

FMO Country Guide: Sudan

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1. Overview

1.1 Introduction

From being host to a net influx of refugees from neighbouring states in the 1970s and early 1980s, Sudan has become a generator of forced migration on an unprecedented scale, creating the world's largest crisis of human displacement. Since 1983 two million Sudanese are reckoned to have died as a result of conflict. About a million have fled to neighbouring countries, and some six million - one sixth of the population - have been displaced within the country. The process has, until relatively recently, been accelerating. It took two decades of war in South Sudan to displace four million people, but less than three years to displace two million in Darfur.

In previous conflicts in Sudan, before 1989, displacement had been a secondary consequence. From the late 1980s the deliberate uprooting of local populations, often by local militia armed by the government, became a strategy for the conduct of war, and a military and economic objective in its own right. Prior to the North-South ceasefire in January 2002 the strategy for mass population displacement involved militia attacks on the ground, burning, looting and the abduction of women and children, coupled with bombardment from the air by Antonov planes and helicopter gunships. It enabled the government to seize and reallocate land and resources, while turning largely self-sufficient village populations into vulnerable and dependent communities deprived of

their right to land and permanent shelter, living precariously on the periphery of the capital.

The forced depopulation of oil-rich areas in the Upper Nile region of South Sudan in the 1990s made it possible for oil exploitation to proceed unhindered, and was accompanied by the influx of ethnic groups, often of Northern origin, seen as loyal to the government. In Darfur and the Nuba Mountains, too, small farmers and nomads lost their land rights, as the government gave itself the right to occupy and dispose of land from which displaced people had been driven. Rebel groups, prone to divisions and shifting alliances which the government has been quick to foment and exploit, have contributed to the instability while being unable to offer sufficient protection to their civilian supporters. There are an estimated 1.5-2 million people displaced inside South Sudan, a significant proportion of whom are the casualties of fighting between rebel factions.

Great expectations have been placed on the peace agreement signed on 9th January 2005 between the Khartoum government and the largely southern Sudan People's Liberation Army/Movement (SPLA/M), including hopes of a 'peace dividend' and the eventual return of refugees and displaced people to South Sudan. The immediate reality is far more uncertain. Not only is the agreement far from secure, South Sudan is still volatile, and so devoid of infrastructure, administration and opportunities for resuming a livelihood that its capacity to absorb returnees – or, indeed, finance - is limited.

By October 2005, only a small number of refugees sheltering abroad had returned spontaneously to South Sudan, along with some 250,000 internally displaced people (IDPs). (OCHA, 10 October 2005; UNHCR briefing, 15 October 2005). Meanwhile, however, the government has used force to relocate IDPs, demolished their homes and pressured them to leave, and has obstructed and harassed the agencies whose role is to assist and protect them. UN agencies expect the return of hundreds of thousands of South Sudanese in the dry season from November 2005 to March 2006, largely because of this 'push factor'. Whether this rate of return is workable or desirable is a different matter. Some pioneer returnees have come back to Khartoum already, defeated by the difficulties and the devastation of the south.

In Darfur, the international response was late and dogged by argument. Escalating violence continues to threaten the viability of aid operations, and the African Union forces sent to stabilise the area have an inadequate mandate and are by general agreement woefully under-resourced and few in number. There are still incidents of displacement in Darfur, and limited prospects for return. A few quiet or partial returns have been reported, whose success or failure will be reflected in the region's harvest in the dry season.

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1.2 Overview of the historical context

Sudan, potentially one of the richest countries in Africa, has instead become the setting for a chronic humanitarian political crisis and multi-faceted conflict. The country has suffered warfare of varying intensity for most of the period since independence in 1956. Its first civil war – over South Sudan’s attempted secession, among many factors - began in 1955 and lasted until 1972, creating a million forced migrants. War re-erupted in 1983, now characterised by shifting alliances of regular troops, liberation armies, militias and gangs. The conflict has not been simply one of ‘North’ versus ‘South’ - its primary manifestation - but one of peripheral minorities against a central elite, that is to say, against ‘the clique from the central Nile Valley who have dominated Sudan’s governments and controlled its economy since independence’ (Douglas Johnson, *Parliamentary Brief*, February 2005). The war in Darfur has underlined this fact, and tensions in north-eastern Sudan have similar grounds, with groups who see themselves marginalised by the power elite taking up arms after the failure of civilian politics, hoping also to overthrow a profoundly unpopular government.

The often-highlighted religious aspect can be misleading, as Muslims have fought Muslims in the north, and Christians have fought Christians in the south. Indeed, the decades of ‘Arabisation’ and Islamisation pursued by hard-line ideologues in successive governments – most notably since the National Islamic Front’s 1989 *coup d’etat* - have alienated as many Muslims as Christians. (Moreover, most southerners practice traditional religions, not Christianity.)

Sudan’s huge, unwieldy size was shaped by foreign rulers – first the Ottoman Turks and then the joint Anglo-Egyptian Condominium, which took 30 years to consolidate it by force in the face of opposition on its southern and western edges. Its external boundaries bear little or no relation to the populations on either side, and in every direction there are ethnic groups divided between countries. To the west, the Masalit and Zaghawa are in both Darfur and Chad; to the north, the Nubians are in Sudan and Egypt; the Beja cover north-eastern Sudan and Eritrea; the Anuak south-eastern Sudan and Ethiopia; the Acholi, South Sudan and Uganda... and so on.

Within the country, there are fault-lines between regions, communities, cultures and ethnic groups, as well as steep imbalances of wealth and power between the centre and the periphery. Where social equilibrium has been established locally – and the capacity for peace-making at a local level is often under-valued - it has often been deliberately destabilised by larger forces, particularly the central government. Also influential are the

vested interests – usually of an economic or military-strategic nature - of individuals, groupings, neighbouring countries and members of the wider international community. War has been, and remains, a source of profit for some.

Deeply rooted prejudices arise from Sudan's history of slavery. Slaves from South Sudan were for centuries brought north by traders and soldiers, some ending up in northern Sudan and others being sold on to Arab countries, including Egypt. This history also contributed to Sudan's crisis of identity. While a large proportion of northern Sudanese claim 'Arab' genealogy through the male line, a great many are also descended from South Sudanese or other 'African' great-grandmothers. Their efforts to distance themselves from their 'African' roots and distinguish themselves from their perceived inferiors have had a profound impact on the nation's psyche.

