

The Path Of Least Resistance: The Failure Of Humanitarianism And American Foreign Policy In Sudan

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THE PATH OF LEAST RESISTANCE: THE FAILURE OF HUMANITARIANISM AND
AMERICAN FOREIGN POLICY IN SUDAN

by

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A thesis submitted in partial fulfillment of the requirements
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ABSTRACT

This thesis examines America's response to civil war, dispossession, and humanitarian disaster in Sudan from the end of the Cold War up until the second Darfur uprising. While the number of scholarly works examining the overall conflict and humanitarian crisis are immense, less has been written in regard to America's foreign policy in Sudan. The contemporary nature of the crisis and dearth of historical analysis does make establishing trends difficult; but recent works suggest a U.S. policy that is ill informed and therefore ineffectual in halting both the conflict and crisis in Sudan. However, contrary to this opinion, the evidence may demonstrate that United States policy, rather than a series of misjudgments or being simply ineffectual, has been more systematic, informed and purposeful. This thesis argues that while the United States wished for peace in Sudan, the historical evidence suggests that the path taken by the United States knowingly prolonged the suffering of millions of Sudanese. Furthermore, American policy makers have entrusted peace in Darfur and in other disparate regions of Sudan, as well as along the newly formed borders with South Sudan, to the National Congress Party (NCP) a regime Congress has labeled untrustworthy and despotic.

The bulk of the research used in this examination covered the period from 1989- 2008. However, the independence achieved by the Republic of South Sudan in the summer of 2011 is taken into account in the final analysis of the thesis. The secondary sources both cited and considered for the thesis were substantial; these included academic articles, studies, and texts published over several decades in several related fields of study germane to the thesis topic. While a wide range of primary sources were used, the thesis relied heavily on United States Congressional records from 1989-2008 for analysis.

I dedicate this thesis to my son Noah. May he be a harbinger of peace.

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LIST OF ABBREVIATIONS

| | |
|--------|---|
| AMIS | African Mission in Sudan |
| AU | African Union |
| CPA | Comprehensive Peace Agreement |
| DUP | Democratic Unionist party |
| GNU | Government of National Unity |
| GOS | Government of Sudan |
| GoSS | Government of South Sudan |
| ICC | International Criminal Court |
| ICG | International Crisis Group |
| IGAD | The Intergovernmental Authority for Development |
| JEM | Justice and Equality Movement |
| NCP | National Congress Party |
| NDA | National Democratic Alliance |
| NIF | National Islamic Front |
| OLS | Operation Lifeline Sudan |
| PCP | People's Congress Party |
| SAF | Sudan Armed Forces |
| SLA/M | Sudan Liberation Movement/Army |
| SPLA/M | Sudan People's Liberation Movement/Army |
| UN | United Nations |
| UNAMID | African/United Nations Hybrid operation in Darfur |
| UNMIS | United Nations Mission in Sudan |

UNHCR

United Nations High Commission for Refugees

UNSC

United Nations Security Council

CHAPTER ONE: AMERICA'S RESPONSE TO THE CONFLICT AND REFUGEE CRISIS IN SUDAN

Sudan's Civil War, which began in 1956, has been perhaps the world's most pressing geopolitical dilemma. Prior to the new millennium, the conflict and the humanitarian crisis were only intermittingly halted by a respite of ten years brought about by the Addis Ababa peace agreement in 1972. The conflict then renewed with horrific intensity in 1983. Since then over two million people have died.¹ Further, millions have been forced to flee their homes. On the surface the conflict involved rebels from the South fighting against various hegemonic Sudanese governments operating from Khartoum, which then expanded in 2002-2003 to the Western region of Darfur, threatening the supposed peace process (for those who put any stock in it) that had been underway between the Sudanese government and the Southern rebels. The peace process began the previous year and was to lead to the historic Comprehensive Peace Agreement (CPA) which was finalized in 2005. An important piece to the CPA was the 2011 referendum to decide whether the South would remain part of a united Sudan or separate.

The South, choosing the latter path, formed the newly independent Republic of South Sudan on July 9, 2011. While this momentous event has given much reason for encouragement, many of the fundamental issues that plagued the two disparate regions, now two separate nations, remain unresolved. Dispossession and humanitarian disaster, both directly tied to the policies of the Sudanese government, continue to plague Sudan and South Sudan. In January, 2011, there were still an estimated 4.3 million Internally Displaced Persons* (IDPs) in Sudan. While many of these unfortunate persons presently languish within the borders of Sudan or South Sudan,

* The Internal Displacement Monitoring Center estimated as of January 2011 that there were still 5 million internally displaced persons in Sudan. The UNHCR uses a lower figure of 4.3 million. (Both these figures include the region of southern Sudan that currently is the Republic of South Sudan.)

millions more continue to suffer outside the borders of their homeland as refugees.

Additionally, in May, 2011, only months before the 2011 referendum, Northern forces seized the contested strategic oil-rich region of Abyei. The Seizure of Abyei, which was labeled by Southerners as an “act of war,”² has led to violent clashes and thousands fleeing Abyei after the July independence of South Sudan.

The crisis in Sudan has long been the topic of considerable scholarly interest. There have been countless scholarly works that point to the government in Khartoum as the cause for the inherent inequities in the Sudanese State as well as the impetus behind the history of conflict and dispossession. While the number of scholarly works examining the overall conflict and humanitarian crisis are immense, less has been written in regard to America’s foreign policy in Sudan. Contemporary scholars, including Peter W. Klein, author of “Tea and Sympathy: The United States and the Sudan Civil War, 1985-2005,” reasoned that while U.S. policy may be misguided at times and ineffectual, “the U.S. goal remains ending the war.”³ However, contrary to this opinion, evidence may demonstrate that United States policy, rather than a series of misjudgments or being ineffectual, has been more systematic, informed and purposeful.

This thesis argues that while the United States wished for peace in Sudan, historical evidence suggests that the path taken by the United States knowingly prolonged the suffering of millions of Sudanese. Furthermore, American policy makers have entrusted peace in Darfur and in other disparate regions of Sudan, as well as along the newly formed borders with South Sudan, to the National Congress Party (NCP) a regime Congress has labeled untrustworthy and despotic. Under successive regimes, beginning in the late 1980s up until the latter half of the last decade the United States has systematically supported policy in Sudan that it knew would not end the crisis or suffering there. While each American administration had varying global concerns, all

had in common the view that the crisis in Sudan was not geopolitically important enough to warrant significant American resources. Additionally, post-9/11, under George W. Bush, America geared its policy toward the war on terror further deemphasizing the crisis in Sudan; this path has led to a relative détente with the NCP and a significant decrease in the number of asylum cases accepted into the United States from Africa.

Although the crisis in Sudan was marginalized by policy makers, it did receive attention. Foremost among American initiatives were the Comprehensive Peace Agreement and humanitarianism. Both of these initiatives required the good faith of the government in Khartoum. American efforts also included sanctions which have had little effect on the crisis. The United States for more than two decades was fully informed by its own members of Congress, a host of scholarly experts, and personnel on the ground that Khartoum continued to manipulate both Humanitarian efforts and the peace process in order to continue its hegemonic practices in Sudan. Additionally, the most recent trend in the scholarly work, a view also expressed in Congress, questions the very nature of humanitarianism, suggesting humanitarian efforts are politically expedient but do little to address root causes of conflict.

While the 2005 CPA officially ended Sudan's civil war, violence, displacement, and the suffering of thousands has continued almost unabated. In fact, the second outbreak of violence in Darfur in 2006 (labeled genocide by Colin Powell and the UN) seemed to bring the level of violence to new heights and make a mockery of Khartoum's promises as well as the principles lauded in the CPA. While the CPA provided language for power sharing, elections, and wealth sharing between North and South, the United States did little in terms of resources and in personnel to ensure for the security and integrity of these arrangements.

In the years leading up to the South's independence, fundamental to the CPA succeeding was the cooperation of the government in Khartoum. However, the historical record clearly demonstrates that the National Congress Party consistently violated the major stipulations of the CPA. Additionally, and significant to this thesis, is that the evidence shows the United States was not taken unaware by the National Congress Party's treachery but expected it. Although the United States' support of the CPA—and its 2011 referendum—has led most recently to the South's independence, the wait has come at a terrible cost as hundreds of thousands have died or been displaced since 2005.

The independence of the South should be celebrated on some level; it is questionable if North and South could co-exist in wake of their history. However, issues with U.S. policy and the inherent nature of politics in the North still raise serious doubts about future peace in the region. Foremost of these issues are that the CPA simplified the crisis and severely weakened the integrity of future peace by reducing the signatories of the CPA to the National Congress Party and the Sudanese People's Liberation Movement (SPLM). Sudan's tragic history is perhaps most deeply connected to the lack of voice afforded the disparate groups in Sudan. The newly formed South Sudan's government is dominated by the SPLM. Challenges to the Dinka-controlled SPLM in the South have historic roots tied to the civil war and will continue to present difficulties for the new nation. In August, 2011 a report indicated both random banditry and the SPLA killing of 200 innocent civilians in the Unity State (Bentiu) in South Sudan.⁴ At stake is 90 percent of South Sudan's oil production and perhaps more importantly the viability of a State formed from the limited CPA. However, more troubling is that the CPA and America's present policy have not altered, but have encouraged the National Congress Party's hegemonic practices in Sudan and its belligerent policies toward key strategic border regions with South

Sudan. In addition to violence along the border with South Sudan, violence has recently flared up in the Nuba Mountains and the Blue Nile Region. The people of these two regions, left out of the referendum that resulted in the South's independence, fear that they will once again be targeted by Khartoum for extinction. In May, 2011 President al Bashir commented, "We will force them [the people of the Juba Mts.] back into the mountains."⁵ Why then would the United States pursue a path (absent the good faith of Khartoum) that had so little chance of success and is prolonging the crisis?

While it seems an obvious supposition for a historian to start with, what motivates a nation to act is often confused with the rhetoric that accompanies its stated policy. American policy has not always been a success in terms of its stated goal in Sudan, i.e. ending the crisis. However, the path taken in Sudan allowed the United States to devote the bulk of its resources, diplomatic, military, and monetary to regions of the world it deemed more strategically important than Sudan. In this regard America's overall foreign policy –which aimed to keep the crisis in Sudan on the periphery, was consistent and successful.

This thesis covers the period from the late 1980s up until 2008,[†] which began the dawn of the post-Cold War era and saw three different U.S. administrations. During this time the crisis in Sudan had become under the National Islamic Front (NIF),[‡] which seized power in a 1989 coup, an even more appalling tragedy as the NIF moved toward a total war "win at all costs" agenda. Throughout this period, several factors including American ascendancy at the end of the Cold War, gave the United States the unfettered ability to act diplomatically, even militarily

[†] While the bulk of the research for this thesis was done prior to the 2011 independence of South Sudan and covers in detail the events up until the second uprising in Darfur, the writer has incorporated the current reality of the South's independence into the text.

[‡] The NIF officially became known as the National Congress Party (NCP) in 1998.

throughout the world. Although the United States used this latitude to aggressively pursue foreign policy in areas or matters it deemed strategically important, its policy toward the crisis in Sudan was to remain detached. Again, while on the surface it alleged to pursue peace in Sudan, the United States had little faith in either the peace process or humanitarianism. However, these policies did allow America to maximize and channel its resources more strategically. The United States ironically, but consistent with this view, took forceful or proactive measures in Sudan, but not to end the Sudanese crisis. For example, the American 1998 missile attack on a pharmaceutical plant in Khartoum was in response to its alleged connection to Osama bin Laden and the production of chemical weapons. While the American attack was often couched in language by the Clinton administration highlighting the NIF's poor human rights record, it did nothing to mitigate the consequences of the war or humanitarian crisis. The threat of terrorism post-9/11 also compelled the Bush White House to intensify its diplomatic activity in Khartoum. While the Bush administration used strong language to imply that the level of interest in Sudan was also intended to rein in the Government of Sudan (GOS) and bring a halt to the war and humanitarian crisis, the evidence suggests otherwise. This thesis asserts that the post-9/11 relationship with the NCP—begun under the George W. Bush administration—has been damaging to the long term stability of Sudan, now the Republic of Sudan and the Republic of South Sudan. First, the relative détente between the United States and the NCP, although possibly allowing the U.S. to acquire useful counter-terrorism intelligence, has not compelled the NCP to change its hegemonic practices and has in effect legitimized this rogue regime. Additionally, in the one area American humanitarian efforts might make a positive change - asylum grants- numbers fell to an all-time low under President George W. Bush.

Analyzing the American response to the Sudanese crisis requires a deeper investigation of the catastrophic displacement crisis in Sudan. Again, the number of scholarly works investigating displacement and the subsequent humanitarian disaster in Sudan are immense. Although these works do have a varied focus, namely economics, slavery, and state construction, all directly connect displacement with the policies of the government in Khartoum. The inexorable link between the conflict and displacement crisis as well as the humanitarian disaster in Sudan, has dictated U.S. policy, and scholars take both into account. Once more, United States policy makers were not ill informed of this connection. A substantial number of respected scholars have sat on Congressional committees, most notably John Prendergast and Roger Winter, and many more have testified before Congress detailing this relationship.

Of the millions displaced in Sudan, most of these unfortunate individuals never reached a safe haven or refuge within Sudan or even across its border. By 2007, the conflict in Darfur had killed 200,000- 400,000 people, an estimated 75% were the sad result of displacement, malnutrition, disease, and starvation.⁶ Of those displaced in Sudan fortunate enough to survive, their prospects for asylum was slight at best. By 2007, it was estimated that half of all the world's refugees lived in camps in protracted situations.⁷ Additionally, reflecting a worldwide trend of those displaced within Sudan, over 5 million were considered internally displaced persons (IDPs) and were not afforded the same protections as refugees. By definition, a displaced person has to cross an international border to receive the protections of the UN Mandate. The death rate of internally displaced persons is sixty times that of non-displaced persons in the same country.⁸

The proliferation of IDPs in Sudan began with the resumption of conflict in 1983 and continued into the 1990's after the end of the Cold War. The decade of the 1990s coincided with

a worldwide upsurge in both civil strife and community based conflicts around the world, as well as an overall rise in the number of IDPs. Sudan's crisis has mirrored this trend. Many scholars and policy makers have argued America's global ascendancy, Post-Cold War has opened up new opportunities for the United States to intervene more aggressively in nations like the Sudan in which millions suffer at the hands of their own despotic governments. However, while this theory has held true in a few instances, America, despite the suffering of millions in Sudan and the known transgressions of the Sudanese government, did not choose to intervene more forcefully in an attempt to mitigate the crisis. Instead, the overwhelming trend internationally, a paradigm shift evident in America's dealings with the Sudanese crisis, has been for Western nations to deal with crisis and conflict in the Third World through humanitarian endeavors. Consequently the scholarly fields of humanitarianism and refugee studies are relevant to this particular study. The literature (and legal framework) on the humanitarian response to the refugee problem followed the devastation and refugee crisis after World War II.

Louise W. Holborn's seminal work, *Refugees: A Problem of Our Time. The Work of the United Nations High Commissioner for Refugees, 1951 -1972* essentially developed a standard that all others have since followed. Holborn, in an expansive two-volume text establishes the inherently political nature that sits at the root of the UN mandate. The United Nations High Commissioner for Refugees (UNHCR) must appeal to state actors for funds to satisfy the often contradictory roles of protecting refugees while still satisfying the unique political whims of donor nations. Additionally, the mandate was created to deal with the refugee crisis that afflicted post-World War Two Europe. Holborn, writing in 1975, was prescient enough to gauge that the political challenges of aiding refugees as the displacement trend has moved from Europe to the Third World would become more complex. The scholarly works that followed Holborn are an

attempt to address the political nature of the United Nations [refugee] mandate as well as the changing face of the international “refugee” crisis.

A host of authors, including Jeffrey Crisp, capture the political and problematic nature (especially post- 1980s) of trying to aid displaced persons. In short, the goals of donor nations like the United States are often at cross purposes with the goals of host African nations. Crisp, author of “Mind the Gap! UNHCR, Humanitarian Assistance and the Development Process,” claim that after the Cold War the Western nations have pulled back their funding for long- term economic development and crisis resolution, instead choosing to implement short-term humanitarian aid while pushing for repatriation or integration of refugees back into their host African nations.

Paralleling this increased move toward humanitarian initiatives by the United States in the 1980s and 1990s has been a scholarly interest in the field of humanitarianism. The works have become increasingly critical of humanitarianism, while also questioning the political motivations of Western nations. Among the more influential works on these issues, several authors stand out. W.R. Smyser, in *The Humanitarian Conscience: Caring for Others in the Age of Terror*, comments that “humanitarian aid has expanded worldwide” while the West is “less inclined to spend money and true effort” to address the underlying causes of displacement.⁹ Alison Parker and Cecil Dubernet suggest that the political expediency that accompanies humanitarianism has led Western actors to prevent the exodus across international borders and support the confinement of displaced persons to aid-dependent camps, thus allaying the need for long- term and meaningful diplomacy and serious efforts at conflict resolution, the basic cause of such displacement.

David Kennedy, author of *The Dark Sides of Virtue: Reassessing International Humanitarianism* claims that not only is humanitarianism a politically expedient policy for Western actors, but may also be used by rogue regimes, like the Sudanese government (GOS) to legitimize their rule through the ratifying of ineffectual human rights laws. Thomas G. Weiss and Cindy Collins, authors of *Humanitarian Challenges and Intervention*, suggest that humanitarian assistance allows the United States to “appease a public that morally demands it.”¹⁰ A new trend in this historiography, led by Alex de Waal, surprisingly suggests that humanitarian relief should be abandoned all together. De Waal claims that an affected population should be forced, by the denial of aid, to reach a point of “sufficient desperation” where it might fully rise up (or be forced) to oppose a despotic government like GOS.¹¹

Among recent works in the field, two stand out. Not only do the authors suggest there are inherent negatives with aid—to the point it should be abandoned—but suggest alternatives to the current international trend. First, William Easterly, author of *The White Man’s Burden: Why the West’s Efforts to Aid the Rest Have Done so Much Ill and So Little Good*, published in 2006, takes a neo-colonial view, describing the West in paternalistic terms. The West, according to Easterly, seeks through aid a panacea that will lift up the blighted and backward Third World. Easterly argues further that Western aid is driven from a top down bureaucratic approach. Further, aid, and the principles behind its dispersal, are broad sweeping and arranged according to scholarly theory. Easterly’s answer is for the West to stick to what it can do, like providing vaccines or medicines. Development should be homegrown and be led by social entrepreneurs at a grass roots level. In short, there is no panacea, at least none that the West can provide.

