference for the ones that are inclusive of all ethnic formations in the country with sincerity of purpose. In the final analysis, it is argued that this can only become meaningful within the context of improved socio-economic conditions. This, stricto sensu, calls for the Africa’s development partners and the wider international community’s economic support to Sudan.*

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A Map of Sudan



Source: Map No. 3707 Rev. 8 UNITED NATIONS Department of Peacekeeping Operations, November 2006 Cartographic Section.

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The crisis in Darfur, Sudan, is a reflection of a Sudanese governance crisis at the national level [Rolandsen, 2004: 2].

.....the Darfurian insurgency represents a challenge to the hegemony of Khartoum because of its intimate links to the argument about the shape of the modern Sudanese state.the Darfur conflict emanates from weak and unaccountable governance that affects the entire Sudan [Jooma, 2006:1].

Darfur has been a replay of the war in southern Sudan, with the state again systematically killing its own citizens on a vast scale [Geldenhuys, 2005: 45]

1. The Puzzle:

'*Bilad-es-Sudan*', the Arabic expression from which the Republic of the Sudan derives its name denotes the *Land of the Blacks*. This was given by the medieval Arab adventurers to depict the great Negro belt stretching across Africa from the Red Sea to the Atlantic Ocean. Today, Africa's '*Bilad-es-Sudan*' is in crisis; that has polarised the country along ethno-religious cleavages and if not properly handled, the Republic of the Sudan as it is presently known is at the threshold of extinction from the political map of Africa. While it is possible to contend that the war in the south of the country is receding based on the signing of the Comprehensive Peace Agreement [CPA] and formation of the Government of National Unity [GoNU], the on-going spasmodic and obduracy conflict and massive killings in the country's western region of Darfur ['Land of the Fur'], has opened another agonising chapter in the country's chequered political history. The Darfur's dimensions to the lingering Sudan's multilayered crisis is frightening because of the alarming scale and the intensity of human sufferings the conflict has engendered; that has resulted in the international accusation or even condemnation of the Government of Sudan [GoS] of 'ethnic cleansing'ⁱ. The unfolding disaster in Darfur is widely believed to be the outcome of the scorched-earth policy unleashed across large tracts of the Darfur province by the government of General

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Omar Hassan Ahmad al-Bashir in clear response to the insurgency on the part of the rebel groups, the Sudan Liberation Movement/Army [SLM/A] and the Justice and Equality Movement [JEM], demanding greater political representation in the country. Khartoum's misdeeds in Darfur perpetrated by the *Janjaweed* Arab militias, armed and commanded by the Sudanese armed forces, have resulted in the burning and looting of villages in the rebel held areas, mass raping of women and killings of men, thereby, forcing hundreds of thousands 'lucky' survivors to flee westward into the neighbouring Republic of Chad, while many are still internally displaced in the Sudan.

If nothing else, the first epigraph above tells every thinking inhabitant that Sudan's *slow motion*ⁱⁱ 'ethnic-cleansing' is purely disfiguring Darfur and has created a situation of unwanted arms proliferation with accompanied insecurity. Undoubtedly, Darfur has now become an eye sour, ear sour and mouth sour of Africans and the wider international community. The situation in Darfur is: "merely the latest instance of *deviant behaviour* by the rulers of Sudan. The government of President Omar Hassan Ahmad al-Bashir has over the past 16 years broken several fundamental, universal standards of proper state conduct. In the early years of the present decade, Khartoum seemed set to end its delinquency, but then the Darfur erupted—casting renewed doubts on the GoS's commitment to generally accepted codes of state behaviour" [Geldenhuys, 2005: 38. Italics added]. In the light of the foregoing developments, the purpose of this article is to contribute to the growing number of interesting literature on the Sudan's Darfur crisis and to demonstrate how a struggle for increased political representation in government can, apparently, develop into a full scale regional ethnic conflagration of international nature. I placed special emphasis on Khartoum's violation of international norms of good conduct during Omar Bashir's presidency, a product of the Sudan's two major civil wars and human rights abuse in general. Also, Sudan's conduct can be explicated within the context of its interpretation of the on-going ethnic conflagration in Darfur as purely its 'internal affairs'. In *addendum*, I try to demonstrate that the crisis in Darfur reflects the country's age-old crisis of

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governance at national level. I unknott this scenario vis-à-vis international community interpretation of the war and its chorus of disapproval.

2. Research Conundrum: What Exactly is the Problem in the Sudan?

The present ‘uncivil conflict’ⁱⁱⁱ that engulfs Darfur can be understood by locating it in the larger context of the Sudan’s two conflicts^{iv}. The lowering of the British and Egyptian flags signaled the end of the Anglo-Egyptian rule over ‘*Bilad-es-Sudan*’; consequently, the Republic of the Sudan became independent on 1 January 1956. The largest country in Africa in terms of territorial expanse/size, Sudan is often referred to as a ‘microcosm of Africa’ that straddles the frontiers of different cultural worlds [e.g. Arab Africa/African Africa, Muslim Africa/Christian Africa, Anglophone/Francophone Africa][Harir, 1994: 10]^v. This forced crucible of Muslim Arabs and black Africans has bedeviled Sudanese politics since independence [Mazuri, 1985: 240]. The current demographic statistics of the country clearly reveals the fact that the internal cultural composition of the Sudan’s population makes the country a microcosm of Africa physically, culturally, and ethnically. Presently, 70% of the total population of 38 million are Muslims, 25% are animist with traditional beliefs, while the remaining 5% are Christians mainly from the South. Aside from the divide along the line of religion, ethno-cultural cleavages between and among the Arabs (constitute about 39% of the population)^{vi}, black Africans (52%); Beja and other ethnic formations (represent the remaining 9%), also beset Sudan. These ‘multiple’ compositions have, oftentimes, put the advocates of ‘Islamic’ Sudanese state and the apostle of ‘Secular’ Sudan at loggerheads with negative repercussions on the Sudan’s socio-economic fabrics. Sharif Harir puts it more graphically thus:

the two contradictory, even exclusivist, desires have been at the very heart of the political conflict that lies in the centre of the decay of the Sudanese state. In the continuous and relentless pursuit of making Sudan an appendage to ‘something’ Arabic, African or Islamic, both elites have failed

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to build 'something' Sudanese as its uniqueness, expressed in being Arab and African at the sametime, required. The dichotomisation of the Sudanese character into either Arabic/Islamic or African/Christian lies at the root of the two and half decades of civil war that did not only impoverish the inhabitants of the Sudan but the state itself evidenced by the decay of its institutions[Italics added]^{vii}

Apparently the foregoing schisms have germane impacts on the Sudanese politics since independence. Political power tends to be monopolised by the Arabs in the North that see and regard the country as their 'private estate', while an ideology of Islam and Arab racial superiority [Arabism] was used to justify them. With these developments, Islam was proclaimed as the state religion, while [with the strong constitutional backing], the Islamic legal system, *Shari'ah*, became the law of the land^{viii}. Rejecting what can be termed as the racist, fundamentalist, and undemocratic Sudan under the Khartoum government dominated by the riverine northern Sudanese elite, the southern blacks were disillusioned in their pursuit for maintaining their ethnic identities and regional autonomy soon rebelled against the central state and its Arab elite. Consequently, political instability and unrests ensued. The civil war between the 'self-acclaimed' northern-based Arab rulers and the marginalised and less developed southern region has, with one interlude, raged uninterrupted since the mid-1950s [Eprile, 1974: 49; Voll and Voll, 1985: 10].

The Republic of the Sudan's ethno-religious cum regional cleavages were further aggravated by the country's protracted experience with mis-governance, authoritarianism, barefaced corruption, inequitable state policies, rusting infrastructure, decaying institutions, etc; with all their associated vices. Sudan's experiment with democratic rule was cut short on 17 November 1958 with the lost of political virginity conditioned by military *coup d'etat*. General Ibrahim Aboud, the Commander-in-Chief of the Armed Forces, while defending the military takeover, contends that: "the whole body politics was threaten with degeneration, instability, and chaos owing to bitter strife between parties interested only in their own gain.....the country was at the brink of disaster and that the objective of the Army in seizing power was to restore order in the

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interests of the people, stabilise the administration and stamp out all forms of corruption”^{ix}. The newly constituted Supreme Council for the Armed Forces [SCAF], highest ruling authority, was in power till 1964 when a popular civilian revolution saw its end. The succeeding civilian administration, toed the line of its military predecessor, failed to arresting the daunting Sudan’s problems of economic decline, internal conflict, which eventually provided a fertile ground for the military to roll tanks to the streets of Khartoum again, seized power and installed Colonel [later Field Marshall] Gaafar Nimeiri as the new ruler of this unstable country in 1969. These political developments made the Revolutionary Command Council [RCC] the supreme decision making body while the Sudanese Socialist Union [SSU] was proclaimed the sole political party [The Europa World Year Book, 2001: 3678; Johnson, 1991].