Sudan's history is one of population flux and mixing. The amassing of armies in the capital in the 19th century brought in migrants from all over the country, as did the expansion of agricultural schemes in, for example, the Gezira region of central Sudan and eastern Sudan in the 20th century.

Various populations of West African origin, including Fulani and Hausa speakers, have settled in Sudan, with the encouragement of the Condominium government. In recent years some of these have proved useful to the government, and been rewarded with land following, for example, the displacement of Nuba farmers in the 1990s.

One of the limits on movement came in the late 1920s, when a misguided attempt by British administrators to protect the South Sudanese, Nuba and others from the depredations of slave traders and merchants led to the establishment of 'Closed Districts', cut off from northern influence. When the Ordinance was lifted in the mid-1940s, the north had advanced far more rapidly than the south, having started from a position of advantage, and was more politically sophisticated and economically developed. The two sides were unevenly matched in the jockeying for power during the 'Sudanisation' process that preceded independence, by which the administrators of the Anglo-Egyptian Condominium were replaced with local officials.

A slow-burning civil war between North and South began in 1955, a year before Sudan's independence, and continued until the South gained regional autonomy in 1972 with the Addis Ababa Agreement. Periodic massacres had created waves of human displacement and war had kept many areas of the South at or below subsistence level. The president at the time, Jaafar Nimeiri, initially enjoyed South Sudanese support.

A decade of relative peace followed until 1983, when Nimeiri 're-divided' the South and effectively abrogated the 1972 Addis Ababa Agreement. This revived war in the south, and prompted the formation of the Sudan People's Liberation Army. The SPLA under the leadership of Col. John Garang managed to take control of much of South Sudan, with the exception of isolated garrison towns, in the late 1980s. In 1991, however, it suffered a disastrous split when rival commanders attempted to replace Garang but ended up breaking away instead. SPLA factions then went to war with each other, and hundreds of

thousands of civilians died or were displaced as a result. More deaths were caused by this faction fighting among rebels than by direct government action.

Among the earlier forced migrations in Sudan could be counted the retreat of the Nuba and other African ethnic groups from ancient northern Sudan into the safety of the Nuba Mountains. The Nuba Mountains and the Southern Blue Nile have mixed populations which are almost microcosms of the whole country. The SPLA/M has claimed, and up to now held, territory in these areas, where some but not all of the local population have supported the armed struggle for nearly two decades.

The third key 'marginal' area of the north adjoining South Sudan, Abyei, is considered a special case and will have its own referendum after six years to decide where its future will lie. Meanwhile it will come under the joint control of the interim 'presidency'.

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1.3 Key issues

Disputes over access to fertile land and water, or over stolen cattle, long-present factors in rural life, have been exacerbated by population growth, central government manipulation and the introduction of modern technology. Minor conflicts which in the past were relatively easy to resolve by traditional methods of negotiation, now escalate rapidly because of the easy availability of cheap small arms, often from neighbouring countries.

The drive for oil, a central government concern, became a key reason for land clearances in the south. Since its discovery in 1979, governments in Khartoum have wanted the oil zones to be occupied by a compliant population, and sought the destruction of the rebels' support base among local Nuer and Dinka villagers. Initially this involved only proxy militias armed by the government, but oil money soon enabled the purchase of military hardware, including helicopter gunships, jet fighters and bombers.

The seizure of power by an Islamist junta in 1989 introduced a coherent and systematic policy of social engineering. The regime's overt basis, its so-called 'Civilisation Project', actively sought to destroy the cultural roots of the displaced populations, with the establishment of camps known as 'Peace Villages', initially in the Nuba Mountains area of South Kordofan. These became notorious for separating families – most of whose menfolk were killed - allowing militiamen to rape with impunity, and intensive indoctrination. The outcome was the creation of a large and vulnerable population of dispossessed people with diminished rights.

Man-made famine, the destruction of farms and food stocks, and the manipulation of access to aid agencies, meant that food became a weapon, and a tool for generating displacement.

‘There is clear evidence that aid has saved lives, protected livelihoods and – when delivered in substantial quantities – prevented distress migration. Nevertheless ... the effectiveness of aid remains profoundly compromised so long as the underlying crisis of human rights and political legitimacy that has given rise to the need for emergency assistance in Sudan remains unaddressed.’ (Keen, D., *The Benefits of Famine: A Political Economy of Famine and Relief in South-West Sudan, 1983-1989*, Princeton: Princeton University Press, 1994).

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2. Causes and consequences

The long-established tensions between the centre and the periphery are characterised by a chronically unjust division of power, wealth and investment, and by the inability or unwillingness on the part of the central elite to manage the ethnic, religious and cultural diversity of the vast country.

There has been a series of moves by the centre to impose a narrowly defined identity on the population. A crude version of Islamic sharia law has constituted the basis of public and private law since 1983, despite the popular overthrow of the dictator who instigated it, Jaafar Nimeiri. This measure was consolidated in 1989, when a new regime began the wholesale political restructuring of Sudan to establish it as an Islamic republic. Many Muslims as well as non-Muslims have suffered as a result.

When Lt-Gen Omar al-Bashir, Hassan al-Turabi and the National Islamic Front (NIF) ousted Sadiq al-Mahdi's elected civilian government in June 1989, they seized power when the prospects for peace with the SPLA/M were stronger than at any time since 1983. Northern secular political groups had been working towards a negotiated solution to the civil war, and pressure from the public and the armed forces had obliged Sadiq al-Mahdi to move in the same direction. The 1989 coup ended these negotiations, and with them the prospect of a restoration of regional and religious rights.

Turabi remained the principal ideologue of the regime for a decade, until he became too visible on the international stage. He was jettisoned in 1999, a year after the US attacked the Shifa pharmaceutical factory in Khartoum, when a nervous regime was trying to present itself in a different light. He and his supporters formed the opposition 'Popular National Congress' and built (through the Justice and Equality Movement, or JEM) alliances in the west and east of the country. However, his former deputy in the NIF, Ali Osman Mohamed Taha, whose Ministry of Social Planning oversaw the 'Civilisation Project' in the 1990s, stayed in the government and became an extremely influential Vice President.