Dambisa Moyo, author of *Dead Aid: Why Aid is Not Working and How There is a Better Way*, manages, even more so than Easterly, to shake up the orthodoxy. Moyo, her work

published in 2009, suggests that aid has not only failed, but actually has worsened Africa's problems, crippling the ability of African governments to work efficiently. Aid, according to Moyo, does not foster good governance—in fact quite the opposite. Moyo suggests if aid was cut, African governments would work through private banks and financial institutions to borrow, inspiring a trend of responsibility and transparency within Africa's political systems. If Moyo's approach is overly optimistic, it does bring to light at least a need for aid agencies, whether private or through state actors, to hold governments accountable. Perhaps aid should look more like a loan process in which a bank scrutinizes each client thoroughly.

Lastly and relevant to America's initiatives in Sudan as well as harkening back to Holborn's prescience in her seminal 1974 work, the current historiography has tackled the changing nature of displacement. By the 1990s, most of the displaced persons around the world were IDPs. Sudan experienced the largest number at over 4 million.¹² Consequently, many scholars have addressed the United States' position toward Sudan's crisis most often from a legalistic standpoint. Judy Mayotte, author of *Civil War in Sudan: The Paradox of Human Rights and National Sovereignty*, states that the historical and legal precedent to protect IDPs more forcefully (previously merely a humanitarian issue) was set by the United States during the 1991 Gulf War. American intervention was justified under UN Security Council Resolution 688, when President Bush claimed Iraq's treatment of its Kurdish population created a threat to international peace. Contrary to Mayotte's argument, scholars like Cohen and Deng, authors of *Masses in Flight* and the *Forsaken People*, while agreeing that IDPs needed protection, believe that international law needs to be examined to close the gaps in the law so IDPs receive the same protections that are offered refugees.

Mayotte's insistence on the Gulf War as a legal precedent for more forceful intervention (regardless of sovereignty) to protect IDPs is telling for perhaps different reasons than she intended. Evident in Iraq and numerous other American interventions, but lacking in Sudan in the last two decades, has been not international law or precedent, but rather the desire or self-interest of American policy makers to affect greater change in Sudan. The United States enjoyed world ascendancy that has ironically paralleled the abject failure of the Sudanese state since its independence. Such influence or dominance, especially post the Cold War, absent the fear of catastrophic nuclear war, gave America the unfettered ability to act diplomatically, even militarily, throughout the world. American actions were often unilateral and at odds with international law, as well as the views of the UN and American allies. However, the commonality in its foreign policy was that the U.S. acted aggressively (i.e. with abundant diplomatic, material, and military resources), when it deemed it in its own self-interest to do so. Once more while the United States may have wished for peace in Sudan, and while its leaders strongly denounced the Sudanese government, U.S. policymakers did not believe its path would affect positive change in Sudan. American rhetoric and the principal initiative in Sudan, the Comprehensive Peace Agreement (CPA), tended to obscure the true motivations of American policy.

The United States, without providing the necessary resources to enforce the tenuous and volatile agreement in Sudan, left the CPA's enforcement almost entirely up to the current Sudanese government, the National Congress Party (NCP). In the meantime the United States was fully aware that NCP would not faithfully enforce the Comprehensive Peace Agreement. The NCP took advantage of the relative lull the CPA provided to crush the rebellion in Darfur and to secure its position in strategic border areas with the South. Further, instead of pressuring

the NCP to modify its position, a regime unpopular in Sudan, as well as internationally, U.S. policy bolstered the NCP's position; in effect this legitimized the Sudanese Government allowing it to carry on unimpeded as it pursued its hegemonic practices. Although South Sudan has secured its independence, the continued transgressions of Khartoum, coupled with the lack of American interest and presence in the region, make certain that violence will continue along the North/South border. Additionally, unresolved conflicts in Darfur and the Nuba Mountains underscore the lack of credibility Khartoum has within its own borders to abide by the principles of peace process.

When the conflict was renewed in 1983, ending the crisis in Sudan never received the full weight of America's resources or diplomatic energy. However, The War on Terror has placed a new strategic importance on Sudan, garnering more attention from American policy makers. While the CPA inherently required a level of cooperation among the two governments, new global strategic concerns post-9/11 created a relative détente between the U.S. and the NCP. The level of cooperation between the two governments had the potential, especially in terms of America's asylum policy to affect positive change in the Sudan. However, U.S. refugee and asylum numbers following 9-11 hit all-time lows. Additionally, America supported the repatriation of refugees from bordering countries, back to Sudan, under the banner and spirit of the Comprehensive Peace Agreement. Should the commitment to halting the threat of global terrorism preclude the United States from aiding the dispossessed of Sudan? What does each of these trends suggest about American intentions moving forward?

Analyzing U.S. policy in Sudan over the last two decades this research attempts to weigh what the United States has actually done (i.e., devoted resources, energy, and time) versus what policy-makers say they want to do. The United States has interjected itself forcefully on

numerous occasions and in various locations in the world in the last several decades to achieve policy ends: Panama, Iraq, Haiti, and the Balkans are a few notable examples. While U. S. rhetoric emphasized the plight of the Sudanese people, and underscored the importance of stopping the conflict and refugee crisis, America did not employ the same exhaustive resources, diplomatically, or militarily, as it did elsewhere. U.S. policy in Sudan and in the region has overemphasized humanitarian ventures, without devoting as much attention diplomatically, or in resources, either monetarily or in personnel, to affect greater and more lasting tangible change in Sudan. Lack of diplomatic attention and in resources appears part of a long-lasting trend. Even during the Cold-War period, if Africa mattered geo-politically, it has mattered much less than other regions of the world to the United States.

Using the above logic, we can briefly use the Comprehensive Peace Agreement (CPA) as a prime example of diplomacy supported by America in which the end goal is stated to be peace in the Sudan. The CPA, which will be discussed in greater detail later, if it was to be truly successful almost entirely depended on the good faith of the current Khartoum regime, the National Congress Party (NCP). In short, the NCP, formerly the National Islamic Front (NIF), not only needed to police and monitor the volatile situation on the ground, which it was primarily responsible for, but had to follow through on the essential power and land-sharing components of the agreement; as well, it had to discontinue its own offensive actions in the South, both through its own military and the proxy fighters it had continually and devastatingly employed and supported.

However, since the resumption of the war in 1983 and up until time this paper was written, a litany of documented transgressions committed by the Sudanese government (GOS) have been presented to Congress. Over the past two decades (the current regime has been in

power since a 1989 coup) countless experts have testified to the perfidy of that regime. Many of these advisors have been employed on Congressional staffs. Additionally, countless documented cases of abuse, attacks on civilians, reports of genocide, as well as lies and misrepresentations, have been credited to the current Khartoum regime through various sources. Attacks along strategic border regions and the theft of oil from the South after independence continue to be chronicled.

Assuming U.S. policy-makers truly believed that the current Khartoum regime would enforce the CPA, and cease its hegemonic practices, based on two decades of evidence to the contrary, one must attach a certain level of incompetence or unfortunate blind faith to those American decision-makers that is beyond comprehension. Further, the evidence has not and still does not support such a theory. Why then had the United States continued to support a policy that seemingly contradicts its own purported values? Policy-makers, on the one hand, have admonished the GOS for its lack of sincerity, pointing out its continued desire to dominate Sudan, while at the same time supporting a process in which power sharing, transparency, equality, and honesty are necessary preconditions that need to be in place to achieve that “stated goal”.

This paper will demonstrate within its framework and discussion that although the stated American goal in Sudan was to end the suffering and conflict in Sudan, its actual approach has consistently, and knowingly in the last decades, the 1990s and up until 2006, been contrary to this stated aim. While there has frequently been a strong voice in Congress and from the President directed against GOS, as well as frequent humanitarian initiatives undertaken in Sudan, these initiatives cannot and should not be confused with actual firm or serious foreign policy measures that make tangible change in Sudan. The CPA, considered the crowning achievement

of the supported peace policy in Sudan, is just one example of measures to be explored herein, which have not been undertaken blindly or without insight, but have sadly failed to deliver the necessary attention and resources to affect true change. Quite contrarily, what appears to be a failure of American policy, when viewed through a different lens, appears to be a wish by some policy-makers to devote American resources elsewhere.

Once again, American policy-makers were well informed about the situation in Sudan, but despite their stated desire to affect change, these same policy-makers have not seriously initiated the needed measures to achieve their desired outcome. First and foremost, this failure reflects a lack of self-interest in actually ending the crisis rather than simply addressing the humanitarian need, which although obviously intended to be at least somewhat altruistic, has not addressed the root cause or the true solution. The measures undertaken in the past two decades have been humanitarian ventures, but only cursory support of a realistic peace process. The peace process, despite U.S. backing, failed to garner from the U.S. what it needed most: Diplomatic engagement, more resources, and effective numbers of personnel. Both the peace process and the humanitarian initiatives were principally offered for political expediency to allow the United States the freedom to pursue its actual intended policy full energy and resources elsewhere.

Additionally, while the United States—in terms of its relative budget—has never gone above and beyond to aid the dispossessed of Sudan, in real terms, both budget dollars and asylum numbers hit historic lows after 9-11. United States policy promoted its own self-interest and addressed worldwide terrorism- at the further expense of the victims in Sudan.

This writer does not presume that ending Sudan's conflict and refugee problem will be easy—any endeavor toward this end is a monumental choice. However, this paper does propose

that the U.S. has willfully taken steps that cannot succeed in ending the suffering in Sudan. Any hope of achieving peace can be further aided by revealing clearly and precisely what is not working. While an explanation of possible changes in American policy or solutions will be offered in the closing comments of the paper, its main goal is to illuminate further United States' policy as it relates to the Sudan in terms of its stated goals and its actual implementation.

Chapter Two will discuss the historical background of the conflict in Sudan. While the conflict is complex and has evolved with many nuances, there is a great degree of continuity shown too; the primary connection being the continued, decades- long, political, cultural, military, and economic dominance emanating from Khartoum. While various regimes have held sway in Khartoum, all have dominated the other regions of Sudan. It is difficult to believe that the NCP, the most aggressive and intransigent of these regimes will be inspired under the current status quo of international politics to do a volte-face in its policy any time soon.

Chapter Three of the paper will consider the historical record as it relates to the conflict in Sudan and the response of the United States. Essential to this paper is the presumption—which the evidence supports—that the government of Sudan (GOS) is the fundamental causal link between peace and war in Sudan. Various scholars have suggested that U.S. policy failures are due to its inability to understand (or address) the complex nature of the conflict in Sudan. For example, Peter W. Klein, while documenting the history of the political fractures within rebel groups opposed to GOS, especially in Darfur, seemingly divests Khartoum from its lead role in the war. Although these assumptions should be considered, they are inherently flawed when viewing the evidence. First and foremost, United States policy-makers were indeed informed about the conflict. For more than two decades, Congress has listened to scholars and experts in the field, many of whom are now consultants to the U.S., as well as heard countless reports from

NGO's, victims, journalists, and even movie stars. While the United States' policy in Sudan, which often seemed cursory, gave rise to the notion that policy makers are uninformed, actual evidence does not suggest that to be fully the case.

To establish the proper context and framework for our investigation into U.S. policy in Sudan, it has been necessary to address all these items briefly here in this introduction and then later at greater length. The one constant and unquestionable maxim in Sudan is that the government of Sudan has been and continues to be the catalyst for war there. Although this paper will focus primarily on U.S. policy in Sudan post-Cold War, it is also relevant to connect the historic trend in Sudan that illuminates a longer history of hegemonic and belligerent activity that has emanated from Khartoum.

Illuminating transgressions of various rebel groups does not divorce other individuals of responsibility, nor does that discussion inherently prove that such behavior was the full causal agent of the war itself. Nazi hegemony and policy during World War II was the impetus for a wide range of large-scale transgressions and atrocities, even civil war, in many of the nations then under its yoke. In much the same way, the Sudanese government cannot be separated from its role as the primary agent for war in Sudan.

Thus, analyzing the historical record, especially primary documents, allows a clearer picture to form. Without a change in Khartoum's policy, and more importantly its deeply rooted ideology, peace will not be achieved in Sudan (nor now with independent South Sudan) unless international foreign policy evolves. While the U.S. backed Comprehensive Peace Agreement (CPA) simplistically disregarded other rebel factions in favor of a peace signed between GOS and the SPLA/M, this obstacle does not mean that the United States has acted in ignorance of these other nuances. The belief supported in this paper is indicative of the failures that have

befallen the CPA, namely, that U.S. policy makers –based on the resources which they have devoted to peace in Sudan- are not realistically anticipating actual peace.

The foundation for this belief is analyzed in Chapters Two and Three and derives from both from the historical record and the actual words of American policy-makers. First, the record shows that GOS has no intention of changing its goal of dominating all of Sudan. Secondly, as previously discussed, American policy- makers were well informed and aware of the nuances of the current conflict, and most of all of Khartoum’s failure to live up to its promises. The United States Congress noted these failures countless times for at least the past two decades.

Perhaps the most compelling promise by GOS—and the most perplexing element of the CPA—is that the Sudanese Government has been expected to live up to its promises and enforce the peace process. How is American rhetoric, both as admonishment of GOS and having faith in such a peace process, then reconciled? To explore this aspect and pursue American initiatives, I will be largely using Congressional records, policy initiatives, and international policy supported by the United States.

Chapter Four will discuss the crisis of displacement in Sudan since the resumption of the war in 1983. The suffering of the dispossessed, horrific in scope, is also relevant to U.S. policy. The ebb and flow of asylum cases, as well as reflecting American interest in the region, are relevant because they work hand in hand with America’s peace initiatives in the region, and America’s current war on terror. The alleged peace in Sudan that was ushered in with the signing of the CPA has been used by the United States as a pretext for supporting repatriation of Sudanese refugees back to Sudan as well as determining a lower number of asylum cases accepted into the United States. This route, indicative of America’s historic indifference toward the Sudan, not only underscores the notion of “peace” in the Sudan, a necessary component of

the U.S. backed CPA, but also complements America's attempts post 9-11 to secure its borders. With peace in Sudan, rather than accepting precarious asylum cases, the United States could encourage repatriation of refugees, as well as IDPs, back to their homes in Sudan. Additionally, while America needed only Khartoum's lip service supporting the peace process, the war on terror after 9/11 required real, tangible cooperation, a factor that has further hindered what slim chance that did exist for the United States to take a tougher stance toward the Sudanese Government. Where does this leave American policy in terms of the Sudanese crisis? Unfortunately, that course, delineated in this chapter, has been almost strictly a humanitarian approach by the United States at the expense of undertaking real diplomacy or action. Questions about the end legitimacy of humanitarianism, as well as how such activity has worked in conjunction with America's true future aims will be discussed.

To finish, Chapter Five will tie together the major themes of this paper and offer insight into what United States policy has been in Sudan very precisely in the past and currently and where it seeks to go and will likely go in the future. Again, and perhaps most importantly, this analysis can only be weighed by examining what policy makers have said they want to do versus what they have actually done. While the tragedy in Sudan and Darfur (and now the border conflict with South Sudan) will surely continue to inspire compassionate voices in Washington, is that compassion enough to change the foreign policy direction? And if not, and without America's full resources, what can be done differently in Sudan to affect positive change and hopefully resolution? Additionally, the spirit, principles, and laws espoused by the Organization of African Unity (OAU) have suffered from the same shortcomings that plagued the United Nations and international law after World War II. Recently the OAU has morphed into the African Union (AU). With the decolonization and Cold War fears no longer the general order of

the day, African leaders, at least in theory, are more committed to injecting themselves more forcefully to protect African lives and their well-being, regardless of sovereignty. What impact will this have on Sudan moving forward? Therein is the question to be explored in this discussion.

CHAPTER TWO: THE HISTORY OF CONFLICT AND DISPOSSESSION IN SUDAN

The civil war in Sudan was a product of the nation's colonial past. The monumental events that swept the African continent and led to Sudan's independence, as well as that of many other African nations, occurred in the second half of the twentieth century. In many ways this historical change forged the character, political structures, and world view of all these nations. The seminal event leading up to independence was the period of European imperial domination that reached its zenith in the nineteenth and early twentieth centuries. Despite the success and initial euphoria over independence, the African continent, including Sudan, was beset by several deeply rooted problems that have lasted too long.

First, the borders for the independent African states, including Sudan, were drawn, at the height of imperialism by European hands with little or no regard for the ethnic, religious, or cultural diversity found in Africa. Additionally, in many instances geographical obstacles or differences in diversity were ignored. This is especially true in the Western region of Sudan, where today Darfur has more in common not only geographically, but culturally, with the people of neighboring Southeastern Chad. Despite the diversity, and inherent problems of nation building under such circumstances, the African States, as codified by the Organization of African Unity (OAU), have doggedly clung to the principle of state sovereignty. This concept of sovereignty has also played a substantial role in the formation of the Western world view, including U.S. policy, post- World War II.

Fearful of Communist takeovers throughout the world, the United States' foreign policy, as well as the United Nation's refugee and human rights policy, were crafted with the external threat posed by the Soviet Union constantly in mind. Unfortunately internal issues within the African States, including Sudan, such as corrupt regimes, human rights violations,

displacements, and democratic reform, often took a back seat, both for the West and these new African nations, to address perceived larger concerns. It was against this backdrop The Republic of Sudan was born.

The Sudan today encompasses a region that spreads over a million square miles, twice the size of Alaska.¹³ This immense land, tremendously diverse, ethnically, geographically, and religiously, was first held under Egyptian sway in the 1800s. While Sudan has hundreds of different ethnic groups, perhaps as many as 600, the majority of Sudanese can be identified as black African (52%) or Arab (39%).¹⁴ Arab Muslims arrived in the 7th century, while the South, not geographically well connected to the northern lands, remained isolated from Muslim, Arab influence. In fact, a vast swamp, known as the Sudd, helped to exacerbate the natural boundary between the two regions.¹⁵ It was not until the first half of the 19th century with British influence ever increasing that trade routes were opened. These routes led to the expansion of Arab-Islamic influence into the southern reaches of Sudan. Arab influence and trade in that region eventually morphed into outright plunder and slave raiding. It was during this period that the polar nature of the future Sudanese state emerged; the Arab, predominantly Muslim north, dominated and exploited the African, Christian, and Animist South. Eventually falling under an Egyptian Condominium* in 1899, British influence continued to expand in the region. The British, in wake of the Mahdist uprising, and fearing the spread of more radical Islamic movements, formulated separate policies for the South and the North. Development in the North focused on the seat of government in Khartoum, ignoring the economic, political, and social

* Britain and Egypt exercised joint authority south of the twenty second parallel from 1899 to 1955. Historically under Egyptian suzerainty, but prior to 1899 under Ottoman sway, the land became Anglo-Egyptian Sudan after its re-conquest by Egyptian and British forces. While in theory jointly ruled, Anglo Egyptian Sudan was administered by the British under a governor general.

development in the South. Indeed, the British required outsiders to carry special permits to travel in the South.¹⁶ Encouraged by the British, economic development focused on Khartoum at the expense of the South as well as other Sudanese regions.