Ending the lingering Sudan’s protracted and fratricidal civil war became the germane preoccupation of the Nimeiri administration; an effort that eventually resulted in the signing of the Addis Ababa Peace Accord in 1972. The Peace Agreement recognised the three southern provinces a self-governing region. This became a positive political development because the devolution of power to regional authorities, the introduction of a permanent constitution in 1973, the national reconciliation of 1977^x and the extension of the Southern Self-Government Act of 1972 to include other part of the country (1980), helped to restore political stability to southern Sudan. Sadly, the gains of the Addis Ababa Accord were short-lived as Nimeiri commenced undermining the state’s permanent constitution and the institutions founded upon it, ruled by decrees as against the due constitutional process, and authoritarianism was in top gear. The final blow came on 5 June 1983, when Nimeiri ‘unilaterally’ abrogated the Addis Ababa Accord, re-divided the South into three regions and dissolved the institutions of self-government in the South^{xi}. In September 1983, Nimeiri introduced and imposed Islamic *Shari’ah* laws, thereby adding religion coloration to Sudan’s overcharged political problems. The Khartoum government and its riverine elite was: “becoming ever more entrenched in a pure Arab and

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Muslim national identity” [Johnson, 1991: 120]. Not unexpectedly, the southerners rejected Nimeiri's policies, his personal rule, and resisted in the form an armed insurgency. The Sudanese People Liberation Movement [SPLM] and its military arm, the Sudanese People Liberation Army [SPLA] were formed on 31 July 1983 by Dr. John Garang de Mabior with the goal of: “liberating the whole of the Sudan from the rule by personal whim of the riverine northern elite and in order to redefine power relations in Sudan” [Harir, 1994: 12]. The rebellion from the South with the negative effects of the war on the economy, coupled with falling living standards and the government centralised repression saw the fall of the Nimeiri's government through people's revolt [known as the *Intifadha*, Arabic—upheaval] in April 1985.

The post-Nimeiri Sudan saw the formation of a one year transitional period [April 1985-April 1986] with the Transitional Military Council [TMC] to oversee the affairs of the country and transition to democratic rule. The new junta failed to receive the support of the SPLM/A since it refused to join the TMC. Garang and his followers believed that the April 'revolution' was nothing but a 'new wine in an old bottle' since the TMC refused to abrogate the Islamic laws and a more subtle move to towards consolidation of the Islamic position which the SPLM/A and the liberal elements in the North were attempting to counter^{xii}. Fortunately, multiparty elections were held and civil rule was reinstated after only a year. Al -Sadiq el-Mahdi, the grandson of the Great Mahdi, became the Prime Minister based on the results of the election of April 1986^{xiii}. Despite el-Mahdi promising peace initiatives with the SPLM/A, his efforts failed to end the war. Factors such as: the lingering war, ailing economy, the issue of Islamic laws, corruptions, decaying state institutions, etc, undoubtedly, accounted for the collapse of democratic rule. On 30 June 1989, the military, under the name the Revolutionary Command Council for National Salvation [RCCNS], led by Brigadier Omar Hassan Ahmad al-Bashir, seized power and declared a state of emergency [Salih, 1991: 120].

The ascendancy of Bashir to power marked a new era of fundamental rights curtailment and abuses. Analysing the

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dismaying human rights records under Bashir, Geldenhuys contends that the timing of Sudan's relapse into another session of authoritarianism was singularly bad, coinciding the end of the East-West ideological Cold War and an increased demand of democratisation across the globe. Perhaps, the international adversity that the GoS encountered forced Khartoum to stage presidential and legislative elections in March 1996—the first since 1989 [Also see Amnesty International, 1995: 1]^{xiv}. Expectedly, the presidential election was won by Bashir with over 75% of the votes cast and started a new five-year term as President. In an attempt to democratise the polity, and to placate the word, a new constitution that would guarantee fundamental freedoms was approved in a referendum in 1998^{xv}. It is disheartening that the expected gains of the new constitution failed to materialise as a result of the power tussle and personality clash between the President, and the power behind the throne in the Salvation government and the President of the Sudanese National Assembly, Dr. Hassan el-Turabi. Consequently, the friction between the two towering figures led to the dissolution of the legislature, imposition of a 90 day state of emergency, and the suspension of some articles of the 1998 constitution. It was within this context of the murky waters of politics that general elections were conducted in December 2000 which saw the reelection of Bashir to the presidency while his party, the National Islamic Front [NIF] took the largest seats in the new 360-member National Assembly. The constitution was later amended in May 2002 and ultimately gave the incumbent President increased executive powers and allowed for his indefinite rule. Violations of human rights and fundamental freedoms, coupled with authoritarianism remained the vogue.

Reverting to the war with the SPLM/A, after two years of sustained diplomatic pressures, especially from the United States, the protagonists signed a preliminary peace agreement in Naivasha, Kenya in May 2004. January 2005 saw the conclusion of the Sudan Comprehensive Peace Agreement [CPA] between the Sudanese government and the SPLM/A. The CPA, apart from its intention of bringing the North-South war to an end, it: “provided for the formation of a GoNU; the sharing of oil revenue between Khartoum

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government and the SPLM/A; a six-year period of autonomy for the South, followed by referendum in 2011 on its possible secession from the rest of Sudan; and limiting the application of *Shari'ah* to the Muslim community only" [Geldenhuis, 2005: 41]^{xvi}. A joint military-civilian UN Mission in Sudan [UNMIS] was established, in March 2005, by the UN Security Council purposely to monitor the CPA and also to assist the protagonists in protecting human rights, promoting the rule of law, and facilitating the return of refugees. Interestingly, under the CPA, Omar al-Bashir became the President while the position of the First Vice President was conceded to SPLM/A. The unexpected death of the First Vice President, Dr. John Garang, nearly relapsed Sudan into the war path but fortunately, this was averted with the appointment of Salva Kiir as both SPLM/A leader and First Vice President and his [Kiir] resolute to continue where Garang stopped.

3. Darfur: Historical Marginalisation and the Making of "Uncivil" Conflict

The historical exploration of the marginalisation of Darfur is fundamental when explicating the background to the current politico-military cataclysms. The recorded history of Darfur informs us that the: "region was the site of independent Sultanates until the Turco-Egyptian conquest of the late 1870's, when it rallied early to Mahdiyya in the 1880's and subsequently fostered a counter-Mahdiyya opposition when control from Omdurman became too oppressive" [Douglas, 2003:139]. At the close of the 19th Century, Darfur was governed by the Anglo-Egyptian Condominium; that apparently allowed a limited autonomy until 1914. The post-1914 political dynamics witnessed the incorporation of the Sultanate into Sudan two years later [1916]. In spite of the predominance of Arabic language over and above others, there are more than 100 local languages in Sudan. Supporting this assertion Jack Kalpakian [2006: 39-60] contends that: "it is important to remember that there are Arabic speaking Christians and Dinka Muslims in the country. What often seem to be clear dividing lines is often a spectrum of shades. It should also be noted that

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distinguishing between the communities of Sudan for the purposes of exposition should not be regarded as advocacy for separatism". Ethnographic and sociological contexts of Darfur are, at best, fascinating because there are about thirty ethnic groups, all of whom have lived there for centuries, and all of them Muslims. Thus, according to Alex de Waal [2004], "despite talk of 'Arabs' and 'Africans', it is rarely possible to tell on the basis of skin colour which group an individual Darfurian belongs". Explaining further, de Waal contends that: "there is such a long history of internal migration, mixing and intermarriage that ethnic boundaries are mostly a matter of convenience". Moreover, "individuals, even whole groups, can shed one label and acquire another". The 1916 incorporation of the Darfur region into the Sudan, undoubtedly, has three fundamental impacts on the political processes and structures of the region. Firstly, it resulted in the establishment of the system of indirect rule, while the region became the throttlehold of the *Ansar* sect and its Ummah party among the Fur, Southern Baqqara and Northern Darfurian tribes, although the Muslim Brotherhood later found followers in the region. Let it be clearly understood that the segregation of the Northern and Southern Sudan by the British officials was to curtail the spread of Arab nationalism. Secondly, the establishment of a modern political system in the entire Sudan and the concentration of political power in Khartoum fundamentally altered the traditional mechanism of governance so central in maintaining community relations, introducing over time the politicisation of authority through patronage. Thirdly, the incorporation launched the region in the political calculus of the Sudan's political elite since the supports of the Darfurians speak volume in strengthening the legitimacy of the central state [Jooma, 2006]. To be sure, and in line with these developments, the people of the region sought to associate themselves with the government in power with the overall goals of having easy access to power and influence in Khartoum so as to improve the socio-economic conditions of their beloved Darfur region. Despite this obvious 'intangible' inclusion in political processes at the centre, it is reported that, the people of the region were not expected to play an active role in national politics.

