The Janjaweed in the Sudan:
A Case of Chronic Paramilitarism
With a considerable drop in the number of interstate wars over the last twenty years, the harsh realities of intrastate conflict have come to the forefront as the greatest challenge to international peace and security since the end of the Cold War. Unlike traditional definitions which limit warfare to violence between two or more states, intrastate conflict is often characterized by government repression of domestic populations, fighting within the state between the government and rebelling armed groups, and violence between numerous non-state actors within its territory. The increased military power and politically destabilizing potential of these groups represents a looming existential threat to notions of state sovereignty, particularly in weak and failed states. Rebels, mercenaries, and civil militias alike are often more interested in controlling sub-state territorial units, securing localized resources for economic profit, and “cleansing” ethnic populations than in capturing government, but through their activities they delegitimize and undermine the ability of the state to govern and maintain domestic security. Under certain conditions of weakness however, a regime may intentionally choose to rely on alternative security networks in the form of paramilitary groups, despite this strategy’s obvious shortcomings.

Advancing a model of weak and failed state behavior, this paper suggests that a threatened regime wishing to maintain its hold on power may turn to paramilitary groups to shore up domestic influence and conduct counterinsurgency operations thus neglecting or shutting out state security forces. This approach, while often successful in suppressing domestic insurrection where the regular military has failed, is also used as a means to sideline internal opposition and prevent the rise of competing elites within the government structure. Having committed to such a strategy, however, the regime is forced into its perpetual use in order to keep newly promoted client militias as well as internal and external opponents weak and unable to challenge its authority. This condition of chronic paramilitarism therefore leads to the disintegration of state institutions, traditional patronage networks, and domestic human security as government accountability falls to the wayside and the remnants of the state function only to perpetuate the power of the regime.

Such is the case with the National Congress Party (NCP) government of Sudan which is presently embroiled in a civil war in its western provinces of North, South, and West Darfur having chosen to employ tribal militia forces, popularly known as janjaweed, as the frontline in its counterinsurgency operations. Following a detailed account of the roots of conflict in Darfur
in particular and regional conflict in the Sudan more generally which reveal Sudan as a weak and failing state as well as previous cases of paramilitary use within the country which substantiate this as a recurrent strategy, this paper will analyze how the regime has become locked into this path dependency by forsaking traditional security mechanisms for a more diffuse system of support for largely unaccountable semi-autonomous militias. Next concentrating on the details of the present conflict itself, the motivations and interests of two of the primary actors, the regime and the janjaweed, will be explained in terms of substantiating this claim of chronic paramilitarism. Finally, concluding with strategies for appropriate international intervention, it is suggested that effective and sustainable resolution strategies must not only aim to halt the present violence, but seek substantial change in the domestic political and security environment.

I. An Analytical Understanding of Paramilitary Use in Intrastate Conflict

The Failed State Thesis and Warlord Politics

As paramilitary use represents an effective relinquishment of the state’s monopoly on the use of coercive force within its boundaries, the defining characteristic of sovereignty, rationally such behaviour is limited to weak and failing states. In distinguishing such a state, Robert Rotberg writes,

> It is not the absolute intensity of violence that identifies a failed state. Rather, it is the enduring character of that violence..., the fact that much of the violence is directed against the existing government or regime, and the inflamed character of the political or geographical demands for shared power or autonomy that rationalize or justify that violence in the minds of the main insurgents.¹

Lacking the widespread internal legitimacy commanded by functional regimes, a weak or failing state is consequently plagued by a chronic inability to bring stability to its political structures and security to its citizens. Even if the demands of dissident groups do not appeal to the majority, lacking other means of protection, civilian populations will often give their support to regional warlords or rebel groups who provide an alternative security apparatus to the state, further undermining a government’s basis for popular support. The regime, too, will often then employ irregular groups beyond the state’s unreliable military forces to extend government “authority” and restore order to restive and rebellion regions outside of the usually more insulated political centre. Often, the state is unable to use its local or municipal police forces to restore order as

they either are sympathetic to the cause or lack legitimacy in the eyes of rebelling populations, demonstrating the regime’s weak hold on internal legitimacy. Similarly, a regular military may also be unusable as a counterinsurgency force due to a lack of resources, motivation, or loyalty to the state or regime. Although this strategy is more prevalent in non-democratic societies, it is not limited to them. Overall, a regime which engages in paramilitary use must fulfill three conditions. Primarily, it must be weak enough that substantial internal opposition or political enemies can develop which challenge the authority of the regime to such an extent that the official security channels of the state are not adequate to ensure its continuity. Secondly, it must have an overwhelming desire to remain in power despite this internal chaos. And finally, it must have the ability to play the local politics of divide-and-rule despite lacking popular support. As such, the regime will seek out populations in conflict areas which are not necessarily supportive of the regime but opposed to the leaders or groups involved in the insurgency, arming them with weapons and a clear mandate to fight rebel groups but ensuring that they do not become so powerful as to threaten the country’s leadership in the near future.

This strategy frequently fails in terms of recapturing effective state control, leading some to see this as part of a larger strategy not to reestablish orderly governance but to benefit regime elites. William Reno has put forth a compelling argument that leaders of failed states, especially those in Africa, often reject the principles of good governance and turn to a strategy of warlordism in order to increase their own wealth at the expense of state bureaucracies and traditional patronage networks. In such cases, government elites can be expected to systematically exclude domestic regime-outsiders from the avenues of both political and economic power by co-opting resource development. The acquired wealth is then used for the purposes of arming internal allies or coercing opponents. Having thus rejected established avenues of state influence, shadow state operations are created which are controlled directly by the regime leadership, contracting economic opportunities out to warlords and/or foreign firms

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2 The case of Columbia provides one clear example of a nominally democratic state using paramilitaries to combat domestic insurgency in the form of the United Self-Defense Forces of Colombia (AUC). A coalition of several anti-guerrilla movements, it was supported by the Colombian government until recently as a primary means of containing the anti-government FARC rebels. This group acted as a spoiler in the peace negotiations between the Colombian state and FARC as the AUC had long refused to demobilize and claims to be acting on behalf of the state and for the defense of its citizens from rebel attack. In February 2006, one of the largest groups within the AUC, the Central Bolivar Bloc, formally disarmed however renewed attacks by Farc rebels may hinder future progress in demobilization.

a Romero, Maurice, “Negotiating with the paramilitaries a minefield or a road to peace?” Accord 14.

which are held accountable, if at all, only to the ruling elite and not to the state as such. This further excludes opportunities for domestic political dissent through legitimate political channels.

What qualifies a failed state as a warlord state, according to Reno, is that of state service of collective versus private interests with a warlord state being one in which any pretense of collective authority exercised by the political centre has deteriorated giving way to private rule. In terms of human security in such a regime he writes,

> Security is coincidental; it is reliant on the venture’s profitability and the degree to which it satisfies the shared interest for the members of the organization (a foreign firm and a warlord, for example). When either or both conditions no longer pertain, local security may cease unless inhabitants take it upon themselves to provide this collective good in a way that does not threaten the ruler.\(^3\)

As such, foreign firms and warlords have no particular interest in assuring that political and economic goods are equitably distributed nor do they have any instrumental desire to defend local populations insofar as it detracts from their economic enterprise. Neglect and maltreatment of civilians is of little concern to the leadership of a warlord state as its primary motivations are profit and power maintenance, not exercising the responsibilities of state sovereignty. Further writes Reno,

> Rulers of these states must consider more than global economic or diplomatic changes in their struggle to survive; they must also respond to dramatic increases in internal security threats. The real question for these rulers is how to manage elites who discover a dramatically wider scope for personal gain through the manipulation of global political and economic changes.\(^4\)

If continued economic gains are to be made by such a regime then the employment of proxy militias and warlords primarily interested in localized conflict and resource extraction rather than control of the state remains a rational strategy to keep domestic rivals, both political and militant (or military), weak, under-resourced, disunited, and unable to effectively challenge the preeminence of the regime.

**Paramilitary Use as Security Strategy**

With the increased recognition that irregular armed forces play a significant role in many, if not most, intrastate conflicts, an understanding of their relation to and with other parties is critical to both a proper diagnosis of the problems at hand and the fashioning of any potential

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solutions. This is all the more true with regards to those conflicts in which the state employs paramilitary groups. Often drawn from the same general population or geographic area from which rebels emerge, paramilitaries can be as much rooted in civil society as rebel groups who often purport to represent it, thus blurring both the line between rebel and paramilitary and between combatant and civilian. By making it difficult to distinguish between rebels and paramilitaries, governments can obscure responsibility for atrocities committed by their proxies by laying blame instead on rebel groups, and similarly, can distance themselves from responsibility for paramilitary activities by attributing them to civilian “bandits” profiting from the chaos. In recruiting or encouraging the formation of paramilitaries, the state may draw support from groups, often already armed and relatively organized around tribal institutions, with previous ethnic, historical, religious, or socioeconomic grievances against the rebels or the people whom they purport to represent; they may offer economic incentives to resource-seeking parties to militarily support the regime; or they may forcibly conscript civilians into “popular” defense groups commanded and controlled by the country’s clandestine intelligence services. These factors are important in that how paramilitaries are recruited can have a significant impact upon their incentives to follow through on commitments to the government counterinsurgency agenda and to the likelihood that they could be persuaded to lay down arms either after their objectives have been achieved, peace with the rebel group has been made, or the regime which recruited them has changed in policy or composition.

Those who are forcibly conscripted are most likely to desert, surrender, or defect if given the opportunity and are likely to be the least effective fighting force. Indeed, the conscript composition of a state’s standing army may be a primary reason for resorting to paramilitaries in the first place, and coercion to create an ineffective “popular” military division is not a preferable strategy for any state except in extreme circumstances. In terms of greed-driven paramilitaries, they are often less interested in attacking rebel forces but highly motivated in terms of causing chaos among target civilian populations thus driving out people the government believes to be supporting the rebellion and capturing land, cattle, plunder, and other lootable resources. Conversely, the government runs the risk in allowing such chaos of undermining any remaining credibility they may have among the target population thus strengthening rebel resolve. There is

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5 This strategy is still used though by many states which form irregular military structures and although many recruits are forcibly conscripted, a state will often indoctrinate its forces, especially with relation to ethnic grievances as was the case in Rwanda with the government-organized Interhamwe militias.
also the concern that the raiders may abandon their defined objective by either demobilizing or turning their sights on non-designated vulnerable populations. Finally, those with previous grievances against the target population which extend beyond mere economic greed are the most easily recruited of all paramilitaries and often those most willing to engage in direct military confrontation with rebel forces as well as civilian populations, thus obtaining economic benefits analogous to those desired by the “greedy” paramilitaries. Generally having an already established tribal or militia structure, they will also be the most autonomous and independently organized of the three types, the government’s agenda being of secondary importance to their own aims. This however, may be the preferred option for the regime as it clearly benefits from the perceived operational separation between it and the actions of its proxy client. Further in the favour of the government, this variety of militia is not likely to defect nor deviate from its given objective in the short term. Dasgupta notes the effectiveness of such strategy, writing,

In internal security…the military remains vulnerable to political pressure… A seemingly independent militia, however, signals that the fight will continue no matter the circumstances. This resolve could convince the rebels to negotiate, rally the government’s core supporters, and display the government’s continued presence in the field to ordinary citizens. By signaling resolve, the government hopes to maintain a semblance of the social contract and retain public authority.  