The South remained woefully underdeveloped economically, politically, educationally, and in terms of infrastructure. The minimal gains made in education came from Western missionaries who spread the English language along with Christianity.¹⁷ Additionally, despite the majority of the future state identifying with an African, Animist or Christian outlook, leading members of Sudan's Graduates Congress suggested that non-Arab people be "lifted up" by being assimilated into an Arabic and Islamic world view.¹⁸ Therefore, along with those in a position of power, Sudanese nationalism took a predominantly Islamic and Arab outlook. Despite these inequities, which were manifested in a North-South dichotomy, Britain eventually acceded to Sudan's push to for independence in 1955.

In August 1955, months prior to independence, Sudan was awash in civil unrest as northerners gained control of the government. Of 800 senior government posts, only 6 were filled by Southerners.¹⁹ The turmoil in the streets eventually was followed by outright mutiny and secessionist movements by Southern troops. The impetus behind such anger was the government decision to place Northern military officers in the South. It proved to be the tipping point, eventually leading to widespread local support of the secessionist movement and outright rebellion against the Khartoum government. The rebellion, before being suppressed by government troops, captured entire Equatoria Province, except for the capital, Juba. However, the abatement of violence signaled neither an end to the conflict nor a beginning of more equitable government practices.

When Sudan became independent in January of 1956, promises for a federal constitution to protect the Southern provinces from subordination and Northern control were conveniently ignored.²⁰ Not surprisingly, forty-three of a forty-six member committee that drafted the Constitution were from the North.²¹ Eventually a military coup against the civilian government in 1958, led by General Ibrahim Abboud, extinguished the already dim hopes for a more representative government in Sudan. While access to political representation continued to be the key obstacle to peace, race and religion had an impact as well. Peter W. Klein, author of “Tea and Sympathy”, mistakenly suggests “religion did not have an impact on the first civil war.”²² Events would prove religion and race historically have been paramount to understanding the dynamics of power and conflict in Sudan.

Abboud, an advocate of an Islamic, Arab state, misguidedly believed that promotion of these ideals would lead to a unified state. Limited political representation, coupled with government arrogance in promoting its religious agenda, proved to be troublesome. While Southerners saw religious schools as an opportunity to compete for government jobs, many Muslims viewed the missionary zeal, and previous British policy as the cause of Southern angst and the development of a separate Southern identity. Ultimately Abboud’s coercive practices, namely, expelling Christian missionaries and the construction of mosques in the South, led to the most tenacious and concerted effort by Southerners to fight the Khartoum regime.

The already fragmentary nature of Sudan, politically, racially, and religiously, was further exacerbated by government economic policies that sought to move Sudan toward a modern mechanized agricultural economy. By the 1960s, private interest in agriculture had given way to large-scale commercial farming. The process spread throughout Sudan, making its way south and then west through Southern Kordofan and Darfur.²³ In addition to degrading the

already fragile environment, this process of modernization and agricultural mechanization was to set a pattern of competition for scarce resources that would become an integral part of the future and the Sudanese conflict.

However, during the 1960s, lack of political representation continued to be the momentum behind Southern anger. When the military regime led by Abboud failed to address grievances, dissidents in the South known as the *Anyanya** began a new stage in the history of Sudan, first striking and then taking up arms, sparking an intractable civil war that began in 1963. Once it was clear Abboud could not quell the resistance, he stepped down, and a national government was formed during the “October Revolution” of 1964. Additionally, although the fighting had reached an impasse, relative destruction in the South and repression of civilian population by government troops led to tens of thousands of Southern Sudanese being displaced. Despite the dire outlook, the Northern politicians who succeeded Abboud “rejected any form of self-determination or regional autonomy for the [S]outh and pursued the same policies of repression.”²⁴

As the conflict continued, Northern Arab Sudanese who dominated the government were threatened on several fronts, only one of which was the increasing political and cultural assertiveness of non-Arab Sudanese. In fact, far from “fanatical,”²⁵ many Northerners used an Islamist agenda to achieve a political end. Historians and ethnologists have long determined the tag of “Arab” to be a racial construct in the Sudan. For many of these Northern politicians, their particular brand of Arab Islamic culture was motivated by a fear of losing both political power and access to resources. It was purely political reasons that led many right-wing Northern

* The Southern rebels during Sudan’s first civil war were known as *Anyanya*, a term in the Madi language meaning “snake venom”.

politicians to push for an Islamic constitution.²⁶ However, as a consequence of increased education and fairer elections, both non-Arabs, and marginalized Arab Muslims then cut into the power base of Khartoum's traditional political players, paving the way for a precarious political scenario.

From this uncertainty, one of Sudan's longest tenured leaders, Jaafar Muhammad Nimeiri, came to prominence. Heading a military coup in 1969, which brought power to a revolutionary command council, Nimeiri sought to rid Sudan of factionalism and the sectarian politics associated with the different religious-based political parties. Nimeiri faced opposition from several fronts. Imam al-Hadi al-Mahdi, a grandson of the famous 19th century Mahdi*, attempted an uprising in 1970 that was eventually put down; the Communists were even able to imprison Nimeiri after a brief coup in 1971, before themselves being quickly overwhelmed by government troops.

Upon securing his own position, Nimeiri, in the first taste of peace and democracy for Southerners pledged autonomy for the South.²⁷ This monumental peace, signed at Addis Ababa in 1972 seemed to pave the way for a new more peaceful Sudan. The three Southern provinces were linked together as a separate region with its own elected assembly and executive authority, while the former Southern rebels were accepted into the ranks of the Sudanese army. Additionally, a new constitution in 1973 tried to wash away the stains of religious intolerance, establishing Sudan as a secular state, for not only Christians and Jews, but also those with traditional African beliefs.²⁸

* In Islamic theology Mahdi refers to a messiah, a "guided one"; believed to be a descendant of Muhammad, the Mahdi will return before Judgment Day to rid the Earth of evil and strife. Self-proclaimed Mahdi, Muhammad Ahmad, fought several brutal campaigns against the British in an attempt to expel the British from Sudan at the end of the 19th century before being defeated.

While Nimeiri should be credited for making enlightened decisions for the future of Sudan that did lead to a ten -year peace, it was ultimately under his guidance that war returned to Sudan in 1983. The idealism associated with Addis Ababa often obscured the true motivations of the politicians, as they fought to stay afloat in the contentious and sectarian world of Sudanese politics. Several factors were key to Nimeiri's move toward reversals in policy after ten years of peace. First, Nimeiri often was motivated –not by ideals- but by his own self- preservation; political expediency was often the order of the day. Nimeiri's support of regional autonomy in the South (in accordance with the peace agreement) was contrary to his prior support of Pan-Arabism or a consolidated (or confederated) system of Northern African “Arab” states. His decision to abandon this agenda appears to have been motivated by several factors.

First, prior to Addis Ababa, the push for Pan-Arabism may have been too strong, alienating the Islamic Arabs (who preferred their own brand of Islam) as well as non-Arabs, while strengthening Southerners' distrust of government intentions.²⁹ A leftist coup, fueled by discontent over a rumored union with Egypt, may also have led Nimeiri to make the fateful decision to reach out to the south. Nevertheless, negotiations with the South, although keeping Nimeiri temporarily afloat and even gaining some moderate support in the North, were not promising in the long run, as Northern conservatives were less than happy with them .The Islamists or pan-Arabists, and even the Arab Sudanese “in general were still opposed to sharing power with the rest, while the civil service was known to be strongly against regionalism.”³⁰ With this unfortunate and untenable backdrop the peace agreement and Nimeiri's hold on power became more precarious and depended on many variables.

While the forces that threatened to fracture Sudan were many, these may have been overcome had the policies of the Nimeiri regime been more successful. Sudan's economic

policies under Nimeiri proved to be an abject failure, straining the already delicate relationship that existed between the disparate groups in Sudan. First and foremost, mechanization and agricultural commercialization, coupled with land tenure and the switch to mono-crop schemes, largely cotton, not only had a negative impact on the economy, but also damaged the environment, which increased the tension over land use and ownership, especially among pastoral peoples. The growth of mechanized farming shrunk the resource base drastically. For example, traditionally 9 million *feddans** supported about 2.5 million farmers, but under the new commercial policies, this same total supported only about 8,000 absent farmers.³¹ While providing wealth for a few, much of the population, who were chiefly pastoralists and subsistence farmers became impoverished, losing land and having to sell their labor as migratory workers to survive.

Additionally, Northern Sudan, much of which sits above the thirteenth parallel is dry and parched, a situation that led to government encroachment below this geographic line to seize its resources and exploit its agricultural potential.³² By 1977, forced to borrow from wealthy nations and the World Bank, Sudan's debt was \$2B.³³ Also, drought and famine now swept large parts of Sudan, causing crops to fail and herds to die. A shortage of already scarce resources only increased the uncertainty and tension between the varying groups in Sudan.

Several prominent scholars have suggested that GOS economic policies were not simply inept, but had a more ominous goal, namely to once again subdue the south. Peter Kok suggests that these economic policies were tantamount to a land grab in which the GOS appropriated land, minerals, water, and oil.³⁴ Jok Madut Jok, explains that economic policy was also tied to the

* A unit of area used in Egypt, Sudan and Syria. Literally means a 'yoke of oxen' or the area of land that could be tilled by them in a certain amount of time. 1 feddan = 1.038 acres.

heritage of slavery in Sudan, insisting that these economic policies compelled non-Arabs to migrate and work for “slave wages” while being subjugated by a type of cultural hegemony in which they had to adopt Arab culture and convert to Islam.³⁵ David Keen goes even further and suggests that the environmental disaster and subsequent famine that befell Sudan in the early 1980’s, of which the economic policies have long been cited as the cause, were actually manufactured by the government to support its political agenda of forcing Southerners from their lands. In addition, the discovery of oil reserves by Chevron in the late 1970’s, claims Eric Reeves, inspired even further lasting exploitative government practices.

Regardless of the government’s intent, one thing was for certain. The failed economy, along with several other key factors, put Nimeiri in a very precarious position as President. As the economy failed and famine loomed, Southern leaders were still largely unable to interject themselves fully into Northern politics to try and change the direction of the nation and its fate. For example, Southern politician, Abel Alier, managed Southern affairs as President of the High Executive Council (HEC) from 1972-1978,³⁶ but his obsequious obedience to President Nimeiri allowed the North essentially to push unwanted policies on the South. Southerners, intent on change, voted Alier out and Joseph Lagu in as HEC in 1978. However, after a brief spat with the judiciary, Nimeiri removed Lagu only to be replaced again by the more pliant Alier.

In wake of Addis Ababa and Nimeri’s failed policies, the President also felt increased pressure from the Northern politicians. Following several coup attempts led by Northern factions, Nimeiri shifted policy once again. In 1977 the President oversaw a “National Reconciliation”. The move appeared to be an enlightened one. Nimeiri released political prisoners, reined in restrictions on the press, and opened up national politics to a wider base.

However, despite these seemingly cursory appearances, Nimeiri was quietly moving Sudan once again toward civil war.

First, this apparent reconciliation was not intended as a welcome mat for Southerners to joint Khartoum's political fold; rather it was meant to "broaden the base of his [Nimeri's] support in the [N]orth."³⁷ With the economy in shambles and his political stock falling, Nimeiri, fell back once again to political expediency, but this time by courting Northern favor. Yet, opening up the government to men like Sadiq al-Mahdi, who had led a Libyan -backed coup against Nimeiri in 1976, and Hassan al-Turabi, leader of the National Islamic Front, a militant Islamic party, the move could only be viewed by Southerners as having a hostile intent.

Secondly, Nimeiri's introduction of Shari'a law in 1983 was a shocking reversal of Addis Ababa, and while gaining the support of scores of Northern politicians in doing so, the decision expectedly was met by Southerners with calls for war. Additionally, along with the introduction of a now challenged religious law, Nimeiri, going against the agreed -upon boundaries of Addis Ababa, attempted to restructure the South into three regions, weakening the South and providing an opportunity to incorporate Southern oil reserves. Lastly, in circumstances strikingly similar to 1955, Southern troops stationed in the city of Bor mutinied after receiving orders to be transferred north. While the troop mutiny conveyed parallels to the first civil war the second civil war would change in both scope and character.

While it is difficult to compare the second Sudanese conflict, which began in 1983, to both the first civil war in Sudan, and other international conflicts, it can only be described as a monumental human catastrophe. The reasons for the intractability and suffering associated with this war are myriad: The Sudanese government's commitment to resolving the crisis by military means, as opposed to diplomacy, has become more resolute. The war effort has been propelled

by GOS's development of a modern economy. The extraction of oil in Sudan (and its procurement), as well as the development of mechanized, modern agricultural schemes, both of which have received international dollars, as well as support from the World Bank and the International Monetary Fund (IMF), have created riches that have been co-opted by the Sudanese government for its war effort. GOS's policy of war through proxy fighters has also been devastating. These militias, often made up of Arab-speaking African tribes from South Darfur and Kordofan, have displaced hundreds of thousands, perpetuating a terrible humanitarian crisis while also creating an extremely fluid, and complex situation, as groups within The Sudan compete for land and resources. The horn of Africa in the 1980's suffered a horrific drought and famine, adding to the numbers and the suffering of Sudan's dispossessed.

While the government's policy has fractured and then pitted disparate groups against one another, so too has the rebel resistance. While resistance to government policy comes from many distinct peoples and regions, the leadership and character of the most internationally recognized rebel group, the Sudanese People's Liberation Movement and Army (SPLM/SPLA) is now associated almost exclusively with the Dinka. Fractures within the rebel resistance and opposition to SPLM/A* leadership, as well as its policies, have created another war within a war, as well as further impetus for displacement. Lastly, while Sudan's civil war is inescapably linked with displacement (both refugees and internally displaced persons/IDPs), the international community has moved toward a humanitarian approach when dealing with these types of conflicts. While sovereignty, during this period, has lost its inviolable nature, yielding a certain

* The SPLA, the military designation for the Southern rebels, and SPLM, denoting the political arm of the movement are often combined reflecting the shared leadership and connectedness of both arms of Southern resistance.

success in terms of conflict resolution, more often than not, especially in the Third World, internal strife and conflict, has only led wealthier nations to pursue a policy of humanitarian aid. This aid can at best give but short term relief to the dispossessed, while at worst, it has been argued, that aid can just perpetuate war

The changes made by Nimeiri in the late 1970's and early 1980's could only be viewed by the Southerners as an abandonment of the historic peace made at Addis Ababa in 1972. One Southern soldier, officer John Garang, a Dinka, was ordered to Khartoum to quell the uprising in Bor in 1983, but instead joined the mutineers, quickly becoming the skilled leader of a growing resistance movement. The military wing of the resistance movement, the SPLA, grew to 20,000 by 1985³⁸ under Garang's leadership, the military proved to a match for the government. Although many Southerners came to advocate a break with the North, Garang, a shrewd statesman, realized that international support was more likely to follow, and thus claimed that the rebels were really fighting for a "unified, secular Sudan."³⁹

While the war raged on, the economy continued its precipitous decline; foreign debt of 12 billion dollars accrued by 1985, while agricultural production continued to decrease. Additionally, drought struck first in 1983 and again in 1984. Coupled with the war going poorly, the famine that followed became a "rallying point" for organized protest against the regime.⁴⁰ The ubiquity of protesters and rioters and coming from professionals, trade unions, intellectuals, and students, reflected how far the Nimeiri regime had fallen. What was perhaps the last straw was in 1985 when the government raised food and fuel prices, sparking the ousting of Nimeiri after sixteen years. The Army in April of 1985 set up a transitional military council, which would temporarily rule the nation before ceding control to a coalition government.

After the general election the new regime was led by Sadiq al Mahdi, head of the UMMA Party. Mahdi looked to consolidate his power, forming a coalition with the Democratic Unionist Party (DUP). While both groups favored settling the war, neither intended to make major concessions; in fact, the issue of religion (shari'a law remained in force) remained a major hurdle in finding peace. Additionally, the Mahdi's victory at the polls was hardly indicative of a universal vote, as 36 of the 67 southern constituencies could not vote due to the continuing civil war.⁴¹ The SPLM, not surprisingly, boycotted the election results.

Sadiq al-Mahdi, like his predecessor Nimeiri, governed less by ideology and was more concerned with keeping his regime afloat in Sudan's precarious world of politics. Mahdi kept his options open, continuing the war in the south by arming proxy militias and also attempting a rapprochement with the South. However, his vacillation between the two positions ultimately signaled the downfall of his regime. First, many Northerners—including many in the military—realized that waging the war in a half-hearted manner would only prolong the conflict indefinitely. With the economy in shambles and drought exacerbating the suffering of all Sudanese, many Northerners asked the government to end Sudan's crisis. The end of the crisis, it was believed, could only be achieved by either complete commitment to the war or complete commitment to the peace process.

In August of 1986, Mahdi met with John Garang to attempt to negotiate a settlement. The effort was short lived. During the negotiations, the SPLA shot down a civilian plane loaded with emergency relief. It was heading to a town held by the government. Additionally, the government transgressions continued. Proxy raids into the South grew more frequent and costly; the Dinka would testify that raids in Bahr al-Ghazal and South Kordofan increased to levels "never seen before".⁴² By 1986, in oil rich Bentiu, 160,000 was driven from their homes, and in

the Bor district, 90,000 Dinka fled.⁴³ The SPLA likewise retaliated against the proxy fighters, setting in motion a brutal string of retaliation killings, abductions, and other atrocities committed against Dinka and the Nuer areas of Bahr-al-Ghazal. With the tone shifting now to a true war front, Mahdi abruptly dropped the DUP from his coalition to link with the more militant, fundamentalist NIF. The new coalition then simply “pursued the war with greater vigor and enforced shari’a more stringently.”⁴⁴

While Mahdi and the NIF ratcheted up the war effort, the DUP, Mahdi’s former coalition partner, took the opportunity to negotiate and sign a peace plan with the SPLM in November of 1988. However, the Sudanese Parliament, now clearly on a war footing, rejected any negotiated peace. The DUP subsequently left the government. Government policy had led to the dispossession of hundreds of thousands, but Mahdi had also deliberately, not requested famine relief for the South. In fact, in a bad omen of things to come, Mahdi’s coalition partner, NIF member Hassan al Turabi, stated that “the more people who die or flee the [S]outh, the weaker the SPLA becomes.”⁴⁵ By 1988, 250,000 Southern Sudanese had perished⁴⁶. However, despite the destructiveness visited upon the South, the SPLA seemed only to gain in strength; the effect was to ensure indefinite suffering in Sudan, which ultimately also led to increased pressure on the current regime from home and abroad.