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The lopsided and repressive policies of the central state and its riverine Arab political elite reached their zenith with the fragmentation of the Darfur region into three small States in 1994. The implications of this division are that it splits the majority 'non-Arab' Fur ethnic formation in the region across each of the three States, thereby becoming minority ethnic group in their respective new States. At another level, it is possible to argue that the division of Darfur is nothing, but a calculated effort to promote Arabism in the region. By this, Arab political elite are more favoured than their non-Arab counterpart so as to reinforcing Khartoum's policies in the region [Odinkalu, 2006]. Contrary to Khartoum's claims that the division would, definitely, devolve authority to the grassroots, the Brussels-based International Crisis Group [ICG] argued that the slicing up of the authority: "stretched the state's meager resources thinly over a much inflated public sector that was unable to deliver basic social services" [International Crisis Group, 2006: 8].

The frustrations of the Darfurians [the Fur, Massalit, Tungur, and Zaghawa] elite brought into the al-Bashir government by Dr. Hassan el-Turabi saw their exodus and found solace in the anonymous group known as the 'Seekers of Truth and Justice' which, in May 2000, issued a book titled: *The Black Book: Imbalances of Power and Wealth in Sudan*^{xvii}, that chronicled and detailed Sudan's long-held national inequalities. Since independence in 1956, the book reveals that the socio-economic and political life of the country has been dominated and controlled by the three Arab-speaking ethnic groups of the North—the *Shaigia*, *Jaaliyeen* and *Dangagla*. On the economic flank for example, the *Black Book* argues that the Sudan's Ministry of Finance is dominated by the northern Arabs. According to the book: "only 5% of its staff comes from outside of the northern region. Hiring of staff in the Ministry is primarily reserved for northerners. People from other regions have to contend with the demeaning jobs of tea-making and cleaning offices and toilets. Even the drivers are recruited from among northern school dropouts whose family members are working in the Ministry"^{xviii}. Furthermore, the *Black Book* utilises the concept of *I'mar Alarad* [i.e. land development] to explicate the exploitative agricultural policy, and contends that such

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development should be entrusted to the governing authority. The imperative of this challenge to the authority 'highlights the fallacy of situating the conflict within a wholly racial paradigm of "Arab" versus "African" interests'. This scenario and the monopoly of power by the Arabs of the riverine extractions had far reaching implications on the local conditions in Darfur. Indeed:

the weakened capacity of regional authorities to deal with practical realities has been a major contributing cause of the uprising. Increasing desertification of the area coincided with both the reduction of arable land and rainfall, and the emasculation of administrative structures to mediate sedentary and nomadic people of Darfur. Authoritative commentators have argued that the current conflict in Darfur has its origins in the devastating famine of the 1983/84, which took the lives of some 175,000 people, and the failure of governing structures to mitigate the impact of this livelihood challenge in the long term. The result was that a large number of nomadic people from Northern Darfur and Chad settled in the central farming belt area traditionally dominated by agricultural population. In 1971, incumbent President Nimeiri abolished the "native administration" system responsible for maintaining tribal relations, allocating of land for agriculture or grazing purposes and administering local courts as centres of conflict resolution, and replaced them with regional, district and area councils. The eradication of this tribal tier of governance meant that there was no credible authority in place to intervene in the complex and growing socio-ecological crisis in Darfur, leaving the path open to the militarisation of groups to defend their interests [Jooma, 2006: 3].

The foregoing analysis by Mariam Bibi Jooma, a researcher with the Pretoria-based Institute for Security Studies, clearly reveals the contradiction in the history of Sudan reinforced by the discriminatory policies engineered by the northern Arab elite deeply rooted in colonialism. The current Darfurian challenge to the NIF regime clearly shows that is a reflection of a Sudanese governance crisis at the national level as argued by Rolandsen in the second epitaph above.

4. The Current Civil War in Darfur

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Low-intensity conflicts between the nomadic and farming communities, over land after its occasional droughts, have been the dominant feature of Darfur since the mid-1980s. The regional drought of the mid-1980s transformed the arable soil into desert with accompanied famine that lasted for more than twelve months. Consequently, animosity ensued between the Arab herders and African farmers over the scramble for land. The resentment of the North Darfur's nomads against the seasonal forays of *Zaghawa* herdsmen into Arab-occupied grazing lands commenced in earnest. African farmers grew hostile to camel-riding Arab nomads from the North who increasingly trampled their farmland as they roamed in search of pasture. Arab farming groups: "who had once celebrated the annual return of Arab nomads, whose animals had fertilized their farmland and helped carry their harvests to market, began to impede their migration" [Samantha, 2004: 37]. The central state/government paid little attention to this crisis and did absolutely nothing to halt it. Compounding this fragile ethno-political and economic set-up is the fact that the age-old local/ tribal-administrative system had already been weakened in preference for state institutions that had little, or virtually no, relevance and legitimacy in Darfur. Since Darfur lacked a trusted, tested and preferred conflict resolution mechanism, the gulf between and among the rival tribes widened, and, consequently started gathering weapons to defend their vested economic interests. The period between 1987 and 1989, witnessed a fierce battle between Fur farming and Arab camel herder groups with colossal human and material loss to both sides. The costs of the war were estimated at: some twenty-five hundred Fur were killed, forty thousands cattle were lost, and four hundred villages were burned; five hundred Arabs died, and hundreds of the nomads' tent were burned. Even though a local inter-tribal conference was held in 1989, its recommendations for compensation and punishment went largely unheeded—leaving outstanding grievances that would explode fourteen years later. The '*worst*' conflict in Darfur started in February 2003 and its escalation is linked to the signing of the Naivasha agreement of 26 May 2004 between the GoS and the SPLM/A. The exclusion from the peace process of all, except the GoS and the SPLM/A, apparently became the *deadly price* of the

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agreement. Other interests in the country were considered secondary or at best, relegated to the background, and other numerous conflagrations, either in the North or South, were sidelined, including those in Darfur. In order to stop being further politically marginalised as a result of the Naivasha agreement, an aggressively secular and black nationalist group known as the Darfur Liberation Front [DLF], later renamed itself the Sudan Liberation Movement/Army [SLM/A] mounted a series of attacks on government positions in Darfur and vowed to continue fighting until Khartoum acceded to its demands and end the region's marginalisation^{xix}. The SLM/A believed that their actions would definitely attract world's attentions and correct the 'erroneous' impression that the peace deal with the SPLM/A is sufficient enough to resolve Sudan's multiple military-political crises. In a quick succession, another moderately Islamist group known as the Justice and Equality Movement [JEM] took up arms against the central state and Khartoum elite.

The two insurgent groups started attacking the Sudanese government forces' positions in earnest. Although, Khartoum had earlier dismissed the Darfurian insurgency as mere bandits, and clearly one of the common Darfur's perennial problems, but the military feat of the rebels, undoubtedly, discredited Khartoum's claims and became a source of embarrassment with rebels attacking el-Fasher airport and destroying half a dozen military aircraft. Facing the reality of the deteriorating security situations in Darfur and impending anarchy, and threat to its own hegemony, Khartoum opted for courting the assistance of militias, drawn majorly from the nomadic peoples of Darfur that had been at daggers drawn with their Darfurian sedentary farmers and pastoralists counterpart for years, to fight with scorched-earth tactics. Let it be clearly understood that these militias were formed from diverse backgrounds: there were a group of northern 'Arab' camel nomads, known as the *Ben Halba fursan*, and the mercenary former Libyan Islamic Legionnaires. The two groups merged to form what is now known as *Janjaweed* which Khartoum supports with arms and virtually unlimited freedom to do what they like. The *Janjaweed* militias were unleashed on local peasants and

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general civilian population [Gberie, 2004: 6]. The interference and involvement of countries like Chad, Eritrea, and China through their financial and/or military support to one Darfurian group or the other has added international flavour to the conflict with serious tension along Sudan-Chad border.