The regime, especially an autocratic one, need not be responsible to the political centre for the use of paramilitaries as it would for the use of its armed services, giving it and the militia a relatively free hand to pursue political, military, or economic goals it could not through official channels. Additionally, the use of grievance-motivated militias localizes the conflict allowing business to continue as usual in other parts of the state shifting responsibility for legal violations away from the regime, and, as a result, limiting monitoring costs. Becoming greatly enmeshed in the regime’s security apparatus, Dasgupta suggests that they are rarely the first to defect as “they hold a trustee mission on behalf of a particular set of interests” which coincide with their own. Considering its motivations, this group could cause problems for the regime in the future as it would not be favourable to peaceful settlement with the rebels nor would it be willing to disarm, return captured land or resources, or surrender the political clout it acquired by

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7 Ibid, 20.
supporting the government’s counterinsurgency campaign. Furthermore, these militias recognize that their employment in particular represents a short term investment by the regime thus encouraging the most autonomous groups to seek either formal political incorporation into the regime or resources external to the state. If the aim of the regime is to maximize its hold on domestic political power, however, it is not likely to agree to power-sharing with a client paramilitary any more than it would be willing to do so with rebel groups. Dasgupta thus notes that a government may deal with this dilemma by co-opting militias encouraging their entry in a “constabulary” paramilitary force more answerable to the state, cycling support among a number of militia groups, or attempting to disarm them thus treating the former client as a new rebel force. To accomplish the latter two options, the formation of new paramilitaries is often necessary, thus enforcing a positive feedback by which the conditions which were the impetus for the initial paramilitary recruitment are repeated, theoretically, infinitum. It is in the attempt to achievement a balance between these conditions where chronic paramilitarism may emerge.

**Chronic Paramilitarism**

While the warlord politics thesis in particular is quite effective in diagnosing much of the political disorder found in underdeveloped African states, it clearly does not explain all instances of paramilitary use. In terms of the present conflict in Darfur in the Sudan, this paper argues that the NCP regime’s use of paramilitary groups such as the janjaweed militias are indicative of state weakness and impending failure exacerbated by the behaviour and motivations of regime elites. Where this argument diverges from Reno’s is in the explanation of the NCP’s agenda as not one of economic rent seeking but of primarily balancing considerations of historical regional instability with an overriding agenda of regime survival. As in warlord politics, this acts as a detriment to political reform, economic development, human security, and internal legitimacy. In characterizing the regime’s use of the Janjaweed and militias like them as a largely unavoidable, recurrent strategy rather than as a unique approach to dealing with the grievances of a particular region, a trend of chronic paramilitarism is identified. Given the regime’s desire to maintain a monopoly on political power, having once resorted to a strategy of paramilitary use they are condemned to a cyclical process of client promotion, threatening military and political

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9 Dasgupta, 21.
advancement, and subsequent regime selection of new irregular forces to deal with formal clients. This strategy has had far reaching consequences for the security apparatus of the Sudanese state, breaking down the government-accountable military in favour of a regime-based security system which neglects traditional state-based patronage networks and directly empowers regional elites, tribal militias, and regime-sanctioned paramilitaries. The NCP has thus embarked on a concerted campaign of crushing internal political dissent and disenfranchising the state security bureaucracy thus ensuring a general dependence on the shadow networks of the regime itself both empowering the regime and condemning it to a continued reliance on paramilitary power.

As the term itself suggests, chronic paramilitarism cannot be discerned from a single instance of irregular armed force use nor from long-term support for a single paramilitary actor, but rather from a long range analysis of regime behaviour with respect to paramilitary groups in which a regime’s very support of one paramilitary group against an internal rival necessitates the subsequent support of new paramilitary groups to balance or combat the acquired influence of previous clients. Armed groups allied with the regime are thus understood to be continually on notice, with the government willing and potentially able to abandon them at any point at which it is perceived that their clients have superceded their mandate or threatened the regime’s authority internally or externally. In order to abandon such a client, though, the regime must be prepared to find new clients who will, in turn, ensure the prior client’s military containment.

The relationship between the regime and its client, however, is never so simple and detached as this initial explanation would suggest. Indeed, a regime makes great investments in building up the capacity, capability, and discipline of proxy militias when choosing to employ them and will often either insist upon some form of monitoring by the regime in the form of providing commanders of units from the regime’s own security services or ensuring that proxies remain dependent on the regime for military equipment and supplies. As increasingly more resources and administrative energies of the state are poured into the arming, maintenance, and monitoring of militias, there occurs a subsequent hollowing out of state structures, traditional patronage networks, and state security bodies in favour of a regime-based security system which is no longer accountable to the state as such, but is dictated and nominally controlled by the elites in power. This transformation is certainly to the short-term benefit of the regime in that it eliminates the normal avenues by which political opposition is cultivated, marginalizing both
civilian political parties and state military apparatuses. In the long-term however, by committing to such a program, the regime enters a seemingly irreversible path dependency having altogether eliminated all other foundations of political support and avenues of state security. Thus even if a regime wished to break free from this strategy, it is unlikely that it would be able to do so without risking loss of power in the process. The system which remains is that of an increasingly oligarchic political elite committed to a program of authoritarian rule which they, themselves, cannot sustain without the coercive forces of clients which recognize that they too will be abandoned should they become too powerful. It is in how this reciprocal and codependent relationship between regime and armed militia is addressed which dictates whether or not the regime can remain in power.

Given that, by definition, the condition of chronic paramilitarism dictates a dwindling number of potential allies with a corresponding increase in domestic opponents, how could such a regime remain in power? The first factor of importance is one which the regime itself has no control over, namely the size, both geographic and demographic, of the country. Those states which have very little territory are also those which have very little room to maneuver between competing parties, thus failing to provide consistent support to a proxy militia or turning to rival groups would be a poor strategy on the part of a regime having an inadequate geographic buffer to insulate them from client insurrection. By contrast, large states generally can exercise a high degree of independent control over the political centre and proxy warfare is usually conducted in the regions remote from the capital. Therefore betraying a former client in an outlying area by supporting another is not likely to have as immediate consequences as it would in a much smaller state. Similarly, a regime whose state contains a large and diverse population is likely to be more successful in manipulating any number of inter-communal grievances and mobilizing supporters through an “us versus them” mentality than a state with a smaller, more homogenous

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10 The coup led by Johnny Koroma of rebel RUF and sobel (soldier-rebel) forces against the government of Tejan Kabbah in Sierra Leone in 1997 could be seen in this light. The strategy of three successive regimes from the start of the rebellion in 1991 to diverting resources to semi-loyal militias and hired mercenaries rather than the national military led not to a securing of the state but rather a further breakdown of formal security and patronage networks helping fuel resentment and dissent in the ranks. Although Kabbah was reinstated after an ECOMOG intervention in 1998, the civil war continued despite a 1999 peace accord and the deployment initially, of 6,000 UNAMSIL peacekeepers. This number was increased successively to 17,500 by 2001 making one of the largest actions in the history of the United Nations. Since the capture of rebel leader Sankoh in 2000, the civil war has largely abated and “free and fair elections” are set to be held in 2007.

a Reno, 113-141.

population. To a great extent, regional political, historical, demographic, environmental, and economic considerations also play a role in a regime’s success in recruitment of new paramilitaries especially with respect to refugees and nomadic population flows which, as new arrivals to the country can all potentially add new blood and new bodies to the sustenance of a strategy of chronic paramilitarism.

Secondly, a regime will often, in the course of redirecting state security resources, create a parallel military bureaucracy meant to perpetuate their rule which establishes a framework of permanent, semi-permanent, and tribally-activated militias of varying degrees of ensured loyalty and autonomy, corresponding to the conscripted, “greedy”, and grievance-driven paramilitary groups described previously. Through the formation of an organized yet dynamic security structure which ensures a careful balance between coerced and induced armed groups, those who are coerced into service are never given so much power as to have the ability to revolt but are always mobilized and those who are induced into action are given a great deal of autonomy in the short run but are not given the resources to remain continually mobilized once the regime’s objectives have been achieved.

Finally, regimes which are enmeshed in a strategy of chronic paramilitarism often still enjoy external sovereignty: recognition by the international community. Reno writes, with respect to warlord politics regarding the strategies of the governments of the former Zaire and Yugoslavia during the 1990s in particular, “rulers of these recognized states retained the benefits of sovereignty even as some used tacit alliances with strongmen and their private armies to keep rivals at bay and attract outsiders.”\textsuperscript{11} Just as international recognition of the “legitimacy” of these states engaged in warlord politics helped perpetuate the very same practice, failure by the international community to intervene to end the cycle of chronic paramilitarism may perpetuate or prolong its practice.

\section*{II. The Conflict in Darfur: Linkages to Sudanese History and Governance}

\subsection*{Economic Conflicts and Inequalities}

The present conflict in Darfur is one with deep historical roots in some respects dating back to the forcible inclusion of the independent Sultanate of Darfur into the newly formed Sudanese colonial state by the British-Egyptian Condominium authorities in 1916.\textsuperscript{12} Even prior

\begin{itemize}
\item[]\textsuperscript{11} Reno, 171.
\item[]\textsuperscript{12} R. S. O’Fahey, \textit{State and Society in Dār Fūr} (London: Hurst, 1980), 13.
\end{itemize}
to this, however, Darfur was of peripheral political concern to both Arab and Turkish Islamic empires as a distant, lawless region utilized primarily as a source of African slave labour, a stigma upon its indigenous Fur population even today. Ever since its annexation, the Darfur Sultanate now three administrative regions: North, South, and West Darfur, has remained in a subordinate and neglected position economically and politically with respect to the capitol of Khartoum and its surrounding area. Despite its enormous geographic area of about 500,000 square kilometers (Sudan itself covers 2.5 million square kilometers, almost five times the size of France) and being home to 6 million of Sudan’s approximately 38 million inhabitants, Darfur has consistently received a far-less-than proportional share of economic and development aid from the central government leaving it as one of Sudan’s most underdeveloped regions.  

