Arab Media Watch
for objective British coverage of Arab issues

Study: Darfur in the Media - From Crisis to Context

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Introduction

Writing about the Fur-Arab war of 1987-89 - a previous example of a 'Darfur Conflict' - Darfuri academic Sharif Harir suggested (p183):

> "Ethnic conflicts in Dar Fur in particular and in Sudan in general cannot be understood without taking into account the general political environment at local, regional, national, and international levels; for the geopolitics of the area is volatile and rife with armed conflicts. This is not a novel thesis, but it is often overlooked in the Sudan and conflicts are usually reduced, either to the bellicosity of ethnic groups and their bigotry, or to the actions of self-seeking local elites."

His was an accurate observation, as this thesis has been largely overlooked in the reporting of the current Darfur conflict.

Media coverage of Darfur has tended to be ethnocentric, partial and superficial. While not uncommon characteristics of reporting, given the time and resource constraints of modern journalists, nonetheless the effect is not to enlighten people about Darfur, but to valorise the use of force, polarise opinion and reinforce the entrenchment of the conflict by ignoring the political processes aimed at peace and coexistence that are struggling from a lack of support to gain a foothold.

This report offers a critique of coverage of Darfur in the mainstream British press, highlighting common areas where mistakes have occurred, but also areas where reporting has been insufficient or absent. Frequent corroborating reference is made to the work of various authorities and recognised experts on Sudan - from all political standpoints - on what is now an internationally politicised conflict.

The persistence of the Arab vs African portrayal in the media

After six years of conflict, sections of the media still portray Darfur as pitting Arabs vs Africans - simple, convenient terms given the time and space constraints of journalism. In the absence of more in-depth coverage, reporting of any conflict tends to be ethnocentric, a feature that is detrimental to a better understanding, particularly in the case of Darfur.

However, this is an over-simplification that misses the mark, and amounts to a polarisation of those involved that contributes to the intractability of the conflict. Victor Tanner, of the School of Advanced International Studies at Johns Hopkins University, writes in *Rule of Lawlessness: Roots and Repercussions of the Darfur Crisis*, January 2005:

> "The conflict in Darfur is often portrayed in the West as African versus Arab. This is inaccurate. Ethnic boundaries in Darfur are fluid and flexible…There is a long history of political, economic and social cooperation. 'Arabs' and 'Africans' are not at war with each other in Darfur."

Darfuri society

RS O'Fahey, professor of African history and Sudan specialist of over 40 years experience at the University of Bergen, Norway, describes Darfuri society thus:

> "The population of Darfur is approximately 2/3 to 3/4 'African' and 1/3 to 1/4 'Arab' (…) All in Darfur are Muslim of the Maliki *madhhab* and a high proportion are adherents of different branches of the Tijaniyya *tariqa*. Of course, who is 'African' and who 'Arab' is ultimately a matter of self-ascription."

In terms of language spoken, he adds: "Language in itself is not necessarily an ethnic marker either way." There is also considerable variation in dialect in the Arabic spoken in Darfur.

The overarching point is that there is no conclusive distinction between 'Arabs' and 'Africans' in Darfur - each possible distinction must be accompanied by sufficient caveats as to render it too blurred to convey coherent meaning.

Darfuri society was historically much more interdependent than is usually conveyed. These links were reinforced by trade, the growth of markets, and the ease with which population groups moved in Darfur in search of natural resources and employment opportunities.

Thus, ethnically, Darfuri Arabs are indistinguishable from any other inhabitant - and are Arabs in the sense of Bedouin, desert nomad - but form a politically distinct group; distinct from Darfuri non-Arabs, but crucially also distinct from the riverain Arabs of the Northern State and central government, which was only ever a marriage of convenience.

This shared history of both groups is crucial to conceiving the current conflict. The recurrence in the media of such a mutually antagonistic position has meant that polarisation of the sides in the conflict has occurred, further complicating the task of rebuilding Darfur once settlement has been achieved.

A peaceable, post-conflict identity stressing common Darfuri history and traditions of all its people will be crucial to the sustainability of any peace accord, but the added (and recent) imposition of division - the 'Arab' and 'African' labels - as central factors in the conflict will hinder this process.

The fluid dynamics of the conflict

According to a recent UN briefing, there were "2,000 fatalities from violence, approximately one third of them civilian" in Darfur in the period 1 January 2008 until 31 March 2009. The UN also announced that 22 had died during April 2009, and stated its intention to release monthly figures for deaths in Darfur, information that had until recently been kept private.

This is vastly lower than the more usual 200,000-400,000 figure quoted in the media for the sum total of deaths in Darfur, which never differentiates between periods of the conflict.

While not questioning the accuracy of various total death tolls in common use, the much lower figures of recent years indicate the changing dynamics of a conflict of which the media has yet to take proper account. Note that these figures take account of reported deaths, and do not amount to the total level of violence in Darfur.

However, activists, rebel groups and IDPs reacted angrily to the UN briefing, sensing political motivation, and arguing that the early 'high-intensity' period was unjustly being overlooked, along with the political problems that led to the conflict in the first place. This led the UN mission spokesman to clarify that its 'low-intensity' assessment referred to the period during which the UN had been present, and added:

> "Whether it is a 'low intensity conflict' or not, it is still a conflict which can easily deteriorate into a 'high intensity conflict' one."

The key is the re-energising of the peace process.

Whatever the debates about describing the conflict now as 'low-intensity,' the UN is not alone in identifying the changing dynamics of the conflict; in November 2007, the International Crisis Group released a report *Darfur's New Security Reality Crisis Group Africa Report N°134*, which also pointed towards a "new security reality."

Society-wide assumption

Although the conflict could never accurately be portrayed in straightforward terms, the situation on the ground in recent years has deteriorated in different ways. In Darfur in general, there is a lack of distinction between civilian and military space - which goes for opposition-controlled areas as for government-controlled areas.