6. Sudan: Politics of Deviance as What?

In contemporary international system, there exists a system of law that governs inter-states relations. This law, known as International Law, unlike municipal law, despite the fact that it lacks a clear-cut legislature; states do obey it for a variety of reasons. International law do regulate and ordering states' activities in international relations. Though, in contemporary time, other non-state actors such as international organisations, transnational corporations [TNCs], and individuals are now subjects of [by having rights and duties under] international law. This body of laws prescribes how state should conduct themselves and simultaneously outlawing certain conducts so as to achieve harmonious inter-state relations purposely to secure world peace and security. In this study, I operationalised deviant behaviour as 'non-conformity' with the prescribed norms, codes, or standards of state behaviour and 'excite some disapproval, anger, or indignation" from those that respect these set rules [Cohen cited by Thio, 1983: 4]. Apparently the rogue-states^{xx} often face threat of being ostracized by the international community and sanctioned.

Undoubtedly, the rules in question are, in the view of Frost [1996: 105-111], refer to as the 'settled body of norms' in international relations. Frost, using *Constitutive Theory to study Ethics in International Relations*, contends that when a norm is tagged as 'settled', it implies that it is wholly accepted that "any argument denying the norm [or which appears to overrides the norm] require special justification". These norms, it should be noted, are based on a set of substantive commitments, not merely, "a 'thin' raft of consensus". Among the settled norms listed by Frost are those outlawing interference in states' domestic affairs; proscribing the extension of state sovereignty by subjugating

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others by force; and given preference to democracy and human rights over authoritarian rule. Frost argues that a state's conduct is said to be deviant when it does not conform with the settled norms of international conducts. These norms include but not limited to, the issue of democracy/good governance, human rights, terrorism and aggression, war crimes, crime against humanity, forceful acquisition of other state's territories, etc. In order to put this discussion in a proper perspective and have a balanced analysis of Sudan's politics of deviance, it will be of striking importance to, first of all, shed more lights on some of the norms in contention--[i.e violated, according to the international community, by Khartoum]—we choose for analysis.

The Post World War II saw the emergence of the UN as a multilateral institutional framework to guarantee world peace and security. It was agreed at that time that one of the surest ways of achieving peace is to respect human rights as enshrined in the UN Charter, while regional and sub-regional organisations were also encouraged and empowered to follow suit. Several international conventions, protocols, legal instruments were signed that now form the international human rights regime. Failure to comply with the provisions of these instruments will, certainly, not go well with the violating states. Some of the noted international human rights regimes are; the Universal Declaration of Human Rights [1948], the dual International Conventions on Civil and Political Rights, and on Economic, Social and Cultural Rights [1966], and Vienna Declaration on Human Rights [1993]. Interestingly, the Vienna Declaration, adopted at the UN World Conference on Human Rights, emphasised the universality of the rights enshrined: "Human rights and fundamental freedoms are the birth rights of all human beings; their protection and promotion is the first responsibility of Governments" [Quoted by Geldenhuys, 2005: 39].

In spite of the fact that regional and sub-regional organisational arrangements for the protection and promotion of human rights are a post-1950 phenomenon, regionalism has taken the centre stage in human rights

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protection discourse. This is because of the four mutually reinforcing reasons: [1] the existence of geographical, historical and cultural bonds amongst states of a particular region; [2] the fact that the recommendations of a regional organisation may meet with less resistance than those of a global body; [3] the likelihood that publicity about human rights will be wider and more effective at the regional level, and; [4] it may be easier to maintain the implementation of policies at the regional level [Ahmed, 2003: 56]. The foregoing reasons have, undoubtedly, made some scholars and human rights activists and practitioners to contend that regionalism is the key to effective human rights protection and promotion in contemporary time. It is in the context of the above arguments that the Organisation of African Unity [OAU], the African Union's [AU] predecessor initiated, in 1981, its own instrument to protect and promote human rights in Africa, named: The African Charter on Human and People's Rights based in Banjul, the Gambia. The African instrument entered into force in 1986, consequent on its ratification by the majority of the OAU member states. Generally speaking, apart from its merit on enumerating, recognising and protecting the rights and duties of African citizens/people, it serves as an instrument for restricting the excesses of some African leaders and the protection of human rights.

Apparently, there is a nexus between the protection of human rights on the one hand and, democracy and good governance on the other. Consequent on the fall of the Berlin wall and the disintegration of the Soviet behemoth, accompanied by the end of Communism, the Cold War politics gave way to the international environment that shifted significantly in support of Capitalism, democracy and good governance. This is predicated on the theoretical logic that democracy promotes and protects fundamental freedoms. Little wonder why the United Nations Human Rights Commission [UNHRC] adopted a Resolution in 1999 in which member states admitted and called for a 'right' to democracy for all the people. Even if, as argued by Goldenhuys, [2005], international law's correlation to democracy is still rather feeble, to all intents and purposes, there is a growing number of legal writings and academics

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supporting the idea that the democratic governance is a global legal entitlement to be guaranteed by the international community [also see, Franck, 1992: 46-91; Horowitz, 2003: 13-14].

The third norm concerns anti-terrorism. Terrorism is a differentiated mass of activity with same import to people in different clime. In the western world, terrorism is seen as nothing less than, and at best synonymous with a totalitarian ideology and a barbaric political enterprise by religious zealots [Amuwo, 2002: 27; Cox, 2002: 274]. In *addendum*, Amuwo further conceptualised terrorism as one of the multiple manifestations of anti-systemic forces bent, amongst other things, on destroying western civilisation. It is argued in some quarters that terrorism is in the same category with economic crimes, ethnic conflicts, bloody civil wars, and state collapse and disintegration [Amuwo, 2002: 27]. From the foregoing discussions, it seems as if there is no single, universally accepted definition of terrorism. The definition is as diverse as scholars honouring different theoretical traditions. Notwithstanding, this study relies on the UN General Assembly Resolution 51/210 of 1999 on 'Measure to Eliminate International Terrorism' that sees terrorism as: "crime acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purpose". Such acts, continued the UN Resolution: "are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious, or other nature that may be invoked to justify them".

Furthermore in Resolution 1269 of 1999, the United Nations Security Council condemned all acts of terror as: "criminal and unjustifiable, regardless of their motivation, in all their forms and manifestations, wherever and by whomever, committed". The world body abhorrence to 'all forms' of terrorism is reflected in the numerous Conventions adopted such as: Aircraft Hijackings [1970], the Protection of Nuclear Material [1980], Marine Navigation [1988] and the Financing of Terrorism [1999]. This has also encouraged regional institutions to adopt new, and strengthen the existing Conventions as the Africa's situation illustrates. In

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recent times, the OAU/AU has adopted numerous anti-terrorism Conventions, most especially the OAU Convention on Prevention and Combating of Terrorism [1999].

In Ratner's [1995: 25] view, the loathing of acts of aggression is probably the most important norm of modern international law. The use of state's armed force in clear disregard for the UN Charter constitutes an act of aggression. This definition, echoing the position taken by the UN General Assembly in 1974, found solace in the organisation's Charter. Article 2 of the UN Charter calls on member states to refrain from threat or the use of force against any other state and encourages member states to settle their disputes [international] peacefully. In this regard, it is not difficult to agree with the UN General Assembly that; attack, bombardment, invasion, occupation of other state's territory and allowing territory to be used against other state constitute an act of aggression that are outlaw by the UN and other regional and sub-regional organisations.

International law, as common with every legal system, seeks to prevent its subjects from using force as an act of violence in settling their differences. Thus, the use of armed force is regulated by international law. This branch of international law, laws of war, has been formulated in numerous codes and conventions drafted, especially, at the Hague Conferences of 1899 and 1907, and in various Geneva Conventions. It has been asserted by pundits that laws of war have assisted in no small way to humanize warfare to the extent that even the totalitarian states have been more generally observed them rather than disregarded. This assertion is subject to debate because despite the fact that laws of war have truly deal with the fundamental aspects of warfare such as: the care of the sick, and wounded; protection for medical personnel and facilities; the qualifications of lawful combatants; status of spies; the rights and duties of neutrals; treatment of Prisoners of war [PoW]; forbidden weapons and agencies, etc [Garner, 1937: 363]; it is scary and simultaneously sad that these have not availed to prevent the most inhuman practices in war situations. These inhuman practices, according to the Geneva Conventions, include, but not limited to: willful

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killings, taking hostages, torture, voluntary attacking civilian population, etc. all these acts violate the laws of war [Ratner, 1999: 374-375].