Alex de Waal and Yoanes Ajawin note the effect of relative deprivation in Sudan’s outlying areas,  

> A huge proportion of Sudan’s national income is concentrated in Khartoum, the central region and major cities. Mass migration to Khartoum and other major cities is a manifestation of these inequalities: millions of displaced people are ready to live in deplorable conditions in squatter settlements because life in the regions offers them neither hope nor security.

Although economic underdevelopment is clearly not unique to Darfur, the region has figured even less than others in the central government’s economic calculations as it is not a major hub of regional trade, is an inland region with no access to port facilities, and lacks abundant natural resources. Indeed, local livelihoods consist primarily of subsistence farming and nomadic cattle herding which are of very little interest to a regime desiring economic modernization and regional dominance. The recent discovery of oil in Darfur may change this although it has not had a noticeable impact on the conflict thus far.

But whereas such occupations do not immediately concern Khartoum, rivalries between farmers and nomads has figured quite prominently in local aspects of Darfur’s civil strife especially as increased desertification in the North has forced nomadic tribes to seek new grazing grounds farther south bringing them into conflict with the established farming and pastoral population over land-use. These tensions have been further exacerbated by the regime as a means of currying favour with various tribal groups. This is hardly a new tactic though, as even

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prior to the most recent outbreak of violence in Darfur, the NCP government and its predecessors had established a practice of supporting nomadic herders against land-owning communities. Indeed settled populations have most often been those demanding recognition of regional grievances and lending support to rebel groups such as the southern-based, ethnic African Dinka-dominated Sudan People’s Liberation Movement/Army (SPLM/A). Nomads, not nearly as tied to a specific territory, have been more easily manipulated by the government with promises of resource looting and gaining greater access to cattle grazing areas currently allocated to established populations. The fires of these local resource-based conflicts have been readily fanned by Khartoum which has found it easier to arm (or at the very least ignore the activities of) tribal militias who would willingly raid the bases of support of domestic opponents for their own gain than to constructively address regional discontent or dispatch their own military forces, often conscripted from the same, presumably sympathetic, populations.

Examples of government-sponsored violence through proxies are plentiful throughout Sudanese modern history with particularly salience in regards to the *muraheleen* (Arabic for “nomads”) Arab militias from the Rizeigat tribes residing in South Darfur, bordering on the north of Bahr el Ghazal, who were employed as raiders against their southern Dinka neighbors in the 1980s and with the arming of Chadian Arab nomads who had crossed into Darfur seeking grazing pastures for their flocks against local Fur and Masalit farming populations in the late 1980s and mid to late 1990s\(^\text{16,17}\). In both cases, Khartoum claimed to be acting in response to local insurgencies, in the former against the SPLM/A and in the latter against local “African” tribes armed, in part, by the government of neighboring Chad in response to Sudan and Libya’s arming of Chadian Arab dissidents taking refuge in Darfur.

**Ethnic Concerns and Grievances**

With numerous references to both “Arab” and “African” tribes, it should come as no surprise that ethnicity, or at least its social construction, have also played an important role in both the present violence in Darfur and in the national affairs of Sudan. In terms of the government’s longstanding conflict with its southern regions, ethnic divisions are much more


apparent than those which exist to a certain extent in Darfur. The southern provinces, which comprise approximately one quarter of Sudan’s land mass, are populated primarily by indigenous African tribes such as the Dinka, Nuer, and to a lesser extent Nuba which generally reside farther to the North. Distinguished from the Arab governing elite not only by their ethnicity but by their religion with the majority in the South practicing either Christianity or indigenous African religions, the conflict between North and South has been from the beginning one of not only regional economic and cultural disenfranchisement, as is evident in Darfur, but also of ethno-religious alienation and domination by northern elites. Furthermore, the violence has not been confined to that between the Dinka-dominated SPLM/A and forces of the central government, but also between competing ethnic African groups represented in particular by the Nuer-dominated Southern Sudanese Defense Force (SSDF). The Sudanese central government has continued to capitalize on these local conflicts through material support to groups such as the SSDF, regardless of their mandate to secede from Sudan, against the SPLM/A which professes to seek reform and equality within a unified country. Since the SPLM/A embarked upon the Naivasha Accords with the Government of Sudan in 2003 ending in the Comprehensive Peace Agreement (CPA) in January 2005 presumably such support has ended, although likely remains a strategy which the NCP will leave open should they balk on the accord in the near future.

As for Darfur, labels of Arab and African become much more problematic due to the high rates of intermarriage and the rather fluid concept of ethnicity which attributes ethnic identity in some instances as much to livelihood as to parentage. In addition to the checkerboard diffusion of tribal groups throughout the region which make both a political and physical separation of

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19 Three important aspects of the peace settlement include formally freeing the South of the NCP’s Shari'a Islamic law and the promotion of John Garang, the leader of the SPLM/A, to the First Vice Presidency of Sudan under NCP President Omar al Bashir as well as the promise of a regional referendum in the South in the next five years on the question of secession. Whether Garang’s appointment will result in anything other than a symbolic gesture remains to be seen. Similarly, given the history of previous agreements with Southern rebels as with the Ana Nya in the 1960s, it seems highly unlikely that the proposed referendum will actually be allowed to go ahead. Finally, it remains to be seen what role the SSDF will have in all this having been left out of the Navaisha Accords effectively rescinding the NCP’s recognition of their organization as a power-broker in the South. It therefore seems quite probable that the SSDF will remain the NCP’s trump card in the region to restart conflict as it becomes “necessary” to undermine both the role of Garang and peace in the region. Garang’s death in a helicopter crash over Uganda on August 5, 2005 and the succession of SPLM/A’s second-in-command Salva Kiir has thrown the long-term certainty of the CPA into further question.
“African” tribes from “Arab” tribes entirely impossible, everyone living in Darfur, almost without exception, is Muslim rendering a key cultural element of ethnic differentiation, religion, irrelevant. Furthermore, a long history of occupational mobility practiced by the local population by which Fur farmers became “Arab” nomadic herders as dictated by economic necessity makes ridiculous the assigning of deep-rooted ethnic rivalry as the cause of conflict. Indeed, writes R. S. O’Fahey in his study, *State and Society in Dār Fūr*, “Such mobility suggests that tribal labels have only a limited ethnic content or stability and that mainly political mechanisms accounted for the preservation of territorially defined groups in an area of open frontiers. Changes in political allegiance [therefore] were later legitimized by changes in one’s ancestors.” He further explains how such self-made changes are evident in a number of circumstances, including in the existence of clan surnames of “Arab” groups having clear non-Arab roots and vice versa. For example, one of the prominent “African” groups targeted by the Sudanese government in Darfur is the Zaghawa, a clan of which bears the name Bedeyaat, etymologically related to the word Bedouin in reference to an ethnic Arab past. Interestingly, although the Zaghawa have been targets of janjaweed and government attack, they are primarily pastoralists unlike the Fur and Masalit who are farmers, and have often been engaged in conflicts over land-use with these two tribes prior to the present conflict.

**Regional Conflict as a Means of Government Control**

What is further disturbing is the NCP’s consistent track record of exacerbating regional conflict since their rise to power through coup in 1989. Mansour Khalid, a Northern Sudanese Muslim politician and former Sudanese government minister, writes of the NCP’s (then National Islamic Front or NIF) coup d'état under now-President Omar al Bashir, “There are two kinds of coups: the type that is aimed basically as deposing an inept regime, house cleaning and paving the way for democracy; and the kind that aims at deposing an inept regime to replace it with a more inept and inauspicious one. Al Bashir’s coup falls in the latter category.” Taking office...
replacing the nominally democratic regime of Sadiq al Mahdi promising efficiency and (northern) regional reconciliation under an Islamist program, he appointed a number of political sycophants from the outlying areas including the South and Darfur to his ruling National Salvation Revolutionary Command Council (NSRCC). General al Bashir soon reneged on these promises, did away with the NSRCC, and took the war against the South and other rebellious areas including the Nuba of central Sudan and, to more limited degree, Darfur, to a new level. By providing more active support and arms than ever before to Arabized tribal militias as proxy paramilitaries to fight the SPLM/A, the NIF government gave them free reign to attack non-Arabized civilian populations beginning a process of widespread looting, violence, and ethnic cleansing in central and southern Sudan. Khalid writes, “The government’s most odious war crime was the tribalization of the armed conflict. Admittedly, tribal militias were used since 1985 to create a buffer zone between combatants, but in the late years of al Mahdi’s government and all through the NIF era, they became more vicious, as tribes were armed to the teeth and set loose on the ‘enemy’.”

Indeed, al Mahdi was the first in modern Sudanese history to specifically call for the arming of tribal groups to assist the beleaguered and demoralized Sudanese army against the SPLM/A. Norman Anderson recounts,

> The prime minister told [the Sudanese military command] to review their responsibilities; he was not convinced that they were using resources effectively and pointed to deterioration in field command. He thought that the army relied on a defense-oriented approach, allowing the enemy a choice of where and how to attack. He advocated “fedayeen” guerrillas to support regular operations.\(^{25}\)

Resort to fedayeen or mujahedeen, references to Islamic tribal warriors, as a means to defense of the state and the regime was at first regarded by the NIF upon taking power as counterproductive, empowering future rivals. However, finding the military to be largely ineffective in the face of persistent local rebellion, it quickly adapted and perfected this strategy of proxy militia use as the centerpiece of its domestic security doctrine. By exacerbating local “ethnic” tensions, often based in part on conflicts over scarce resources and relative economic and political disenfranchisement as well feelings of ideological ethnic supremacy entertained by Arabized (and Africanized) tribal groups, the regime has succeeded to some degree in both repressing and containing regional rebellions and promoting the formation of new regional

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\(^{24}\) Ibid, 238.

\(^{25}\) Anderson, 174-175.
Arabized elites beholden to the regime for their status, wealth, and power at a much lower cost economically and politically than by employing their own forces.