Contained within Darfuri society and its current combatants are various axes and oppositions that not only belie the original supposition of 'Arab' vs 'African,' but constantly shift as well. Eric Reeves, Sudan activist and fierce critic of the Sudan government, writes in 2008:

> "Fighting between rebel groups, as well as between Arab groups, has too often affected or targeted civilians. Violence along ethnic lines has increased, both in the camps and rural areas. Rebel groups have betrayed humanitarian efforts by failing to provide adequate security, or claiming to provide security that is beyond their military means. Some rebel elements and regime-backed militia forces have also looted humanitarian convoys of equipment and vehicles."

One further complication to the balance is that armed civilian defence groups have sprung up in response to the continuing lack of security.

The more complicated nature of Darfuri society - in particular, sections of it that have and have not participated in the conflict - is very rarely communicated. It is a distortion to assume that all 'Arabs' fought all 'Africans'; the same marginalization that led non-Arab tribes to take up arms also affects the Arabs of Darfur.

The apportioning of blame and pursuit of justice in Darfur must be applied universally, but does not amount to ignoring or overlooking crimes perpetrated by the Sudanese government and / or janjawid, or for that matter, rebel groups.

The constantly evolving humanitarian aspect of Darfur can be evaluated here, via the UN's regular Humanitarian Profiles. Weekly updates are available here.

Darfur's 'Arabs'

There is a tendency in the media to take at face value suppositions that are suggested by the 'Arab' vs 'African' simplification. It is inaccurate to consider the 'Arabs' of Darfur as homogenous or simply an extension of the 'Arabs' of northern Sudan and the government - often written in the media as an "Arab-dominated government."

Writing in the collection of conference papers following "A Short-Cut to Decay - The Case of the Sudan," at the University of Bergen, Norway, in 1992, Sharif Harir, a prominent Darfur academic and politician, points out (p21):

> "The Sudanese Arabs are divided into many ethnic groups with clear cultural differences and dialectal variations…Apart from Arabism as a racial trait and not a cultural acquisition, there existed no rationality which reduces the plurality of the Arab groups in the Sudan to a common denominator that is called Arabs. However, Arabism as a cultural acquisition is something common with many groups in the Sudan that are not racially Arabs."

The relationship can be described as "Arab descent through the patrilineal descent system but African or indigenous affinity through marriage."

The Rift Valley Institute gives an idea of the complexity of 'Arab' society in Darfur:

> "The Arabs of the region can be divided into the Aballa (camel) Arabs in the North, the Baggara (cattle) Arabs in the South, and agrarian groups such as the Beni Fadl, Bazza, Giledat, Khunnun and Manasra. Aballa Arabs include the Maharia Mahamid, Iraqat, and Nowayba (these groups are collectively known as the northern or camel Rizeigat), the Beni Hussein and the Zeyadiya. The Baggara include the Rizeigat Ta'aisha, Habbaniya, Rizeigat, Beni Helba, Salamat, Maali, Misseriya, Taiben, Tarjama, Terjim, Hotiya, Otriya and Mahadi."

Thus, to subsume such a number of heterogeneous groups under the ethnocentric blanket term 'Arabs' obscures a multiplicity of differences that explain a lot about Darfur.

One factor to mention on the subject of Darfur's Arabs is that they themselves - non-participants to the conflict, or even participants - have not been forthcoming to tell their story in the way that the rebel movements or some IDPs have been featured in the media. The International Crisis Group reports in *"Darfur's New Security Reality" (Crisis Group Africa Report N°134, 26 November 2007)*:

> "Previously, the main conflict axis was between the government (and its related militia) and the non-Arab tribes of Darfur but new disputes

> over land and power have resulted in Arab-on-Arab clashes and the seeds for potential Arab insurgencies. Arab tribes have started to create new ties with non-Arabs; some have even joined or created Arab-led rebel groups."

The complex reality of Darfur's Arabs is rarely conveyed, but is not a minority view. Eric Reeves writes in 2008:

> "In a critical development over the past year, Arab tribal groups (…) have become deeply disaffected with the Khartoum regime…So, while the majority of Arab groups have attempted to stay neutral in the conflict, all now suffer from the consequences of the scorched-earth policies that have been central to the regime's tactics in confronting the rebellion."

Thus, within Darfur itself, 'Arabs' should be considered as a heterogeneous group that at times comes into conflict with one another and Khartoum. A major Arab tribe of north Darfur, the Northern Rizeigat, have fought with the Arabs of south Darfur in recent years, and are two groups who share no implicit affinity. This has contributed to the destabilisation of rural areas.

In August 2007, Reuters reported that an Arab rebel group, the Democratic Popular Front Army (DPFA), captured 12 Sudanese army soldiers. A follow-up report, also from Reuters, included an interview with a different Arab rebel group, the United Revolutionary Force Front (URFF), in which they as Arabs likewise claimed victimisation.

Violence outside the context of the rebellion continues to take place as well; in March 2009, two tribes that would be considered 'Arab' fought at a loss of 34 lives over access to water resources, according to the Sudan Tribune.

Neutrality and the "Janjawid"

The term "Janjawid" has proved very emotive in media coverage, but frequent reliance on it masks a differing reality: that of majority Arab neutrality in the conflict. Clea Kahn of the Small Arms Survey, a public information body that reports on aspects of small arms and armed violence, writes in *Conflict, Arms, and Militarization: The Dynamics of Darfur's IDP Camps*:

> "Not all *janjawid* are Arab and likewise not all Arabs are *janjawid*. Arab nomads in particular have complained that they have come under attack under the assumption that they are *janjawid*. Other Arab groups may have attacked or come into conflict with residents or IDPs without any government association. To complicate matters further, there are also reports of *janjawid* defecting to join rebel groups."

Author and Sudan expert Julie Flint reports anecdotal evidence from the Abuja peace talks in May 2006 from a Darfuri Arab that: "Ninety percent of the Arabs of Darfur are neutral so far." The International Crisis Group confirms that "several large *Baggara* tribes such as Beni Halba, Taaisha and Southern Rizeigat have largely remained neutral."

Flint also reports that growing numbers of Arabs who once fought in militias on the side of the government have turned against it. One such example is Mohamed Hamdan Dogolo 'Hemeti,' who accepted government arms and supplies only to turn them on the government.

