

Review of Gerard Prunier, *Darfur: The Ambiguous Genocide*, Hurst and Co.

By Alex de Waal

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Alex de Waal is a fellow of the Global Equity Initiative at Harvard University, and programme director at the Social Science Research Council in New York. He is the author of *Famine that Kills: Darfur, Sudan* (revised edition, Oxford University Press 2005) and, jointly with Julie Flint, of *Darfur: A Short History of a Long War* (forthcoming, Zed Press, September 2005).

Ahmat Acyl Aghbash is known to few, and then mostly for his grisly end—he stepped backwards into the spinning propellers of his Cessna aeroplane in 1982. His last words can only be guessed. His legacy is the Janjawiid militia, now infamous for genocidal atrocity in Darfur.

The plane was a gift from Libya's Colonel Muammar Gaddafi and for ten years Ahmat Acyl was both a commander in Libya's multinational pan-Sahelian 'Islamic Legion' and leader of a Chadian Arab militia known as the Volcano Brigade. Today, Acyl's fighters from the Salamat of south-central Chad and the Sudanese intermediaries who smuggled their weapons can stake a good claim to be the original Janjawiid. Acyl's name crops up in most histories of the long-running wars between Libya, Chad and Sudan. His supplier's name doesn't. It was Sheikh Hilal Mohamed Abdalla, whose Um Jalul clan's yearly migration routes took them from the pastures on the edge of the Libyan desert in northern Darfur to the upper reaches of the Salamat River where it crosses from Sudan into Chad. Renowned for their traditionalism, vast herds of camels and the huge reach of their semi-nomadism, the Um Jalul were a logical intermediary for Libya's gun-running. Their encounter with the Salamat militia, first social, then commercial (the Jalul sold camels) and finally military, forged the Janjawiid, which is now headed by the Sheikh's younger son Musa Hilal.

Acyl's gifts to Darfur also included an Arab supremacist ideology which holds that the lineal descents of the Prophet Mohamed and his Qoreish tribe are entitled to rule Muslim lands. Specifically, the Juhayna Arabs, a group that includes both Salamat and Um Jalul, should control the territories from the Nile to Lake Chad. Darfur, an independent sultanate until just eighty years ago, lies in the centre of this land, its massif providing both the most fertile land and the headwaters of the Salamat river. The Qoreishi ideology, mobilized through a shadowy group known as the 'Arab Alliance' or 'Arab Gathering' motivates some of those involved in the vicious war to control this land. Understanding the hideous violence in Darfur demands an understanding of complex local histories that is possessed by few Sudanese and fewer foreigners. Generally relegated to a footnote of Sudanese history, as Gerard Prunier explains, Darfur warrants its own political ethnography.

Darfur's is an ambiguous genocide indeed. The crudity of its violence belies fine-grained particularities of motive that only make sense within the unique history of Darfur and its neighbours. There is no centralized blueprint for racial annihilation, but rather a shading of different agendas and opportunistic alliances. The pivot of these is the Um Jalul, and its aspiring leaders' links with Chad, Libya and—more recently—Khartoum. The Um Jalul are a clan of the Mahamid, who are in turn a section of the Abbala ('camel-herding') Rizeigat of Northern Darfur and Chad. Their Bedouin roots can be traced back five centuries at least, when their patrilineal Juhayna ancestors crossed the Libyan desert, entering Darfur from the north-west. Juhayna Arabs were already present in Darfur when the Fur Sultanate emerged in

the early 17th century and were part of its bilingual Arab-Fur identity from the outset. In the mid-18th century, the Sultan granted the Baggara ('cattle-herding') Rizeigat jurisdiction over a huge area of land south-east of the Sultanate's heartlands. Known as 'hawakir' (sing.: hakura), such grants are the basis of Darfur's land tenure today, and who controls them is the subject of bitter political struggle. The Baggara's northern cousins, more mobile and living in the more densely-administered northern lands, were less fortunate. Until today, many Abbala Rizeigat ascribe their role in the current conflict to the fact that they weren't allocated a hakura a quarter of a millennium ago.

Others also didn't receive hawakir. After annexing Darfur on 1 January 1917—almost the last territory to be added to the Empire—British colonial officials began tidying up the splendid confusion of Darfur's ethnic geography. Another Northern Darfur Arab group, the Beni Halba, were collected in one district, which was then allocated to them in a latter-day hakura. The Abbala Rizeigat had their eyes on a territory that forms a 'U' shape north of the mountainous centre of the region. But the leading families of the two main sections—Mahamid (including Um Jalul) and Mahariya—couldn't agree on who should be paramount chief, or nazir. Since 1925 there have been at least six attempts at unifying the different sections. None has succeeded. One stratagem used by the rival sheikhs to increase their chances was to enlarge their numbers by attracting followers from Chad. The Um Jalul had an advantage here: there are more Mahamid than Mahariya clans in Chad, and in the 1970s they were armed by Libya and organized by Ahmat Acyl, the warlord who began to enmesh Darfur in Chad's racial war.