This counterinsurgency strategy has also largely succeeded in keeping various regional opposition groups disunited and vying for power amongst themselves and against local elements rather than directing the full force of their discontent against the government. Perhaps the most blatant example of government-initiated paramilitary use can be found in response to the rebellion of Nuba tribes in Kordofan in the late 1980s and early 1990s who claimed many of the same grievances as Darfuris today. Declaring Jihad against the Nuba in 1992, the NIF not only trained and armed local Arabized militias to fight the insurgency along with the Sudanese military but also supported several power-hungry Nuba warlords which, although formally opposed to the government, were quite willing to attack their fellow tribesmen in return for looted resources and increased regional clout.26 Writes Alex de Waal, “Khartoum’s response was more than the repression of revolt; it was an attempt to create an Islamic state by force of arms. The aim was to relocate the entire Nuba population away from their ancestral lands into what were called, with Orwellian aptness, ‘peace camps’.”27 According to the Sudan Human Rights Organization (SHRO) based in London, over 6000 people had been killed and over 2000 wounded with the ethnic cleansing campaign reducing the Nuba population from about one million to 800,000.28 Although the Jihad failed due to exceptional resistance by the local SPLM/A rebels, the destruction and chaos it left in its wake resulted in famine and thousands of deaths from disease and starvation, effectively neutralizing the threat of regional political opposition in the short term. Furthermore, the campaign revealed significant fractures in the NIF (by then renamed the National Congress Party or NCP) power structure in which followers of Hassan al Turabi, the regime’s Islamist ideological leader and speaker of the National Assembly, clashed with military elites over the objectives of jihad as radical social engineering versus decisive military victory to the favour of the latter.

With a similar campaign in Upper Nile Province in the South in 1998 in which government-sponsored militias attacked SPLM/A positions to secure oil drilling sites for foreign firms such as Calgary-based Talisman Energy, all pretense of the NCP’s commitment to an

26 Alex de Waal, “Massacre in the mountains while the world looked the other way,” Parliamentary Brief (August 2004): 15.
Islamist program was swept away in favour of an agenda committed to the continued usurpation of the country’s material wealth to the benefit of party elites and the preservation of the regime’s undisputed control of the government. This shift in policy was soon followed in 2000 by the removal from power of the increasingly agitated al Turabi who, having split from the NCP in 1998 and formed a rival political association, the Popular Congress Party (PCP), was imprisoned in 2001 on charges of orchestrating a coup against al Bashir’s leadership. He was later released for lack of evidence, but imprisoned again in September 2004 along with 72 others who were accused of plotting yet another coup. Released again in June 2005, he and his party have refused to participate in the new “national unity government” with the SPLM/A and have sided with a coalition of other opposition groups including former PM Sadiq al-Mahdi’s Umma party.

*Deconstructing Government and Regime Power Centralization*

Although Hassan al Turabi’s ideological program for the NIF, including the imposition of a particular formulation of Shari’a Islamic law and the forcible Islamization and Arabization of the whole of the Sudan in Taliban-like fashion encountered fierce opposition from the South and from marginalized non-Muslim populations throughout the country, he did command what little there was of the popular support for the regime. With his ouster, al Bashir’s hold on power has become more tenuous having essentially rejected the NIF’s original Islamic agenda, delegitimized Sudan’s National Assembly and bureaucratic governing structure, and centralized political power down to a small military clique more concerned with the survival of their regime than the government or state itself. It is here where a modified understanding of Reno’s warlord politics comes into play. Rather than striving to remain in power merely in order to secure further wealth and economic gains as Reno’s thesis suggests, although these certainly are

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29 The NCP regime has allowed the establishment of “political associations” independent of the ruling party since 1998 which may be elected to the legislative National Assembly but all of the twenty or so additional associations of which the PCP is by far the largest must accept the national constitution which grants them no significant rights to political opposition. Furthermore, the National Assembly itself is significantly limited in its powers by the National Congress, a smaller body of interest groups answerable directly to the president.


secondary motivating factors, al Bashir seems to be primarily interested in power for its own sake. Even as they have slowly dismembered the state bureaucracy and security structures through sidelining the Sudanese Army in favour of tribal militias in domestic counterinsurgency operations, the NIF-NCP has been engaged in a slow, but persistent process of building up of a parallel security structure loyal not to the state but to the regime itself.

Institutionalized as the Popular Defense Force (PDF), this semi-formal paramilitary structure was legislated into existence in 1989 with the Popular Defense Act along with Turabi’s other populist initiatives which promoted universal free education (instituted primarily in the North only), a new focus on rural populations including outreach to previously disenfranchised Muslims from remote areas such as the Fur in Darfur and the Beja in the East, and other “popular” security agencies such as the Popular Police Corps and Popular Neighborhood Committees. The recent report by the United Nations’ mandated International Commission of Inquiry on Darfur (ICID) released in January of 2005, notes that the Act defines the PDF as “Paramilitary Forces” whose objective is to “assist the People’s Armed Forces and other regular forces whenever needed”, “contribute to the defense of the nation and help to deal with crises and public disasters,” and perform “any other task entrusted to them by the Commander-in-Chief himself or pursuant to a recommendation of the [PDF] Council.”

Information gathered by the ICID indicates that members are recruited by orders from Army headquarters to the provincial governors to local officials and tribal leaders to provide volunteers who are then trained, provided with weapons and an army uniform and are then incorporated temporarily into the military command structure. Gabriel Warburg further comments on the political purposes for the PDF’s establishment noting, “[They] were intended to counter the popular support enjoyed by the Ansar and the Khatmiyya, which the NIF sought to eliminate and replace. Of these, the PDF was the most significant, since its final aim was to replace the army and thereby eternalize Islamist rule as propagated by the NIF,” the Ansar and Khatmiyya being rival Islamic parties with the former led by the previous elected Prime Minister, Sadiq al Mahdi.

Following soon after the establishment of the PDF, the regime purged 40 percent of the officer corps from the national army and declared that the regular military would soon be entirely dissolved and reformed under the PDF. Termed by al Bashir as “the legitimate child of

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33 International Commission of Inquiry on Darfur, 28.
34 Ibid, 28-29.
the armed forces” and as “a school for national and spiritual education,” all Sudanese civil servants and students of higher education were conscripted while service was opened to members of the Sudanese Army, Arab tribal militias from outlying areas, party volunteers, members of the NIF’s shabab al-watan youth movement, and other able-bodied teenagers. The draft was then extended in 1994-5 to include every male living in Sudan between the ages of eighteen and thirty.\textsuperscript{36} Currently, the army remains the core of the Sudanese military but its independent influence has been severely weakened through control by hand-picked NCP loyalists. Although much protest followed its establishment, the PDF quickly became what it was intended to be; a diverse force utilisable in a variety of domestic security operations accountable only to the regime.

As such, the NCP elites have succeeded in eliminating what could have potentially become their greatest internal threat, military coup, by largely dissolving the military itself in favour of decentralized and client-commanded paramilitary forces. While being endowed with a trusteeship mission to carry out the will of the regime, militias participating in the network have been given a free hand to pursue their own limited regional material interests, largely appeasing any underlying grievances they may harbour towards the NCP government. Additionally, where the NCP finds it cannot effectively use the army due to difficult terrain, low morale, or opposition by soldiers to attacking the populations from which they were drawn, it can, within the PDF framework, turn to local tribal militias with preexisting local rivalries to carry out their counterinsurgency operations. This military structure is also fluid enough to effectively deal with defections such as that by the Rizeigat tribes of South Darfur who previously were armed to attack neighboring Dinka but have largely refused to participate in janjaweed forces in the present conflict against the Darfurian rebels. Having lost the support of one set of manufactured regional elites, the NCP has simply turned to the arming of other dispossessed nomadic tribes which are eager to enjoy the transitory support of the regime in return for land and plunder. It thus appears that in the Sudanese case, demonstrating a key element of chronic paramilitarism, the regime has largely avoided the deficiencies of paramilitary use as a short term strategy with a seemingly endless supply of discontents and rivalries to foster throughout the country which make the need for long-term internal allies quite superfluous. The PDF is a further functional element of the regime in that as a diversified paramilitary force rather than purely an agent of the

\textsuperscript{36} Ibid, 210-211.
state, the NCP’s elite can plausibly deny responsibility for actions taken by tribal militia groups under the PDF umbrella claiming limited control or lack of knowledge regarding their activities. This certainly has been the case in the present conflict in Darfur, to which the paper now turns.

III. The Conflict in Darfur in Focus: Realities on the Ground

The current violence in Darfur is generally agreed to have begun in April 2003 when the largest rebel group, the Sudanese Liberation Movement/Army (SLM/A), a secular political movement identifying with the SPLM/A composed of Fur and Masalit tribesmen, launched a surprise attack on government forces at the airport in the North Darfur provincial capitol of al Fashir, damaging government aircraft and helicopters, and looting fuel, ammunition, and supplies. Aside from the serious economic and political grievances harboured by a large portion of the Darfurian population, Arabized and African tribes alike, the SLM/A began the present rebellion in part as a response to their exclusion from the negotiations between the NCP regime and the SPLM/A over the peace settlement in the South, believing correctly that any settlement without the input of marginalized northern groups would lead to a narrow regionalized political solution. A second rebel group, the Justice and Equality Movement (JEM), a mostly-Zaghawa Islamist insurgency led, purportedly, by al Turabi loyalists with close ties to the PCP, soon emerged as well and began coordinating their anti-government attacks with the SLM/A. Fighting was at first limited to exchanges between government forces and rebels in North Darfur, but was soon followed by its spread into West and South Darfur provinces with heavy bombing by the Sudanese Air Force from Antonov aircraft in addition to ground engagements with army infantry and tank regiments. By May 2003, the central government dismissed the Walis (governors) and other regional officials of North and West Darfur turning to direct military governance of the provinces and by August, 65,000 refugees had fled to neighboring Chad as a direct result of the bombings.37

In response to rebel attacks and with the acknowledgement that the rebellion could not be suppressed from air power or the insubstantial army presence in Darfur alone, the NCP began activating the local PDF structure in September 2003, recruiting and mobilizing local militias to supplement regular forces. Although initially issuing a broad appeal for public defense against rebel attacks, Human Rights Watch (HRW) reports that while Fur and Masalit volunteers were

turned away, Arabs were often quickly recruited and given weapons. Meanwhile, NCP officials met directly with powerful Arabized tribal leaders in the region to enlist their militias in support of the counterinsurgency operation. These “Arab” forces, known today as janjaweed, have been instrumental in the government’s policy of “draining the swamp” through systematically attacking villages thought to be harbouring or sympathetic to rebel forces, often with the cover of air force bombardments, murdering, raping, and depopulating civilians in conflict areas. This is not to claim, however, that all Arabized tribes in Darfur support the government, as some prominent groups have even quietly sided with the rebels. The International Crisis Group (ICG) reports,

Many Arabs in Darfur are opposed to the Janjaweed, and some are fighting for the rebels, such as certain Arab commanders and their men from the Misseriya and Rizeigat tribes. Many non-Arabs are supporting the government and serving in its army. However, the government has deliberately fed dangerous ethnic tensions in Darfur both to justify its continued reluctance to share power and as a means of fighting the rebellion.