Although reaching a peak in its communication of events in Sudan late in the 1990’s, by 1989, the American media has begun to cover and draw attention to the conflict and the humanitarian disaster taking place in Sudan. Often described as an African-Christian versus Arab-Muslim conflict, the overly simplistic media portrayal creates what became known as the “Lost Boys” phenomenon. Such attention shamefully reduced the conflict and its victims to characterizations of African refugees’ (usually Dinkas) fleeing Arab horsemen or proxy fighters,

often called *Janjaweed** in the news reports. However, these harrowing stories did spark the attention of the American public as well as the government.

An outraged American public demanded that President Bush and Congress withhold funds and pressure Sudan into allowing humanitarian aid into Sudan.⁴⁷ With no end in sight to the crisis, Mahdi again swapped allegiances, agreeing to the DUP's previously negotiated "November Plan." This "volte-face" in his position, which called for a cease fire and a freeze of shari'a law, was a last ditch effort by the then current regime to stay in power, but that was not to be.

A coup, under the banner of the National Salvation Revolution, on June 30, 1989, not only ended the peace negotiations, but also placed the government in the hands of the Islamic militants. The aims of the new regime, led by NIF leader, General Omar al-Bashir, were simple-- exercise complete and total war, no matter how horrific, to ensure victory and preserve a particular brand of Arab-Islamic hegemony that would emanate from Khartoum. To achieve this Machiavellian endeavor, the new regime suspended the constitution, dissolved Parliament, political parties, and trade unions and closed down the newspapers.⁴⁸ This total war and scorched earth policy under al-Bashir would be to perpetuate, as it delivered into the hands of the government, more resources to devote just to military spending. Not surprisingly, the proxy attacks on the south, begun under Mahdi, continued. Then a new element --as the West began to

* Coming to use in the late 1980s, the term Janjaweed can be loosely translated as "spirit or devil on horseback" or simply "gunman on horseback." Janjaweed attacks at the end of the 1980s was more sporadic; horseman, identifying themselves as Arab (typically Bagarra), often attacked Dinka villages in the northern Bahr El Ghazal and southern Kordofan. In Darfur (2003 –present) government sponsored militias from Chad and Darfur, also identified as Janjaweed, and from various ethnic groups (most promoting their "Arabism"), carried out attacks against perceived enemies of Khartoum. The government in both instances has deflected responsibility – conflict in the late 1980s was described as "tribal" in nature, while more recent attacks in Darfur are transparently linked to popular or grass roots movements or expressions of "Arabism." However, both viewpoints have been discredited by scholars; it is well documented that Janjaweed attacks are organized, politicized and recruited by Khartoum.

provide aid for the dispossessed- emerged, as the GOS manipulated that aid inhumanely with the aim of starving the South into surrender.

Begun in 1989 and re-initiated the following year as Phase II, Operation Lifeline Sudan (OLS) had as its intention the providing of aid and relief to Sudan and was organized through a consortium of UN agencies and non-governmental organizations (NGO's). However, from the beginning, OLS was essentially "hijacked" by the GOS; relief sites were bombed and attacked; aid workers not supporting the North's war were kicked out of the country, and although 70% of Sudan's internally displaced people (IDP's) were in the south, Bashir demanded that 85% of the humanitarian aid go to the government -held zones.⁴⁹

While the South had continued to have some successes against the new regime, the tide of the war began to shift in the early 1990's. First, the SPLA's major benefactor, Ethiopia's Communist dictator, Mengistu Haile Mariam, fled to Zimbabwe after his forces were defeated in that nation's civil war. The new Ethiopian regime was opposed to harboring SPLA members and was hostile toward Sudanese refugees. Aside from becoming easy targets for Bashir's forces, the mass exodus of Sudanese refugees put a further strain on SPLA unity.

The SPLA, never as uniform or united as the media had portrayed it to be, began to splinter under the pressure, dividing itself down ideological and ethnic lines. Riek Machar led the Nuer against Garang and the Dinka faction of the SPLA, and Machar questioned Garang's alleged servile connection with Ethiopia, and thus Garang's commitment to the Sudanese conflict. Additionally, a bone of contention was the treatment of the dispossessed, especially children living in camps, who fell victim too often to all types of egregious behavior, including impressment into the SPLA ranks. Lastly, Garang declared that, despite government intransigency, he would stick to his vision of a unified, but secular, Sudan. Machar and others,

however, wanted a complete break and an independent South. Nonetheless, whatever the grievances on either side of the conflict, the results were deadly. Both factions were as destructive as the government forces, burning towns, raping women, and impressing men and boys into military service. From 1991 to 1995, more Southerners would die as a result of ongoing fighting between these two factions, than in the war against GOS.⁵⁰

Not to be outdone, Bashir's regime in the 1990's, aided by increased government revenues and Hassan al-Turabi's odious Islamic rhetoric, waged a devastating "religious" war against both soldiers and civilians alike. Led largely by Turabi's efforts, the NIF enforced a pan-Islamist agenda that included: (1) A moral code based on the regime's interpretation of Islamic law; (2) provision of a sanctuary to and encouraging extremist elements like Osama bin Laden; (3) promotion of the Arabisation in the public sphere, including in education; and (4) creation of a People's Defense Force (PDF), modeled on Iran's Revolutionary Guards whose numbers eventually reached 150,000.⁵¹

While it is hard to gauge the true religious zeal of the Northerners, it would be fair to conclude that many Sudanese –including many in Bashir's regime- used Muslim and Arab identity as a tool of repression to ensure their continued dominance in Khartoum. Two important examples of literature, "Local Politics in the Time of Turabi's Revolution", by Michael Kevane and Leslie Gray, and "Darfur the Ambiguous Genocide" by Gerard Prunier demonstrate that religion and ethnicity were wielded together in Sudan much like a valued weapon. Kevane and Gray's work reveals at the local level individuals' manipulating the governmental rhetoric to disenfranchise their neighbors. Additionally, Prunier looked at the history of Arab identification as a construct and a government tool in Sudan. While very fluid in its nature, racial identification, claims Prunier, was used by Khartoum's elite as a means to restrict others from

gaining power. Additionally, as the war in the 1990's extended into Muslim areas like the Nuba Mountains and threatened the effectiveness of religious rhetoric, the government quickly issued Fatwas, suggesting that particular Muslim populations (especially non-Arabs) were traitors or apostates.

By the mid-1990s, Bashir's policies had ravaged the South. While depopulating the South had long been a major war aim, Chevron's* discovery of oil, along with the total war mentality of GOS, had increased the intensity of governmental and proxy attacks on Southerners. The Greater Nile Petroleum Operating Company (GNPOC), which was made up of a consortium of nations, including Malaysia, China, and Canada, thus agreed in 1992 that 40 per cent of oil profits would go to Khartoum.⁵² Eric Reeves, author of "Oil Development in Sudan", comments that it is no coincidence that GNPOC's refinery is miles from the air strip used to shell the South⁵³; undoubtedly, control over the oil, as well as the actual revenue from this valuable resource, only increased the scope and severity of the war.

By the end of the decade, defense spending by GOS had increased 96 per cent.⁵⁴ A United States Congressional session of the Subcommittee on International Operations and Human Rights in 2000, described the war during that decade as a government- driven "genocidal religious war," which had turned the South into a "hell on earth," killing an estimated 2,000,000 in the past decade. In 1998 alone, 100,000 had died because the NIF denied then humanitarian aid.⁵⁵ A UN report estimated in 1999 that there were about 1.8 million displaced within Sudan, many by the war and government policies.⁵⁶ The NIF's savage treatment of civilians (many

* Chevron discovered oil in the late 1970s, but the company withdrew when several of its workers were killed by Southern opposition. The oil was discovered in areas near the 1956 division between North and South. Much of Sudan's oil exists in the Abyei region an area even after the 2005 CPA hotly contested.

who continued to languish in camps), as well as its religious extremism and the harboring of known terrorists, had earned by the latter half of the 1990's, Sudan's government the unenviable status of rogue nation.

Exposed and under increasing pressure, Bashir looked to adapt his policies, aiming to win the war, but still improve his regime's public relations. His efforts took several directions. First, Bashir severed relations with Turabi, whose legacy, both in terms of his connection to international terrorism, and the eventual rebellion in Darfur would prove to be significant. Secondly, Bashir began to expel terrorists from Sudan, including bin Laden. Thirdly, Bashir entered into negotiations with Riek Machar's faction of the rebels, even signing a peace agreement with it in 1997.⁵⁷ However, these changes seem to indicate a savvier Bashir, who was able to gauge the increasing international pressure better, and was now able to deflect and delay more effectively by simply keeping up the appearance of transformation.

First, the arrangements made with Machar's faction can hardly be seen as a genuine true push for peace; Bashir's regime, buying time with Machar and with the international community, was able to continue a divide and conquer strategy. The government's war against the SPLA also continued. Additionally, the proxy wars waged by the Baggara *Janjaweed* provided GOS with a convenient excuse for its various transgressions; this usually took a couple of forms. First, when Southerners were driven from their land by proxy militias, the GOS was able to deflect any responsibility (albeit transparently) by claiming the conflict was tribal in nature and consisted of disputes over land and resources and not part of a pattern of government aggression. While historically, competition for grazing land did occur, the recent phenomenon had been contrived by earlier regimes under the guise of economic necessity, and more recently continued with devastating results- as part of Bashir's scorched earth policy. Also, neglecting his own human

rights violations and connected role in the conflict, Bashir could always point to the transgressions of the SPLA and the responsibility of Sudan, as a sovereign nation, to put down an unjust and illegal rebellion.

By the new millennium, violence in Sudan threatened to emerge again with renewed intensity in the Western region of Darfur. The conflict in the south continued, but some progress had been made toward a peace plan between the NIF and SPLM/A. However, those voices pushing for peace in the South, including the U.S., tended to conveniently overlook the connection of the overall conflict to what was transpiring in Darfur. Although there were obviously new dimensions to the conflict that would begin in the West, the inherent issue in Darfur, as in the South, was a government that did not represent the will of the Sudanese people. In fact, the NIF, by continuing with its martial, hegemonic practices, was not even representative of the Northern people. Both the peace process in the South and the war in Darfur were clearly indicative of the overall flawed nature of Sudanese politics.

The government in Khartoum, much like the other regions in Sudan, had long exploited Darfur and manipulated events there to suit its own needs, especially in its war against the South. In fact, Bashir exploited Darfur as a ripe recruiting ground for *Janjaweed* militias, who were then used to attack and drive Southerners from their lands. Historically, there had always been tension between agrarian farmers and semi-nomadic herders, but these conflicts typically were settled by tribal leaders and did not take on the same racial dimension as the new ones. In fact, up until the 1960's, "Arab" and "African" were terms usually used to designate the difference between nomadic pastoralists and the more settled agrarian farmers.

Although all segments of the region traditionally were viewed by Khartoum's urban elite as backward⁵⁸, it was not until recent years, and especially under Bashir, that "Arab" as a racial

identification had been given its exalted status. Although, due to centuries of intermarriage, it would be difficult to distinguish their physical characteristics, many in Darfur, with the government's recent ethnic and religious rhetoric buzz, were still courted for political and military reasons. Politically "Arabs" in Darfur could provide the votes that were needed and enthusiastically joined the government-sponsored militias.

However, with the split between Turabi and Bashir, government control over events in Darfur now threatened to spiral out of control. While the GOS had long used and exploited religious and racial differences in the region, using *Janjaweed* fighters for its own benefit, Turabi's strong support in Darfur and neighboring Chad threatened to turn this effective tool against Bashir's regime. In 1999, fearing the worst, Bashir dissolved the National Assembly and declared a state of emergency. In 2001, Turabi was arrested after his splintered Popular National Congress (PNC) signed an agreement of understanding with the SPLA. The agreement, much like the NIF's (now the National Congress Party -NCP) move toward the Comprehensive Peace Agreement (CPA), was more a bid in the struggle for power in Khartoum's northern politics than a genuine attempt at peace.

The government-sponsored Arab *Janjaweed* continued their attacks on non-Arabs in Darfur. Additionally, the government forces ignored the Arab transgressions while disarming African Darfurians.⁵⁹ Bolstered by Turabi's voice and better leadership overall, many who had suffered, now organized and armed themselves, demanding that the government disarm the *Janjaweed* and stop its neglect of the region. This move perhaps fulfilled Bashir's worst fear, namely, the marshalling of Muslims in the region, chiefly the Fur and Zaghawa who identified as African, against his regime. In fact, 60% of the government forces in 2003 were Darfurians,⁶⁰ making a government war against that region uncertain and costly.

The two main rebel groups that formed from this resistance were the Justice and Equality Movement (JEM), and the Sudanese Liberation Army (SLA). Sharing ethnicity and a common, as well as fluid, border with Sudan, many JEM supporters are now believed to have crossed into Sudan from bases in Chad⁶¹ further complicating the war. Additionally, the SLA and JEM are both rife with internal divisions. Some militias that were aligned with the government switched sides to the rebels and vice versa with the result that “outsiders often found it difficult to tell who was fighting whom and for what reason.”⁶²

Nonetheless these groups have battled Bashir’s regime since 2003. Bashir, fearing his hold on power might slip, has viciously fought a war in return, utilizing both Arab proxy forces and indiscriminate bombing against civilians and the rebel forces. Government actions were largely responsible for the estimated 300,000 deaths in Darfur from February 2003 to December 2004, with 25% of these attributed to non-violent acts, namely government blocking humanitarian aid to its citizens.⁶³ Such government actions were labeled genocide by Colin Powell in 2004. While Bashir’s regime in theory made peace with the South (the CPA was signed in 2005), the CPA was at time little more than a diversionary tactic while the government tried to secure its victory in Darfur.

CHAPTER THREE: THE US RESPONSE TO THE CONFLICT IN SUDAN: A CONVENIENT PEACE

Despite its history of inaction in Africa, a few historians, for example, Peter Alan Bose, author of “U.S. Foreign Policy and Genocide in Sudan”, suggest that the United States’ response was unusually strong in Sudan. He commented further that America implemented a “full-court press of sanctions and public condemnations targeting [Sudan’s] ruling regime.”⁶⁴ While the United States had indeed been active, previously under the Clinton administration, and then, as Bose indicates, under President George W. Bush, by issuing sanctions and public condemnations, that choice obscures the fact that these condemnations and sanctions, issued for more than a decade, amounted to little more than listless rhetoric. In 2002, Senator Feingold of Wisconsin summed the situation up best exclaiming, “[F]inally, we are at a point at which we do not need to have another hearing to conclude that gross human rights abuses are committed regularly in Sudan.”⁶⁵

More troubling is that United States’ foreign policy, after years of pointing to Khartoum’s intransigency and brutality and after so much suffering in Sudan, culminated in a peace process that the United States had little or no faith in and a peace that in order to be successful, contrary to what most American policy makers believed, relied only on the good faith of the Sudanese government. While the intractability of the Sudanese government was not the only obstacle to peace, it remained the main obstacle. Putting faith in the current Sudanese regime to effect change was politically expedient and conveniently veiled U.S. motivations to remain aloof of the crisis in Sudan, and offered little hope for a lasting peace.

While on paper the momentous Comprehensive Peace Agreement (CPA) signed in 2005 in theory ended the war, the continued transgressions in the South made a mockery of this peace.

Additionally, the conflict in Darfur as well as the continued behavior of the NCP —which was connected to atrocities, even attempts at genocide — reflected Khartoum’s neglect and continued desire to dominate all regions of Sudan. The *Los Angeles Times* reported in September, 2008, that more than 2 million people in Darfur were still left homeless. Government attacks still continue on refugee camps where the government claims there remains a rebel presence. In August of the same year, the *Times* reported that in one camp, 31 people were killed, including 17 women and children.⁶⁶ Another newspaper in October, 2008, quoted an international observer on the Darfur Peace agreement; that observer declared, “What peace process? I don’t see anything happening. The government has not even tried to implement the Darfur Peace Agreement. Not one move.” In reference to disarming the Arab militias, this same observer noted, “[T]hey started to give them [Arab militias] more weapons and send them out again.”⁶⁷

Additionally, in the South, the general lull to informed observers, including those in the American government, represented more of an interim period between a pattern of all-out hostilities, than a move toward genuine peace. The National Congress Party (NCP) as it pursued war in Darfur gained a reprieve from total war in the South but still jockeyed for political and military advantage, as it ultimately wished to continue its practice of hegemony over that region. In fact, the only part of the Comprehensive Peace Agreement (CPA) written by U.S. policy-makers dealt with the valuable oil rich area of Abyei; this strategic area, an important piece in the power-sharing arrangement provided for in the CPA, was continually and blatantly violated by the NCP. A Congressional hearing in 2007 noted that government tankers extracted oil directly from wells, so the oil was not counted against the government’s percentage of the sharing agreement. Additionally, the report noted that Chinese and Malaysian oil companies were “aggressively developing oil with virtually no accountability.”⁶⁸ The government continued to

use most of its new oil wealth to prepare for and wage further war in Darfur and along the Southern border. While the South has since gained its independence, many of these same violations still continue along the border of the Republic of South Sudan.

These transgressions are but a drop in the bucket for why peace in Sudan, and between Khartoum and the Republic of South Sudan, under the current arrangement, will not ever work. Why had the United States supported a policy it does not believe in and one that has proven so ineffective? Throughout this chapter, I delineate a host of issues related to the peace process; the lack of faith the United States had in the NCP to enforce the peace, coupled with the lack of resources (both military and diplomatic) the United States devoted to the ending the crisis in Sudan, had become the norm. While there are of course expected nuances in U.S. policy (for example, post 9-11, the United States has engaged the NCP more directly) these changes in policy have had little to do with ending the crisis in Sudan or currently securing the tenuous border regions with the Republic of South Sudan. Additionally, while there were many compassionate and knowledgeable voices in the United States government, overwhelmingly ending the conflict and humanitarian crisis in Sudan was not a key priority for. The United States indeed had little faith that the peace process would be successful. At the same time, the U.S. had not provided the essential material resources (i.e. peace keepers, diplomats, and monetary backing) for the peace to have a remote chance of succeeding. Additionally, the U.S. Government's reliance on a humanitarian approach has proven to be ineffective — especially over the long term. Asylum grants to those displaced, especially post 9-11, an area where the United States could assist without extending its full resources, has diminished in wake of the “War on Terror.” While America —in terms of relative budget— has never gone above and

beyond to aid the dispossessed of Sudan; in real terms, both budget dollars and asylum numbers hit historic lows following 9-11.