The fifth international norms accused Sudan of, concerns crimes against humanity. A state is said to these commit crimes when it involves in: “violence flowing from the persecution of an identifiable group of people specific acts designated as crimes against humanity includes the persecution of people on political, racial or religious grounds, apartheid, rape, torture, the systematic disappearance of persons, and forced civilian displacement” [Bassiouni, 1999: 107-108]. According to the UN Commission of Experts: ‘ethnic cleansing’ as an act of “rendering an area ethnically homogenous by using force or intimidation to remove persons of given groups from the area” [Cohen, 1999: 136-138], no crime is categorically classified as ethnic cleansing in IHL and the Geneva Conventions. But such acts are, apparently, at variance with the civilised ways of state behaviours. The international criminal tribunals for the former Yugoslavia and Rwanda are examples of bodies established to try persons accused of such acts. Truly, IHL expect states to conduct themselves in line with the established ‘settled’ norms, sometime states and their rulers commit the crime of genocide. Genocide is, under IHL, a crime against humanity. According to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, genocide are “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such”. Such acts, according to the 1948 Convention include, but not limited to: killing members of the group; deliberate inflicting on them conditions of life calculated to bring about their physical destruction, and forcibly transferring children of the group to another.

7. ‘Our Darfur’: Sudan’s Politics of Deviance, ‘Domestic’ Conflict, and Khartoum’s Interpretation of the War (*Explaining Sudan’s Behaviours in Relations to Frost’s ‘Settled Norms’*)

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Having equipped ourselves with the proper understanding of these 'settled' international norms of state behaviour, the stage is now set for us to juxtapose Sudan's conducts, both at the internal and the external environments vis-à-vis the identified norms by Frost. The GoS's interpretation and response to the Darfurian insurgencies can be explained within the context of Bashir age-old deviant behaviour that is at variance with the established norms discussed above. In explaining GoS's politics of deviance in Darfur, I intend to locate it in the broad context of its conduct in the whole country of which Darfur is a segment. Therefore, my analysis follows historical approach to probe Khartoum misconducts in national and international politics prior to the Darfurian challenge.

1. Violation of Human Rights Law and Democracy

Since the ascendancy of Omar al-Bashir to power, even long before this period, Sudan has been challenged of 'deliberate' violation of human rights of its citizens and thereby negates one of the basic tenets of democratic governance. While it is true to contend that Bashir, in recent time, has embarked on some reforms that intends to lead Sudan to democracy in the real sense the word, its human rights records are nothing to write home about. The GoS disregards and violates universal standards of human rights that pit it with the international community. For instance, the United Nations Human Rights Commission [UNHCR] adopted a Resolution in April 2001 condemning Khartoum, along with Iran and Democratic Republic of the Congo [DRC], of human rights violations. The Commission expressed its anxieties and angst over the deteriorating human rights situations in the three countries under focus. In the specific case of the Sudan, the UNHCR condemned, in totality, the negative impacts of the country's North-South civil war on human rights situations. In this respect, Khartoum was accused of curtailing freedom of religion, association, expression, etc, especially in the areas under its control^{xxii}.

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The UN General Assembly went into action by condemning Sudan's human rights records. In December 1995, the Assembly adopted Resolution 50/197. Beyond unmasking Sudan's appalling human rights records, the Resolution, in strong term, condemned the forced labour and enslavement of women and children of minority ethnicities. It consequently described such acts as 'atrocities'. In December 2002, the UN's Resolution 57/230 accused Khartoum of human rights abuses, most imperatively, in the areas of: the retention of the state of emergency, curtailment of freedom of thought, conscience, religion, association, and expression; imposition of death penalty, extra-judicial killings and summary executions, violations of the rights of women and children, etc.

Worse-still, Sudan was alleged of attempting forced assimilation of non-Arab Africans [Christians and Animists], especially in the southern part of the country. In this respect, in its Report of 1995, the London-based African Rights detailed Khartoum's practice of inflicting sufferings on several millions internally displaced persons [IDPs], "through a systematic and brutal policy of forcible change of cultural identity". According to the Report, the displaced people's tragedy "is on a scale with few parallels" [African Right, 1995: 2]. Echoing the African Rights' position, the UN General Assembly adopted Resolution 52/140 in 1997. The latter Resolution expressed serious concerns over continuing reports of religious persecution, including the forced conversion, of Christians and animists in government controlled areas of Sudan.

Turning to human rights situations in Darfur, the combined military offensive of the *Janjaweed* and the Sudanese military against the JEM and SLM/A has worsened the human rights conditions of ordinary Darfurian. Darfur is the scene of disturbing patterns of massive human rights violations, many of which constitute war crimes and/or crimes against humanity. The report issued by the Office of the High Commissioner for Human Rights (OHCHR), stated that: "It is clear that there is a reign of terror in Darfur", where the Sudanese Government is facing a rebellion. In this connection, Acting High Commissioner

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Bertrand Ramcharan writes. "[T]he current pattern of massive and gross human rights violations raises very serious concerns as to the survival, security and human dignity of those who have remained in Darfur" [OHCHR Report, 2004]. In October 2004, U.N. Secretary-General Kofi Annan appointed a five-member International Commission of Inquiry^{xxiii} to investigate reports of violations of international humanitarian law and human rights law in the Darfur and to determine if "acts of genocide had occurred." The conclusions and recommendations of the Commission's 176-page report unveiled the fact that the people of Darfur have suffered enormously during the last few years. They have been living a nightmare of violence and abuse that has stripped them of the very little they had. Thousands were killed, women were raped, villages were burned, homes destroyed, and belongings looted. In the case of the ongoing war in Darfur, it is estimated that about 1.8 million were forcibly displaced and became refugees or IDPs. They need protection. Establishing peace and ending the culture of violence in Darfur are essential for improving the human rights situation. But real peace cannot be established without justice. The Sudanese justice system has unfortunately demonstrated that it is unable or unwilling to investigate and prosecute the alleged perpetrators of the war crimes and crimes against humanity committed in Darfur. It is absolutely essential that those perpetrators be brought to justice before a competent and credible international criminal court. It is also important that the victims of the crimes committed in Darfur be compensated. While it is undeniable that Sudan is a sovereign state and its territorial integrity must be respected, the UN Commission, while acknowledging the fact that that Sudan has the right to take measures to maintain or re-establish its authority and defend its territorial integrity, sovereignty entails responsibility, it also maintains that Sudan is required not only to respect international law, but also to ensure its respect. Sadly, the GoS has failed to protect the rights of its own people. The measures it has taken to counter the insurgency in Darfur have been in blatant violation of international law. Not only the GoS has violated human rights law, members of rebel groups have also committed serious violations of human rights and humanitarian law.

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The Commission concludes that the “GoS and the *Janjaweed* are responsible for a number of violations of international human rights and humanitarian law. Some of these violations are very likely to amount to war crimes, and given the systematic and widespread pattern of many of the violations, they would also amount to crimes against humanity”. The Commission further finds that the rebel movements are responsible for violations which would amount to war crimes.

2. Violation of International Humanitarian Law and Crimes against Humanity.

Sudan’s conducts in its two civil wars and also its military engagement in Darfur have been largely criticised and condemned for violating International Humanitarian Laws [IHL]. IHL—although closely related to, but not the same with Human Rights Laws—is the laws of armed conflict [laws of war] and its origin can be traced back to customary rules governing the conduct of soldiers and concerning such matters as attacking undefended towns, treatment of prisoners of war and the prohibition of perfidious acts such as deceptive flying of the white flag, etc. The other related deviant behaviour challenged by Khartoum deals with crimes against humanity.

The GoS purely violated IHL during its military operations against the SPLM/A and other rebellions. Its conducts forced the London-based Amnesty international to voice out its concerns and accused the Khartoum government of ‘ethnic cleansing’ against the Nuba people. Additionally, it is argued that there is a wealth of credible materials which suggests that criminal acts were committed as part of widespread or systematic attacks directed against the civilian population. The UN Commission reported that the Sudanese government and *Janjaweed* were responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law. These criminal acts have engendered a great ‘humanitarian cost’ as the worsening humanitarian situation has shown. It is estimated that, between 1981 and 2004,

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about 3 million people were internally displaced and close to 670,000 were forced to become refugees in other countries, mostly in Uganda, Ethiopia, Kenya, and the Democratic Republic of Congo^{xxiv}.