A key difference to note, though, between the Misseriya and Rizeigat tribes and those which are supporting the government and fighting as members of janjaweed militias is that although all are Baggara Arabs, a large Arabized pastoral group encompassing many residents of the Darfur region, the former two tribes enjoy an established dar, or homeland, within the Darfur province while those which belong to the janjaweed do not. It is in part this difference in status to which the NCP government has appealed. What has been accomplished then is not only a gain on supposedly rebel-held territory but the opening up of a great deal of land in which the dar-less janjaweed may reside thus promoting the creation of a regional elite beholden to the NCP regime for its newly acquired local economic and political clout.

One can understand both the “effectiveness” of such a policy and the impunity with which the janjaweed have acted through even a cursory examination of recent statistics which show that by February 2005, at least 2 million people have been displaced as refugees and internally displaced persons (IDPs) and between 20,000 and 30,000 people have died from violence, malnutrition, and disease. Furthermore, by August 2004 alone, USAID reported that

395 villages in Darfur had been confirmed as destroyed and at least 121 as severely damaged, while Sudanese police forces have reported that as many as 2000 villages have been destroyed as of January 2005, with the vast majority of these having been since depopulated or occupied by janjaweed forces and allied tribesmen.\textsuperscript{42,43} Most of the villages which have been destroyed were also almost exclusively inhabited by members of the Fur, Masalit, and Zaghawa tribes, the largest tribes in the Darfur region with established *djar* (plural of *dar*) giving credence to both the “ethnic” and economic justifications for conflict.

**Who are the Janjaweed?**

The term *janjaweed* itself has somewhat unclear etymological origins with some claiming a simple meaning, “horseman with a gun” derived from a contraction of terms: the G3 rifle and local dialect for horse, *jawad*, while others claim the term originated from the Arabic *jinn* (demon) and *jawad* thus meaning “demons on horseback” but is also western Sudanese dialect for “rabble” or “outlaws.”\textsuperscript{44} Whatever the precise meaning, janjaweed has come to denote those nomadic horse or camel-mounted militias which are perhaps the most recognizable feature of the conflict in Darfur today. Interestingly, the first documented use of the term predates the conflict by over ten years from an agreement made between local tribes in Darfur in 1990 to disarm both Arab “janjaweed” and Fur militias who had been in violent conflict over land use since a severe drought hit the region in 1984. Neither set of militias were ever formally disarmed although particularly radical leaders were imprisoned by Sudanese authorities who feared continued widespread violence might spill over into neighboring rival, Chad, which would use this unrest as a pretext for cracking down on Chadian Arab dissidents taking refuge in Darfur.

Cited in international reports and news media as the “Janjaweed,” its use as a proper noun is itself problematic in that rather than representing a cohesive and centrally organized paramilitary group, the designation is a blanket term for at least three varieties of tribal militias operating in Darfur today. The first are those militias which have received weapons and


\textsuperscript{43} International Commission of Inquiry on Darfur, 81.

\textsuperscript{44} de Waal, Alex, “Counter-Insurgency on the Cheap,” *London Review of Books* 26, no. 15 (5 August 2004), \url{http://www.lrb.co.uk/v26/n15/waal01_.html} (accessed 1 February 2005).
monetary support from the government but operate under a tribal structure not necessarily answerable to the regime. Although there have been indications that these groups have attacked populations designated by the Sudanese military as rebel havens, they have also acted on their own discretion looting for personal gain and stirring up unwanted confrontation with the Chadian military.\footnote{Such attacks have become even more blatant in the last year as the Chadian and Sudanese governments have traded barbs over each other’s alleged support of Arab and Zaghawa rebels in Chad and Darfur respectively. As the violence escalates, there is a concern by many in the international community that this mutual proxy war may turn into an even less manageable and more devastating interstate war. International Crisis Group, “To Save Darfur,” \textit{ICG África} Report no. 105 (17 March 2006), \url{http://www.crisisgroup.org/library/documents/africa/horn_of_africa/105_to_save_darfur.pdf}, 3.} It is this group which has been responsible for a great number of atrocities for which it is quite difficult, as a result of their autonomous agenda, to pin blame on the NCP itself giving the regime considerable flexibility to materially support their formation while firmly denying responsibility for their actions. Often dismissed as “armed bandits” or “uncontrolled elements” by regime functionaries, the NCP has even claimed violence committed by these groups should rather be attributed to the SLM/A or JEM.\footnote{International Commission of Inquiry on Darfur, 35.}

The second group is comprised of organized paramilitaries who, while not officially operatives of the regime, are commanded by Sudanese military officers and senior tribal leaders and have operated in parallel with regular Sudanese military often as strike forces against villages preceded or followed by air bombardments. Known as “mujahedeen” or “fursan” (horsemen), al Bashir and others in his administration have openly defended these janjaweed as legitimate self-defense militias. For example, after rebel forces failed to take the town of Kulbus in September 2003, the president addressed villagers saying, “Our priority from now on is to eliminate the rebellion, and any outlaw element is our target… We will use the army, the police, the mujahedeen, the horsemen to get rid of the rebellion.”\footnote{\textit{Ibid}, 36.} By emphasizing the self-defense aspect of these militias, the NCP clearly hopes to cast a veneer of legitimacy on their actions as irregular counterinsurgency forces.

The final group of janjaweed are those which have been formally incorporated into the PDF structure. These militias have the least autonomy of the three varieties, often wear Sudanese military uniforms, are armed through “legal” means, and represent mostly volunteers who are not answerable to a tribal chain-of-command. Operating alongside the regular Sudanese military, they have been important elements in the regime’s ground forces and clandestine
Border Intelligence police agency. Clear links exist, though, between all three levels in that they all receive armaments and payments from the NCP. Also, with regards to the first group, tribal leaders organized as part of the janjaweed regularly confer with a PDF Civilian Coordinator, who in turn reports to the PDF Security Committee, the local branch of the Sudanese military establishment thus ensuring continued monitoring by the regime.\textsuperscript{48} None of these groups, however, are mutually exclusive with widespread looting and civilian-directed violence being conducted by all groups and with the levels of authority exercised by the regime over the supposedly autonomous tribal militias varying widely. Until the outbreak of international criticism against the NCP for its use of janjaweed, the first and second groups were the most prominent but, in lieu of fulfilling UN Security Council requirements and disarming janjaweed militias, many have simply been further incorporated into the PDF command structure. Regardless, such qualifications remain important for understanding the elements of the NCP’s strategy with regard to internal security and international legitimacy.

Although the janjaweed are not a cohesive or unitary armed force, there are powerful leaders of particular janjaweed encampments who have been clearly associated with direct government support who are worth briefly examining. In each of the three provinces of Darfur, there exists one large janjaweed militia in addition to smaller autonomous groups which have exercised a great deal of control over the course of the conflict in destroying villages, depopulating rebel-affiliated tribes, and capturing large tracks of land which they have promptly resettled. ICG reports, “The largest faction in Northern Darfur state is commanded by Musa Hilal and headquartered at Misterieya and Um Sayala. In Southern Darfur, the primary Janjaweed faction is headquartered near Gardud village, south of the town of Kas. The notorious Janjaweed commander Haraika Assad Shukurtalla has operated in Western Darfur out of several large camps.”\textsuperscript{49} There is still much to be learned as to the size of these encampments and their operational status, however of these three, the most detailed information is available with regards to Musa Hilal and his militia. The ICID reports that the Misterieya camp has been in continuous use throughout the conflict and, displaying a high degree of cooperation between Hilal and PDF officials, has served as a training ground for the “Border Guard” militia in which at least 7,000 janjaweed have cycled through and been incorporated into the PDF, police, and regular army. Furthermore, the report claims that Hilal’s janjaweed abducted civilians which had been detained

\textsuperscript{48} Ibid, 34.
within the camp, tortured, and later used for forced labour. Finally, at least one army officer of the rank of Colonel was stationed in the camp throughout 2004 and was responsible for “training, ammunition stores and paying salaries to the Janjaweed” and about once a month additional weapons and ammunition were supplied to the camp by military helicopters.\textsuperscript{50}

As for Musa Hilal, widely held to be the most influential and identifiable leader of the janjaweed as such, he has been deemed a “vocal Arab supremacist” and has been imprisoned numerous times by local Darfurian authorities for fear of his activities “disrupting social harmony.”\textsuperscript{51} Jailed on murder charges prior to the outbreak of the insurgency, he was released by government authorities in order to organize the janjaweed brigade in North Darfur. Knowing him to be an old hand at targeting non-Arabized tribes in the region from his leadership of armed nomads during the chaotic period dating from the drought of 1986 through to 1990, Hilal’s force have proven to be the most effective, most powerful, and perhaps most indiscriminately violent of any of the janjaweed militias.\textsuperscript{52} HRW clearly documents Khartoum’s support of this leader noting a security directive from the administrative offices of North Darfur which directs local security officials to “allow the activities of the mujahedeen and the volunteers under the command of Sheikh Musa Hilal to proceed in the areas of [North Darfur] and to secure their vital needs.” It further notes, “We also highlight the importance of non-interference so as not to question their authorities and to overlook minor offences by the mujahedeen against civilians who are suspected members of the rebellion.”\textsuperscript{53} Moreover, Hilal himself has proudly admitted to receiving direct assistance and orders from Khartoum in a recent interview with HRW researchers in which he said, “All of the [janjaweed] in the field are led by top army commanders… These people get their orders from the Western command center, and from Khartoum.”\textsuperscript{54,55}

\textsuperscript{50} International Commission of Inquiry on Darfur, 35.
\textsuperscript{55} Further evidence of NCP funding of and logistical support for janjaweed and specific details and reports of attacks by these militias on civilian targets need not be repeated here as they are quite sufficiently laid out in other recent documents, including the HRW briefing paper from July 19, 2004, “Darfur Documents Confirm Government Policy of Militia Support,” and in the report by the UN-mandated ICIR on Darfur.
Converging and Conflicting Objectives: the Janjaweed and the NCP

Of further importance for the purposes of the present thesis is an exploration of the motivations and desired outcomes of conflict for the janjaweed, and, perhaps more critically, the NCP. An understanding of motivations and outcomes accomplishes two key objectives: a more in-depth understanding of two of the key players in this conflict, and, most significantly, further insight into the underlying elements of this conflict which demonstrates the regime’s use of paramilitaries as a persistent strategy. The janjaweed as an amorphous whole seem to have three primary objectives in terms of the present conflict. The first, a desire for quick economic gain through looting and plunder, seems an established fact given their well-documented behaviour. As the tribes from which the janjaweed have been drawn are primarily nomadic, on a superficial level they cannot be expected to have any vested interest in the stability of the region nor peaceful coexistence with its earlier residents, seeking rather to benefit from their brief habitation there by capturing resources and seasonal grazing grounds until they relocate once again. This rather short-sighted strategy has borne itself out to a certain extent as janjaweed militias have engaged in a great deal of cattle rustling, looting, and pillaging during the course of the conflict having perhaps even superceded the license granted by the NCP leadership in exchange for their services. A second though less likely motivation are feelings of ethnic Arab superiority entertained by particular members of the janjaweed such as Musa Hilal. Although it has been demonstrated that such concerns with ethnicity rarely have any basis in reality, ethnic propaganda is a regular product of the NCP along which they have built a particular agenda of political control which coincides tidily with janjaweed ethnic self-identification.