This is not to necessarily suggest cooperation on the battlefield with the Justice and Equality Movement or the Sudan Liberation Army, but that non-aggression pacts govern their relationships.

Flint reports elsewhere:

> "Although the conflict in Darfur is popularly depicted as a war between 'Arabs' and 'Africans,' it is estimated that no more than 20,000 Darfurian Arabs have joined forces with the government, motivated as much by the promise of a salary and loot as by any fuddled notions of Arab supremacy."

The figure of 20,000 to number those in the Arab militias has also been used by Human Rights Watch (here), for example.

Darfur's 'Africans'

The Rift Valley Institute gives an idea of the complexity of 'African' society in Darfur:

> "In addition to the Fur, Daju and Tunjur, Darfur is home to many African groups of varying sizes, ranging from populations of hundreds of thousands to a few hundred. These include Gimir, Jabaal, Erenga, Sungur, Mararit, Tama (all of which are subgroups of the Tama ethnic group), Zaghawa (camel and cattle nomads), Masaalit, Sinyar, Fongoro, Formono, Kajarge, Kara, Runga, Binga, Begio, Berti, Birgid, Mimi, Fulani (cattle nomads) and Fertit. With the exception of the Fulani, Midob and Zaghawa, Darfur's Africans are primarily farmers."

To subsume such a number of heterogeneous groups under the ethnocentric blanket term 'Africans' obscures a multiplicity of differences that explain a lot about Darfur.

Inter-tribal clashes - 'African' as well as 'Arab' - do occur. Whether this should be framed within the context of the rebellion or, as some suggest, outside this context attributable to banditry or a criminal fringe of a movement, depends on the individual case.

Although Darfur's Africans have borne the brunt of the violence and displacement during the conflict, the following example, which is not meant to be representative, suggests the more complex dynamics that are not touched upon in the mainstream media.

Muhajiriya, South Darfur

As reported by Reuters (among others), the town of Muhajiriya in South Darfur saw fighting between two rebel 'African' movements in early 2009: the Sudan Liberation Army faction of Minni Minawi, and Justice and Equality Movement soldiers, who forced out the former.

While the SLA-MM was tolerated by the Sudanese government because it is a signatory to the Darfur Peace Agreement, the JEM is not because it is still in armed rebellion. Hence the SLA-MM withdrew, leaving the resident population bitter and unprotected, a pattern which has been repeated in other parts of Darfur. The tactics have been closer to hit-and-run, as opposed to the permanent control of territory. The LA Times gives a good account of Muhajiriya here.

Further clashes between JEM and SLA-MM took place in May 2009 near the Chad border, as reported by the Sudan Tribune.

The current peace process

The Darfur peace process is in need of re-energising, but gets little attention from the media. Recent developments include Qatar-backed discussions, the "Doha Process," involving the Justice and Equality Movement primarily.

Also under Qatari auspices, the government of Sudan and JEM signed a "Goodwill and confidence-building agreement to resolve Darfur conflict" in February 2009, the text of which is available here.

In addition, the Tripoli Charter was signed in 15 March 2009 by five rebel groups (SLM-Unity, the United Resistance Front, SLM-Khamis, the JEM-Idris Azraq faction, and the SLM-Juba faction), in which these groups agreed to present themselves as one delegation.

However, the peace process itself suffers from disunity; a number of competing centres of power offering the diplomatic lead in resolving Darfur have sprung up - chiefly Qatar, Egypt and Libya. The appointment of Scott Gration as US Special Envoy to Sudan is a major step that has the potential to bring focus on to the peace process.

In addition, civil society initiatives do exist in the current context, but get very little attention. They are the Darfur-Darfur Dialogue and Consultation (website), "an autonomous and non-politicized process owned by Darfurians to voice their opinions and views to achieve sustainable peace and reconciliation in Darfur," and Mandate Darfur (website), an initiative to "bring together civil society representatives of every community in the region to build a mandate for peace."

The Sudanese government-led initiative is the Sudan People's Forum, described here.

Again, such initiatives are open to criticisms, but they represent a good attempt at injecting local civil society and voices into the political vacuum of Darfur.

Rebel movements

Clea Kahn writes in *Conflict, Arms, and Militarization: The Dynamics of Darfur's IDP Camps*:

> "Although aiming at peace, the actual impact of many of the international community's actions has been to valorize and reinforce the use of force. Much effort has been spent on encouraging Darfur's rebels to transform themselves from field commanders into political leaders, which has led to a heavy focus on armed actors and too little attention on civil society. Those with an interest in gaining power respond by collecting weapons, vehicles, and soldiers - often at the expense of humanitarian organizations - to ensure that they are taken seriously."

The consequence of this state of affairs is that the humanitarian situation is likely to continue because the political vacuum of Darfur is left largely unaddressed.

Justice and Equality Movement

In recent coverage, there has been an overriding tendency to characterise the Justice and Equality Movement as the only rebel group in Darfur by ignoring other legitimate stakeholders in the region. The JEM leadership belongs largely to the Zaghawa-Kobe tribe, which given the size and diversity of Darfur, represents a limited ethnic base. However, they are the most institutionally coherent and credible in terms of military strength.

For example, *The Times* published several largely uncritical interviews with JEM leaders alone in its recent coverage of Darfur. JEM leader Khalil Ibrahim is quoted in a 24 February 2009 article:

> "JEM is fighting alone on the ground, shouldering the whole issue because there are no other real movements on the ground."

This is an assertion that should be explored, not taken at face value. Other Darfuris do not believe that the JEM, with its limited ethnic base and history of Islamist politics, represents them. A subsequent article in the same newspaper suggests:

> "The JEM's leadership boasts an impressive array of doctors and lawyers and a sophisticated agenda." (The Times, 9 March 2009)

Behind this tendency lies an approach that is too uncritical to the dynamics of the conflict, which should involve comparative evaluation of opposition movements.

Early fragmentation

The first identity of armed opposition groups was the Darfur Liberation Front, which in early 2003 split into the Justice and Equality Movement and the Sudan Liberation Army. The roots of these movements go back to the 1990s, but are also fed by Darfuri figures active in politics since the 1960s.