Throughout history, war has spawned in the human imagination a hope for a new world in which coexistence and fairness are the norm. Despite this idealism, whether at Versailles, Vienna, or Addis Ababa, peace agreements, of course, are negotiated and written by individuals and nations, which even under the best of circumstances are fallible and motivated more by self-interest than flowery idealism and sometimes even retribution, i.e., Versailles.. However, few agreements in history, like the peace accords made in Sudan, seem to have been made with such contrary intentions and so little hope for true success.

Since the 1950s, the United States has rarely used its full resources to bring about change in Africa. Even within the context of its Cold War global competition with the Soviet Union, when Africa did matter to the United States, the region mattered only enough for U.S. policy makers to formulate strategies that allowed the U.S. Government to remain aloof, diplomatically, politically, and militarily. Policy initiatives took various forms, ranging from CIA assassination plots to proxy wars and the support of various regimes (many of them nefarious) with money and weapons. The attention Africa received seemingly was driven by Cold War obligations rather than with true strategic or geo-political urgency. While the post-Cold War world seemed to promise great change, it should not be surprising that American interest, already cursory without Cold-War threats, would diminish almost completely.

Despite the overt conduct of the Sudan government, U.S. policymakers, while appalled at witnessing the crisis in Sudan, remained focused on Cold War concerns throughout the 1980s; the conflict within Sudan, although ghastly, existed only on the periphery of other interests. President Nimeiri's opposition to Communist Ethiopia, which provided material support for the

SPLA, ensured that while the U.S. might condemn the government of Sudan's (GOS) policy within its own borders, it would be unlikely to intervene strongly enough to halt the conflict and humanitarian crisis within Sudan. In fact, from 1983-1988, the United States was the largest donor of military aid to the GOS, providing \$161.2 million in aid.⁶⁹ This military support of the GOS, which continued under the al-Mahdi regime, revealed that America's true motivations were their own Cold War concerns — not the Sudanese conflict. While the U.S. did not seek to end the conflict the end of the decade, however, did signal a significant change in both the international and U.S. approach to the crisis.

Although the end of the Cold War was the primary factor that guided American policymakers into the next decade, several notable events also played a role. First came the coup displacing al-Mahdi with the NIF in 1989, which indicated both an Islamist agenda and the hardening position of the government in Khartoum. Additionally, the American public was becoming increasingly aware of the humanitarian crisis unfolding in Sudan. That attention was often garnered through a narrow lens, focusing on the displaced, or “Lost Boys” pursued by Arab horsemen. These accounts, according to Peter Brown, author of *The Longest Journey: Resettling Refugees from Africa*, played up the innocence of the “Lost Boys” and took on “mythical or Peter Pan” like qualities.⁷⁰ While these portrayals could not realistically hope to capture the complexities of the war fully, they became inseparable from the changing motivations of the U.S. (and international) policymakers after the Cold War.

The increased worldwide attention to the global tragedy of all displaced persons, especially internally displaced persons (IDPs) as well as the decreased concern for violations of sovereignty (now that world Communism had fallen at least its strongest proponent, the USSR), engendered a new paradigm for most international policymakers. While the issue of sovereignty

and the rights of IDP's were laden with international legal questions, increasingly the general view espoused was whether a regime responsible for terrible and frequent transgressions against its own citizens should keep the sacred right to sovereignty. The United Nations' support of this doctrine became known as R2P, or Responsibility to Protect. The new paradigm, coupled with American ascendance as the world's sole superpower, offered a free hand and powerful opportunities of leverage to the United States which it had not previously enjoyed during the height of the Cold War.

Despite these new circumstances, in the coming decade the U.S. would only selectively decide to use this new leverage, choosing instead to approach the Sudanese conflict not with its full resources but with humanitarian aid. While President George Bush Sr. stated that the rationale for an invasion of Panama in December of 1989 was to "defend democracy," the 1989 coup in Sudan, which placed the ruthless autocratic National Islamic Front (NIF) in power, did not garner nearly the same attention. A withdrawal of American military aid to GOS, as well as humanitarian aid, namely financial support of Operation Life Line Sudan (OLS) and OLS II became the order of the day. The difference between the Sudan and Panama, which garnered a strong, unilateral response, was that the United States clearly, even to the eyes of a casual observer, valued Panama, both with its strategic canal and its connection to Latin American drug trade, much more than the Sudan.

However, the fall of Communism in Ethiopia in 1991, coupled with the NIF's support of Iraq in the Gulf War, led to heightened American disapproval of the Bashir regime. Additionally, Sudan's growing reputation (aside from its abject war record) of harboring and supporting terrorism would play a key role in the 1990s. The Iraq war and Panama demonstrated the tremendous capability of American policy when it chose to exert its full diplomatic and military

resources; nonetheless while terrorism concerns would put Sudan on the American radar, the war in Sudan and the humanitarian disaster that continued there was still not a priority for the U.S.

During the 1992 Presidential campaign, Bill Clinton argued that “American troops should not be sent into a quagmire that is essentially a civil war.”⁷¹ His sentiment was echoed by Colin Powell, still Chairman of the Joint Chiefs of Staff then, and Defense Secretary William Cohen. Clinton could have been speaking directly to those advocating a more aggressive approach to halting the Sudanese conflict. Statistics from Clinton’s two terms in office clearly demonstrate that the President planned to fulfill his campaign promise of not involving American troops in a costly ground war. The chances of an American serviceman being killed by hostile action (during the Clinton years) while on duty were less than 1 in 160,000. He or she was fifty times more likely to die in an accident!⁷² Further, the chances of a serviceperson dying in an area of the world deemed insignificant to America’s geopolitical interests was virtually nil.

The one exception to the Clinton policy was the Somalia intervention begun under the first President Bush. The fact that such intervention in October 1993 (under Clinton) digressed into a debacle with significant action by the military that led to the deaths of eighteen American servicemen in Mogadishu, Somalia, obscures the basic limited goals that the United States had in that region at that time. Somalia (a functioning country in name only) was ruled by warring warlords, each with a hand in delaying aid or intercepting it for its own purposes. Even accepting the most favorable policy goal* of American intervention, which was declared to be “facilitating aid” for the U.S., this policy of providing or supervising the distribution of aid was at best

* An increasingly held view by scholars is that the impetus behind western Humanitarian initiatives is to prevent displaced persons from crossing international borders; typically displaced persons are housed in camps, which, dependent on aid, become static much like prisons. This opinion, espoused by Cecil Dubernet and Alison Parker (addressed in Chapter 3) draws together further questions and concerns in regard to American policy.

providing but a temporary fix when a more durable solution was needed. American servicemen were not intended to be sacrificed to halt wars, dislodge rogue regimes, or rebuild nations at least now in East Africa; Somalia did not signal any revolutionary change for the way the White House would handle East Africa or Sudan in the future.

No intervention was ever seriously considered in Sudan to halt the violence; but even a humanitarian intercession —like the one in Somalia— would be on a scale that would dwarf the operations in Somalia, then largely restricted to one city—Mogadishu. The death of the servicemen in Somalia did not garner East Africa more robust attention, but it definitely did lead the Clinton administration to become more cautious about any use of U.S. ground troops. The next eight years did produce aggressive American responses under Clinton, but only in areas and situations that were deemed both of strategic importance and minimal risk to U.S. armed services. Both the Haitian intervention in 1994 and the later U.S. intervention in the Balkans in 1999 represented different strategic points for U.S. policymakers. Consequently, ample American resources were considered for use only to bring events to a conclusion that was in accordance with American policy wishes. Africa remained on a different plane of interest and thus, activity.

The Sudanese conflict and the Rwandan genocide of 1994 seemed to cry out for action under the R2P doctrine. They fit its description and definition to a tee. Both scenarios, in their cost of human life and government complicity, dwarfed any other global crisis at that time and made a mockery of democratic ideals. However, both, as post-Cold War instances, were deemed of little significance to broader American interests. Further, while receiving considerable media attention and humanitarian dollars, both scenarios lacked the military or diplomatic support and response garnered in either the Balkans or Haiti. Moreover, and perhaps just as germane to

future American military excursions, was the fact the Balkan intervention was exercised through NATO and without U.N. approval. The American response was conducted despite placing a further strain on its relationship with China, a relationship then already at a low point. American policymakers obviously had the wherewithal and confidence to act aggressively, even unilaterally, in any region of the world, but chose not to act in that capacity in Sudan.

Of interest, too, was the fact that U.S. efforts, while achieving several strategic initiatives, failed to prevent the catastrophic humanitarian events unfolding in Serb-dominated areas concurrently. An estimated 30,000 Albanians were killed, and a million more lost their homes, the majority of which occurred after the American air campaign began.⁷³ However, the U.S. did halt the Serb advance and stabilized the dash to expand the ethnic borders within the former Yugoslavia, while also preventing the furtherance of war and refugee flows out of the Balkans—all strategically important to the United States. The insight gained, whether applied to the Balkans or Sudan, was that the United States, despite its strong rhetoric condemning those considered responsible for any humanitarian crisis, would still act in accordance with its own international strategic interests. An escalating war threatening European borders and that region's stability and the proximity or the threat of refugees from Haiti, the poorest country in the Western hemisphere, was enough to garner a U.S. military response, but a never-ending war in East Africa, a region rife with conflict and very fluid borders, was not. Ultimately, the United States would act militarily in Sudan, yet it was not the horrors of civil war that triggered an American military response but American concerns in regard to a growing terrorist threat in the region.

Policy initiatives in Sudan existed in a different paradigm. Humanitarian aid had become the norm, but unfortunately, American troops, which could have been used to facilitate aid, were

not considered, especially after the Somalia fiasco. Economic and military sanctions were largely ineffective, as the Government of Sudan (GOS) gained even more profits from Sudanese oil in the wake of Chevron selling its shares. Humanitarian aid and sanctions provided only lip service to addressing the war; American antennae were more directly set to recognize the growing terrorist concern emanating from Sudan.

The NIF/NCP* had harbored Osama bin Laden from 1991-96 and was accused by the State Department, early during the Clinton administration of “exporting terror.”⁷⁴ The dynamics of world diplomacy it seemed had shifted drastically, and international terrorism was now more of a focus for U.S. policy, as was tracking down Osama bin Laden. In November, 1997, President Clinton issued Executive Order 13067, under the International Emergency Economic Powers Act (IEEPA), which declared a “national emergency with respect to Sudan,” and further stipulated, “The Regulations block all property and interests in property of the Government of Sudan, its agencies, instrumentalities, and controlled entities, including the Central Bank of Sudan.”⁷⁵

President Clinton described the impetus for these economic sanctions as being in opposition “to the actions and policies of the Government of Sudan, particularly its support of international terrorism and its failure to respect basic human rights, including freedom of religion.”⁷⁶ While referencing the human rights abuses of GOS, it was not difficult to read between these lines and interpret the impetus of U.S. policy. Future events would prove that although the United States would not overreach to stop the war in Sudan, it would approach any threats issuing from the potential of international terrorism more forcefully.

* The National Islamic Front was renamed the National Congress Party in 1998.

The Secretary of State, Madeleine K. Albright, in December, 1997, met with John Garang, head of the SPLA, marking the highest level of contact with the United States and Sudan's rebels. Although the *The New York Times* reported that the meeting was, "intended to send a message to the Sudan's Islamic Government that America supports the rebels' efforts to establish democracy,"⁷⁷ the meeting should not be viewed as a one hundred and eighty degree turn in U.S. policy. While Albright's presence in the South sent a message that the United States would continue to support a more just settlement in Sudan and openly condemn the NIF, it was not prepared to interject itself more forcefully or breach sovereignty as it had in Yugoslavia, Somalia, and Iraq to prevent the advancement of the civil war in Sudan.

In fact, Albright's presence in Southern Sudan and the media attention devoted to it underscored the lack of serious effort being made by the United States in the 1980s and early 1990s to establish lines of communication and put the warring parties on an equal playing field diplomatically. Albright's voice and presence, while embarrassing for the NIF, in reality amounted to little more than lip service. While condemnations were now coming from a higher authority, U.S. policy continued to be centered on humanitarian initiatives and mere verbal admonishment of the Sudanese government.

On August 7, 1998, terrorists alleged to be connected with al-Qaeda and linked to Sudan largely through the efforts of bin Laden, killed and injured hundreds as U.S. embassies were attacked in Tanzania, and Kenya. Two weeks later, the United States launched a cruise missile attack on a chemical factory in Sudan, allegedly involved (although that is still hotly disputed) in the production of materials for chemical weapons. While U.S. policy would not intercede in Sudan to halt the civil war there or mitigate the humanitarian situation further, the U.S. would respond, as indicated by President Clinton, to an "imminent threat" to "our national security."⁷⁸

Whether the attacks on Sudan preserved national security or even were on target can be debated; hindsight, along with the complexities of a post 9-11 world, certainly encourages new and different interpretations. However, for the purposes of this investigation, what is important is not the legality or effectiveness of the U.S. policy against terrorism in Sudan, but rather to contrast its response—or nonresponse—to the actual actions of GOS and to a lesser degree those of the rebel groups, which when viewed under any objective lens have continued to commit acts which most would consider to be international crimes.

The impetus for Executive Order 13067, despite the rhetoric, was clearly the evolving threat to American interests that Sudan's support of terrorism presented. While the dynamics of world diplomacy had indeed shifted, the Clinton administration (after the maelstrom of dissent that accompanied its cruise missile attacks and in wake of the debacle in Somalia) was simply content to continue and target Sudan with both economic pressure and moral shaming for a hopeful effect.

For more than a decade preceding President Clinton's order, war and the dispossession and death of thousands had unfurled in Sudan for the world to witness with no U.S. military response. Additionally, by 1990 with the NIF in charge, the Sudan government continued its policy of total victory, which when coupled with the increasingly fractured nature of the Southern rebels, only increased the callousness and destructiveness of the civil war. Clearly the missile strikes did little to prevent future bloodshed in this destructive war, but it did indicate a stronger U.S position as that position related to its own international interests.

Despite the consistently bleak appraisal of the Sudanese government and its policies, the United States did little more to increase its diplomatic presence in Southern Sudan or put more diplomatic pressure on the NIF. A decade after Albright's "watershed" visit and meeting with the

SPLA, the United States still had only one diplomat in the South at a Juba consulate.⁷⁹ GOS was clearly not fulfilling its promises to its citizens or the international community or meeting the needs of all its citizens, a clear reason to give opposition groups the diplomatic and material support they needed. However, Congressional rhetoric continued as did its inexplicable detached method of issuing legislation that did little but chronicle abuses and continue to admonish GOS from afar.

The sanctions proposed served more as a public denunciation than as an effective impediment to stop the Sudan government's war effort. A Congressional session for the Subcommittee on International Operations and Human Rights described the war through the 1990s as a Government -driven "genocidal religious war,"⁸⁰ which had turned the South into a "hell on earth," killing an estimated 2,000,000 in the past decade. In 1998 alone, 100,000 died because the NIF denied humanitarian aid.⁸¹

Scholars have often debated how effective economic sanctions directed at Sudan actually are. Peter Brose suggests evidence that indicates U.S. sanctions have hurt Sudan economically, notably in the agricultural sector and its ability to refine oil.⁸² Two questions can be posed then. First, if we agree sanctions have had an effect on the Sudan economy—at least its agricultural and oil sector—then how did these sanctions affect both the government's ability and desire to wage war? The fact that war raged there throughout the 1990s clearly indicates that despite government rhetoric to the contrary, the government of Sudan (GOS) had every intention to conclude the crisis in its country militarily. Secondly, if sanctions did strain these industries, what impact did either sanction have on the ability to continue this conflict? The Government of Sudan has exploited the competition over Sudan's resources and the access to land; this policy buttressed the government's war effort by supporting its policy of proxy wars and added further

fuel to divisions within rebel groups who also compete for land and resources. The policy of divide and conquer, so ruthlessly promoted by Khartoum, has left a horrible legacy in both Sudan and the newly independent South. These outcomes certainly can make the claim that economic sanctions had hamstrung the GOS war effort dubious at best.

Although U.S. oil companies were barred from Sudan in 1997, a consortium of companies from various regions of the world eagerly filled that void; the Greater Nile Petroleum Operating Company (GNPOC) includes Talisman Energy of Canada, Petronas of Malaysia, China National Petroleum Corporation, and Sudapet, the Sudanese state oil company, with its modest 5% share. However, Khartoum received approximately 40% of the oil profits after a scheduled capital recovery.⁸³ It is of course no surprise that the NIF used this revenue to fund its war. In September, 2000, Congress claimed that revenue generated from the oil- funded GOS's self-described "jihad," highlighted the fact that limited economic sanctions actually had little impact on Sudanese policy.⁸⁴

The more logical impetus for sanctions, much like their accompanying rhetoric, was to continue to present a moral stand against the Sudanese government's war. To suggest that American policy was a failure with regard to Sudan under the Clinton Administration would be to assume that this Administration's goal was to stop the war in Sudan. The evidence does not reflect this position. The most aggressive action the United States continued to take was directed toward Sudan's link to international terrorism. Under pressure from the Saudi, Egyptian, and U.S. governments, Sudan expelled Osama bin Laden from Sudan in 1996, the same year that President Clinton suspended diplomatic relations with Sudan. The fact that bin Laden had already helped foster the logistical, and financial backing needed for future terrorist acts points to

a failure of America's main policy initiative in Sudan, which was increasingly designed to prevent international terrorism, not stop the war going on there.

As the bloodshed continued in Sudan, Congress discussed the Sudan Peace Act (S.1453) in September of 2000, a bill, which, among other things, condemned slavery and other human rights abuses perpetrated by Khartoum and expressed support for the Intergovernmental Authority on Development (IGAD), an East African- sponsored peace process. What should have been clear (and was to many in Congress), but was conveniently dismissed, was that the Sudan Peace Act, similar to the 1997 legislation, was absent of any full resolve and the full resources of the United States and was simply another verbal condemnation that would leave Khartoum with little practical motivation to change its policies significantly.