Finally, the third objective speaks to a longer term goal resulting from deep grievances directed against the Sudanese regime itself which, despite having armed janjaweed militias from these particular tribes in the past, never granted them permanent administrative status with a dar of their own. Having suffered the consequences of a nomadic lifestyle in a landscape politically divided to the benefit, to a certain extent, of sedentary, well-established groups and having lost traditional grazing grounds to the north due to desertification, this group appears to have opted

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56 A more detailed accounting and understanding of rebel group activities in Darfur than has already been provided would also be quite valuable and critical for a fuller understanding of the present conflict, but unfortunately does not fall within the realm of this thesis.

57 Additionally, the conflict presents an opportunity for Chadian dissidents to vent their anger towards the Irdiss Deby government by attacking those members of his tribe, the Zaghawa, which reside in Darfur.
for settling down at the expense of their regional rivals; namely the Fur, Masalit, and Zaghawa. The NCP, both in need of assistance in repressing the rebels in Darfur and fearing the insurrection of yet another well-armed group against the political centre, have therefore been quite accommodating in granting the janjaweed free reign to attack civilian populations, loot and destroy villages, and steal farm land for grazing their flocks. Killing two birds with one stone, they have isolating rebel groups and regional political rivals while appeasing and elevating the status of a restive population to that of new regional elite beholden to the regime for their status. Indeed, there has been a concerted effort by both the janjaweed and the NCP to consolidate the territorial gains made by the militias through enforcing the depopulation of Fur, Masalit, and Zaghawa villages, destroying those to which refugees could be expected to return, and setting up what are quickly becoming semi-permanent IDP camps on the border with Chad which, early in the conflict, were actively patrolled by the Sudanese military and the janjaweed.58

As for the NCP, they are engaged in fulfilling three broadly defined objectives: conducting their counterinsurgency operation at as low a cost economically and politically as possible, breaking down internal political opposition, and replacing rebellious populations in Darfur with new regional elites beholden to the regime for their power and status. With regards to the first objective, Khartoum’s interest in conducting “counterinsurgency on the cheap” stems from both established practice evident in every previous use of proxy tribal militias since their rise to power in 1989 and continued political necessity. Indeed, the NCP has found it much less expensive from an economic point of view to activate previously armed, highly mobile, and locally organized tribal militias which, instead of paying out fixed salaries for soldiers, are granted a broad license to loot and pillage for their own material gain. This stands in direct contrast to the high costs of mobilizing and sustaining a conventional armed force deployed only sparsely in the outlying areas which is already, in terms of ground operations, quite undermanned and under-equipped. Furthermore, the regime has legitimate concerns as to the effectiveness of the regular army in combating rebels in Darfur as many of its conscripts were

58 One such example, documented by HRW, was the Kailek IDP camp in which Janjaweed were given full control over the displaced population in mid-2004 who subsequently executed men, raped women, randomly killed children, and prevented anyone from leaving the camp “to ensure that eyewitness accounts did not reach international ears.” Confidential documents discovered by HRW also prove government complicity in this depopulation effort, including one memorandum which recommends certain measures to avoid the return of “outlaw forces from the areas they used to occupy” by resettling nomads in captured towns and lands and establishing the permanence of IDP camps through building infrastructure such as wells and schools.

In terms of the political expense of proxy warfare versus state-directed violence, the regime benefits not only from a high level of deniability for the negative outcomes of paramilitary actions but the political legitimacy that comes from supporting “self-defense” groups. Moreover, due to their “autonomous” nature, the regime has the distinct ability to abandon their allies should support become too costly. Indeed, even as the regime has begun to put pressure on the “bandits” operating in Darfur, they have avoided direct political fallout for their support of the janjaweed militias. Demonstrating the expendability of these proxies in the present conflict, in response to international threats to prosecute certain militia leaders and military officers for their roles in committing “crimes against humanity and war crimes” at the International Criminal Court (ICC), Khartoum has claimed to have recently arrested at least fifteen members of the police, military, and security forces (likely meaning PDF-allied militias), 14 from West Darfur, and 1 from North Darfur, who will be investigated and potentially prosecuted for “rape crimes, human rights violations, crimes against humanity and war crimes.”

Although it is not yet known who exactly will be prosecuted, it is clearly an attempt to maintain both the legitimacy and power of the regime, consolidating gains made by in Darfur in terms of stifling the insurgency and population replacement while assigning blame for the violence to minor actors thus placating international criticism and preventing further intervention. This re-appropriation of blame would not even have been conceivable let alone possible had the regime chosen to use regular forces rather than militias in the present conflict.

The first objective is an instrumental means to accomplishing the second as the use of militias targets both internal and external political opposition by sidelining potential internal challengers to the regime such as the regular military and threatening and attacking external opponents such as national and regional political movements not belonging to the ruling elite as well as armed rebels in the outlying areas. By minimizing the role of the regular Sudanese military in the conflict in Darfur, not only does the regime avoid incurring the substantial economic and political costs of mobilizing the army but it denies them increased prominence in national political circles likewise decreasing their power to challenge security decisions put forth by the regime or instigate a successful coup. Indeed, the NCP leadership recognizes that it was

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in part the previous government’s failure to place clear limits on the military with respect to political authority which allowed the NIF, as a combined effort of al Turabi’s Islamists and al Bashir’s army-backing, to come to power in the first place. Furthermore, following a rather generous settlement with the South in January, it is not surprising that the NCP should try to resolve the rebellion in Darfur with such violence, sending a clear message to other restive regions that the resolution reached through the CPA is unique to that region. Put simply, no other group with similar grievances should expect promises of autonomy, economic equality, or potential independence that have been conceded to the SPLM/A. Such an uncompromising position makes clear that the conflict in Darfur, even more than the on-again, off-again war against the South which has raged since the Sudan’s independence, is even more threatening to the continuity of the regime. Unlike those the rebels represent in the southern provinces, the SLM/A and JEM are characteristic of a deep-seated discontent by Muslims across the remote regions of the north, both secular and Islamist (the very people on behalf of whom al Bashir and his elite security cabal claim to govern), with the corruption and poor governance exercised by the NCP. While the settlement with the South represents a very significant concession on the part of the regime, the CPA recognizably could not have nearly the injurious effect on their monopoly on political power as an analogous settlement with the Darfurian rebels which could catalyze increased calls for political reform from and sectarian violence by other northern outlying areas.\(^6\) Finally, al Bashir recognizes in Darfur a direct challenge to his regime on the national level in the form of the JEM. With its connections to the popular opposition al Turabi-led PCP, an obvious concern is that negotiation and settlement with this particular group of rebels will be seen as a political success for the ex-NIF leader, further undermining the NCP’s authority and internal legitimacy.

\(^6\) One such rebellion has already been renewed by the Beja people residing in the East of Sudan, clearly inspired by both the rebellion in Darfur and the international attention which it has received. There has been no evidence of NCP-backed militias operating against Beja rebels and violence has so far been limited. Most significantly, government forces killed at least 14 people during an anti-government demonstration in January 2005, but a rebellion on par with what is presently occurring in Darfur has yet to erupt.\(^a\) With the SPLM/A withdrawal of forces in January 2006 under the CPA, the Eastern Front rebels have been left to seek their own security and political arrangements with the NCP.\(^b\)


The third objective, then, is to fight the rebellion in Darfur by whatever means necessary without undermining the regime’s own political standing, ensuring continued regime control and relative national stability. The past twenty years have taught al Bashir that to maintain this critical balance it is far easier to fund the paramilitary activities of relatively weak and dispossessed clients who will accept a trusteeship mission on behalf of the regime in order to achieve their own ends than it is to negotiate with more powerful rebel groups with grievances directed solely at the regime itself. By eschewing negotiation and supporting local militias, the NCP has managed, until the Naivasha Accords with the SPLM/A, to avoid political power-sharing on the national level in all forms and subdue opposition by dominant regional parties and tribes by simply encouraging and funding the succession of new elites loyal to the regime. This approach to regional security and regime entrenchment allows the NCP to curtail serious threats to their political monopoly on power while addressing the more limited grievances of groups such as the janjaweed without being particularly dedicated to their mitigation. Indeed, with regard to the present conflict, although the acquisition of land and plunder appear to be number one on the militias’ agendas, such resource-based considerations do not enter into the regime’s calculations, and only then as an excuse for the increase of “lawlessness” by nomads in Darfur. Rather, the government’s indulgence of this agenda secondarily accomplishes its own objectives, the repression of the insurgency and the replacement of the rebellious population with one at least temporarily indebted to them ensuring their continued hold on power. This strategy has been incredibly successful in prolonging al Bashir’s stranglehold on political authority even when previous allies defect, as with the Rizeigat tribe in South Darfur, or must be temporarily marginalized, as with the past imprisonment of Musa Hilal and the announced domestic prosecutions of certain members of the Sudanese security establishment. The NCP has thus addressed and resolved one of the primary stumbling blocks associated with the resort to paramilitary use as national security strategy; the development of reciprocal and codependent relationships between the regime and its client militias. Those regimes which become too dependent on the power they have invested in a specific client are bound to fail along with the defeat of that client. Regimes such as the NCP, on the other hand, have recognized this pitfall and have found strategies around it: when faced with a defecting or soon-to-be-defeated client, they turn to another, and another, and another, thus becoming locked into a strategy of chronic paramilitarism. Recognizing that the regime does not have the ability to independently disarm
nor harness complete control of the janjaweed, the resort to the use of this group in particular is not seen by the NCP as a long-term strategy, but rather a temporal promotion of one potentially rebellious group over another until such a time comes when a new proxy must be armed preserving the delicate regional balance of power.