Further fracturing took place early in the conflict. For example, the National Movement for Reform and Development broke with the JEM in early 2004, encouraged by Chad and the Sudanese government.

Splintering from the original two main groups (the SLA and JEM) can be attributed to a number of factors, ranging from strategic and personal differences in leadership to agitation from Chadian or Sudanese sources. The rank and file of such groups often have shifting allegiances, and divisions in leadership have also proved common.

As early as 2005, the International Crisis Group was pointing towards the unification of rebel Darfur movements as being important to the peace process: *Unifying Darfur's Rebels: A Prerequisite for Peace*, Africa Briefing No. 32, Nairobni/Brussels 6 October 2005

A good in-depth discussion of the origins and fracturing of the rebel movements is *Divided They Fall: The Fragmentation of Darfur's Rebel Groups* by Victor Tanner and Jérôme Tubiana, academics at the School of Advanced International Studies at Johns Hopkins University and the Institut National des Langues et Civilisations Orientales in Paris, respectively.

The DPA and fragmentation

The singing of the Darfur Peace Agreement on 5 May 2006 in Abuja cleaved further the rebel movements. Minni Minawi, leader of a faction of the Sudan Liberation Army distinct to that of Abdel Wahid al-Nur, signed the peace agreement. Despite becoming a top presidential adviser under the terms, he rapidly became isolated, suffering from loss of credibility and troop defections, and fought against non-signatory groups alongside government forces in Darfur.

Number of rebel movements

Estimates vary as to the number and relative strength of rebel movements that currently operate in Darfur; in fact, it is hard to find a credible or current list of rebel movements, or even consensus as to what one constitutes.

Some suggest a figure in the high 30s, while others contend that only four are relevant to peace negotiations, and suggestions any higher are "music to the ears of the Sudanese government." Khalil Ibrahim, leader of the Justice and Equality Movement, recently suggested 27 in a Times interview (24 February 2009).

Larger groups, in particular the JEM and the Sudan Liberation Army, have protested at the inclusion in talks of smaller groups that they say do not have the right, or are too small, to be represented.

At any rate, some opposition groups have taken shelter or have opened offices in various countries at varying stages of the conflict. These include Chad, Eritrea, France, Israel and Britain.

A long list of various groups that came into being at various stages of the conflict can be produced. This list comprises groups that are, or have been, considered substantial enough by journalists or researchers to name in their work.

- JEM-Peace Wing
- JEM-Collective Leadership
- JEM-Eastern Command
- JEM-Azraq (also known as the Darfur Liberation Movement, or Darfur Independence Front)
- SLA-Free Will
- SLA-Peace Wing
- SLA-Abdel-Gasim Imam
- SLA/M-Abdel Shafi (also known as SLA-Classic)
- SLA-Khamis
- SLA-Juba
- G-19
- The Front for Liberation and Rebirth
- The Group for Development and Grievances
- The Mother of all SLAs
- The Sudan National Liberation Movement
- Sudanese Revolutionary Front (SRF) (represents Arab communities)
- The Revolutionary Democratic Forces Front (represents Arab communities)
- The Revolutionary United Movement (represents Arab communities)
- Popular Forces Army (represents Arab communities)
- The Sudan Federal Democratic Alliance (led by Ahmed Ibrahim Diraige, and is more a political movement than military).

Note that Arab communities are represented in this list, and Arabs were members of non-Arab rebel groups from very early in the conflict.

Coalition movements

A number of mostly abortive coalition movements have existed in Darfur. The National Redemption Front was formed in Asmara, Eritrea, in June 2006, as an attempt to unify Darfuri non-signatory rebel movements, and includes the Sudanese Federal Democratic Alliance. It set out a unified vision in its founding

declaration, but has not amounted to much since, due mostly to differences of opinion in leadership and direction. The United Front for Liberation and Democracy emerged afterwards, and includes organisations that represent Arab communities.

A charter featuring a coalition of five small rebel groups was signed recently in Tripoli in which these groups agreed to present themselves as one delegation. The unification of disparate groups to form a credible negotiating partner is important to the future of the peace process.

Caveats

A number of caveats must accompany this list. Firstly, it is not exhaustive, nor does it claim to be current. Secondly, the question must legitimately and objectively be asked of all groups: to what extent do they represent Darfuris? Furthermore, some argue that these non-signatory groups, which have limited political and military strength, formed at the encouragement of the government that sought to split the rebels along tribal lines.

However, this is not to suggest that they have no natural constituency in Darfur, or should be considered irrelevant by journalists without question. They are at least testament to the difference of opinion - sometimes violent - that have fractured the opposition movements in Darfur.

The International Criminal Court

The International Criminal Court investigating Darfur is the reason for the increased amount of interest in Sudan over the last year. Stories from the region, such as violent upheavals, that lacked this transnational angle garnered virtually no attention.

In fact, the application for indictment in July 2008 generated more media interest than the actual indictment in March 2009. Although the genocide charges were dropped in issuing the arrest warrant for President Omar al-Bashir, a combination of greater interest in the application - which stated genocide - and the inherent media-friendly properties of the term 'genocide' have meant that it has stuck in some sections of the media.

For example, a senior journalist at *The Independent* - "with particular focus on the Middle East" - described al-Bashir as "a man charged with genocide by the International Criminal Court," although his newspaper reported the indictment correctly five weeks earlier.

In fact, the warrant lists seven counts on the basis of his individual criminal responsibility under Article 25(3)(a) of the Rome Statute as an indirect (co) perpetrator including:

> - five counts of crimes against humanity: murder - Article 7(1)(a); extermination - Article 7(1)(b); forcible transfer - Article 7(1)(d); torture - Article 7(1)(f); and rape - Article 7(1)(g);
>
> - two counts of war crimes: intentionally directing attacks against a civilian population as such or against individual civilians not taking part in hostilities -Article 8(2)(e)(i); and pillaging - Article 8(2)(e)(v).

Beyond reporting that Sudan is not party to the ICC, not many further details are given about it. However, more contextual information is necessary to better evaluate what is, for all its well-intentioned aims, a contested and limited entity.