A Government of National Unity (GNU) was appointed in September 2005 following the signing of a Comprehensive Peace Agreement on 9 January 2005 between the Khartoum government and the largely southern Sudan People's Liberation Army / Movement (SPLA/M). The GNU is nevertheless dominated by the inner core of the NIF, figures who have held power since 1989, and their party has a built-in majority of 52% in the new government.

The NIF adopted the new name of 'National Congress' in the late 1990s when controlled elections were held. The security apparatus in the north, the implementing agency of the NIF / National Congress and responsible for the Darfur strategy, remains unaltered.

The role of the Northern opposition parties in the GNU remains to be seen. Much of the real opposition is still excluded, either by choice - because of the limited extent of power on offer - or because they are still banned.

A few former members of the Umma Party and the Democratic Unionist Party who have been collaborating with the regime for years are listed as 'Northern opposition' for cosmetic purposes. 'The National Islamic Front / National Congress Party will continue to rule Northern Sudan.' (Africa Confidential, 7 October 2005)

Ending the war with the SPLA/M took years of negotiations in Kenya, under the aegis of what are referred to as the IGAD countries (Inter-Governmental Authority on Development - Kenya, Uganda, Eritrea, Ethiopia and Djibouti, plus Sudan and - formally - Somalia) and with the support of Western countries, chiefly the United States, Britain and Norway.

The Khartoum government has gone ahead with the Comprehensive Peace Agreement only under strong external pressure, particularly from the US. After a six-year interim period, during which the government is supposed to make unity 'attractive', South Sudanese will be able to choose unity or separation in a referendum. However, South Sudanese are saying that there is little sign of effort to 'make unity attractive' so far.

Moreover new conflicts – particularly Darfur – began before the North-South peace deal was concluded, while some existing crises – particularly eastern Sudan - have worsened. In the oil fields of Upper Nile, an estimated 100,000 Shilluk (Collo) people around Malakal have been driven out and their land occupied by tribes loyal to the government, echoing the fate of Nuer and Dinka in Western Upper Nile in the 1990s. The southern border area with Uganda is destabilised by the incursions of the Ugandan Lord's Resistance Army – LRA – which has received crucial Sudan government backing, and the Beja people in eastern Sudan – where the oil pipeline has its sea port – are being treated as insurgents.

In South Sudan, an entire generation has grown up knowing only war, and deprived of basic resources and access to education. Often violence is seen as the only means to secure access to resources or settle a conflict. The result is continuing low-intensity conflict.

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3. Internal displacement

The Nuba

The Nuba, whose culture embraces both Islam and Christianity, as well as traditional beliefs, live just north of the north-south dividing line – itself a contentious issue – and have enough in common with the southern rebels that they formed a Nuba wing of the SPLA to resist the depredations of government-armed militia. The government declared a

jihad in the Nuba Mountains in 1992, and mounted a campaign of devastating effectiveness, for which the term ‘ethnocide’ was coined by the researcher Alex de Waal.

After soldiers of the regime had killed the Nuba cattle and burned their villages, Nuba land was seized for profitable mechanised agriculture. An estimated 60,000 orphaned Nuba children ended up in ‘Peace Camps’, under pressure to convert to Islam. Boys, some as young as 12, were taken into the Sudanese army, at least one-third of whose ranks are Nuba men.

Previously estimated at 1.5 million, the Nuba population in the area was reduced to 400,000. Of those who remained, many were forced to leave their homes and farms in the fertile plains for the safety of the barren mountains above, and for years neither government nor rebels would allow aid workers access to the region to feed the people struggling to survive.

A ceasefire has held since 2002, but uncertainty remains over the government’s announced intention to incorporate the Nuba Mountains into the state of Western Kordofan, which has a culturally Arab population. The insensitive enforcement of Sharia law in a gerrymandered constituency could shatter the peace. Meanwhile there are thousands of displaced Nuba living in the outskirts of Khartoum who want to return voluntarily to their homes in the Nuba Mountains.

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3.1 Oil and displacement in South Sudan

Ever since 1978, when oil was first discovered near Bentiu in Western Upper Nile, South Sudan, it has been accompanied by human displacement and death. In the early 1980s the dictator Jaafar Nimeiri tried to redraw the borders of the south, bringing the oilfields into a newly created 'Unity State' under central control and abrogating the 1972 Addis Ababa peace agreement. In 1985-86 the democratically elected Prime Minister Sadiq al-Mahdi began the arming of tribal militias in the area, a process which the National Islamic Front regime accelerated when it seized power in 1989. Soon a scorched-earth policy was implemented against local populations by a combination of the regular army, various militias and Nuer warlords who had turned against the SPLA and who were government-armed. One by-product of the policy was the re-emergence of slavery. While significant numbers were enslaved, much greater numbers were displaced.

In 1999, the UN Office for the Coordination of Humanitarian Affairs (OCHA) acknowledged that 'hostilities have reached particular intensity in Unity State/Western Upper Nile region and adjacent areas as the protagonists vie for control of oil-rich areas.'

Once driven out of their homes by military force, southerners were systematically prevented from returning by the burning of crops and stores and the denial of relief. After oil came on-stream in August 1999, the war worsened, with the intensification of aerial bombardment by Sudan Air Force Antonov planes and helicopter gunships – and the exodus of civilians living in and around the oil fields grew larger. The displacement continued, both in order to defend existing oil fields, and to push the front line forward in order to develop new oil fields.

Bentiu was historically inhabited by the Nuer and Dinka tribes. In the days before oil, pastoralists migrated within southern Sudan in search of water for their herds. Economically marginalised Arab groups encroached on lands occupied by their southern African neighbours periodically, and disputes and displacement were not unknown. But

after the discovery of oil, central governments armed elements of the Baggara cattle herders of southern Kordofan and gave them free rein to attack Dinka and Nuer in and around the Unity and Heglig fields north of Bentiu. These Baggara militia – dubbed ‘muraheen’ - raided and burned villages, looted cattle, drove southerners off their pastures and abducted women and children.