IV. When Intervention Becomes Necessary: Strategies for the International Community

*International Response or the Lack Thereof*

Initially termed by the United States government as a “genocide” and by the United Nations as “the world’s worst humanitarian crisis,” the UN Security Council first addressed this conflict in June 2004 with Resolution 1547 which called on the government and rebel groups to adhere to the N’Djamena Humanitarian Ceasefire Accord signed in Chad between the parties in April 2004 but primarily focused upon the developing peace agreement between the Sudanese Government and the SPLM/A.61 This was soon followed by a limited deployment of several hundred AU ceasefire monitors to the Darfur region in July accompanied by a new Security Council resolution which endorsed the deployment and invoked Chapter VII of the UN Charter, calling on Sudan to disarm the janjaweed and imposing a mandatory arms embargo on all non-state actors including the rebel groups, but not the regime itself, with no imposition of concrete consequences for lack of adherence by any of the parties.62 Resolution 1564 passed in September notes the failure of Sudan to adhere to the ceasefire and reign in the janjaweed and calls for the establishment of a commission of inquiry into human rights violations occurring on the ground in Darfur: the result being the report of the ICID. Furthermore, the resolution hints that sanctions involving Sudan’s petroleum sector may be considered if Sudan fails to comply. By contrast, Resolution 1574 passed in November 2004, only two months later, comments very little on the situation in Darfur and makes no mention of sanctions, instead praising the SPLM/A and the Government of Sudan for reaching a peace agreement.63,64 Unfortunately, this recognition of NCP movements towards reconciliation with the South with little focus on the continuing

conflict has only conveyed the impression that the international community is content with verbal condemnation of activities in Darfur rather than concrete action.⁶⁵

There was much hope that the research conducted by the ICID would be instrumental in providing the international community with direction as to effective intervention strategies in Darfur but the report itself, released in January 2005, was quite disappointing. Although it gave a rather fair characterization of the conflict in the region and identified numerous instances of both government and janjaweed atrocities committed throughout, the conclusions and recommendations of the report hinged on an attempt to clarify whether or not the violence could be characterized as genocide rather than proposing and advocating strategies which could lead to an effective, executable international response. Resolving that genocide had not been committed, the report argued that the political motivation of the NCP was to fight an insurgency and not to target a particular population or ethnic group, although admitting that this had occurred to a great extent. However, the commission’s report did condemn the human right violations occurring stating:

The conclusion that no genocidal policy has been pursued and implemented in Darfur by the Government authorities, directly or through the militias under their control, should not be taken in any way as detracting from the gravity of the crimes perpetrated in that region. International offences such as the crimes against humanity and war crimes that have been committed in Darfur may be no less serious and heinous than genocide.⁶⁶

Political squabbling over this term both prior and subsequent to the release of the report as well as the commission’s ineffectual recommendation that the case be referred to the ICC to prosecute those individuals (none were named in the report) who they held to be responsible for crimes against humanity and war crimes have resulted in further stagnation of international action rather than producing concrete results and solutions. Indeed, the Sudanese regime itself has refused to allow prosecutions to occur outside its jurisdiction (more recently outside its borders) claiming such an action would violate its sovereignty in that it is both willing and able to judicially

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⁶⁵ Further complicating matters, the SLM/A and the JEM rebels have taken international condemnation of Sudanese government actions and support of janjaweed in Darfur to imply support for their cause and political motivations. It appears that even the threat of international intervention in Darfur may have had the effect of hardening the positions of the rebels and the government rather than pushing the two parties toward a mutually acceptable solution. Alan Kuperman writes extensively on these issues focusing particularly on the response of rebel groups to proposed armed intervention. This “moral hazard of humanitarian intervention” lends a unique understanding to the conflict which will not be focused upon here. For further reading, see his article in the June 2005 issue of the Global Review of Ethnopolitics entitled “Suicidal Rebellions and the Moral Hazard of Humanitarian Intervention” or his op-ed piece in the Washington Post on 28 September 2004 entitled “Next Steps in Sudan.”

⁶⁶ International Commission of Inquiry on Darfur, 4.
manage the criminal aspect of the conflict. Although the American delegation to the UN initially opposed use of the ICC, lobbying instead for the creation of an ad-hoc tribunal along the lines of those presently active in the former Yugoslavia (ICTY) and Rwanda (ICTR), they finally accepted the principle of ICC jurisdiction over crimes committed in Darfur through Security Council Resolution 1593 passed March 31, 2005, which assures that no citizen of any country to be deployed to the Sudan in the future which is not a party to the Rome Statute could be subject to ICC prosecution.\(^{67}\) How prosecutions themselves will be carried out, however, with the NCP unwilling to surrender suspects to the international court, is another matter altogether.

This failure to act is further recognizable in several other recent resolutions on Sudan including 1590, passed in March 2005, which mandates the deployment of 10,000 UN peacekeepers for the South with no concrete steps for toward ending the violence in Darfur, stating namely that “there can be no military solution to the conflict in Darfur.” Furthermore, with no mention whatsoever of the janjaweed, the resolution asserts only that the rebels, along with the NCP, must “resume the Abuja talks rapidly without preconditions and negotiate in good faith to speedily reach agreement.”\(^{68}\) UN Security Council Resolution 1591, passed several days later, is focused almost entirely on Darfur but accomplishes little more than previous resolutions, noting the Sudanese government’s failure to reign in the janjaweed, strengthening the existing arms embargo, and calling on all parties to return to the negotiating table, but instead of imposing sanctions against the government of Sudan, choosing to freezing of assets of those individuals deemed responsible for the continued violence.\(^{69}\) This move has effectively taken the pressure off the NCP to reign in the janjaweed and rather puts the onus on the rebels to reach a settlement in line with the CPA reached with the South, which al Bashir has already made clear he has no intention of extending to the peripheral regions of the North. By taking both sanctions and increased armed intervention essentially entirely off the table, the Security Council seems to have accepted Khartoum’s line of argument that the regime must be not be threatened in order to

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\(^{67}\) This resolution could become highly significant in the development of international law and the legitimization of the ICC as it is the first time in its short history that the court has been given jurisdiction under Chapter VII of the UN Charter targeting a sovereign state. Such considerations however are dependent upon the ICC’s demonstration that it can be effective in bringing the agents of recalcitrant regimes to justice.


ensure an effective peace in the South and stability in the region. In part, the lack of international intervention is due to Russian and Chinese influence, both permanent members of the UN Security Council with veto power, which both have significant investments in the regime especially in terms of oil imports and exchanges in military hardware, both having sold the NCP advanced MiG fighters, attack helicopters, and tanks in the past year, many of which are being used today against rebels and civilians in Darfur.\(^70\) It would be foolish, however, to not also consider the reluctance of Western powers such as the United States, the United Kingdom, and France who have no more desire to be drawn into yet another long term peacekeeping mission with their forces engaged elsewhere whether in Iraq or the Côte d’Ivoire.

What is perhaps more shocking than the absolute lack of Western interest in intervening to halt the violence in Darfur is the silence from both the Arab and Islamic world in the form of the Arab League and the Organization of the Islamic Conference (OIC) which have the strongest ties to Sudan of any regional or transnational organizations. In fact, according to an OIC delegation sent to Darfur in June 2004, both international aid agencies and the “Western media” have totally “misrepresented” the conflict and have maintained, “The representation that holds the Sudanese authority responsible for mishandling the victims in the Region, describing the situation as the worst humanitarian crisis is far from the reality”.\(^71\) Writes Kamel Labidi for Parliamentary Brief in reference to both Saddam Hussien’s gassing of the Kurds of Northern Iraq and the present situation in Darfur, “Such atrocious campaigns of ethnic cleansing in Iraq at the end of the last century and in Sudan today would have prompted deafening official and popular protests in Arab capitals had the victims been Arabs and the perpetrators non-Arabs.”\(^72\) Despite the fact that every victim of this conflict has been Muslim, both organizations have refused to hold the NCP government accountable for its support of the janjaweed choosing Arab solidarity and status quo stability over promoting protection of co-religionists. Following Resolution 1593, both Libya and Egypt have proposed several mini-summits of Arab states to resolve the conflict “internally” but they have been consistently postponed for “logistical

\(^{70}\) “Murder by any name”, Africa Confidential 45, no. 23 (19 Nov. 2004): 6.


reasons”. The larger international community has failed to act, the AU has attempted to take its place as a responsible regional actor.

Although the AU has sponsored a number of ceasefire initiatives between the government and the two primary rebel groups based in Abuja, Nigeria, violations by both sides have been rampant. Furthermore, the NCP has failed to disarm the janjaweed effectively ignoring their commitments made at Abuja, namely, “The [Government of Sudan] undertakes to expeditiously implement its stated commitment to disarm the Janjaweed/armed militias, bearing in mind the relevant UN Security Council resolutions.” President al Bashir promised on June 19, 2004 to “disarm the Janjaweed” but rather than taking action to reign in government-sponsored militias, the Sudanese military instead took the opportunity to capture and imprison petty thieves and looters. Further appealing to the “defensive nature” of the janjaweed, the president has claimed that to disarm them would be “to subject them to annihilation” by rebel forces. Thus far, the NCP has also failed to disclose names of janjaweed commanders to either the UN Security Council or the AU observers to whom, according to both UN Security Council and AU Peace and Security Council resolutions, they are required to report.

The AU mission in Sudan (AMIS) has encountered numerous additional problems though, not only with regards to Sudanese (and rebel) respect of their mandate but with a critical lack of funding and adequate personnel to accomplish their monitoring mission. Despite a decision by the Peace and Security Council in October 2004 to increase the size of AMIS to “3,320 personnel including 2,341 military personnel, among them 450 observers, up to 815 civilian police personnel, as well as the appropriate civilian personnel,” less than half of this force had arrived and begun operations in Darfur by April 2005. Still the only armed monitoring force in the region, their numbers, now having reached a peak of around 6,000 soldiers, are still hardly adequate to patrol the vast and underdeveloped area. Furthermore,

74 Protocol between the Government of Sudan (GoS), The Sudan Liberation Movement/Army (SLM/A) and The Justice and Equality Movement (JEM) on the Enhancement of the SecuritySituation in Darfur in Accordance with the N’Djamena Agreement, Signed at Abuja, Nigeria on 9 November 2004, Witnessed by African Union: Agreements: Section 2(5).
with such a weak mandate, AMIS is authorized only to report on ceasefire violations and cannot intervene in active conflict, take combatants into custody, or use their weapons to defend anyone but themselves.\textsuperscript{78} Often cited as the first true test of the viability and cohesiveness of the African Union, the organization clearly does not have the resources to fulfill even their weak mandate without substantial international support especially from the Western powers. Limited financial aid has been promised by a number of countries but the developed world remains cautious about encouraging any armed intervention into which they may become entangled in the near future instead focusing most attention on humanitarian assistance to refugee and IDP populations.