Human Rights Watch, firm supporters of the ICC, acknowledged in November 2008:

> "Limited knowledge and a lack of clarity about the jurisdiction of the court and the process by which it selects and prioritizes situations - including, for example, that restrictions on its temporal jurisdiction exclude many non-African situations from its remit - allow perceptions of bias or unfair targeting of Africans to go unchecked."

The ICC (website) was established by the Rome Statute, which entered into force on 1 July 2002, and is available here. Currently, 108 nations have ratified it, and are party to the ICC. A list of those nations, which represent 56% of the global total, is available here.

However, another way of expressing this is that those 108 countries account for 28% of the global population.[1] All but one of the world's eight most populous nations - Brazil - are not party to the ICC.

However, the pro-ICC camp holds that Sudan is obliged to cooperate with the ICC, despite not having ratified the Rome Statute, under the terms of UN Security Council resolution 1593, which refers the case of Darfur to the ICC. However, the truth of this would be disputed, and in the absence of any means of obliging cooperation, will not be realistically complied with.

The critics

Critics take a broader contextual look at the International Criminal Court, both in the abstract and in terms of the past history of the ICC in practice.

In the abstract sense, critics argue that the ICC represents a shift away from individual, national sovereignty of legitimate electoral mandates, leading some to question the origins of its legal and moral mandate.

In terms of the ICC's past performance, Dr Phil Clark, research fellow at the Centre for Socio-Legal Studies, University of Oxford, and co-convenor of Oxford Transitional Justice Research, argues that:

> "The application to indict Bashir represents a major gamble by the Prosecutor who believes that, even though Bashir may never face trial, indicting an incumbent head of state will inherently bolster the ICC where it is currently weak: on issues of international legitimacy and problematic relations with the UN Security Council and key states, principally the US."

Clark points to the criticised performance of the ICC in Uganda and the Democratic Republic of Congo, arguing that the Prosecutor now hopes to convict four Congolese suspects currently in custody in order to gain legitimacy and "produce tangible judicial results in order to give full force to the symbolic value of the Bashir case."

A number of articles critical of the ICC are available here.

[1] Based on 2009 UN figures. This figure is approximate and can change according to varying population figures, but is not likely to deviate much. Only populous nations ratifying the Rome Statute will make a discernable change to this value.

The Prosecutor

The Prosecutor has faced serious procedural criticisms relating to conduct and strategy, both from pre-trial judges within the court structure, and from various legal commentators. Some have argued that these criticisms of the Office of the Prosecutor and the Prosecutor himself have served to deflect attention away from broader, more pressing structural problems faced by the International Criminal Court.

Support

However, the Prosecutor and the International Criminal Court enjoy widespread activist and popular support, which points out that in the broad peace-vs-justice debate, it is governments that push 'peace,' while victims push for 'justice,' and that most criticisms of the ICC are in fact assertions that it should be able to do more.

In addition, circumstantial evidence exists to suggest that levels of violence dropped following international scrutiny on Darfur, firstly in the form of the International Commission of Inquiry on Darfur of 2005, and secondly the ICC.

Although the African Union and the Arab League have expressed institutional solidarity with President Omar al-Bashir, on an individual basis things are different, with African countries far more likely to support the indictment. Thirty African countries have ratified the Rome Statute.

Notably, the leaders of Botswana and South Africa have spoken in favour of the ICC ruling (South Africa albeit reluctantly), which is not a position likely to be repeated in the Arab world; Jordan is the only Arab League member to have ratified the Rome Statute.

The Coalition for the International Criminal Court, advocates of the court, have collected a range of resources here.

However, criticisms of the Court are set to continue until universal application of international justice is the norm, which in itself is extremely unlikely, given the strength of opposition that the ICC faces around the world, including the US Congress.

Additionally, support has rallied around President Omar al-Bashir since his indictment, with many Sudanese - not necessarily al-Bashir supporters - considering the indictment to be an attack on Sudanese sovereignty.

African Union / United Nations Hybrid Operation in Darfur

A joint African Union / United Nations Hybrid Operation in Darfur was authorized by Security Council resolution 1769 of 31 July 2007, and the initial AMIS force re-hatted to become UNAMID, formally taking over operations on 31 December 2007.

The recent reporting of Darfur revealed some confusion about peacekeeper deployment in the area, with the Guardian (26,000) and the Independent (25,000) reporting inaccurate figures.

Resolution 1769 authorised 26,000 troops, which included taking over command of the AU troops; actual authorised UN strength is up to 19,555 military personnel. To much criticism of various parties (chiefly the Sudan government and the UN itself), the total strength of UNAMID military personnel stood on 31 March 2009 at 13,134, including 12,494 troops, 375 staff officers, 188 military observers and 77 liaison officers. Chief concerns were that it was under-funded and under-supported.

The catalogue of bi-monthly UNAMID reports from Darfur (Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur) is available here.

A number of UNAMID soldiers have been killed in attacks from various quarters. The most serious attack was the 30 September 2007 attack on the AU base at Haskanita, South Darfur, in which 12 peacekeepers and civilian police officers were killed. On 20 November 2008, the International Criminal Court Prosecutor Luis Moreno-Ocampo requested arrest warrants for three rebel leaders believed to be responsible for the attacks. This was done under a sealed warrant, and away from the glare of publicity that accompanied the case of Sudanese President Omar al-Bashir. It was not picked up by the British mainstream media.

Human Rights Watch documents a number of other attacks on peacekeeping staff here.

News reports suggest that UNAMID has limited credibility among the civilian population of Darfur (here), given it lacks the mandate to respond forcibly where necessary, and is viewed with suspicion by some as being part of the same apparatus as the ICC.

The Darfur Consortium, a coalition of more than 50 Africa-based and Africa-focused NGOs, wrote in an analysis:

> "UNAMID has failed to provide adequate protection. The force lacks critical resources, leaving the people of Darfur, humanitarian agencies and even its own peacekeepers vulnerable to ongoing attacks and extreme violence."

Child soldiers

All parties to the conflict have come under criticism for the use of child soldiers.