As we turn political ethno-political lens, we find that the contours of Janjawiid mobilization correspond to the political fractures within the Abbala Rizeigat. Heads of Mahamid lineages have key positions while most leading Mahariya families are uninvolved. A third section, the Ereigat, also plays a different but equally critical role. Historically impoverished and marginal, Ereigat men found employment at the colonial police stables. Living adjacent to towns, their sons obtained an education and joined the police and army. One of these boys, Abdalla Safi el Nur, rose to become an airforce general and was Governor of Northern Darfur at the time when the Janjawiid coalesced from a tribal militia tolerated by the government into becoming a proxy for military intelligence. Another became an army general and, now retired, heads the parliamentary defence committee. Meanwhile, the Baggara Rizeigat—far more numerous and powerful—are themselves divided. Several are leading lights in the Arab Gathering. But the paramount chief, Nazir Saeed Madibbu, is trying to steer a neutral course through Darfur's mayhem, hoping to negotiate peace and clear his tribe's name.

Historians of mass atrocity will be unsurprised to learn that much of the dynamic of escalation can be attributed to extremely local power-struggles, and that even at the lowest levels of ethnic aggregation, such as the sub-sections of the Rizeigat (themselves one of a half dozen large Arab tribes in Darfur), extreme violence is the choice of a minority. Such is the poor state of basic documentation of Darfur that these basic facts have not been detailed. That is still the case. Prunier's account makes not a single mention of Ahmat Acyl, Hilal Abdalla or his son, the Qoreish and its manifesto, or indeed the Abbala Rizeigat and the Um Jalul, though all are essential to understanding Darfur's descent into war and atrocity.

The Darfur rebels' history is equally important and also little documented. They spring from convergent resistance movements based among Darfur's three largest non-Arab groups, the Fur, Zaghawa and Masalit. Multiple versions exist of the origins of the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM), not least among the members of

the two groups themselves. All concur that the SLA has sympathies with the Southern Sudan-based Sudan People's Liberation Army (SPLA), and took both arms and advice from the latter in 2003, but that it emerged two years earlier from an alliance of Fur militiamen and Zaghawa desert fighters, independently of the SPLA. Until 2003—when SPLA members assisted in writing the SLA manifesto—the main SPLA role had been training Masalit volunteers who crossed Sudan's eastern border to its camps in Eritrea. (Denied economic opportunities at home, many Masalit have migrated across the entire breadth of Sudan looking for work.) A couple of battalions of these Darfurians were then transferred to Southern Sudan, from where they planned to return home to bolster local self-defence units. Thwarted by the government, many deserted and went back home in 2001. The SPLA then lost interest in Darfur, while the local rebellion quietly gathered force. After reconnecting in January 2003, leader John Garang and Darfur's guerrillas have with regarded each other with ambivalence. The SLA could indeed become part of a grand alliance of Sudan's marginalized peoples and thereby a springboard for Garang to take power on behalf of an 'African' majority. But Darfurian leaders are fearful that they will be manipulated, and with good cause. The SLA was catapulted to prominence before it could develop internal political institutions, so that it is an amalgam of village militia and rural intellectuals marshaled by indigenous warrior tradition and the discipline of former army NCOs. The Fur and Zaghawa wings have often disagreed and even on one occasion fought each other.

The origins of JEM are even more controversial. The leadership is drawn from the ranks of Darfurian Islamists and they widely believed to have received funds from Islamists abroad. In contrast to the amateur public relations machinery of the SLA, JEM runs a sophisticated political bureau. JEM's roots lie in the fragmentation of Sudan's Islamist movement in the late 1990s, as the twin dreams of national development as an Islamic state and the emancipation of all Muslims as equal citizens, regardless of colour, disintegrated into internal squabbling. The implosion of the Islamic project was clear when, in December 1999, President Omar al Bashir dismissed the government's eminence grise Hassan al Turabi, sheikh of the Sudanese Islamists, and later put him in gaol. Darfur's Islamist leaders were already disaffected. Handicapped by the latent Arabist racism of the leadership, which hails almost entirely from Khartoum and the middle Nile Valley, few Darfurians had risen to the top ranks of the government or the civil service. A clandestinely-published 'Black Book' documented the racial and regional domination of the Sudanese state.