The GoS and the SPLM/A were accused of violating IHL by the UN. The UN General Assembly repeatedly called on the belligerents to respect IHL so as to ameliorate the human right situations in the South and find 'equitable solution' to the war [see Resolution 48/147 of December 1993]. Among the offences committed against civilian population were kidnappings, rape, burning of villages, torture, forced conscription, etc. In *addendum*, the conducts of the GoS and the southern rebel group [the SPLM/A] impacted negatively on the humanitarian relief efforts of the donor countries. During the North-South war, humanitarian assistances from abroad were blocked and while humanitarian workers were sometime denied access to the South that caused 'a threat to human life and an offence to human dignity' [Resolution 47/142 of December 1992]. In 1998, it was reported that "2 million people had perished in the fighting and the war-induced famine over the previous 15 years and many had been displaced. It was one of the largest humanitarian disasters in recent years" [Geldenhuis, 2005: 43; see Field, 2000: 2].

In Darfur, the prosecution of the war by GoS and the Darfurian insurgent groups has made civilians to suffer. It is reported that 250,000 more Darfurian IDPs were registered in January 2007 than a year earlier [OCHA, 2007]. Furthermore, on the increasingly complex insecure environment, humanitarian workers are finding it difficult in assessing the IDPs. For instance, the hostile situations due to the violations of laws of war by the belligerents in Darfur warranted forced evacuation of 400 aid workers in December 2006, the largest such evacuation since 2004 [Inter Press Service, 2007]. The aid workers and UN staff are now subject of abuse and humiliation. Many NGOs have left Darfur because of insecurity. For instance in November 2006, the Norwegian Refugee Council left Darfur because the government repeatedly suspended its work.

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3. *Global Terrorism*

Quite a number of terrorist activities in different parts of the world have been linked with Sudan, a situation that calls for unhealthy relations between Khartoum and the international community. This behaviour, described as deviant, has made Sudan, along with Afghanistan, etc suspect in the western world. It is on record that Khartoum, in the early 1990s, supported [in collaboration with Osama bin Laden and Egyptian fundamentalists] efforts to reinforcing the transnational *Mujahedeen* movement. Apart from this, Khartoum authorities assisted greatly in the training of a new generation of Islamic militants. Furthermore, Sudan was accused of having hands in the abortive assassination attempt on the life Egypt's President, Hosni Mubarak on a visit to the US, and also repeated the same in June 1995 when Mubarak was in Addis Ababa to attend the OAU Summit. The Sudanese authorities, unbelievably, not only allowed three of the Egyptian assassins' safe passage to Sudan, but also guaranteed their security; thereby confirming Khartoum's conspiracy. Its refusal to handover the suspects to Addis Ababa led to the adoption of Resolution 1044 by the UN Security Council that in, clear term, called on Sudan to extradite the suspects to Ethiopia. The Resolution also asked Khartoum to discontinue from 'assisting, supporting and facilitating terrorist activities and from giving shelter or sanctuary to terrorist elements". Khartoum was also accused of conspiracy in the bombing of the US missions in Nairobi and Dar-es-Salaam in August 1998. Also, al-Bashir government was believed to have provided shelters for terrorist organisations such as the Abu Nidal group, Hamas, the Lebanese Hizballah, Palestinian Islamic Jihad and Egypt's Al-Gama'at al-Islamiyya in the 1990s. During this period, Sudan also supported opposition groups in countries such as: Algeria, Uganda, Tunisia, Ethiopia and Eritrea, most of which adopted method of terrorism in achieving stated goals. These deviant conducts on the part of the Sudanese authorities led the Bill Clinton government in the US to blacklist Sudan and labeled it as the only Sub-Saharan

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African state that poses a direct threat to US national security interests.

The recalcitrant rulers of Sudan, unfortunately, rocked the country's boat as the UN Security Council came out with more punitive measures by invoking Chapter VII of the UN Charter. Resolution 1054 of April 1996 declared that Sudan's conduct constituted a threat to global harmony. The Resolution, among others, called on Khartoum to extradite the suspected terrorists to Ethiopia; discontinue from supporting terrorism in whatever form. International organisations were also discouraged not to convene any meeting in Sudan. Furthermore, the Resolution called on the UN member states to reduce the staff strength at the Sudan's Embassies, and to limit the movement within their territory of all remaining Sudanese staff; and to restrict the entry into or transit through their territory of members and officials of the Sudanese government and armed forces. This action was followed by the adoption of Resolution 1070 of August 1996 that called on all states to ban flights into or from their territories by Sudanese-owned or registered aircraft. Though, there were brief rekindled interests in the US-Sudan relations due to Khartoum's decision to hand over the notorious terrorist, Carlos the Jackal, to France in 1994. Also in 1996, Bin Laden was expelled from Sudan as well as members of other terrorist organisations. These moves were to prove to the entire world that Sudan has distanced itself from international terrorism. These actions were regarded, in some quarters, as camouflage for it is believed that Sudan is still maintaining close link with Osama bin Laden.

4. *Aggression*

Sudan is found of destabilising its neighbours. From Uganda to Algeria through Egypt, Zaire [now DRC], Ethiopia, Eritrea, Tunisia, and Libya, Sudan was in the forefront of supporting rebellions in these countries especially in the 1980s and 1990s. During this period, the Sudan-Uganda relations were tensed since Khartoum supported the Lord's Resistance Army and the West Nile Bank Front against the President Yoweri Museveni's administration in Kampala.

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Sadly, the Peace Agreement of December 2000 between Khartoum and Kampala did absolutely nothing to change the chilly relations. Since Khartoum continued supporting the LRA against Kampala while President Museveni intensified his support for the rebel movements in Sudan against Khartoum government. Up north, both Tunisia and Algeria also accused Sudan of backing the local anti-government Muslim militants. It should be recalled that Sudan's transgression is based on its desire to form an Islamic state and export its radical ideology and revolution to other states. This act constitutes Khartoum's mischief-making in the region.

8. International Response to Sudan's Deviant Behaviors

Since the ascendancy of Omar al-Bashir to the presidency, Sudan's deviant behaviours have incurred the wrath of the international community. The first decade of the NIF in power saw fierce battle between Sudan and the world at large with the front against Khartoum was neither united nor sustainable. Instances of these were that the UN's diplomatic sanctions imposed on Khartoum in April 1996 were never fully implemented. The same went for the Airline sanctions of August 1996 that were not enforced. The failure of the international community to have a stern standing on the GoS was evidenced in the fact that the April 1996 UN's diplomatic and Airline sanctions were soft in substance and not enforced respectively. Let it be clearly understood that prior to this period, the Europeans came out with a very serious measure against Sudan. In May 1994, the European Community [EC] placed embargo on arms shipment to Sudan. These arms and munitions sanctions, completely targeted at both the GoS and the SPLM/A, were aimed at correcting the conducts of the belligerents as well as correcting Sudan's deviant behaviours [See Africa Confidential, 2000: 3-4]. Nevertheless, the EC maintained its position in finding pacific solution to the Sudanese crisis.

Following the UN and the EC, the US was not left behind during this period. Washington's imposition of sanction on Sudan was based on the accusation of Khartoum supporting global terrorism. As already noted, in

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the 1990, the GoS befriended the notorious Venezuelan-born terrorist Ramirez Sanchez [popularly known as Carlos the Jackal], and Osama bin Laden as well as series accusations of its terrorist activities in Addis Ababa, New York, and other locations targeting western interests, the US curtailed the sales of US-manufactured goods and dual—use items as well as the suspension of economic assistance and preferential trade treatment. Also, the US worked against the approval of loan and grant facilities, from the international financial institutions [IFIs] to Sudan as a clear punishment for supporting terrorism in different parts of the world. Furthermore, in 1997 Washington intensified its opposition to Sudan's offensive behaviours by freezing GoS' assets in the US, and halting the financial transactions between Washington and Khartoum and prohibiting bilateral trade relations. These sanctions were “more impressive in symbolism than in substance, since trade and financial dealings between the US and Sudan were very modest. Be that it as may, Washington's approach to Sudan at the time was driven by a desire to effect regime change in Khartoum” [Geldenhuis, 2005: 45]. Furthermore, the US even “opted for military action in trying to end Sudan's involvement in international terrorism. In 1998 an American missile attack destroyed what Washington alleged was a chemical weapon factory in Khartoum in which Bin Laden had a financial interest. It subsequently emerged that the plant produced pharmaceuticals” [Geldenhuis, 2005: 45; see the Europa World Year Book 2001: 3685].