Waging Peace, a London-based NGO and fierce critic of the Sudanese government (who they say are "supporters" and "sponsors" of genocide) published a report in June 2008 suggesting that it has testimonial evidence that:

> "Darfuri refugees as young as nine have been trafficked and forcibly recruited into armed groups (in particular the Darfuri rebel group JEM, as well as Chadian rebel groups and the Chadian army) operating in Eastern Chad."

While the Justice and Equality Movement strongly denies this, other sources have confirmed the use of children in the conflict.

The UN reported in February 2009 (Report of the Secretary-General on children and armed conflict in the Sudan, 10 February 2009, S/2009/84):

> "Over 14 Sudanese and foreign armed forces and groups are reportedly responsible for recruiting and using children in Darfur. This includes rebel groups such as JEM, JEM/Wings for Peace, the Janjaweed, the Movement of Popular Forces for Rights and Democracy (MPFRD), SLA Abu Gasim, SLA Peace Wing, SLA/Movement Abdul Wahid, SLA-Minawi and various tribal groups."

The report also documents cases of other crimes against children, including killing and maiming, committed by parties in Darfur.

Early reporting

British media interest in the early stages of the conflict was very limited. The first calendar year (taken here to mean 26 February 2003 - 26 February 2004) [2] featured two articles that appeared in *The Guardian* (30 January and 12 February 2004), and a combined total of 165 words dealt with Darfur in news-in-brief segments in *The Independent* (27 April and 24 December 2003, and 3 February 2004).

By this stage, the frequency of attacks had peaked, according to statistics used by the Prosecution in preparing their case at the International Criminal Court. It can also be argued that the media performed a very useful function in contributing to the reduction in levels of violence by dint of their scrutiny, a position for which circumstantial evidence exists.

The Arab media has been criticised in the past for its scant regard for Darfur, but it did cover the region in 2003. For example, a report on *Al-Jazeera* prompted then-Governor of North Darfur Lt-Gen Ibrahim Sulayman to refute on Sudanese TV on 27 February 2003 its claims that a rebel movement had occupied Golo.

A further *exempli gratia*: the attack on Al-Fasher airport was reported by a number of Sudanese outlets (print and broadcast), and regional news agencies and newspapers, including Egypt (MENA), the Gulf (*Al-Watan*, Qatar), Jordan (*Al-Bawaba*), the Saudi Press Agency, and the London-based Arabic-language newspapers *Al-Hayat* and *Asharq Al-Awsat*.

However, the freedom given to these agencies and their staff to report is another matter, as is the appetite they themselves had to report in any depth; Darfur has never been an ideal reporting environment for a wide range of reasons, not just government obstruction.

Differing organisations got wind of the emerging Darfur conflict long before mainstream media outlets did. It is informative to look at earlier conceptions of the conflict, as they were written before the politicisation of Darfur in the Western media had taken place. Africa Confidential, for example, reported on 22 November 2002:

> "Darfur, where 30 years ago the greatest danger was wild animals, is torn by conflict. Triggered largely by competition for water and land amid dire desertification, especially with the appalling drought and famine of the early 1980s, conflict rages."

NGOs played a significant role in bringing the rapidly emerging crisis to the attention of the wider world.

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[2] A number of incidents that have a strong link to the conflict proper took place in the year preceding 26 February 2003, but for argument's sake, this is the date used, and is commonly used elsewhere for a start date.

While pre-existing ethnic tension and divisions in Darfur were recognised, other factors were also identified. Amnesty International also pointed towards desertification, resource competition and the proliferation of small arms, either from within Sudan or smuggled from Libya or Chad, as significant contributing factors. (*Sudan: Empty promises? Human rights violations in government-controlled areas*, 15 July 2003)

Notably, this report refers to an emerging conflict between 'sedentary groups' and 'nomadic groups,' terms that are explained in context, and would by 2004 be simplified as 'African' and 'Arab' in general media parlance.

This report, from Amnesty, published on 3 February 2004, coincided with the start of much greater media interest in Darfur. The terms 'Arabs' and 'Africans' are used either in quote marks or reported speech.

Interest from the International Crisis Group also pre-dated mainstream media interest. The ICG noted in *Sudan's Other Wars* (25 June 2003) that:

> "What is clear is that a substantial part of the violence can be traced directly back to local conditions in Darfur."

A centre-periphery character was also suggested:

> "Government policies were instrumental in transforming 'traditional' tribal conflicts over access to receding grazing land and water into a new type of conflict driven by a broader ethnic agenda."

Although noting "a tradition of relatively peaceful inter-ethnic relations," the ICG highlighted further in *Darfur Rising: Sudan's New Crisis* (25 March 2004) the centre-periphery tension that had increasingly become involved in Darfuri politics since the 1980s, where previously local administration had been left to Darfuris.

However, on the subject of ethnicity, they included the caveat:

> "It would be difficult for outsider to distinguish a Darfur Arab from an African, given that the identification is more cultural than racial. Centuries of common belief in Islam and intense socio-economic exchanges and intermarriages under Darfur's powerful sultanates have created a sense of identity in Darfur that blurs easy ethnographic distinctions."
>
> *Sudan's Other Wars ICG Africa Briefing, 25 June 2003*

Confusion of numbers

The reliance on numbers masks the inherent uncertainty regarding death toll figures, and obscures the changing dynamics - the peaks and troughs of intensity - of the conflict.

Death toll figures

The first major study of mortality rates in Darfur's IDP camps was conducted by the World Health Organisation (*Retrospective Mortality Survey Among the Internally Displaced Population*, Greater Darfur, Sudan, August 2004).

It was suggested that 70,000 died in the period March-September 2004 (Media briefing), which received media interest, but this figure does not attempt to take account of the high-intensity conflict year of 2003.

In fact, statistics that were presented to the International Criminal Court by the Prosecutor relating to violence in 2003 referred to the "frequency of killings," but did not give a number. The Prosecutor alleged in his application for indictment that 35,000 civilians had been killed, although this (or any other) figure did not feature in the actual arrest warrant.

More scientific studies were conducted into the subject. One notable study published its results in *Science* journal ("Death in Darfur," John Hagan and Alberto Palloni, 15 September 2006: Vol. 313. no. 5793, pp. 1578 - 1579), and concluded in September 2006 that previous figures had underestimated the scale:

> "It is likely that the number of deaths for this conflict in Greater Darfur is higher than 200,000 individuals, and it is possible that the death toll is much higher."