There are many conspiracy theories concerning the origins of the SLA and JEM, but Prunier's account—that the Darfur rebellion emerged as a direct consequence of a memorandum of understanding between John Garang and Turabi in 2001—is among the unlikeliest. Putting forward such a claim requires strong supporting documentation, of which Prunier provides none.

The critique in the Black Book was aimed, in fact, at Turabi as well as Bashir. Following the 1999 split and Turabi's imprisonment Bashir and his lieutenant Ali Osman Taha relied more and more on their own kinsmen, security officers and Islamist cadres drawn from precisely the same Nile Valley tribes fingered in the Black Book. Alarmed at its haemorrhage of support in Darfur, Khartoum's security cabal turned to one of the few senior military figures from Darfur, Gen. Abdalla Safi el Nur, who responded by putting his kinsmen into key local security posts. The alliance between Khartoum and the Saharan Bedouins is one of convenience. Accustomed to seeing Sudan through an 'Arab-African' lens, many observers have missed the fact that the riverine Arabism of Bashir and Taha, coloured by the Islamic movement's orientation to Arab civilization, is a far cry from the Qoreishi beliefs of Acyl's

Bedouin acolytes. Khartoum's ruling elites regard the Darfur Arabs as no less backward than their non-Arab neighbours. True adherents of the Qoreish ideology reciprocate by dismissing the riverine tribes as half-caste 'Arabized Nubians.'

Lacking local knowledge about what is actually driving the Darfur conflict, many have given it their own spin. The debate over the label 'genocide' is an example of high-velocity spinning. Both diagnosis of 'genocide' and the question of what to do about it are fraught with ambiguity.

One approach was followed by the U.S. government. Following a Congressional resolution in May 2004, the State Department dispatched a team of investigators to refugee camps in Chad to ascertain whether the Sudan Government was committing genocide. On 9 September, Secretary of State Colin Powell reported, 'genocide has been committed in Darfur and that the government of Sudan and the Jingaweit bear responsibility—and genocide may still be occurring.'

A determination of genocide should demonstrate both that a crime is committed that fits the definition in the 1948 Genocide Convention (*actus reus*) and also specific intent on the part of the perpetrator (*mens rea*) 'to destroy, in whole or part, a national, ethnical, racial or religious group.' Powell had good evidence for a pattern of atrocities that looked like genocide. He had no proof of intent. But to equivocate—as his predecessor Madeleine Albright had done over Rwanda a decade earlier—risked being pilloried. State Department lawyers were encouraged by the reasoning of the International Criminal Tribunal for Rwanda. Faced with the problem of proving genocidal intentions when the accused denied them, the tribunal's judges ruled that it was legitimate to infer intent from the 'general context' of extreme violence directed against a group. Another good reason for making this inference, it is almost impossible to reach a conclusion about genocide while it is actually occurring, which would mean that the Genocide Convention would only be good for prosecutions after the fact. Powell's phrasing was, however, curiously passive. He did not say that Khartoum's leaders and their militia were genocidal criminals. And in the next breath he said that U.S. policy would not change.

A different approach to determining genocide was adopted by the International Commission of Inquiry into Darfur, set up by the UN Security Council, which reported in January 2005. The ICID detailed the same pattern of abuses as in the State Department report. 'However,' it continued,

the crucial intent of genocidal intent appears to be missing, at least as far as the central Government authorities are concerned. Generally speaking the policy of attacking, killing and forcibly displacing members of some tribes does not evince a specific intent to annihilate, in whole or in part, a group . . . Rather it would seem that those who planned and organized attacks on villages pursued the intent to drive the victims from their homes, primarily for the purposes of counter-insurgency warfare.<sup>1</sup>

In short, the killings in Darfur looked like genocide but were actually a byproduct of defeating the rebellion. The Commissioners, all of them veteran independent human rights specialists, had shied away from the fence that the Americans had so readily jumped. But Khartoum—despite trumpeting the 'no genocide' finding—could take no solace from a report that found that 'the crimes against humanity and war crimes that have been committed in Darfur may be no less serious and heinous than genocide,' and which noted that individuals—including government officials—may have possessed genocidal intent. And

unlike Powell, the ICID recommended a specific course of action, namely referral to the International Criminal Court. In March, the U.S. swallowed its longstanding opposition to the ICC, and allowed the Security Council to refer the Darfur case to The Hague. The ICC is currently examining a sealed list of 51 individuals identified by the ICID. Although indictments are many months away, the prospect of extradition to face prosecution in The Hague has prompted a shiver of fear among Khartoum's security chiefs. The blades are whirring just behind them.