Organised and armed by the government, and often acting in unison with government forces, the Baggara ‘muraheen’ figured prominently at key moments in the development of the oil fields. In November 1992, as Khartoum began planning for oil exploitation in a new consortium with Canada’s Arakis Energy, the government and its muraheen allies began a five-month offensive designed, according to Human Rights Watch, ‘to permanently dislodge the civilians’. ‘In November 1992 through April 1993, these forces looted, burned, killed and abducted people,’ Human Rights Watch said. ‘The survivors said that the government was trying to clear the area so the SPLA would not be near the oil fields.’

In October 1996, two months before China and Malaysia joined Arakis in the so-called Greater Nile Oil Project Corporation (GNOPC), a new government-muraheen offensive displaced many thousands more, furthering the deliberate creation of a *cordon sanitaire* around the oil areas. Cattle and grain were looted, food stores looted and burned. In October 1998, a much larger Canadian company, Talisman, took over from Arakis as the leader in the oil consortium and began constructing a 1,000-mile pipeline linking the oil fields to a new supertanker terminal on the Red Sea coast.

The government had exploited the 1991 split in the SPLA, co-opting breakaway Nuer warlords to fight on its side against the largely Dinka SPLA. However, as estimates of the reserves grew, and the oil prize became greater, divisions emerged among the government’s Nuer allies over control of the oil fields and the lucrative protection of the companies doing business there. The government encouraged these divisions. It armed its most trusted Nuer ally, Paulino Matiep, against other Nuer warlords aligned with Riek Machar, a more recent defector from the south, in order to keep the Nuer divided among themselves and so to prevent the Heglig and Unity oil fields from disappearing into a united South.

‘Since both armed factions were Nuer, the government had set up a situation where it could dismiss fighting between them as ‘tribal clashes’ remote from the central government and not controllable by it,’ Human Rights Watch has said. ‘Nothing could be further from the truth... It was all about power, control of natural resources, primarily oil.’

The United Nations’ Operation Lifeline Sudan (OLS), the primary coordinator of humanitarian aid, reported in 1998 that Western Upper Nile was experiencing pre-famine conditions ‘in almost all cases as a result of military activity.’ Malnutrition rates reached as high as 40 percent. OCHA reported that more OLS personnel were evacuated from the region due to fighting than from any other area where OLS operated. By the end of 1998, humanitarian coverage in the region was the lowest of all major OLS areas. OCHA

classified Western Upper Nile as one of two 'areas of acute emergency' in all of Sudan, the worst classification possible. The other area was Bahr al-Ghazal, where almost a million people were affected by famine in 1998.

In May 1999 the government dispatched a new militia, the 'Protectors of the Oil Brigade', to the oilfields. Government forces with Antonov bombers and helicopter gunships, tanks, armoured personnel carriers and militia began a two-month offensive on villages in the area. A Canadian delegation estimated that the offensive caused a decline in population 'in the order of 50 per cent'.

The spreading insecurity caused most NGOs to pull out of Western Upper Nile, leaving the population dependent on OLS relief flights. These were dependent on government permission – which was often denied.

In August 1999, with the pipeline completed, oil fields south of Bentiu became potential drilling sites for the first time. The (then) UN Special Rapporteur on human rights in Sudan, Leonardo Franco, accused the Khartoum government of using its army to clear a 60-mile security zone around the oilfields.

By the end of 1999, the World Food Programme estimated that 70,500 civilians had been displaced from the oil fields. Most had fled empty-handed. Deprived of homes and livelihoods, and weakened by disease and malnutrition, they walked as far as 200 miles south of oil-producing areas. Others fled into the swamps bordering the Nile or to other inaccessible areas.

In January 2000, a Canadian fact-finding mission led by former Foreign Minister John Harker agreed that ground and air attacks by the government on civilians had increased significantly as a result of oil exploration, drilling and pipeline construction. It charged that these attacks were part of a strategy to clear the region of populations perceived to threaten the pipeline and the security of oil operations. It said civilians were also caught in the middle of fighting for control of the oil fields.

In April 2000, Amnesty International reported that aerial bombardments, the strafing of villages by helicopter gunships, unlawful killings and torture including rape and abduction were taking place on a 'massive' scale. Southerners who were forced out of oil-producing areas were being prevented from returning by the destruction of their harvests and the looting of their cattle.

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3.2 Conditions for Internally Displaced People

3.2.1 Forced relocation

Many Sudanese from marginalised areas such as South Sudan and Darfur live in camps

on the fringes of Khartoum. These are regularly raided by the police, and homes demolished, in order to relocate their inhabitants (without advance warning or the right to appeal) further into the deserts on the outskirts of the capital. They often have no access to basic facilities such as water, housing and transport. The UN Office for Coordination of Humanitarian Affairs (OCHA) estimates that since 1989 at least 665,000 IDPs have been forcibly relocated in Khartoum State - some 300,000 since 2004. (IRIN 7 October 2005)

The UN Secretary-General Kofi Annan noted in his report on Sudan in October 2005 that - contrary to previous commitments made by the then Governor of Khartoum State, Abdel Haleem Ismail al-Mudafie - there had been new forced relocations of IDPs and squatters in settlements around Khartoum. 'Thousands of people have been forcibly moved to sites in desert areas tens of kilometres outside Khartoum where there are no, or wholly insufficient, life-sustaining services,' Annan observed. 'These relocations, and the violence accompanying them, increase tensions in the greater Khartoum area, violate the right of the displaced to return voluntarily, and in dignity and safety, and also have the potential to undermine the transition towards peace and stability in the whole country.'