US Government Accountability Office

Further academic discussion took place on the subject. In November 2006, the American Government Accountability Office reported the findings of a panel of 12 independent experts it charged with evaluating the five Darfur death toll estimates that were then publically available.

It found in a 70-page report that "death estimates demonstrate severity of crisis, but their accuracy and credibility could be enhanced." In fact, the experts cited least confidence in the three estimates that reported the highest numbers of deaths (which ranged from 253,573 to 396,563).

Caveats

There are a few caveats to add when discussing death toll figures.

Firstly, figures rely on sample interviews, assumptions, limited contextual information, and ultimately, extrapolation - these figures can and have been contested.

Secondly, these figures do not take account of unreported deaths, nor should they be considered comprehensive. Given the size of Darfur and the persisting difficulties in conducting methodologically sound fieldwork, it is a near-impossible task to produce a responsive, accurate death toll from mortality data, however it may be collected.

Thirdly, it is worth noting that deaths referred to in news reports etc do not represent the entire scope of ongoing violence.

Finally, news reports rarely differentiate between violent deaths and deaths attributable to disease and malnutrition, or who and how those included in the overall figure died: Arab, non-Arab, Sudanese government, civilian, be it in government, rebel, or inter-tribal attacks.

Considerations for peace in context

There are a number of main points that help to explain the background to the conflict, factors that are important to address in the service of a sustainable peace. These considerations are very revealing by way of contextualisation, but rarely get mentioned or acknowledged in mainstream media coverage.

Regional perspective

The regional perspective to the Darfur conflict is very important. As Jérôme Tubiana, African studies PhD and Sudan researcher, points out in *The Chad–Sudan Proxy War and the 'Darfurization' of Chad: Myths and Reality*:

> "It will not be possible to resolve the conflict in Darfur without involving the whole region - particularly Chad, the Central African Republic (CAR), and other neighbours of Sudan. The complexity of the ethnic links across borders and the tormented history of Chad-Sudanese relations since the former's independence in 1960 are central to understanding how the conflicts in Darfur and Chad influence each other, without being totally interdependent."

The following section touches briefly on the main themes.

Chad

In a briefing by Rodolphe Adada, Joint African Union-United Nations Special Representative in Darfur, on 27 April 2009, he outlined two issues he considered most relevant to the continuing instability in Darfur: the military opposition between the Justice and Equality Movement and the Sudanese government, and poor Sudanese-Chadian relations.

The government of President Omar al-Bashir has a fairly long history of cooperation with Chad, based on mutual advantage. Each country has the practical possibility of acting as a base for rebel groups opposed to the government of the other country, and thus agreements were entered into to avoid this. However, this has broken down as the leaders became increasingly unable to control rebel activity on their territory, which then graduated into more active intrigue.

Recent news of the normalisation of ties between Sudan and Chad was greeted with scepticism, as previous agreements had proved very difficult to implement. At the same time, Ban Ki-Moon, Secretary-General of the UN, warned of a military build-up on the Sudan-Chad border. Several outlets then reported fighting in eastern Chad.

Gerard Prunier, research professor at the University of Paris and published Darfur author, agrees about the importance of Chad and its wars in the equation, writing:

> "It would be appropriate to register the overlapping conflicts in a single term: the Darfur/Chad civil wars. Chad's political history in the last generation is the key to understanding why this is so."

Chad features ethnic groups that would similarly be termed 'Arab' and 'African,' and the political supremacy, often expressed violently, of each of these groups has varied since independence in 1960.

An international character to these conflicts has also been important, with various powers such as France, the US, Libya and Egypt all having an ongoing interest in Chad's realpolitik for their own political aims. In this history, Darfur has acted as a frequently unwilling staging post, rear base or theatre for other conflicts.

One further interesting point is that the JEM, as part of a quid pro quo for Chadian support, has participated in battles in Chad in support of the regime, including the battle of N'Djamena in February 2008.

The Central African Republic has likewise been drawn into the conflict, with its president considered to be a protégé of the Chadian president. A more detailed account from Gerard Prunier can be read here.

Environment

The struggles created by desertification and a fragile ecology are not just a historical factor, but an ongoing one. As academic and Sudan expert Eric Reeves pointed out in 2008:

> "Armed struggle, however, may not be the most pressing concern for civilian Darfuris. This fall, the harvests across Darfur were disastrous, and as the broader agricultural economy continues its collapse, markets that once thrived and defined the economic geography of Darfur no longer exist; the traditional opportunities for bartering and trade have been largely lost."

The United Nations Environment Programme has written extensively on the subject of the role played by environmental factors in the Darfur conflict. UNEP writes in *Sudan: Post-Conflict Environmental Assessment* (June 2007):

> "Northern Darfur - where exponential population growth and related environmental stress have created the conditions for conflicts to be triggered and sustained by political, tribal or ethnic differences - can be considered a tragic example of the social breakdown that can result from ecological collapse. Long-term peace in the region will not be possible unless these underlying and closely linked environmental and livelihood issues are resolved."

The scarcity and variability of natural resources - and their management within the community - have proven critical, given that different population groups in Darfur use resources differently for their livelihoods.

However, UNEP stresses that environmental factors must be seen in conjunction with other contributing factors:

> "While resource scarcity is not solely responsible for conflict at the tribal level, it is a major driver, and must be seen in the context of wider political and economic marginalisation."
>
> Brendan Bromwich, UNEP in *Environmental degradation and conflict in Darfur (July 2008)*

UNEP emphasises the exacerbation of conflict caused by desertification, but also points out that conflict itself has hastened the degradation of the natural environment.

Ecological precedent and famine in the 1980s

In the early 1980s, creeping desertification precipitated a crisis that culminated in the 1984-85 famine, in which some 100,000 are thought to have died. Those who lived predominantly in the north of Darfur - Arabs and Zaghawa (an 'African' group) - sought accommodation in areas to the south. In the past, ethnic coexistence was peaceful in such times as long as the migrants respected the customary rights of the hosts; but such were the pressures created by the scale and numbers that localised conflicts began to mount.