Facing the reality of hostile of international environment in which it operates and the biting effects of these punitive measures on the Sudanese society, Khartoum began to see the light by making a 'U' turn thereby resulting in a rapprochement in the US-Sudan international relations. Consequently, Washington relaxed its punitive measures against Khartoum and its Arab elite. The first sign of good things to come was that in 2000, the US relaxed sanctions on the exports of food and medicine to Sudan. This action on the part of the US, probably, was warranted by the Sudan's new conduct of good behaviour. This is because Khartoum signed the 1996 Chemical Weapons Convention. The refusal of GoS to sign this Convention has been a source of tension

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between the two countries for years. Thereafter, the new *détente* in the US –Sudan relations progress steadily with the US reopening its Embassy in Sudan. The fruits of the new found relations between Washington and Khartoum are well captured by Geldenhuys [2005: 45], thus:

All the while large amounts of US humanitarian assistance [worth \$650 million between 1988 and 1997] kept flowing to Sudan. Further evidence of a new chapter in bilateral relations was contained in a White House statement in June 2001. The latter interest led to the appointment of John Danforth in September 2001 as special US envoy to promote a peace settlement in Sudan. Within months the warring parties concluded four agreements proposed by Danforth and in July 2002 they signed initial peace protocols in Machakos, Kenya. Danforth also helped to bring about the first meeting between Bashir and John Garang in the wake of the Machakos peace deal

The true position of the GoS is very difficult to unmask going by its chameleonic character. There is now serious pressure on Khartoum to negotiate peace with the Darfurian rebel groups, respect fundamental human rights of the people of the area, respect human rights laws as well as IHL. Lack of trust and Khartoum's adamant, especially its refusal to allow the UN peacekeepers to take over from an overstretched African Union Observer Mission in Darfur, has made the US to renew economic sanctions against Sudan. In the late 2006, the US President George W. Bush ordered that all economic sanctions against the Sudanese government be maintained, continuing the freeze on all Sudanese government assets in the US imposed by former President, Bill Clinton in November 1997.

9. 'Their Darfur': Africa's and the Wider International Community's Chorus of Disapproval and Response.

The crisis in Darfur, certainly, rubbished and discredited Khartoum's claims as an adherent to the respect of the fundamental human rights and as a peace loving country, thereby rendering its new-found international respectability short-lived. Condemnations started pouring in as the *Janjaweed* continues and intensifies their 'deliberate'

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assaults on the hapless civilian population with the support of the Sudanese Armed Forces. First, with what looks like 'genocide', the US reacted by being the advocate and eventually championed unilateral denunciations and restrictive measures. The first shock came in October 2003, when Washington extended its existing sanctions against Khartoum. Second, the US Secretary of State, Colin Powell and the erstwhile UN Secretary General Kofi Annan were, in June 2004, in the region to assess the situation. While testifying before the US Senate Foreign Relations Committee in September of the same year, Powell confirmed that the killings in Darfur amount to genocide. According to Secretary of State Powell, "the evidence leads us to the conclusion that genocide has occurred and may still occurring in Darfur," and blamed the situation on the "GoS and the *Janjaweed*" [Powell, 2004]. Washington's condemnation of the horrors of the humanitarian situation in Darfur is understandable taking the cognizance of the fact that it has invested a lot in the Naivasha peace process that led to the signing of the Comprehensive Peace Agreement. Thus, any situation that will threaten and likely to jeopardize the US policy and interests in the region is uncalled for.

The UN follows suit and came out with a more punitive measures with the adoption, by it Security Council, of Resolution 1556 of July 2004 that imposed an arms embargo on "all non-governmental entities or individuals including the *Janjaweed*", operating in Darfur. And, less than sixty days later, acting under Chapter VII of the UN, the Security Council, voiced its 'grave concern' that the Sudanese government had not fully met its obligations, thereby adopted Resolution 1564 purposely "to improve, as expected by the Council, the security of the civilian population of Darfur in the face of continued deprivations" [Geldenhuis, 2005: 45]. Furthermore, The Security Council warned and threatened Khartoum with more punitive measures if it fails to take all appropriate steps to stop all violence and atrocities in the troubled region. Khartoum's failure to heed the stern warning of the UN eventually resulted in the UN Security Council adoption of Resolution 1591 of March 2005 that seeks to strength the 'scope and monitoring mechanism' of the arm and weapon embargo.

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Additionally, Resolution 1591 froze the assets of Sudanese war crime suspects, imposed sanctions and travel restrictions on militia leaders and government military officers who control them, and referred them for trial to the International Criminal Court. Sadly enough, despite the expected results of these punitive measures, it is observed that, going by the conflict dynamics and the political climate in Sudan, the embargo would do little to stem the flow of weapon within Sudan and halt the ruthless response of Khartoum to the Darfur insurgency. This could be deciphered in the words of Ahmed Diraige who contends that “an international travel ban is meaningless:” these are not people who have cause to leave Sudan”.

The EU member states have also been very instrumental in the efforts to call the rulers of Sudan to order. In January 2004, the EU member countries took a firm resolution to maintain their existing arms embargo as a result of the ongoing civil conflict in the country. Also the EU repeated denunciations of the atrocities committed by the GoS and the call on President Bashir to heed UN demands to end the slaughter in Darfur is encouraging to end the politico-military stalemate that is plaguing Darfur. It also pledged the sum of EUR 20 million in mid- 2004 to support humanitarian and development needs in Darfur; and also repeated same in January 2005, in the wake of Sudan’s Comprehensive Peace Agreement, with promise to contribute EUR 600 million towards Sudan’s humanitarian and development needs for the period 2005/2007. One point that needs to be raised is that the international community’s supports for Sudan is conditioned on the effective implementation of the Comprehensive Peace Accord, respect for fundamental human rights of the people of Sudan, and demonstrated strong political will on the part of Khartoum to find pacific settlement to the war in Darfur.

The African Union [through its Peace and Security Council] and individual African state have been very instrumental in the efforts to find solution to the Darfurian insurgency since the war erupted in February 2003. Chad, Sudan’s immediate neighbour to the West has been very instrumental in an effort of finding peaceful solution to the

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fratricidal war in Darfur. Chad's efforts led to the signing of a Ceasefire Agreement between the GoS and the SLM/A on 3 September 2003. N'djamena's efforts laid the basis for the AU diplomatic effort. The continental organisation participated fully in the Sudanese Peace Talks in N'djamena; which formed the basis of the much publicised Inter-Sudanese Internal Dialogue [ISID] hosted by Deby's Chad. The ISID led to the signing on 8 April 2004, by the protagonists, of Humanitarian Ceasefire Agreement on Darfur Conflict [HCA] and simultaneously adopted a Protocol on the Establishment of Humanitarian Assistance for Darfur. The AU's Ceasefire Commission [CFC] became involved in Darfur to monitor the HCA, and together with the deployment of the AU Observer Mission in June 2004, formed the foundation phase of AMIS. AMIS, though overstretched, was mandated to, amongst others, monitor and observe compliance with the HCA and all such agreements in the future; assist in the process of confidence building; contribute to a secure environment for the delivery of humanitarian relief and beyond that, the return of Internally Displaced Persons [IDPs] and refugees to their homes, in order to assist in increasing the level of compliance of all parties with the HCA, and contribute to the improvement of the security situation throughout Darfur. At subsequent PSC meetings, it was decided to increase the force level. With an initial deployment of 310 protection troops, the AU was able to deploy a 6, 964 force in Darfur as at January 2006. The continental body must also be commended for its roles in the Abuja Peace Talks and the signing of the Darfur Peace Agreement on 5 May 2006 [International Crisis Group, 2007].