Between January and February 2005, some 750 people who had fled to Khartoum from Darfur were sent to a school in Mayo camp, Khartoum, to be looked after by a group of local voluntary associations. They included young and old men and women, and young children from the Fur, Zaghawa, Massaleit and other, smaller African tribes. At the end of February, the police raided the school, using batons and tear gas indiscriminately. Although a few individuals managed to run away, there is no news of what happened to the rest. They may have been imprisoned, killed or detained indefinitely, according to an investigation by the Aegis Trust published in June 2005. (http://www.protectdarfur.org/Pages/Download_Docs/Lives_in_Our_Hands.pdf)

In May 2005, violent protests by IDPs against an attempted relocation in the squatter area of Soba Aradi left 16 policemen and an estimated six civilians dead, while several hundred people were thrown in jail. Mohamed Ahmed Abd Al-Gadir Al-Arbab, one of the lawyers representing 136 people detained in connection with the clashes, was arrested on 1 October 2005. Amnesty International considers him a prisoner of conscience, detained solely for his work in defence of human rights, and comments that many if not all, of the 136 are detained arbitrarily, and four have reportedly died as a result of torture in custody. Mr Arbab has reportedly been charged, together with the 136 detainees, under articles 21 (complicity to execute a criminal agreement), 24 (criminal conspiracy), 50 (undermining the constitutional system), 51 (waging war against the state), 77 (public nuisance), 107 ('screening and harbouring an offender') and 130 (murder) of the 1991 Penal Code. Articles 51 and 130 carry the death penalty, which indicates the government's powers in such cases.

Amnesty International reports: 'At 4 am in the morning of 17 August 2005, armed police surrounded the Shikan IDP camp, located in Omdurman, Khartoum. National security forces had notified some members of the camp leadership the previous day that they

would be checking the camp for stolen property, following the recent riots marking First Vice-President John Garang's death. National security forces arrived with lorries, emptying the entire camp of its residents. 500 families were moved to Thawra camp, 170 families were relocated to Al-Fatah III, and 371 families will be allotted places to return to in Shikan. 'Al Fatah III and Thawra are locations lacking the most basic means of survival. Thawra, located 55km north of Khartoum, was previously a garbage dump, and lacks all essential services. Water, healthcare, and educational facilities are non-existent as the location is no more than a patch of desert. Al Fatah III is better only in that it possesses one water pump.'

More permanent settlements have also been raided by the authorities in search of suspected rebel sympathisers. In long-established settlements such as Hajj Yousif and Souq Sitta, the authorities closed off areas and conducted house-by-house searches in August 2005, following the unrest that was triggered by the death of Vice-President John Garang on 30 July.

The Director of the Inter-Agency Internal Displacement Division of the UN Office for the Coordination of Humanitarian Affairs, Dennis McNamara, was interviewed by the IRIN news agency on 30 September 2005. Asked about the key interventions the UN was planning over the coming dry season, he replied: 'One of the necessary interventions which is taking place already, is to stop the pressure in Khartoum on forcible relocations to unsuitable areas, which is a push-factor for returns. That is clear from the [UN] Secretary-General's report [on Sudan to the Security Council], and something the UN is very concerned about. Not that people are relocated, that's possible, but they need to be relocated properly with respect for their rights. That's a major issue and has to be linked to the return process.'

IRIN pointed out that almost half of the IDPs are based in the Khartoum area, in settlements that are being destroyed on a regular basis, giving them little choice but to return. It asked what the international community was planning to do about this.

McNamara replied: 'There is a monitoring group, the Consultative Committee, chaired jointly with the EU and the government and with other donors and UN agencies, which is supposed to be the mechanism to make sure that any relocations are properly and fairly carried out to areas that are sustainable. That obviously did not have that much success because the most recent locations were not done properly and were not sustainable. But the idea is to reactivate that consultative committee and try and make sure there is a coordinated, agreed, proper process and there is no undue pressure on people to go to unacceptable conditions and maybe thereby, involuntarily.'

3.2.2 Actions against protective civil society organizations

The Sudanese government has launched legal proceedings against the Sudan Organisation Against Torture (SOAT) in apparent attempt to silence it. Local press reports said Sudan's Bureau of Crimes Against the State began proceedings against SOAT at the end of August 2005 but did not inform the organisation itself. It is being

charged under articles 59 (Disclosure of Military Information), 66 (Propagation of False news), 69 (Breach of Public Peace), 77 (Public Nuisance) of the 1991 Sudanese Penal Code. If found guilty, its members could face more than 5 years in prison.

On 4 August 2005 President Bashir enacted ‘The Organization of Voluntary and Humanitarian Work Act, 2005’ on the basis of a provisional constitutional order/decree pursuant to his powers under Article 109 (1) of the Constitution. Its impact on freedom of organisation is profound, and a large number of Sudanese voluntary organisations whose role is central to the functioning of civil society (including the protection of displaced people and refugees), have registered complaints against the decree.

A memorandum from the mainly southern New Sudanese Indigenous NGOs Network (NESI), issued in Nairobi, Kenya, on 6th October, 2005, declares: ‘The Decree is not favourable to the growth of the civil society in Sudan as it impedes and dampens the efforts of indigenous Non-Governmental Organisations (NGOs), which form the largest part of Civil Society Organisations (CSOs) to complement government efforts in ensuring a peaceful and developed Sudan, which is emerging from decades of civil strife.’

In northern Sudan, hundreds of civil society organisations responded by holding discussion fora and issuing statements, culminating in an appeal calling for abolition of the decree. This appeal was delivered to the Constitutional Court on 3 October 2005, with supporting signatures from 400 national organisations. The appeal goes on to note that a ‘Human Rights Commission has not been established yet, making it impossible to resort to any competent body to promote, safeguard and monitor [the] state’s compliance to guarantee and safeguard the right of appellants to organise.’

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3.2.3 Darfur

Two million people from the Darfur region of western Sudan have been displaced since the escalation of warfare there in 2003. By the end of 2003, the UNHCR was calling the flight of Darfur refugees to Chad ‘the world’s largest exodus’ (UNHCR Refugees magazine, Winter 2003).

The current crisis in Darfur developed over more than a decade, but intensified dramatically in 2003. The primary cause of displacement was raiding by ‘Janjaweed’ militia; self-described ‘Arabs’ pursuing a campaign of raiding and land seizure from non-‘Arabs’ such as the Masalit, Fur and Zaghawa. They carried out indiscriminate killings, looting and mass rape -- all in contravention of Common Article 3 of the 1949 Geneva Conventions that prohibits attacks on civilians. Repeated investigations have concluded that these militia are supported by the government of Sudan, operate under the command of senior figures in the security forces, and that the entire campaign is remarkable for its explicitly racist political ideology.