While it is true that the peace process was pushed forward, true peace in Sudan suffered not from ignorance, but from political expediency. There were members of Congress who continued to speak out against the crimes in Sudan. The Chairman of the Subcommittee on International Operations and Human Rights, Christopher H. Smith, and also Donald M. Payne, both Congressmen from New Jersey, showed through their efforts and growing frustration at the lack of progress in Sudan a deep and sincere commitment to halting the bloodshed in Sudan. Payne, in order to push for actual tangible results and acknowledging there was little progress, called for an amendment to S. 1453 that would codify and put some teeth in the comprehensive sanctions the Administration placed on Sudan in November 4, 1997. Payne commented in September, 2000, that "as we debate the bill, many more people will die due to the National Islamic Fund Government's deliberate and indiscriminate bombing of civilian targets, including hospitals and schools."⁸⁵ House Representative Thomas G. Tancredo added that the response in Sudan has not been commensurate with the crisis there and America has shown a lack of

“fortitude” in regard to its policy in the region.⁸⁶ Despite clear acknowledgement of GOS abuses for more than a decade, the only thing Congress consistently accomplished with regard to this war was to detail the transgressions there and express its “polite” disapproval.

With the dawn of the new millennium, oil revenues continued to flow into government war coffers. The Governor of Khartoum barred women from working in public places, and Omar al-Bashir was re-elected for another five years. These elections (boycotted by the main opposition parties, along with the actions of the GOS) to any objective observer should have pointed not to conciliation, but instead to a clear and continued pursuit by GOS to end the war using Machiavellian means. Despite that fact, continually recognized by Congress, U.S. policy continued to push forward with just a peace “plan.” Presently, the unresolved crisis in Darfur, the Nuba Mountains, and along the border of South Sudan, as well as the human rights violations committed by the NCP, reflect the continued hegemonic practices of Khartoum.

Newly elected President George W. Bush, looked early in his tenure like he would address the crisis by appointing Senator John Danforth as a Special envoy to Sudan on September 6, 2001, with the aim of pressuring both sides to end the conflict. Bush also signaled to the NCP (formerly the NIF) that the United States would begin normalizing relations once peace was actually achieved.⁸⁷ While Bush’s early decision at least put the war in Sudan on the radar, Bush, like the previous administration, would only count on the good faith of the NCP as a condition for peace, a decision that points to the weakness of the approach. The threat of continued sanctions also remained an ineffective strategy overall.

The peace process simplistically included only the NCP and the SPLM, as opposed to dealing with the diverse political factions in the North and rebel groups in the South. Any approach to peace that identified only the desires of a corrupt regime in Khartoum and was not

even representative of the North was flawed. The South and other regions of Sudan, including shortly in a very palpable way the Darfur region, would demand a voice. However, these were only issues IF American policy makers seriously believed their efforts (or their current peace plan) would actually end the war. While American rhetoric, when taken at face value, claimed its aim was to end the war, actual policy initiatives continued to point to a more limited goal.

The crisis in Sudan required a complete renovation. The Bush administration stepped up its rhetoric and assigned special envoy Danforth the role of pressuring both major combatants to make peace. However, the new administration's efforts proved to be merely window dressing. Unfortunately, the thin veneer offered by the current peace plan could not mask a house decaying from within. In spite of the continued despair and futility that permeated any prospects for real peace in Sudan, the war and humanitarian crisis was pushed even further back on the American agenda after the horrific attacks of 9-11.

Perhaps no one has captured Washington's unrestrained, even obsessive, resolve to keep America safe after 9-11 better than Jane Mayer, author of *The Dark Side: The Inside Story of How The War on Terror Turned into a War on American Ideals*. While it is not necessary for the purposes of this investigation to demonstrate that the Bush administration was "obsessed" or operated on the "Dark Side," certain evidence does suggest that the horrific attacks of 9-11 did alter U.S. policy initiatives in Sudan and did move that conflict further down the U.S. priority list.

The Bush White House was made up of individuals, neo-conservatives, such as Dick Cheney, Donald Rumsfeld, and Paul Wolfowitz, who, along with President Bush, believed that American military power could be used to re-shape the world according to their own interests. Prior to 9-11, within the first months in office, it became clear that President Bush would act

alone, with or without the approval of American allies or the U.N. A senior Bush official called this unilateral action, which essentially forced American allies to accept its agenda, “the doctrine of integration.”⁸⁸ Additionally, regime changes that benefited American interests or extinguished a threat to the U.S. and were deemed practical, that is without long term deployments were promoted. These core principles, known as the “Bush Doctrine,” would be the driving force behind foreign policy during the Bush years.

George W. Bush also campaigned on the promise that American troops would not be used for “open ended deployments” or “nation-building” and would be used to “fight and win wars”⁸⁹ The Bush White House had to be aware that the conflict in Sudan could not be quickly remedied. The fact that Sudan, or ending its war, were not considered geo-politically paramount, made the likely hood of a long term American commitment, especially militarily or in personnel, unlikely.

Bush’s comments in regard to American military commitments are revealing. The swift military victories in Iraq and Afghanistan after 9-11 were followed by what appeared to be inadequate or inept planning for nation building in either country. The budget of the State Department (vital to diplomacy and long term durable solutions) under the Bush White House was meager: in 2003, \$26 billion, or just 6 percent of the defense budget. By 2008, it was \$42 billion or just 6.5 percent of the defense budget.⁹⁰ The bulk of these diplomatic dollars, as insufficient as they were, would be allocated for areas considered strategic: Iraq, Afghanistan, and Pakistan. The crisis in Sudan, not considered vital to winning the war on terror, barely registered diplomatically. Despite the lack of far-sightedness or commitment to diplomacy, or perhaps because of it, the Bush White House did devote the bulk of its budget to militarily fighting “terrorism.”

To win the “war on terror” the Bush White House promised America’s full resources; commensurately, “all other global issues were subsumed in a monolithic view of fighting terrorism.”⁹¹ In 2001 the U.S. defense budget was \$293 billion. In 2008, it reached a staggering \$647 billion, by which time the wars in Iraq and Afghanistan were expected to have cost more than \$1 trillion.⁹² “The Bush Doctrine,” used as a rationale for the invasion of Iraq and Afghanistan, seemingly gave the United States carte blanche anywhere in the world. Sudan’s recent history of harboring terrorists was definitely of interest to the Bush administration. However, the United States could afford to leave the NCP in power due to the nature of each nation’s primary policy goals: The NCP, like the regimes before it, continued to hold as its principal objective Khartoum’s hegemony over the rest of the nation. While promoting Islamic fundamentalism had seemingly been part of the NCP’s agenda in the past, government rhetoric was more based on political strategy* and less on pure religious fanaticism. Nonetheless, the horrific attacks on the U.S. Embassy in Kenya in 1998 and the attack on the USS Cole in October of 2000, were both tied to al-Qaida, and linked to the Sudanese government due to its policy of harboring terrorists, including bin-Laden, throughout the decade of the nineties.

International terrorism and the eventual catastrophic terrorist attacks of 9-11, relative to the humanitarian crisis and war in Sudan, placed American policy in regard to Khartoum on a much more dire level. However, since winning the war in the South and settling the crisis

* The orthodoxy amongst scholars in the field is that the Sudanese government, historically and through successive regimes, has manipulated both racial and religious discourse to control politics and power within the state. Oluwarare Agunda, author of “Arabism and Pan-Arabism in Sudanese Politics”, claims that race, the formation of the dominant “Arab”, also connected to Islam through the Arab language is not a biological fact but a racial construct that has been used, even prior to the nation’s inception, to create a severe class hierarchy in Sudan. Michael Kevane and Leslie Gray, authors of “Local Politics in the time of Turabi’s Revolution”, extend this analysis to the local level where individuals used government rhetoric, despite previously being racially or religiously tolerant, to advance themselves politically and economically in their communities at the expense of individuals whose background or behavior does not meet the expectations of what it means to be a proper “Arab” or “Muslim”.

already fermenting in Darfur and not promoting Islamic fundamentalism were the main goals of the NCP, the Sudanese government could be (in fact had to be based on the hardening of the American position) more pliable when it came to international terrorism. Additionally, crushing opposition to Khartoum's policies, which in Darfur was linked to Hassan al-Turabi, a man known for his erudite and fiery Islamist rhetoric as well as his connection to bin-Laden, would satisfy the needs of American policy makers as well as the NCP. Consequently, the NCP and the United States, which did not feel ending the war in Sudan was necessary to combat terrorism, could move forward with their primary policy goals intact.

The gravity of America's new direction in Sudan was not missed by the NCP. The arrest of Hassan al-Turabi at the instigation of President Bashir in February, 2001, suggested that the NCP was responding to American pressure and clamping down on radical Islam. However, the arrest of Turabi, although a propaganda win for America's counter- terrorism agenda, upon closer inspection revealed the same troubling aspects regarding U.S. policy, as well as the nature of politics within Sudan.

Turabi had not only recently broken with Bashir, but his new political group, the Popular National Congress (PNC), had signed a memorandum of understanding with the SPLM. Realizing the potential for a new threat emanating from Darfur, already a strong base of Turabi support, Bashir was quick to arrest Turabi. The arrest of Turabi, formerly an advisor and confidant to bin-Laden and now a thorn in the side of Khartoum, was a boon both to the NCP and United States. Regardless of Turabi's radical background, his arrest was a sure sign that Khartoum was not serious about a representative government and wanted to continue its same hegemonic practices.

The arrest, followed by the signing of the Sudan Peace Act in October, 2002, demonstrated where U.S. interests lay. The peace act, while on the surface seemingly strong (the term genocide was connected to GOS actions), delivered the same two-fold response to the Sudanese conflict as before: namely, condemn GOS and make superficial attempts to facilitate peace. The conflict in Sudan, which had always been subordinate to other geo-political concerns, was to be relegated even further under the Bush's administration. Months after the September 11th attacks, voicing the change in policy emphasis, the Assistant Secretary of State for African Affairs, Walter Kansteiner, stated America's "first [goal], of course is to deny terrorists' use of Sudan as a safe haven."⁹³

The Sudan Peace Act also signaled that the United States would not contemplate a regime change through application of the "Bush Doctrine." Although an unsavory choice, leaving Bashir in power ensured that a regime more disposed to promoting terrorism would not enter the regional equation. More radical elements like Turabi represented an unknown; by keeping to the *status quo*, the U.S. knew what it was getting with Bashir. America, prior to 9-11, under both Clinton and G.W. Bush, never seriously considered stronger support of rebel groups within Sudan. Attempting to prop up rebel groups now— a clear change in policy—could have the potential to destabilize the country further, thus creating a situation where radical Islam and the threat of terrorism might flourish. Bashir's "at- all- costs" approach to winning the civil war, coupled with America's exclusive focus on terrorism after 9-11, meant that Bashir could continue his war without further impediment as long as he cooperated on the terror front. In fact, despite the regimes past connections to terrorism, the level of cooperation garnered from Bashir's regime led the CIA to consider its Sudanese counterpart, *Mukhabarat*, an important source of counterterrorism intelligence.⁹⁴

This relative *détente* between the U.S. and the NCP produced a scenario where both governments could accomplish their goals. Bashir, by cooperating with the CIA and American policy makers and paying lip service to the peace process, could be assured that the war in Sudan would continue to receive only condemnation and light sanctions from Washington. In turn the U.S. could devote its full resources to the war on terror while still continuing to publicly pronounce it was doing something to stop the war in Sudan.

The contradiction of actually negotiating a peace with the NCP was not missed on Senator Bill Frist of Tennessee, who remarked, “[S]hould we believe they [NCP] are serious at this point about these commitments in the first place?”⁹⁵ The futility of the path in regard to the direction of U.S. policy could not either—as some historians suggest—be explained away simply by American ignorance of the realities on the ground. Ken Isaacs would testify before Congress and detail all the complexities and nuances of the war, in short, suggesting, “The war is not just about Islam versus Christianity, the War is not just about race, the war is not just about oil.”⁹⁶ Isaacs’s testimony was not an aberration.

Congress increasingly was fed a steady diet of how complex the situation in Sudan was and how difficult peace under those conditions would be. The government in Khartoum continued to be the catalyst for the war. However, the intricacies of the crisis, created or exacerbated by Khartoum’s hegemonic practices, would have to be dealt with for peace to have even a small chance of success. Perhaps foremost of these concerns were the disparate groups, opposed both in the South and Darfur, to NCP rule. Again, despite the many compassionate voices heard in Congress and the various supportive interest groups, the brutal reality was that American policy makers were not prepared to devote the necessary attention and resources to Sudan to affect actual change. The fact that these complexities were ignored and only the NCP

and SPLM were being approached underscored the politically expedient path being taken in Sudan.

While the United States was devoted to winning the war on terror, the Sudanese government, despite its rhetoric to the contrary, continued its acts of aggression. Government hostility in the Upper Nile became more acute, and the situation in Darfur was about to explode. By February, 2003, the Sudanese Liberation Movement and Army (SLM/SLA) and the Justice and Equality Movement (JEM), in their response to continued Janjaweed attacks and due to the inherent inequities in the Sudanese state, announced their existence. The battles that ensued, pitting the rebels against government troops and its proxies, were brutal, often ravaging civilians and soldiers alike.

The war in Darfur was also complex. The most pressing concern for the United States was that the unrest and anarchy in Darfur might allow radical Islam to take hold. JEM was allegedly linked to Hassan al-Turabi. Turabi's fiery Islamist rhetoric, and the threat he posed to Khartoum, made his arrest by the NCP a foregone conclusion. There were regional concerns too: the SLM and JEM had strong ethnic ties to Chad, making the border between Sudan and Chad an artificial one, as supplies, arms and fighting breached it with regularity. Further exacerbating the complexities and intensity of the conflict were the incendiary tactics by the NCP, which sought to exploit the (perceived) racial element of the crisis. While the rebels in Darfur were Islamic, the government often used its rhetoric to promote a division between the "African" rebels (JEM and SLM), and their "Arab" neighbors.

Rebel victories elicited a scorched earth policy by Bashir as a response. It is estimated that from February to December, 2003, 300,000 died in Darfur; 25% of these deaths were due to the government blocking aid.⁹⁷ The violence continued into the next year and triggered a new

wave of diplomacy. In 2004, both the UN and Congress labeled the violence in Sudan genocide. President Bush made his first public acknowledgement of the crisis in Darfur on April 7th and Kofi Annan and Colin Powell both made high profile visits to Sudan.⁹⁸ Additionally, in June, 2004, the United Nation Security Council (UNSC) passed Resolution 1556, which blamed NCP for the violence, but did little else.

Despite tough language, the above rhetoric by the United States and UN led to a humanitarian emphasis in Sudan and little else. Peace conveniently remained something that diplomats were willing to talk about, but not truly invest in fully. The dialogue in Congress reflected the contradictory and politically expedient path that the peace process was taking. The NCP, essentially the engine behind the brutal conflict, was viewed in Congress as simply a “pariah”, an “illegal government” that “cannot be trusted,” and then somehow also viewed as the agent that could facilitate peace in Sudan.⁹⁹ When asked if this approach was merely “nonsensical,” Colin Powell replied, “No, it’s not nonsensical at all. Since they turned it on, they can turn it off.”¹⁰⁰ Additionally, UNSC Resolution 1556 condemned the NCP, stating that “[T]he Government of Sudan bears the primary responsibility to respect human rights”, while also “welcoming the commitment by the Government of Sudan to investigate the atrocities and prosecute those responsible.”¹⁰¹ These repeated accusations, coupled with the hope that the NCP would change, a hope that few believed would actually occur, demonstrated the almost schizophrenic nature of the peace process.

In May, 2004, while expressing the cursory nature of the peace process at a Congressional hearing, Representative Edward Royce of California stated that the peace process was “doomed” and “everyone was focused on that doomed peace process instead of on the killings that were going on.”¹⁰² While the peace process and American dollars (mainly for

humanitarian initiatives) at least offered the guise of moral credibility, the decisions made post 9-11 continued to reflect a policy wherein the Sudanese conflict, if it did matter, lay far removed and on the periphery of important policy issues . Although many compassionate voices still issued a clarion call in Congress, clearly lamenting the loss of life in Sudan and the lack of will on the part of GOS to pursue real peace, the chief concern for United States policy (as that policy specifically related to Sudan and the world) was now the ongoing threat of worldwide terrorism.

For those in Congress who pointed out the obvious contradiction and the absurd nature of placing the prospects of peace in the hands of the NCP, a clear necessity was to get the people on the ground at least to give peace or compliance to the treaty a chance. However, after 9-11, the United States still could only commit itself to sending a single 15- person group to the North and one 10- person group to the South to monitor the “zones of tranquility”, that were part of the previous ceasefire agreement. This action was hardly sufficient to monitor an area of land approximately 3 ½ times the size of Texas!¹⁰³ Lack of a U.S. and international presence continue to be cause for concern in Sudan and along the border with South Sudan. The lack of faith in Congress, coupled with the lack of resources being devoted to any impending peace, was a clear sign that political expediency was the accepted order of the day in Sudan.

While the United States tied its policy halfheartedly to what can only be called an ephemeral peace initiative in Sudan, America’s “War on Terror” received full backing from the U.S. materially, militarily, and monetarily. In terms of budget requirements for the wars in Iraq and Afghanistan, the U.S. alone had spent, since the inception of these wars, (as of 2008) more than \$1 trillion.¹⁰⁴ These figures do not include the expenditures associated with more general counter-terrorism initiatives. At the same time, the U.S. budget climbed to meet these initiatives, Donald Payne of New Jersey, a member of Congress since 1988, lamented the drying up of funds

reserved for Africa. The assistance to all of Africa targeted in 2005 at \$330 million (a figure not met) was a mere fraction of the total monies devoted to the “War on Terror.”¹⁰⁵

It was under these circumstances that the Comprehensive Peace Agreement (CPA) was signed on January 9, 2005. The CPA, also known as the Naivasha Agreement, was the culmination of years of work and smaller agreements. The first of those, the Machakos Protocol, was signed in July, 2002, and saw the signatories, the SPLM and NCP, agree to resolve the conflict peacefully as well as agreeing to the principle of self-determination for Southern Sudan. Perhaps most importantly, the Protocol set in place a broader framework and avenue to continue discussions that eventually led to the culminating peace signed in Kenya in 2005. An ongoing peace process was set in motion and mediated by the Intergovernmental Authority on Development (IGAD), made up of several East African nations. This IGAD-brokered peace was strongly backed by the United States under the Bush Administration as well as the UN and the African Union (AU).