10. Some Conclusions

What transpires from my analysis of Sudan's Darfur crisis is that, though the war may have been rooted in the struggles among the various ethnic formations in the region to surmount the effects of ecological degradation occasioned by perennial droughts, but the fact is that the *fundamental* cause of these worst Darfurian troubles can be located within the ambit of the lopsided policies of the central state to the detriment of, not only the inhabitants of the region,

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but the wider African ethnicities in the country. Thus, confirming both Jooma's and Rolandsen's assertions that the "Darfurian insurgency emanates from weak and unaccountable governance that affects the entire Sudan" and that the crisis is a "reflection of a Sudanese governance at the national" respectively. Using Frost's 'settled body of norms' in international relations to understudied Khartoum's conducts both at the domestic and external environments, it is discovered that Sudan's behaviours are at variance with the established/civilised ways of inter-state relations. Additionally, Sudan's politics of deviance is designed to achieve two fundamental goals: first, to promote Arabism and, second, to form a theocratic [an Islamic] state and export its radical ideology and revolution to other countries. From the foregoing analysis, it is high time that Khartoum calls itself to order by 'learning' how to respect international laws and redeem its battered image at the international level. While the efforts of the AU and the UN to reconcile dissenting positions of the protagonists are commendable, the fact still remains that the socio-economic developments of the region will go a long way in finding sustainable peace to the area. These results are guideposts for policy to overcome the Sudanese problems.

First, the Arab-dominated Khartoum government needs to reconsider and overhaul its inequitable policies and injustices in the distribution of the national wealth for the betterment of all Sudanese irrespective of his/her ethnic or/and religion backgrounds. Through these efforts, the marginalised people of Darfur and other impoverished regions will have a sense of belonging. This will definitely ameliorate the atmosphere of governance and serves as a launching pad in the efforts at nation-building. Additionally, there is the need for the liberalisation of the Sudanese political field and Khartoum embarks on political reforms with sincerity of purpose. Such reforms should envision the 'inclusive' policy rather than that of exclusiveness. Second, the international community needs to embark on measures to accelerate economic growth for rapid economic growth will definitely discourage would be new recruits into the rank and file of the rebel movements. Going by the dismaying statistics on Africa's socio-economic conditions, it would be

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hard, if not impossible for Khartoum to realise this goal without the maximum assistance from the wider international community. Thus, it is important that Africa's development partners come to Sudan's aid. Beyond Sudan, it serves the maximum interests of Africa to see the determined efforts on the part of international community to sanction Africa's rebel movements by making it difficult to sell their looted commodities. Third, the Khartoum government should be transparent in the use of revenues from its exports to finance effective and efficient basic social services, such as education, health, etc. Fourth, the issue of Islamic legal system [*Shari'ah*] has to be properly addressed. The CPA should follow to the letter. In this respect, *Shari/ah* should be applicable to the Muslims only, while non-Muslims be allowed freedom of religion and their fundamental human rights be guaranteed.

unsafe.

ⁱ Multiple interpretations have been provided for the humanitarian catastrophe in the Sudan's western region of Darfur. While international NGOs such as Physicians for Human Rights and the UK-based Campaigning group Justice Africa contend that the agonising situation in Darfur fulfills the legal definition of 'genocide', others like Human Rights Watch and the International Crisis Group have argued that both the Sudanese Armed Forces and the *Janjaweed* militias are responsible for crimes against humanity, war crime, and 'ethnic cleansing'.

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ⁱⁱ This is borrowed from Anthony Lake and John Prendergast's work entitled, "Stooping Sudan's Slow-Motion Genocide", *The Boston Globe*, 20 May 2004. Though the Authors prefer the word "Genocide", I follow both the Human Rights Watch and the International Crisis Group's position on, and characterisation of 'ethnic cleansing'.

ⁱⁱⁱ The term 'uncivil conflict' is borrowed from Ukeje Charles 2003.

^{iv} The first Sudan's civil war, between the Bantu and Nilotic peoples of southern Sudan and Khartoum government dominated by the riverine northern Sudanese elite that lasted for 15 years, was settled via negotiation in Addis Ababa in 1972. The Sudan's second civil conflict started in 1983 by the SPLM/A.

^v For Sudan shares borders with nine African states: Egypt, Libya, Chad, Central African Republic, Democratic Republic of Congo [DRC], Uganda, Kenya, Ethiopia, and Eritrea, with shared communities and "soft" borders. This is the more reason why Sharif Harir contends that Sudan influences, and is influenced by political happenings in those countries, see Sharif Harir, 1994.

^{vi} The Arabs of the Sudan can be divided into two main groups, real or claimed: (1). The Juhanna group embracing: most of the camel-owning nomads of Kordofan (Kababish, Dar Hamid and Homer), the Butana and the Gezira nomadic tribes (Shukriya and Rufa'a; and the Baggara. (2).The Jaliyin-Danagla group which comprises the riparian and Kordofan sedentary (mainly the Jawabra, Badairya, Shayigia, Batahin, etc) is referred to as Arab because its people speak Arabic as their mother tongue. They belong to the 'rotana' speaking Danagla. See Den D. Akol Ruay, *Op. cit.*, p. 14-15.

^{vii} Sharif Harir, *Op. cit.*, p. 10-11

^{viii} see Freedom House, *Freedom in the World: Sudan*. August 2004. [available at: www.freedom-house.org/research/freedom/2004/countryratings/sudan.htm].

^{ix} Deng D. Akol Ruay, *Op. cit.*, p. 93. The Army General announced the success of the "Revolution" on Radio Omdurman.

^x The National Reconciliation was fundamental because it brought in the northern opposition groups to partake in the political process

^{xi} Nimeiri's political calculation was that this division will definitely weaken the South since a united South would definitely constitute a barrier to the introduction of Islamic laws and also to satisfy some key political actors from this part of the country. It should be noted that the South itself was, at this time, polarised between those leaders that were in support of redivision of the South and the anti-redivisionists.

^{xii} The Southerners were skeptical of the TMC and, going by its composition, concluded that the Transitional arrangement was a continuation of Nimeiri's rule. The Chairman, the Prime Minister and the Attorney General of the TMC were all sympathizers of the National Islamic Front [NIF], see Harir, 1991, p. 13.

^{xiii} The election results were: The Umma [Mahdi] party won 100 seats, the Democratic Unions Party [DUP—Khatmiya] won 67 seats and the National Islamic Front [NIF] won

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51 seats. Other 'regional' parties were represented in the Parliament. It should be recalled that all the three dominant parties were all northern Islamic-based and Arab-dominated parties.

^{xiv} Also see Human Rights Watch, 2003.

^{xv} Nearly 97% of the electorate approved the new constitution.

^{xvi} For details on the CPA, please visit, www.iss.co.za/AF/profiles/Sudan/darfur/cpapro.htm/

^{xvii} Although written in Arabic language, the English version can be found at: www.sudanjem.com/english.html

^{xviii} cited in Gberie Lansana, 2004, p. 5. Some scholars have faulted the claims of 'The Seekers of Truth and Justice' simply because the book does not render a balance account of these discriminations. Undoubtedly, there is a clear marginalisation of the non-Arab ethnicities in Sudan, but the point is that the Arabs constitute more than 30% of the Sudan's population of which only 5% represents the three favoured Arab groups. In a nutshell, other Arabs are victims of neglect and marginalisation as witness in Darfur. Little wonder why William Wallis argued that 'The Seekers of Truth and Justice' are "motivated by political ambition and were prepared to stir up ethnic hatred to meet their ends". For details see, William Wallis, 2004.

^{xix} The SLM/A's claims are well founded going by the happenings in Darfur. Samantha power contends that, "Darfur's inhabitants felt that the region was being ignored. The Sudanese government rarely paid for road building and repair, schools, hospitals, civil servants, or communications facilities in Darfur. Those who considered themselves ethnically African were angered by the government's practice of awarding most of the top posts in the region to local Arabs, even though they were thought to be the minority there. Disgruntled Darfurians had appealed to the government to include their concerns on the agenda of the US-backed peace process. This effort failed, and many concluded that, if they never wanted to see their needs met, they would have to do what John Garang had done in the South: take up arms against the Sudanese government and try to get the world's attention".

^{xx} Rogue-states are those that do not conform with the established norms, standards, and codes prescribed by international law.

^{xxi} See <http://www.unhcr.ch/huridocda/h>

^{xxii} See United Nations Press, UNHCR adopts Resolutions on the human rights in Iran, Sudan and Democratic Republic of Congo [DRC] 20 April 2001: www.unhcr.ch/hurricane.nsf

^{xxiii} Members of the commission are Chairman Antonio Cassese of Italy, Mohamed Fayek of Egypt, Hina Jilani of Pakistan, Dumisa Ntsebeza of South Africa and Theresa Striggner-Scott of Ghana.

^{xxiv} See www.hrw.org/un/unchr58.htm

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