The militia, together with government air and ground forces, targeted Darfur tribes of African extraction. These communities are being subjected to a strategy of ‘collective punishment’ designed to drain the support base of the rebel groups which had come into being in response to unchecked militia raiding in the 1990s. The strategy has been to move the people or kill them, as in the South and the Nuba Mountains.

Ethnic animosities between groups in Darfur, which had not hitherto been a major factor, surfaced in the racially infused language that now characterises the Darfur conflict. Once-fluid ethnic identities have become more sharply distinguished.

Although disputes in Darfur between settled ‘African’ farmers and ‘Arab’ nomads moving south in search of water and pastures have been commonplace for centuries, there were also mechanisms for settling the arguments and minimising harm. During the 1980s and 1990s however, these conflicts intensified, aggravated by drought, the influx of arms from wars in neighbouring countries, and the policy pursued by the Government of Sudan of arming ‘Arab’ tribesmen and - later - actively disarming ‘non-Arab’ groups.

In the 1980s a regional government was established in Darfur, and competition between a handful of leading politicians took on an ethnic dimension. A Fur block was formed, allied with a number of other indigenous groups including the Berti, Birgid, Tunjur and Daju, and intermittently with the Masalit block of the far west. This was in opposition to, and in response to, a self-styled ‘Arab’ alliance consisting of many of the indigenous groups within the Baggara confederation plus camel herders in northern Darfur (including the Um Jalul and Mahariya clans of the Rizeigat and others). Initially, the traditionally nomadic Zaghawa were aligned with the Arabs.

Khartoum consistently favoured the ‘Arab’ alliance, which in 1988 declared a ‘War on the Blacks’, as it termed the ‘African’ tribes. This led ultimately to the creation of so-called ‘Janjaweed’ militia which gained international notoriety in 2003. Nevertheless, it

is important to note that the chief or Nazir of the Rizeigat refused to allow official co-opting of members of his tribe into the government-backed militia: those who join it do so on their own.

The older 'native administration' system based on village sheikhs had been dismantled by President Nimeiri, and while the individuals remained, possessing some social authority, they rarely had the resources to intervene.

Selective arming by the government of 'Arab' groups, while 'African' groups were disarmed, continued throughout the 1990s. Traditional negotiation mechanisms between the parties were abandoned, and land seizures by the 'Arab' groups were reportedly legitimized by the local administration. Assassination of tribal leaders, arrests of civil rights defenders, and detention of educated members of the African groups became systematic. The proliferation of small arms, continuous raids and looting by militia encouraged 'banditry and acts of armed robbery' – the government's preferred terms - and led to a situation of general insecurity.

In June 1999, a government-sponsored conference was held to put an end to the intertribal conflicts. An agreement was reached but, according to the UN reports at the time, 'there have been continuing reports of extensive violence and human rights abuses against Masalit civilians on the part of Arab militias allegedly supported by the government, driving more than 30,000 people into exile in Chad and Egypt and reportedly displacing some 350,000 in areas within West Darfur State itself'.

Since 2001, Darfur has been governed under central government decree, with special courts to try people suspected of illegal possession or smuggling of weapons, murder and armed robbery. The security forces have used these powers for arbitrary and indefinite detention of anyone suspected of criticising the government.

Low-intensity conflict continued to worsen until early 2003, with Fur, Masalit and Zaghawa people forming defence groups against continuing attacks. A number of interacting factors including ethnic conflict, an increase in armed robberies and a perception of marginalisation, led to the formation of two political and military resistance movements, the Sudanese Liberation Movement/Army (SLM/A – originally the Darfur Liberation front) and the Justice and Equality Movement (JEM – formed in Khartoum by dissident Islamists). These rebel forces from the disadvantaged tribes, having failed to end their marginalisation by civil political means, announced an uprising against the Khartoum government in February 2003 and launched attacks on police and military targets, including El Fasher airport.

The government's response was a security clampdown and a military onslaught. Its massive intensification of war, targeting civilians it assumed to be siding with the opposition, was out of all proportion to the original threat. The result over the next two to three years was the deaths of between 180,000-300,000 people, the internal displacement of around 1.8 million people and the exodus to Chad of another 220,000 refugees.

Displaced people in Darfur often have no aid and no protection from Janjaweed militiamen, some of whom have been integrated with the security and official militia forces and have terrorised the displaced people's camps with impunity.

Moreover, 'The Sudanese government is blocking new arrivals ... from getting registered [in camps], which means they can't get food and tents.' (New York Times [dateline: Nyala, South Darfur, 31 May 2005])

Alongside the scorched-earth tactics against villagers, the government has engaged in widespread arrests of community leaders from the target Fur, Masalit and Zaghawa communities, and been complicit in their assassination. Other members of the educated elite, such as teachers and doctors, have been subjected to various forms of persecution, including detention and torture. Numerous merchants, doctors, teachers, lawyers, bankers, civil servants and other professionals in Nyala and other towns in Darfur have been detained without trial. Equally, in Khartoum and other towns outside Darfur, a broad range of 'suspects' has been subjected to surveillance, persecution and arrest.

The emergence of smaller armed groups and a split within the rebel Sudan Liberation Movement has made the situation even more volatile. In October 2005, two Nigerian African Union peacekeepers were killed in a gunfight with armed men who were robbing an African Union civilian contractor. The perpetrators turned out to be Janjaweed. Dozens of AU military observers and other staff were later abducted by insurgents.

'Ongoing peace-talks in Abuja, Nigeria, have not prevented the conflict from deteriorating further with deliberate attacks, systematic sexual violence and the killing of IDPs in camps, humanitarian workers and personnel from the African Union peace-keeping mission. As a result, more of the displaced may be pushed across the border into neighbouring Chad, which is already struggling to cope with the refugees from Darfur in an extremely hostile environment and a poor host community.' (Global IDP Project, October 2005)

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4. Needs and responses

International responses to the Darfur crisis were muted and dilatory. In 2003 and 2004 there was a reluctance to intervene or even to put serious pressure on the Khartoum government, for fear that it would jeopardise the peace talks with the SPLM/A in Kenya over South Sudan. In the United Nations Security Council, it was clear that China – as Sudan’s main oil partner – and Russia would veto strong sanctions. The use of the term ‘genocide’ by some observers, including the US, was treated with extreme caution.