\textit{Finding Workable Solutions}

In terms of those solutions which have been attempted and proposed, diplomatic censorship remains the least invasive and least challenging to norms of sovereignty, thus the route most often utilized by the international community. Naming and shaming of countries which have been responsible for reprehensible acts remains the preferred first approach of most powers wishing to demonstrate their displeasure with the choices of a government but not wanting to become immediately involved in any armed intervention. In terms of the conflict in Darfur, the past three and a half years of verbal condemnations from actors as powerful as the United States and the United Kingdom as well as recriminations by regional players such as Chad, Uganda, and Eritrea, not surprisingly, have produced no action on behalf of the Sudanese regime other than denial of responsibility for the actions of the janjaweed, claims of self defense against unjust rebellion and marauding opportunistic bandits, and perhaps a hastening of the pace of their military campaign against the rebels and “undesirable” civilian populations. Indeed, condemnations have been neither serious enough nor threatening enough to dissuade the Sudanese government from its continued sponsorship and incitement of violence in Darfur. Furthermore, having retained the solid recognition and backing of those countries in the Arab League and OIC who have the most diplomatic influence over Sudan, the NCP understands that it is likely to continue to receive their unqualified support so long as their campaign does not spill into other Muslim-ruled and dominated countries.

Logically, since diplomatic channels have failed to bring about a resolution of the conflict, more coercive measures must be employed. This means greater potential violations of

Sudanese “sovereignty”, greater intransigence on behalf of the Sudanese regime itself not wishing to lose any vestiges of political power to international influence or internal rivals, and less willingness of behalf of those countries who were at least willing to participate in verbal condemnations to become more involved and invested in the conflict. With this in mind, the imposition of sanctions has long been seen as a way to punish a country for its unacceptable behaviour by way of methods which do not fundamentally challenge the internal operations of the state but merely deprive it of a means to make war or profit from international commerce when engaged in such activities. Unfortunately as it has been demonstrated, the international community has hardly been willing to commit even to this limited measure. Not only have the previous penalties failed to directly punish the regime for its support of paramilitary activities in Darfur, but, in essence, have excused the NCP for its behaviour by only holding select, low-level functionaries responsible instead of the primary power holders such as President al Bashir. But even if sanctions were to be leveled against Sudan, it is questionable as to how effective they would be as the state itself is relatively economically destitute, receiving significant amounts of international aid while the wealth of the nation has been largely locked up by NCP elites and the regime’s alternate security networks. A recent boom in oil wealth as a result of the CPA in the south could provide the international community some element of leverage, but given the instability of oil supplies with the current chaos in Iraq and brinkmanship in Iran as well as the instability of the peace settlement in the south, this may not be the most viable instrument of coercion to ensure compliance with human rights norms.\footnote{Reuters, “Sudan peace lures investors to growing oil sector,” \textit{Reuters AlertNet}, 14 March 2006, \url{http://www.alertnet.org/thenews/newsdesk/L14652221.htm} (accessed 16 March 2006).}

Similarly, even as the ICC has been trumpeted as the best means for bringing those responsible for committing crimes against humanity and war crimes in Darfur to justice, these prosecutions, likely to be made in absentia, would accomplish nothing to end the violence on the ground. More importantly, the NCP denies that the ICC has any jurisdiction over Sudanese citizens. Regardless, those who have rushed to use Darfur as a test case for the ICC’s viability have ignored the realities of every previous use of international criminal tribunals. In every such case, whether the Nuremberg Trials of Nazi party functionaries following the Second World War or the ICTY and ICTR for trying war crimes suspects from the former Yugoslavia and Rwanda respectively, the establishment of a court and its resulting prosecutions have only been possible where the regime in power has either been militarily defeated or there has been a substantial
change in the target regime’s composition or agenda. Even in the cases of the milder Truth and Reconciliation Committees which were originally used in South Africa and now in various forms in Rwanda, Sierra Leone, and Peru were accompanied by either peaceful or forcefully induced regime change. By contrast, no such revolutionary events appear to be occurring in Darfur or Sudan for that matter and neither are those state proponents of international criminal prosecution encouraging them. Thus calls to use the ICC absent other means to ensure that those suspected of war crimes could actually be brought to trial are more than somewhat suspect and seem to signal less an interest in justice than in excusing the international community from concrete action in dealing with the conflict itself.

Of all the remedies which have been suggested thus far, the deployment of a large international peacekeeping or monitoring force with a strong mandate to prevent further violence seems to be the most viable option for both separating the parties in conflict and bringing about an eventual end to hostilities in the region. Unlike diplomatic censorship or sanctions, an international presence could actually hinder or prevent further violence by a regime thus far entirely unswayed by outside criticism and condemnation and open up an avenue by which those accused by the United Nations of committing war crimes could be extradited and brought to justice. Although an ideal solution, at least in the interim, it poses serious challenges to both Sudanese sovereignty and the authority of the NCP, neither of which President al Bashir is willing to accept. Indeed, the regime has been quite hostile to any prospect of international armed intervention with the present speaker of the Sudanese National Assembly, Ahmed Ibrahim al Tahir declaring in September 2004, “If Iraq opened for the West one gate of hell, we will open seven such gates. We will not surrender this country to anybody.”80 If Western countries in particular were already hesitant about the prospects of committing troops to a peacekeeping effort in a chaotic and seemingly unmanageable conflict, warnings such as these have made them even more skittish. This coupled with fears of world (Muslim) denunciation for western intervention in yet another Muslim country following Afghanistan and Iraq has made even the potential for a viable UN peacekeeping deployment a moot point. Repeating such fears, United Nations special envoy to Sudan declared in February 2006 that sending a proposed NATO force to Darfur would be “a recipe for disaster… People would really start a Jihad against it.”81 President al Bashir was hardly less inviting when he declared several days earlier, “We are

strongly opposed to any foreign intervention in Sudan and Darfur will be a graveyard for any foreign troops venturing to enter.’”82 While 10,000 UN peacekeepers have been deployed in the south of the country only after decades of violence, international attention, and substantial concessions by the NCP leadership which has recognized that to maintain its grip on the South would be more detrimental to its overall hold on power than to allow the SPLM/A to gain the autonomy and representation it demands, this has not materialized in Darfur. With the entire population of Darfur being Muslim, the SLM/A leading a popular secularist revolt based on economic and political considerations, and the JEM expressing more devout Islamist credentials than the NCP itself, the regime recognizes that to allow international military intervention would be to signal to the other restive regions of the North that they are weak and vulnerable to internal and external pressures.

The limited deployment of AU monitors in Darfur stand as a notable exception to the international community’s evasion of involvement in the conflict and signals that the Sudanese government may be willing to consent to some form of international accountability if only in an African context. Indeed, if this is the only means by which peacekeeping will be possible, those wealthy developed states which would otherwise have been expected to contribute troops to a UN mission should take it upon themselves to finance AMIS, as, aside from their small numbers, their lack of functional logistical equipment makes their monitoring mission all but impossible to achieve. The AU should also take it upon itself to accelerate its promised full deployment. Unfortunately, even if the AU were to maximize its deployment and developed nations were to assist with the financial burden, the 6,000 monitors currently on the ground are not likely to be able to effectively patrol a highly underdeveloped area larger than France particularly when the number of janjaweed involved in attacks on villages and IDP camps have been estimated to be in the hundreds. Nor is the Sudanese regime likely to be well-disposed to a more invasive mandate for AMIS which would grant it the authority to arrest and detain those who commit violence; rebel or janjaweed.

To assume that a large enough force could be deployed to Darfur which could stop the violence and perhaps even reverse the population replacement which has already occurred however, would only address this conflict in particular and would do little to end the NCP’s

systemic policy of paramilitary use to maintain power. Indeed, once monitors are eventually withdrawn, there would be little to prevent the regime from embarking again on its divide-and-rule strategies in its peripheral regions. There is even the concern, given that the NCP cares little about the specific grievances of the janjaweed or any of their predecessors, that if a larger deployment were allowed, AMIS could become a new client of sorts used to balance out both rebel aspirations and janjaweed frustration at abandonment by the regime. By absorbing the African Union into the conflict as an actor responsible for reigning in both rebel and janjaweed activities, the trend of chronic paramilitarism could persist, albeit in an altered fashion allowing the NCP to remain more securely in power than ever, now with international military support.

Therefore, what is most required in Darfur in particular and Sudan in general are strategies which will end the violence but also address the maladies of the NCP regime itself. While this thesis does not recommend the violent overthrow of the government by opposition groups nor invasion and forced regime change by an international “coalition of the willing” which would be neither practical nor salubrious for the cause of Sudanese unity, it does demonstrate that the behaviour of the regime with respect to paramilitary usage will never end without the end of the regime and an equitable acknowledgement of the many grievances borne by the diverse peoples and groups which populate the country. Thus a multifaceted approach is necessary which does address the conflict in Darfur with appropriate sanctions, African Union intervention, and eventual pressure for the regime to submit guilty parties to stand fair trial facilitated by international observers if not in the ICC at The Hague itself. This program must also include consistent and broad-based international pressure on the regime to re-democratize coupled with active support for at least the principle of political opposition parties which accords the regime no shade behind which they may conceal their incitement of internal violence or deferment of responsibility for those activities. As with their settlement in the South, by making the costs of holding political power so high as to overshadow its benefits, the NCP is likely to give into such pressure thus gradually weakening to the point at which they may be peacefully challenged by internal competitors. This means that the cooperation of not only the developed world, the permanent members of the Security Council, and neighboring African states is necessary but also of the Muslim states embodies in the Arab League and OIC. Breaking down the political “credibility” of the NCP on the world stage is not likely to be an easy process but it is certainly a necessary one. Such support should be easier to stomach for both these
organizations if the South does indeed secede as the reforms encouraged will be to the benefit of fellow Muslims rather than “enemy infidel” peoples.

If the Sudan is any telling example, regimes which slip into a strategy of chronic paramilitarism are largely irredeemable, having stripped and looted the foundations of effective and accountable government in order to ensure the singular dominance of the regime. Therefore, considerable international assistance will be needed in order to rebuilding state capacity even while violent conflict on the ground is being monitored and constrained by external observer forces. Although this requires a hugely significant investment of international attention and resources, neglecting to do so comes at the cost of continued violence and a high potential for state collapse should the regime in power fail to maintain a balance between competing parties. If the world community truly does value the existence of stable state structures in the developing world, it must therefore be willing to address states with degenerative military strategies like chronic paramilitarism or risk their demise and the chaos they leave in their wake.
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