To those unfamiliar with the Sudanese conflict, the CPA offered the guise of a legitimate opportunity for peace and appeared to be a boon for American foreign policy. The document seemed to pave the way for democracy and peace, a potentially striking achievement considering that Sudan had been ravaged for decades by internecine war. Furthermore, while the United States did not shout it from the rooftops, the CPA had in effect legitimized the rule of al-Bashir, thus ensuring cooperation between the NCP and United States on the terror front would continue.

In short, the CPA a few major stipulations. First, a power-sharing agreement which would give the SPLM autonomy in the South, while ensuring an Islamic legal system based on

Shari 'a in the North. Additionally, a 2011 referendum* would decide whether the South would remain part of Sudan or a separate entity; that referendum would be preceded by a Government of National Unity (GNU) to encourage unity by giving the SPLM a new, substantial role in Khartoum's government. A new Government of Southern Sudan (GoSS) was also to be formed. Second, wealth Sharing was another key provision of the CPA. Per the agreement, half of all oil revenues drawn from the South would be transferred to the coffers of the newly formed GoSS. Next, the security arrangements to enforce the ceasefire were to be organized under the Ceasefire Joint Military Committee (CJMC.) Members of the Sudanese Armed Forces (SAF) and the SPLA, recognized as the only two legal militias by the CPA, were to meet on a bi-weekly basis to assess demobilization and reorganization of troops. Last, the CPA also looked to deal proactively with the contentious regions, or so-called "Three areas," which referred to the historically neglected regions of Southern Kordofan/Nuba Mountains, Blue Nile and Abyei.¹⁰⁶ While the former two regions were given autonomous status in the North, the oil rich region of Abyei proved to be more complicated and was eventually addressed by an outside commission. National Elections were scheduled for 2009 and did take place, albeit with many objections from the various groups that were not represented in the peace agreement.

The CPA was hardly a panacea for Sudan's ills. The chaos and violence continued in Sudan, and hostilities in Darfur renewed with ferocity in 2006, which by many, including Colin Powell and President Bush, were described as genocide. The evidence of a failed peace was overwhelming almost immediately. News reports, aid workers, victims on the ground, the ICG, the United Nations, as well as Congress—in explicit detail—laid out the stark truth about the

* The South voted for its independence, becoming the Republic of South Sudan in July of 2011.

situation in Sudan, which sadly continued to spiral downward into anarchy. The recent independence of the South, presented often by the media with finality as the last step to ending the crisis, may only further diminish American attention and resources. For example, in the Nuba Mountains (one of the three contentious areas addressed in the CPA) peace continues to be elusive while the transgressions of President al-Bashir receive little attention in the American media or government. Al-Bashir has supported the controversial and disputed election of Ahmed Haroun, a man wanted by the International Criminal Court on over 40 charges for war crimes and crimes against humanity.¹⁰⁷ Haroun's recent election as governor of South Kordofan, home to the Nuba Mountains, a region where more than two million died¹⁰⁸ as a result of Khartoum's genocidal war policies over a twenty year period, reveals that the CPA has not achieved what it promises on paper - real peace. Demonstrating his steadfast desire to continue Khartoum's hegemony at any cost, al-Bashir has even threatened those that resist the election results in South Kordofan with starvation.¹⁰⁹

Even if the CPA had received the full backing and vigilance of the United States and the international community, the agreement would still be a challenge to enforce. The violence, endemic now for decades, continues in Sudan because of an inherent flaw in Sudanese society—a lack of true representative government that has not been corrected by the CPA. As agreed to in CPA, the NCP received 52% of the vote in the GNU, leaving Khartoum's government effectively in the hands of the NCP. The CPA also excluded other opposition groups from the GoSS, which is dominated by the SPLM, which holds a 70% majority. Non-SPLM Southern Sudanese groups receive a fraction (6%) of representation in the GoSS.¹¹⁰ The true figures are perhaps even more unbalanced, as the most recent elections, according to the Carter Center, “were not up to international standards” as many “parties withdrew [in protest] from the

election.”¹¹¹ The decision to move forward with two political parties as signatories to the CPA, essentially excluded millions of Sudanese, many of whom viewed Sudan’s inherent issue as one of exclusion, which while expedient, was very questionable in terms of a durable and long-lasting solution. Even after the independence of the South, issues of fair representation, a problem fostered—not corrected—by the CPA continue to be an impediment to a true and lasting peace.

Additionally, while CPA brokers chose to deal with Darfur through other avenues, many in the region viewed their situation, albeit with different nuances, as being similar to the Southern region which had been battered and subjugated at the hands of the Sudanese government. The question for why and how Darfur was left out of the CPA understandably is hard to determine and reconcile. These flaws, considering the epicenter of the conflict currently in Darfur, are numerous. On September 20, 2008, Human Rights Watch compared the situation in Darfur to a “violent scramble for power and resources involving government forces, Janjaweed militia, rebels and former rebels, and bandits.”¹¹² Internal divisions in the Sudan Liberation Army (SLA), attacks against humanitarian convoys, and armed clashes with the Justice and Equality Movement (JEM) have only exacerbated the conflict further. The actions of these rebel groups have also drawn the ire of international leaders. Following the roadside attacks in October of 2008 on humanitarian convoys, Moscow condemned the rebel actions as “unprecedented acts of terrorism.”¹¹³ Additionally, the *Los Angeles Times* reported that rebel camps “are awash with weapons.”¹¹⁴

However, the above acts might be more properly viewed as an outcome of government policy and Khartoum’s neglect of its citizenry; the NCP’s repeated violations of human rights was inevitably going to create this type of response in the region. The NCP, in the words of the

ICG, has become an “expert” in divide and rule tactics.¹¹⁵ Congress noted in 2008 that “Khartoum’s policy in Darfur has been the same tactic they used in the South: to divide and destroy.”¹¹⁶ The fractures among the resistance groups in Darfur, as well as in the South, often are used as propaganda by Khartoum, which readily adopts the language used by the United States post 9-11. Actions in Darfur and the South are simply attributed to “terrorists” or “bandits” who are resisting the rule of law. While al-Bashir’s transformation from being a tyrant to a peace-minded sovereign has been more readily accepted within the African Union, in Congress, those closest to the situation, remain unconvinced. In fact, the transcript of a 2008 Hearing by the Committee on Foreign Relations in the United States Senate reads much like an indictment against the NCP. Then Senator Joe Biden noted that these attacks continue “driving 90,000 from their homes” while noting that the “biggest obstacle to peace” seemed to be the “Sudanese Government.”¹¹⁷

While this knowledge can be construed as an example of political insight on the part of U.S. policy makers, American awareness of Khartoum’s position and its continued willingness to work with the Bashir regime, both through the CPA and the War on Terror, remains the biggest obstacle to progress in the region. Given the complexities in both Darfur and the South, especially regarding the myriad rebel groups whose actions often create a lawless climate, the United States could be forgiven for moving forward with a more simplistic formula for peace in the region – many peace accords historically have taken this approach. However, the fact that the NCP is a large part of the political equation does appear to remain counter-intuitive in terms of finding a lasting, durable solution to the Sudan crisis. The aggressive actions by the NCP in the summer of 2011 along the border of South Sudan in Abyei and the continuing human rights

violations in Darfur and the Nuba Mountains exemplifies the futility of placing the stability of the region in the hands of Khartoum.

The commonly held view in Congress continues to be that the NCP has not changed, cannot be trusted, and is not serious about power sharing. Khartoum's approach to the CPA at least on the surface appeared to "confirm a calculated political positioning rather than any real commitment to unity" and "the NCP's agreement with the SPLM appears to be the latest strategy for securing its power against such challenges."¹¹⁸ The government's blatant misuse of the CPA to win the war in Darfur has kept the region awash in blood. Congress reported that "atrocities" routinely occur and tens of thousands are driven from their homes.¹¹⁹ Locals in Darfur have commented in October, 2008, that Sudanese forces launched "very heavy ground and air attacks on villages in North Darfur", and al-Bashir is alleged to have unleashed Arab militias or Janjaweed, prompting one international observer to ask, "What peace process? I don't see anything happening."¹²⁰ Additionally, the *LA Times* in 2008 quoted U.S. special envoy to Sudan, Richard Williamson, as condemning the Sudanese government's "pattern of violence" in the region.¹²¹ While the all-out campaign against the South stayed on hold, shifting the government's focus to Darfur, Khartoum continued to effectively work to disrupt the peace process in the South.

The *LA Times* on September 22, 2009, reported that ethnic fighting and militia attacks on villages in the South have increased, possibly leading to as many as 2,000 deaths and the dispossession of 200,000. The majority of these attacks targeted women and children. Government officials in Southern Sudan claim that the NCP is secretly arming Southern tribes in an effort to undermine the CPA prior to the 2011 referendum.¹²² Although the violence was sometimes attributed to rival Southern parties' jockeying for control of oil, the problem can be

more precisely traced to the lack of follow through by the NCP on key stipulations of the CPA. Additionally, government anxiety about the approaching 2011 referendum increased with the untimely death of SPLM/A Head, John Garang, on July 30, 2005. Garang, who wielded tremendous clout in both the North and the South, had tenaciously clung to a strategy of a united Sudan. His replacement, the new GoSS President SalvaKiir, was more committed to a path toward independence, thus only increasing the uncertainty about Sudan's future and the NCP's desire to uphold the CPA.

In retrospect it appears the NCP has acquiesced, allowing the South to separate from Sudan in the summer of 2011. However, for more than two decades, al-Bashir has been savvy enough to measure risk and reward, while keeping the NCP's major war aims intact. Dating back to the renewal of the conflict in 1983, Khartoum has typically focused through its proxy wars and scorched earth policy on securing strategic oil and farm land that exist on the border lands between North and South. Al-Bashir had to realize that America might feel obligated to respond to a flagrant declaration that he would not let the South go; al-Bashir perhaps has understood too, that as long as he continued to give lip service to the peace process (giving the U.S. what it wanted) he would lose the complete subjugation of the South—an unrealistic military goal that has not been accomplished in more than half of a century—but keep the more immediate war aim which was to secure the strategic border zones. Prior to the 2011 referendum, the apparent willingness of the NCP to obstruct the CPA was not missed in Congress.

“Can we discuss peace with a government that is involved in genocide?”¹²³ This question asked by Congressman Donald Payne of New Jersey, underscores more than a decade of knowledge and insight into the nefarious behavior of the NCP. Unfortunately, the answer, despite the reproach of Bashir, and the NCP, remains “yes.” Better wisdom should have dictated

that the United States gear its policy, given the limitations of the CPA, toward compliance via a stiffer resolve, as sanctions had been of little use. Unfortunately, given the track record of the NCP, the U.S. position not to offer adequate ground level resources appears unconscionable.

On January 24, 2007, a Congressional report titled, *South Sudan: The Comprehensive Peace Agreement on Life Support* stated in clear terms just how little had been accomplished toward implementing the major components of the CPA. First, the assessment and monitoring of the CPA had been woeful. The area that was most concerning was Abyei. The CPA stipulated that the fate of this disputed oil-rich area would be ultimately decided by referendum, but the report noted also that “the Government of Sudan is withdrawing its troops from less strategic areas only to redeploy them in border areas where oil is produced.” Additionally the government bypassed the 50/50 sharing arrangement by siphoning gas from the region.¹²⁴ The United Nations Mission in Sudan (UNMIS) reported that “little progress has been made and oil revenues remain a shrouded and controversial issue.” Additionally, Salva Kiir allegedly stated that “if the SPLM is to go back to war, it will be over Abyei.”¹²⁵ In 2005, the United States pushed to replace The African Union Mission in Sudan (AMIS), essentially an AU force, with a more effective UN force, but offered up little of its own manpower to accomplish the task.

Ironically, while the United States wrote the text concerning Abyei in the CPA and while it is the wealthiest member of the UN, it has committed little in terms of monitors or assessment teams – an area that a recent Congressional report viewed as key to enforcing, not just the power-sharing arrangement, but essentially the entire peace process. By 2006, the United States still had not dedicated a single full-time diplomat to the Sudan peace.¹²⁶

Three years after the CPA was signed, members of Congress in 2008 were still asking the same question, “What is delaying the deployment of the full complement of 26,000 peace

keepers and police?” While addressing the lack of air support, a member of Congress added, “[W]e are all befuddled why we can’t find 24 helicopters in a significant arsenal of the world’s leading military powers.”¹²⁷ In keeping with its pattern of obstruction, the *Sudan Tribune* in 2006 quoted a leading member of the NCP comparing the UN and peacekeeping forces to “invaders.”¹²⁸ Apparently the powerful nations of the world, including the United States, were not prepared to push the issue or did not want to push the issue.

Additionally, although in theory the CPA included the SPLM as supposedly an equal partner, the United States had only one diplomat in Juba as late as 2008.¹²⁹ Another Congressional report in 2007 stated that “[A]s limited and underfunded as it may be,” a humanitarian emphasis in Africa, without “committing diplomatic resources.” is a prime reason for the failure of U.S. and international policy in Sudan.¹³⁰ While this humanitarian emphasis is a theme to be addressed in Chapter Four here, the lack of resources committed to the peace process by the United States was indeed telling.

Numerous studies have indicated there were severe problems with the Sudan peace process, most agreeing that the key measures of the CPA – a national census, formation of a unified army and demarcation of a North-South border –were not implemented. The damning 2007 Congressional report, “CPA on Life Support,” indicated several key issues, all which could be temporarily remedied with more on- the- ground resources and greater diplomatic initiative by the United States, indicating (1) assessment and monitoring not implemented, (2) no progress on wealth and power sharing -as well, (3) the North and South borders still unresolved. While those key issues remained unresolved and certainly were troubling, the inherent flaw in the process continued to be that clearly little faith could be placed in the NCP. Ironically, this situation was

the elephant in the room. Congress had chosen to speak openly about Sudan for more than a decade and unfortunately continued to both condemn and sustain the NCP position.

Peace cannot be dependent on a change in Khartoum because none will be forthcoming there. This truth has been abundantly clear for decades. Why then was a policy that is wholly dependent on a variable that had little or no chance of ever happening pursued? A starting point for United States policy should not have begun with the premise that GOS was (and is) working for the good of all its citizens. However, the fact that the United States has pursued a policy that ultimately depends on that very good will of GOS does not reflect a lack of political acumen or a misguided belief that Khartoum's hegemonic policies can be reversed by direction U.S. policy took. Assuming the latter would suggest a level of ineptness in U.S. policy that is frankly unfathomable. Additionally, the U.S. record over the last two decades has not been consistent with this position. Time and again, the United States has lacked not insight, but the political will, to do more in Sudan to make tangible changes in Sudan.

However, it would be difficult to declare that U.S. policy has been an abject failure. What is often sidestepped by policy makers, scholars, and historians instead is that the United States has not done more because American policy has chosen to emphasize other ventures at the expense of Sudan. The U.S. has historically shown disinclination toward other than humanitarian endeavors in that region. Even these endeavors, (illuminated in Chapter Four) have been suspect in that they may be ultimately prolonging the crisis. In short, despite the rhetoric and many compassionate and learned voices, few U.S. policy makers truly believed that policy would lead to an end of conflict or humanitarian crisis in the Sudan.

The lack of American resolve to approach African nations with seriousness and due attention has historical roots. Even as Africa became relevant during the Cold War, it always

existed on the periphery. The copious amounts of cash that flowed from the United States to Africa during the Cold War to prop-up embattled regimes reflected the lack of urgency the United States felt for the African Continent. Many of these ventures fostered internal strife and conflict. The indifference shown during Cold War diplomacy is perhaps analogous today to the money that flows into Africa via humanitarian endeavors to substitute for real diplomatic resources and attention.

The catastrophic events of September 11, 2001, took place within this context. However, while 9-11 changed the nature of America's relationships abroad significantly, it did not improve the situation in Sudan in terms of its crisis. The United States continued its rhetoric, condemning the character of the NCP while simply issuing more sanctions. However, behind the tough language and the sanctions, which have never had a commensurate effect on NCP behavior, was the increased desire since 9-11 of the Bush administration to view Khartoum as a necessary partner in its declared "War on Terror."

For Bashir, a few factors that benefited him made cooperation with the United States after 9-11 possible. First, the NCP had already altered its ties to radical Islam and terrorist elements during the Clinton era. Also, the more recent break with Turabi naturally alienated many Islamists from the Bashir government. Additionally, it would not take the savviest politician to realize that while the United States might not want to devote its military might and full diplomatic resources to stopping the conflict in Sudan, it could act with its full might against any nation that was clearly linked to international terrorism. The NCP, in the immediate wake of 9-11, like other Islamic regimes around the world, feared the United States might act "Like a Wounded Bear."¹³¹ Clearly the Bush Administration in regard to terrorism would not act with kid gloves. The NCP had to sense this. Consequently then, Bashir was more than willing to

adhere to Washington's wishes on this score, as the NCP's focus continued to maintain its seat of power in Khartoum, first by subduing Darfur.

On the flip side, the Bush administration was more than prepared to accept Bashir's lip service with regard to the CPA—this was a well-traveled path. Additionally, America's main goal overwhelmingly after 9-11 was to defeat international terrorism. Cooperation from Sudan, a country once home to bin Laden, was thus necessary. As the United States had never put much emphasis on foreign diplomacy in terms of this conflict, not much was altered or risked. The United States continued denouncing the NCP, and the NCP did enough to at least give the appearance of support for the CPA. The irony of these circumstances was that regardless of the rhetoric, Washington and Khartoum had found common ground to proceed with their chief individual and self-serving goals.

Although the CIA-NCP relationship remains shrouded, Jennifer Alexandra Newman, author of "Failure to Protect: Explaining the Response of the United States to the Crisis in Darfur," claims the connection is a close one and has included cooperation on several fronts. At the forefront is Salah Abdullah Gosh, the Sudanese intelligence chief, former bin Laden associate, and alleged architect of NCP's strategy to arm the *Janjaweed*. Gosh has been flown stateside for briefings via a CIA private jet, and Newman claims further that Gosh has been "instrumental in detaining terrorist suspects for U.S. interrogation, deporting Islamic extremists from Sudan, and raiding their homes to obtain evidence for the CIA."¹³²

While the full extent of this association cannot be known, clearly there was a strong impetus under the Bush administration to subordinate all foreign policy matters to anti-terrorism aims and national security issues. Once more, Jane Mayer's *The Dark Side* chronicles the manner in which the Administration, overseen by Bush, but more directly led by Dick Cheney

and his legal team, headed by then Justice Department Lawyer, David Addington, crafted a foreign policy almost exclusively based around the anti-terrorism front. However, considering the historic apathy toward Sudan and Africa as a whole, America's position with regard to the Sudan conflict was not a radical departure, but certainly a detour. That path would remain one that acted in "support" of the CPA, as condemnations and ineffectual sanctions continued.