A United Nations mission reported at the end of January 2005 on crimes against humanity and war crimes in Darfur, and named responsible Sudan government officials in a confidential appendix. The UN Security Council on 31 March 2005 passed a resolution requiring those suspected of carrying out war crimes in Darfur region to be handed over to the Hague-based International Criminal Court. The court has now opened its investigation and is expected to announce its indictments early in 2006.

On 1 April, 2005, however, the Sudanese authorities vowed to defy the U.N. Security Council resolution. ‘I swear thrice in the name of Almighty Allah that I shall never hand any Sudanese national to a foreign court,’ said President Bashir in a speech to the ruling National Congress.

In the wake of the invasion of Iraq, there was considerable nervousness about perceptions of western military intervention in Darfur, and the task on the ground was delegated to the African Union.

The 7,000 African Union peacekeepers deployed to Darfur have been unable to stem the violence, however, because they do not have enough troops, proper military hardware and means for rapid movement in the region the size of France, Jan Pronk, the UN Special Envoy to Sudan, acknowledged after a meeting in Khartoum with US Deputy Secretary of State Robert Zoellick on 10 November 2005. There were even reports that the peacekeepers were running short of ammunition, and that the government was manipulating their access to fuel.

The African Union has repeatedly asked for more money and logistical support from the West for its Darfur operations. The New York-based Refugees International, which provides humanitarian assistance and protection to displaced persons around the world, said donor governments have failed to provide adequate support for the AU, while the Sudanese government places ‘innumerable obstacles in its path.’

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4.1 Refugees in Sudan

According to the US Committee for Refugees and Immigrants in 2005, at the last count Sudan was host to 225,000 refugees, 191,000 of whom originated from Eritrea, 15,000 from Ethiopia, 7,900 from Uganda, and 5,000 from Chad. In 2002, the UNHCR invoked the cessation clause with respect to Eritrean refugees in Sudan, but the Sudanese government allowed for reconsideration of the cases of those who had compelling reasons against repatriation.

Most have been confined to rural areas and agricultural work. In South Sudan in the 1980s large numbers of Ugandan refugees were settled in camps or self-settled among the nationals (Harrell-Bond 1986). Each family was given land and agricultural inputs in an effort to make them self-sufficient. In Eastern Sudan, by contrast, the government and the UNHCR put refugees in wage-earning settlements and expected them to work on the irrigated schemes. The arrangement was perceived as beneficial to both the tenants in the scheme who lacked labour and refugees who constituted a labour reserve. However, Kibreab (1990: 164) has pointed out that the demand for labour in the irrigation schemes was over-estimated.

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4.2 Sudanese in exile

4.2.1 Sudanese refugees in neighbouring African countries

The civil war in South Sudan led to over half a million Sudanese fleeing the country altogether. Kakuma in northern Kenya hosts tens of thousands of Sudanese refugees. Over 200,000 are in camps in western and northern Uganda, such as Adjumani. In recent years the latter have been subjected to attacks by the Lord's Resistance Army (LRA), and

some have returned to Sudan, despite the dangers, because of this. However, the LRA also operates in southern Sudan.

An estimated 220,000 people have fled from Darfur to camps in a desolate and remote part of Chad lacking in basic essentials such as water. Amid incursions into Chad by the Janjaweed militia in 2003/2004, the UNHCR organised an emergency relocation of refugees from the insecure border area to camps further in the interior. UN agencies and NGOs are the sole providers of aid and infrastructure. Although the majority of refugees from Darfur are in Chad, some have made their way further afield to countries such as Ghana and Egypt.

4.2.2 Sudanese refugees in the West

Before the 1989 coup d'état by the present government, Sudanese refugees abroad were far fewer in number than they are now. Those who reached western countries before the 1990s were usually a handful of the educated elite. During the 1990s, as numbers grew with the intensification of war and political oppression, the host countries were initially willing to grant asylum to victims of political and human rights abuses. By the end of the decade, however, with antagonism towards asylum-seekers growing in the west, Sudanese refugees found themselves more often refused than accepted.

Oil exports and western policies of 'constructive engagement' have helped legitimise the government in Khartoum since 1999, when the first pipeline opened, and this too has altered the treatment of those who have fled the country. Darfur refugees in the UK are being told that Khartoum is a safe destination for them to relocate to, and across Europe Sudanese escaping from forced conscription into the Islamist militia (and involvement in atrocities) have been rejected on the grounds that this is regular military service.

In the USA, most publicity has been given to the 'Lost Boys', a group of 3,000 children whose lengthy trek to escape SPLA faction fighting in 1992 attracted media attention. Many of the boys were airlifted to America, where they faced struggles of a different nature (See the late Arthur Howes' film *Benjamin and his Brother*, 2002). The 'Lost Girls', meanwhile, were kept from the limelight and remained in Kakuma camp in Kenya. (Ishbel Matheson, BBC East Africa, 7 June, 2002)

4.2.3 Sudanese refugees in the Arab world

The response to Sudanese refugees in the Arab world reflects an ambivalent attitude towards Sudanese in general. In Lebanon, Syria and Egypt, refugees from Darfur and South Sudan have complained of high-handed or dismissive treatment by local UNHCR officials, and of being caught in an administrative limbo.

In November 2001, Sudanese in Syria were told by the authorities to obtain residence permits through the Sudanese embassy in Damascus. South Sudanese and others who did not trust the embassy were told to show UN protection or official refugee recognition papers, or be deported to Sudan. Seeking assistance from the UNHCR office in Damascus, over 500 displaced people approached the office on 9 December 2001 and chose a delegation of five to present their case. The mission, fearing attack, called in the

Syrian police, who used teargas and made mass arrests. Four people sustained serious injuries and two pregnant women had miscarriages, according to the Sudan Human Rights Organization (Cairo Branch).

The crisis in Egypt was highlighted at the end of December 2005 by the controversial removal of some three thousand Sudanese who had set up a temporary protest camp in Mohandiseen near the Cairo office of the UNHCR at the end of September. The refugees, reportedly fed up with appalling conditions and constant abuse of their rights, had been demanding protection from forced repatriation and of vulnerable groups, as well as relocation abroad.