Furthermore, the permanence created by desertification to the migratory patterns - essentially, no longer returning north for many who instead settled to the south - meant that the host communities saw their customary rights threatened by demands by the in-migrants wanting settlement, which included access rights to natural resources.

This was a new feature, open to politically motivated manipulation, of relations between Darfuri inhabitants, that cast a shadow over future relations.

Land use and resource competition

The demand for natural resources in Sudan is uniformly increasing due to several factors, such as human population growth and livestock population and growth rates, or land-use changes. Darfur's history provides examples of the management of such demand, although the current state of affairs rules out a return to the previous system, which is constantly evolving.

Hakura system

The hakura system - a traditional, symbiotic system which governed land use in Darfur - used to function well enough for the citizens of the region to peaceably co-exist, and to mediate successfully when disagreements arose. The system allowed for the seasonal use of land and resources by nomadic groups and sedentary farmers, such that its benefits were maximised. The Sultan allotted land use, but retained eminent domain.

While it was conceived that sedentary groups, normally 'Africans,' were titleholders to allocated sections of land - such as Dar Fur, Dar Masalit (although these 'Dars' should not be understood as exclusive or absolute to the named tribe) - Arab groups for the most part had no such title, meaning that in practice, when times got tough, they had no historical precedent for the protection of their rights to fall back on.

In more recent decades, arguments over access and use of natural resources, especially land resources, have proved more volatile in the presence of more intense desertification (pushing nomads further south), more weapons, and the retreat of successful, credible mediation, especially from the central government.

Land use and Darfuri demographics are constantly evolving, particularly in light of the conflict. The peaceable future of Darfur will depend on the accommodation of all its inhabitants and lifestyles in the existing territory, in the continued presence of desertification, land-resource competition, but hopefully better dispute-resolution.

For a discussion of Darfur, its history and its inhabitants that is as concise yet detailed as is available, see "*Darfur: Historical and Contemporary Aspects*" by R.S. O'Fahey and Jérôme Tubiana.

This includes an ethnographic map (pp.26-38) that describes Darfur's 'Arabs' and 'Africans' in terms beyond 'Janjaweed', 'Fur', 'Masalit' and 'Zaghawa.'

Local peace processes and recent conflicts in Sudan

There is a long history of Darfur as a self-governing sultanate, independent of any other centre of power, which was only incorporated into the rest of Sudan at the end of 1916. This fact of historic independence contributes to the local conception of relationship, and often conflict, with Khartoum. Ethnography does not provide enough meaningful distinctions.

In total, 40-90 ethnic tribes or groups exist in Darfur, depending on definition. A total of 41 different tribal conflicts from 1932-2000 are documented in the United Nations Environment Programme's post-conflict environmental assessment.

The predominant reasons for these conflicts are administrative boundaries, grazing and water rights (accounting for 25 of them), and cross-boundary politics. Consistent with the theory of environmental degradation and weapons influx of recent decades, 17 were in the 1990s, 14 in the 1980s.

There is no clear or recurring pattern as to participants. Most often, inter-tribal conflicts are due to geographical proximity to flashpoints - such as the northern seasonal watercourses - rather than what is sometimes thought to be habitual belligerence of certain ethnic groups. They are resolved by mediation and the paying of *diya*, blood money.

Darfur's recent political history

Taking a more historical perspective than just 2003 onwards on Darfur can be informative.

In 1964, Ahmed Diraige, veteran Darfuri politician and today leader of the Sudan Federal Democratic Alliance, established the Darfur Development Front, an initiative to combat what was perceived as the marginalisation of all Darfur. Although led by a Fur, it was notable for featuring a broad ethnic base, a key feature.

Speaking about the DDF at the '*Management of the Crisis in the Sudan*' conference in Bergen, Norway, 1989, Diraige said:

> "In Darfur, the Fur, the Masalit, Zaghawa who are originally indigenous, and other tribes, and the real Arab tribes, who are real Arabs, we all rallied behind this Darfur Development Front irrespective of our origin, because we felt that this is a common forum that identified our problems, and that we have to stick together to fight together for our problems."

Thus unity of all Darfur's inhabitants in identifying and being affected by problems is a matter of historical record in the region, something which is frequently overlooked in today's coverage.

For all their limitations and contentions, the DDF, the Reconciliation Conference of May 1989, the National Council for the Salvation of Dar Fur (formed in the late 1980s), and other such examples of (or attempts at) Darfuri unity and grassroots political expression are important civil-society initiatives to be considered in light of the current context.

Fur-Arab war 1987-89

The Fur-Arab war of 1987-89, in which around 3,000 were killed (of which about 80% were Fur), was one in which both sides claimed racism on the part of the other as a motivating factor in the conflict. Sharif Harir, a Darfuri academic, wrote:

> "The Fur/Arab case presents an ethnic conflict of a different character in this particular spectrum: while territorial access might have been the initial cause, the conflict was quickly transformed into a racial war, fuelled by ethnic bigotry and racial prejudice that entailed territorial conquest and political subjugation. The battle-cry was absolutely based on the manipulation of racial symbols on both sides."

Again, elements of this manipulation were to reoccur in the current Darfur conflict, in part sustained by external interest in the conflict.

The Fur-Arab war, suggest Victor Tanner and Jérôme Tubiana - academics at the School of Advanced International Studies at Johns Hopkins University and the Institut National des Langues et Civilisations Orientales in Paris, respectively - was probably "the first time in Darfur's history of communal conflict" that "a coalition of Arab pastoralist (…) had coalesced as 'Arabs'."

Following the war, a reconciliation conference was held in al-Fasher on 29 May 1989. It was convened following months of negotiations by agreed-upon committees of *ajawid* (third-party mediators).

Both sides featured a 110-man delegation; the Arabs buried their differences and united for the negotiations. The conference decided upon peace terms, including differing sums of compensation to be paid by both sides, and also by the government.

However, this conference covered cracks rather than provided real reconciliation; issues remained unaddressed which flared up again to the point of full blown conflict in 2003.