The ICID determination is based on a higher standard of proof than the State Department's. It is open to interesting and important legal dispute. Much hinges on primary purpose and double effect. On the one hand it can be argued that genocide is a predictable corollary of counter-insurgency conducted in a certain manner. And that the previous two decades of warfare in Sudan exemplify this. All modern genocides, it may be noted, occur during war. On the other hand, the 1948 Convention is precise in what constitutes intent, and legal work needs to be done if that is to be broadened to include genocidal outcomes as a secondary impact of other aims. Moreover, if the purpose of the determination is to prosecute individuals for known crimes, then beginning with a charge of genocide is surely fruitless: the case is better made by building up from multiple instances of mass murder and group-directed war crimes and then deducing that these cumulatively amount to genocide. Both empirically and legally, the ICID has taken a serious and thoughtful position, which will be scrutinized and contested.

Prunier gives a sketch of the debate over genocide, opening by characterizing the ICID report as part of 'a coordinated show of egregious disingenuousness.' 'The semantic play,' he writes, 'ended up being an evasion of reality. The notion that this was probably not a "genocide" in the most strict sense of the world seemed to satisfy the Commission that things were not too serious after all.' Given the title of the book and Prunier's previous work on the Rwanda genocide this is a disappointingly inadequate conclusion.

After the question of genocide, the most controversial issue in Darfur is the death rate. The question of how many people have died in Darfur is important but desktop demography is hazardous when the methods of data collection are varied and have not been fully scrutinized. Prunier is not alone in hinging strong claims on the fact that in one survey of refugees, 61% said that they had seen a 'family member' killed. As a general index of horror this is a compelling statistic. But it is impossible to make any numerical inference until one knows what the investigators meant by 'family'. Demographers distinguish the household (usually defined as those who eat together daily, and usually used as the unit of enumeration) from the family, which commonly stretches far wider than those five or six individuals. Until there is a thorough population-based survey of mortality in Darfur, all estimates for deaths from violence, disease and hunger will remain conjecture.

Prunier has some good sources but often treats them casually. In his catalogue of international neglect of the conflict, for instance he says that Justice Africa failed to mention Darfur in its October 2003 briefing (p. 126). There were in fact four paragraphs that month on Darfur, which had been covered in every issue since March including a warning on 27 May that the strategy of 'arming local militia' would, if followed, 'run the risk of creating a vicious internecine war targeting civilians.'

*Darfur: The Ambiguous Genocide* provides a competent sketch of the history of Darfur and the position of the conflict within the politics of Sudan and the region. The account is

valuable in locating Darfur within the politics of the central Sahara and the long-running three-cornered wars between Libya, Chad and Sudan. Prunier correctly describes pre-colonial Darfur as an 'ethnic mosaic' rather than a region with a binary polarized 'Arab'-'African' identity divide and notes the ambiguity of the term 'Arab' (though he doesn't explore the varieties of Arabism). He makes useful points on the politics of the Umma Party, the main party in the ruling coalition toppled by the current government, and the Darfur Development Front in the 1960s and 1980s and on Libyan-Sudanese relations in the 1970s and 1980s. Errors and omissions are inevitable in any analytical narrative of Darfur: the chief difficulty of this book is that the author omits entirely the central protagonists.

International efforts to find a solution to Darfur's agony are now in the hands of the African Union. Prunier dismisses this as 'the politically correct way of saying "We do not really care".' But American, British and other international support to the Kenyan-headed North-South peace process, followed a similar formula of ad hoc multilateralism, and did bring an end to twenty years of comparably vicious war. Darfur's peace process is in some respects more challenging. There is no cohesive leadership on either side and the political issues that divide the belligerents have yet to be thrashed out—the agenda for negotiations is itself a matter of acrimony. Meanwhile, the best hopes for a settlement may come from connecting external peacemaking to internal initiatives. Darfur's own provincial aristocrats, the paramount chiefs—including the ruling Arab families—are seeking an exit from their predicament, one that restores a conservative social order and salvages their tribes' reputation. If the Janjawiid are to be politically decapitated, it may be through the efforts of these hardened old tribal chiefs, arguing that for the government and its allies to submit to their mediation is a better option than extradition to The Hague and a cell in a Dutch basement.

## **Endnotes**

<sup>1</sup> Report of the International Commission of Inquiry on Darfur to the United Nations Secretary General, Pursuant to Security Council Resolution 1564 of 18 September 2004, Geneva, 25 January 2005, p. 4.