As early as June 2002, Caroline Moorehead reported: 'Asylum seekers reaching Cairo face a series of hurdles, involving profound uncertainty, confusion, and some two years' wait, before they can even hope for their first interview. Many are put off from applying at all, preferring to live, and wait, in the slums and shanty towns that encircle the city, so that UNHCR has no record of their existence.' (Caroline Moorehead, *New York Review of Books*, 7 November 2002, responding to a letter on her article '*Lost in Cairo*', NYR, 13 June 2002). In October 2005, students at the Forced Migration and Refugee Studies Programme in Cairo published a report on the protesters, entitled 'Sudanese refugees in Cairo: "We'll wait here; we'll die here"'.

On 29 December 2005, nearly 4,000 Egyptian riot police moved in with water cannons to enforce the removal of the Sudanese protestors, at least 20 people were reported killed, including a small child. Human Rights Watch said President Husni Mubarak should urgently appoint an independent commission of inquiry. 'The high loss of life suggests the police acted with extreme brutality,' it said, calling for an investigation that looked at all levels of the police command, including the role of Interior Minister Habib al-'Adli.

The Egyptian government pointed out that it had tolerated the situation for three months and had acted at the request of the UNHCR. Egypt's Interior Ministry attributed the fatalities to 'a stampede,' and said 'the migrants' leaders resorted to incitement and attacks against the police.' The authorities' initial warnings that protesters carried dangerous diseases and rumours that some had AIDS were later acknowledged to be unfounded.

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5. Future prospects

With the declaration of the peace agreement and a six-year interim period culminating in a referendum to settle the future of South Sudan, the country has entered a critical phase with the potential for profound change, either for better or for worse. The task of construction in the south – 'reconstruction' suggests a previous infrastructure – is immense, and fraught with pitfalls. Provision for humanitarian needs will have to be matched by action to improve safety. Between 500,000 and two million landmines are believed to have been planted across the country, with the large majority of those in the south.

In the wake of the peace agreement, returning refugees have in some cases clashed violently with IDPs occupying land which was formerly theirs. In late 2005, hundreds of Bor Dinka and their cattle from Jonglei province, displaced by war to Yambio and Mundri in Western Equatoria, found themselves forced onto the hazardous and mine-strewn road home. (Khartoum Monitor: The unfortunate Dinka Bor relocation (Editorial) - 4 December 2005)

A major concern is that southern and northern Sudanese have entirely different expectations of the six-year interim period. South Sudanese are primarily interested in preparing for separation from the north, and do not concern themselves with the plight of northern Sudan. When the SPLM/A leader and newly-appointed Vice President John Garang was killed in a helicopter crash in July 2005, the long-established mutual mistrust between South Sudanese and northerners was exposed in clashes on the streets of Khartoum, Juba and other major towns. The loss of Garang at such a delicate stage has placed a huge burden on his successor, Salva Kiir. With Kiir, however, there may be a better chance of successful accommodation with a wider constituency of former antagonists, such as the largely Nuer South Sudan Defence Force.

Northerners generally know little about the real situation in the south, but have a strongly proprietorial attitude towards the territory. For them, the idea of the preservation of the unity of the country is often paramount, but little has been done to bring southerners round to this point of view. The northern democratic opposition is dismayed by the prospect of losing southern support – especially the SPLA's military muscle - for a

change of regime in the north, and the continuation in power of the Islamist dictatorship (albeit under a different name).

Successful transition will require the equitable deployment of oil wealth for development, the creation of an inclusive and transparent democratisation process, and the introduction of effective, accountable government. Fundamental human rights, systematically violated for so long, must be restored. Those who currently feel left out of the peace deal so far must also be involved and must benefit from the process. The intelligent support of the international community will be vital.

The international community and international NGOs have sometimes let enthusiasm about the prospects for peace blind them to factors that could derail the process. Their own weaknesses include a lack of coordination and too little involvement of local independent civil society groups and local NGOs, whose capacity they should be strengthening.

Political wrangles over IDPs and their futures are inevitably complex, not least because both north and south recognise them as a swing factor in the eventual referendum. While many northern politicians would wish to see the departure home of South Sudanese IDPs, the same people often have vested interests in some remaining in the north, both because of the cheap labour they provide and the foreign aid they attract.

There are stark contrasts between the responses of the central government (now the Government of National Unity) and the newly formed Government of South Sudan. The latter is willing to support the return and reintegration of IDPs, but desperately lacks the resources. The government in Khartoum has the resources, but lacks the will to put them at the disposal of the populations it has played a role in displacing. It set up a Humanitarian Aid Commission in 1995 with the declared aim of protecting and assisting IDPs. This has not had any positive effect, as the forced demolitions of IDP camps in Khartoum and the continuing assaults on IDPs in Darfur clearly illustrate.

The government's treatment of humanitarian workers, both from local and from international organisations, is highly disturbing. Doctors and aid workers have been obstructed, assaulted and threatened by security forces. Aid agency offices in Darfur have been raided, and the documentary material collected by these agencies seized and declared to be 'fake' by Sudan government-controlled media. This pressure, combined with militia attacks on aid convoys, has been so great that some agencies have been obliged to suspend operations - or to pull out of Darfur altogether. There are UN no-go areas in Darfur, and the government can halt aid when it chooses.

In the south, the SPLM/A has not shown much aptitude for the transition from military to civil administration. Although it set up the Sudan Relief and Rehabilitation Association (SRRA) in 1985 to coordinate and facilitate aid work in the areas under its control, its effectiveness was poor. In 1994 the SPLM/A began moves to improve its own accountability, but progress has been slow.

Now the embryonic Government of Southern Sudan has neither the means nor the capacity to respond adequately to the needs of hundreds of thousands of people returning to the south, devastated as it is by decades of warfare.

In April 2005, international donors meeting in Oslo pledged \$4.5 billion to assist Sudan. If the opportunities allowed by the peace agreement are to be built on, and further disaster is to be averted, this money will have to be disbursed with both urgency and insight.

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