Thus, even as it was ratcheting up new sanctions and more acrimonious threats, Washington was establishing a more fixed relationship with Khartoum. While Khartoum had dealt with American rhetoric and sanctions for more than ten years, even structuring its most important asset—oil, around these, the newest turn in policy must have made Washington's main objective truly transparent. Admonishments and toothless sanctions were no reason for Bashir to change his policy, but at least prior to 9-11, Bashir might have guessed—however remotely—that the United States could perhaps take stronger action; his cooperation with the "War on Terror," coupled with the wars in Afghanistan and Iraq, however, almost guaranteed Bashir immunity from American intervention as least for the duration of that particular foreign policy.

Nonetheless, the United States, not wanting to appear as if it were doing nothing, continued to push sanctions and at least publicly denounce the NCP. In September, 2006, President Bush issued Executive Order 13400, which blocked the assets of individuals connected to genocide in Darfur. In October, that order was followed by the Darfur Peace and Accountability Act (DPAA) and Executive Order 13412, which prohibited all transactions related to Sudan's oil. While these acts alone could not compel compliance, the Bush camp a month later warned of a more ominous "Plan B" if the NCP did not become more pliant. In 2007, Bush during a speech at the Holocaust Museum revealed that his "Plan B" would tighten

sanctions and extend them to 29 more companies. Jennifer Alexandria Newman correctly surmises that these sanctions, while powerful on paper, have had little effect on Khartoum.

While actual American intervention in Sudan has never been likely, the area where U.S. policy has been mostly established is refugee and humanitarian initiatives. The evidence clearly illuminates the lack of resolve by the United States to end the war in Sudan through more forceful strategies. Again, while compassionate and informed voices do exist in Congress, few experts in the field believed the path of U.S. policy would lead to an end to the violence in Sudan. However, the paradigm shift toward humanitarian endeavors at the end of the Cold War cannot be separated from other initiatives or non-initiatives that America takes in Sudan. The crisis in Sudan has created immeasurable suffering, much of it manifested in dispossession, hunger, and human rights abuses, all sadly endured by Sudan's civilian population for decades. The West, including America, if absent the resolve to intervene more forcefully in the region, will be judged based on its humanitarian and refugee policies.

From the preceding analysis, several general themes can be advanced. First, despite its ascendancy as a world power, and despite its relative free hand to aggressively pursue global initiatives post-Cold War, the United States has failed to act with resolve to stop the war in Sudan when it resumed in 1983. Secondly, after more than a decade of reproaching Khartoum for its willful cruelty against its own citizens, Washington continued to support a peace process (CPA) that required the good faith of a regime already in power, the NCP. Third, despite the strong anti-Khartoum rhetoric and in spite of the Sudanese Government's continued transgressions, the United States had not only continued its support of the CPA, but also developed a closer relationship with Khartoum. America's primary concern post 9-11 has been international terrorism. Lastly, while America has fallen short of its stated goal to end the crisis

in Sudan, it is the limitations of its actions in the region devoted to the conflict and humanitarian crisis, (i.e. lack of delivering resources and solid diplomacy) that reflected America's true aims. In short, the United States held to its traditional policy of keeping Sudan on the periphery of its foreign policy, while also diminishing its attention to the conflict and humanitarian crisis after 9-11.

CHAPTER FOUR: AMERICA'S RESPONSE TO THE REFUGEE CRISIS IN SUDAN: THE FAILURE OF HUMANITARIANISM AND DECLINE OF AMERICAN ASYLUM

While monumental changes swept the world geo-political landscape in the last several decades, from the Cold War to the abrupt end of global Communism and more recently in the aftermath of a post 9-11 world, American policy makers had consistently kept the conflict in Sudan on the margins of positive geopolitical action. While many scholars and historians would be loath to call this approach a victory, the policy does—for better or worse—correspond to what American policy makers believed they could achieve in Sudan under the circumstances. Although American policy-makers, of course, wished for peace in Sudan, they were not committed to making the United States the catalyst for ending that conflict, nor did U.S. policy-makers, knowing all too well the leviathan task ending the crisis would be, believe the path would actually achieve real and lasting peace. However, this policy direction did allow Washington to devote its resources to other regions of the world that it considered more vital to its own geo-political interests. For example, within the context of its Cold War commitments, the United States has devoted massive amounts of resources—militarily, financially, and in diplomacy—to the issue of Taiwan (or in the island's defense), which the People's Republic of China still claims as its own. Of course similar expenditures and attention have been devoted to American commitments in other areas of Asia and in Europe, but not in Africa. Post-Cold War and post 9-11, as America attempts to tackle international terrorism, the Middle East and Central Asia have received the bulk of America's military, financial and diplomatic resources.

Where then does the lack of attention to Africa leave American policy in Sudan? The United States had been most likely, aside from sanctions and rhetoric, to address the crisis in Sudan through humanitarian measures, via aid, as well as through its world refugee and asylum

policies. Humanitarian initiatives had become part and parcel of the foreign policy endeavors of the developed nations over the last two decades, especially in the Third World and most frequently in Africa. It is impossible to compartmentalize humanitarian and refugee programs, however. Scholars argue that both are inherently politicized and tied to the agendas of the powerful nations that facilitate them. Often these policies are enacted at the expense of other more potent foreign policy initiatives. Further amplifying their political nature was the inability to separate the war in Sudan from the civilian population. Civilians, both as displaced persons and individuals requiring humanitarian aid, are no longer simply unfortunate bystanders, but instead fall within the perimeter of overriding war aims, as governments, proxy militias, and rebels seek, as their goals to displace and cause their perceived enemies to suffer. Lastly, even absent a larger political motivation that derives from the powerful nations of the world, experts argue that both refugee and humanitarian programs, even when well-intended, can and do have unintended consequences – many of them unfavorable.

The conflict in Sudan led to a staggering humanitarian crisis. Millions of Sudanese refugees, once driven from their homes, fled to neighboring countries seeking protection. Displaced persons generally have sixty times the death rate of their non-displaced brethren.¹³³ Millions of those who were displaced in Sudan* lived within closed camps, fully dependent on humanitarian aid, with no foreseeable prospects of ever returning home. Many who were able to return to their homes in Sudan found the situation there still dire. Additionally, Sudan currently has the dishonor of having one of the highest numbers of Internally Displaced Persons (IDPs) in

* The Internal Displacement Monitoring Center estimated as of January 2011 that there were still 5 million internally displaced persons in Sudan. The UNHCR uses a lower figure of 4.3 million. (both these figures include the region of southern Sudan that currently is the Republic of South Sudan)

the world. Five million Sudanese, because of the conflict in Darfur and the Government of Sudan's more than two decade long war against the South, are still suffering within their own country.¹³⁴ Worse yet, those suffering within their own borders, (by not having crossed a border and while their antagonists are protected by state sovereignty) are often excluded from international protection afforded to refugees.

The legal framework and verbiage associated with displaced persons originated and developed in the twentieth century following two catastrophic world wars. The refugee crisis caused by the Second World War gave impetus to the current international system, which provides a link between state actors and the United Nations High Commissioner for Refugees (UNHCR). The UNHCR's historic mandate was codified in Geneva in 1951 and remains fundamental today in establishing the protection activities of that agency. The Mandate defines a refugee as:

someone who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Louise W. Holborn in her seminal work*, *Refugees: A Problem of Our Time. The Work of the United Nations High Commissioner for Refugees, 1951-1972, Volumes I and II*, provides a

* Holborn is recognized as an authority on questions of refugees and refugee policy. Her comprehensive study of the United Nations High Commissioner for Refugees during its first twenty two years, from 1951-1972, is encyclopedic

comprehensive view of the UNHCR's role as protector of refugees and its role in assisting governments to help refugees repatriate or find asylum. Several concepts can be fleshed out from this work that are relevant to the current study. For example, the UNHCR was saddled with a tremendously difficult task; while Holborn was able to demonstrate the agency's remarkable performance, given the circumstances, maintaining great flexibility and integrity, Holborn also points out the limitations of the UN mandate.

Revealing its uniquely Western origins, the refugee mandate was set up initially after World War II for three years (it has since been renewed every five years) and was targeted to assist refugees displaced prior to 1951 as a result of the war in Europe. While the definition of refugee was universal, the Western nations were leery of offering a blank check for future events. A 1967 protocol eventually removed the temporal and geographical limitations of the 1951 mandate. However, the mandate remained a creation of the period, crafted with the hindsight of World War II, and the foresight of recognizing the oncoming Cold War.

Holborn reveals that the UNHCR's role (much like any UN affiliate) is promotional, meaning the High Commissioner must appeal to governments and private sources for its revenue. The extremely political nature of refugees ensures that state actors did not want to cede complete independence of action to the UNHCR. Nor, given its lack of size and budget, could the UNHCR dictate policy. So while the devastation of World War II prompted world leaders to envision the UNHCR as an agency that could help transition Europe back to normalcy, UNHCR leaders also realized that its policy could be trumped or dictated by the level of funding. Correspondingly, financial backing or the denial of it could, and often did, determine the direction of policy that

in scope and provides a detailed, country by country account of refugee crisis and the UN's response. Holborn established the orthodoxy in the field by commenting on the political nature of the UN mandate as well.

the UNHCR took. While the United States has been a generous sponsor of the UN, what endeavors it has chosen to support have been vital and certainly key in determining the UNHCR's future policy.

Also by revealing its origins and political concerns the creators of the mandate, reflecting back on Nazi aggression and Soviet encroachment, determined that protection of a nation's sovereignty had to be an essential part of any mandate. The creators of the mandate did not want the mandate to be a *fait accompli* for the next act of aggression. Additionally, concerns of weaker nations, which felt the convention would simply be another excuse for European intrusion, could not simply be ignored. With these fears in mind, the notion of inviolable sovereignty and non-interference were imbedded into the mandate. Thus, central to its definition, an individual must have crossed an international border to acquire refugee status. Consequently protections offered by the mandate are more reactive and triggered when a person crosses an international border. The obvious ramifications are discussed at more length later in the paper for Sudan and Africa which, beset by internal conflicts, becomes the question of protection (or lack of protection) for internally displaced persons (IDPs).

Additionally, while a refugee has the right to seek asylum, a state is not required to act as a host under the mandate, nor does the mandate call for the manner in which the task of asylum must be divided. The latter stipulation, or lack of quota, grants the United States the flexibility to open itself up to the world's dispossessed. However, while it is convenient to view the latter flexibility as a boon or opportunity for the more prosperous nations of the world (who in theory can incorporate more refugees), the lack of clarity and the politicized nature of asylum has led to contention and confusion with regard to each nation's ultimate responsibility. For example, Jeffrey Crisp, author of *Humanitarianism Assistance and the Development Process* explains that

Western nations (donor states) have more and more believed that aid should be spent on the integration of refugees into the initial host state. In the case of Sudanese refugees this obviously would mean that Sudan's neighbors would bear more of the burden.

On the other hand, these host African states believe that the Western nations should accept more of the responsibility by either accepting more asylum cases or helping to repatriate refugees to their homeland. In the last decade, and especially since 9-11, the United States has aided with this last endeavor, focusing on returning many Sudanese to their homes. The aforementioned policy, critics argue, is tantamount to refoulement, a principle of the 1951 convention that states that no refugee should be returned to a country where there would be a risk of persecution. American support of returning refugees to Sudan, while considered part of the peace process, is a questionable practice at best, as it has coincided with continued violence in Sudan plus a dwindling number of African asylum cases (post 9-11) accepted by the United States. Ongoing violence in Sudan and President Bashir's recent position in the summer of 2011 that he will continue to starve out resistance in the Juba Mountains is especially troubling.¹³⁵

With these factors in mind, the displacement crisis that emerged in Africa after World War II, albeit still evolving, was much different than those with which the UNHCR was created to deal. Holborn, writing in 1975, points out that the majority of Africans displaced in the previous decade were rural and either subsistence farmers or herdsman and displaced as a result of internal conflicts, often crossing artificial borders to seek refuge with their kinsmen. In contrast, Europe's population crossed international borders (vital to acquire refugee status), and more likely than not moved from one urban setting to another urban setting.¹³⁶ These individuals would need less assistance in making the transition into an already familiar urban setting. However, Africa's population flows were often continuous, often tied to religious, ethnic and

economic issues within their home states, and by the 1970s increasingly rural to urban migrations. Consequently aid to assist in development and integration was necessary, more complex, and needed to be fluid.

Also, it should be noted that the Sudanese policy toward refugees during this period, as well as Africa in general, has been applauded by several prominent historians. So, while African states like Sudan had a lack of experience with international law that was geared toward Europe, historically speaking, Sudan was considered a hospitable environment in an immediate post-independent Africa. Louise W. Holborn, Gaim Kibreab, and John Rogge, respectively concurred, and John Rogge, author of *Too Many, Too Long: Sudan's Twenty-Year Refugee Dilemma*, adds that Sudan's refugee policy had to deal with a diverse set of circumstances and incorporated assistance, rehabilitation, and development, and could be "employed elsewhere."¹³⁷

However, these viewpoints should be taken with a bit of a caveat. Holborn wrote before the resumption of Sudan's civil war in 1983, while Rogge's book was published in 1985, and referred more to refugees from neighboring states who were seeking asylum in Sudan, not Internally Displaced Persons (IDP's) from Sudan's civil war. Furthermore, Kibreab uses Sudan's previous amiable policy to contrast with the policy of the NIF/NCP in the late 1980s and early 1990s, which he considered a more unfriendly pattern of forced camps, as well as refugee expulsions from urban areas—now a growing trend in Africa and Sudan. America's response to the crisis in Sudan can only be viewed effectively by keeping this evolving policy in mind.

The logistical problems associated with accommodating new waves of migrants who fled (or were driven away by the government and its proxy fighters) after the resumption of war in the South were now coupled with "subversive elements" that the Sudanese government feared must be among the dispossessed. The intractable war, coupled with drought throughout the Horn

of Africa led to mass movements of refugees (and IDPs) both in and out of Sudan in the 1980s. GOS had struck in strategic areas, a region considered the most valuable for rich deposits of oil. Among these was the Bor District, which was estimated to have lost 90,000 Dinka, as well the city of Bentiu, which lost 160,000 Sudanese by 1985. While the majority of the dispossessed were Southerners fleeing government forces, Cohen and Deng suggest that the SPLA uprooted at least 50,000 people.¹³⁸

The areas most affected by the end of the decade were the Red Sea Province, Kassala Province, and the Southern region. While some southerners were able to take sanctuary in strongholds, such as Juba within Sudan's southern borders, the majority simply fled to communist Ethiopia, which housed numerous camps. By the end of the 1980s, the refugee numbers had swelled in these camps to 300,000.¹³⁹ However, this relative sanctuary also proved to be short lived. The once friendly Ethiopian Communist regime, now struggling amidst famine and despotic rule, was overthrown in 1991, resulting in a military- led campaign to drive refugees out of Ethiopia. The majority fled to Kenya and back into Sudan.

The exodus from Ethiopia, coupled with the increased ferocity of fighting in Sudan after the NIF (NCP) coup in 1989, led to a huge increase of IDPs in Sudan. By the 1990's, there were as many as two million displaced persons in and around Khartoum.¹⁴⁰ Many of these urban settlers were denied access to jobs and basic services. While these urban refugees/IDPs represented only a fraction of the dispossessed in Sudan (many more were interred in camps) their condition did reflect the evolving nature of GOS's policies.

The policies that now had evolved to abject neglect would become by the 1990's (with the NIF/NCP now in power) increasingly more hostile, including the setting up of fixed camps and expulsion from urban areas. Policy initiatives by the NIF/NCP included: Manipulating water

and food, denying it to the male population, not allowing wells to be dug,¹⁴¹ and bulldozing the makeshift homes of 500,000 displaced persons in and around Khartoum.¹⁴² The *Sudan Times*, the only newspaper that supported the refugees' cause, exposed these excesses of the Sudanese government:

[T]he police under the authority of the commissioner of Khartoum have unleashed a campaign that flies in the face of human rights, confuses forced submission with public good order and comes close to making a mockery of Sudan's otherwise admirable record with respect to refugees.¹⁴³

The troubling nature of the growing humanitarian crisis that accompanied these new policies was that international law and practice seemed to be stacked against gaining any Western intervention. National sovereignty in the Cold War period was a matter of necessity. Additionally, the NIF's policies toward its displaced persons much like its war record (both inexorably intertwined) was a matter of continuing its declared policy of dominating Sudan. The United States and the international community were still having to deal with a government that not only did not have the best interests of the majority of its people at heart, but also routinely made the civilian population a target as part of its own war aims.

Indeed, by 1990, there were 1.8 million Sudanese displaced within the conflict zone.¹⁴⁴ Additionally, by the 1990's, the displaced persons in Sudan (as well as internationally) were increasingly more likely to be IDPs who were placed, regardless of geographic, cultural or occupational backgrounds, in restricted camps that were not self-sufficient and were largely dependent on aid for survival. These circumstances, while in part motivated by local events in Sudan, could also be attributable to the geopolitical forces that swept the globe post-Cold War. This trend has continued unabated into the twenty-first century.

Displacement post-Cold War continued to diverge from the previous patterns, creating both more obstacles and greater opportunities for the United States. With the end of the Cold War tension came a relaxing grip by the super powers and in distant and marginally relevant places like Africa, the predominant causes of displacement soon became race, language, culture, or religion. Most became displaced due to inter-state conflicts, in nations where arbitrary rule and despotism were the order of the day; these nations, including Sudan, saw an uneven disbursement of power, so dispossession was not necessarily an unfortunate by-product of war, but rather an aim in and of itself. This tendency is reflected in the displaced numbers: in 1982 there were 1.2 million IDP's in 11 African countries, but by 1997 there were 20 million in 35 countries!¹⁴⁵

Sudan's IDP crisis and its reaction to its own displaced persons cannot be taken out of the context of global events during this period. While it would be easy to simply castigate the Sudanese government, its response to the displacement crisis in key areas mirrors the international trend that was also taking place. To begin with, the 1970s and 1980s witnessed globally (and in Sudan) a move toward aid- driven responses. These endeavors, although of a humanitarian nature, were more inclined to include long-term planning— a characteristic sorely lacking in the current humanitarian ventures. Jeffrey Crisp notes that these initiatives at the outset were geared toward development or durable solutions for displaced persons. While camps did exist, they were not isolated and dependency was avoided by creating fluid interaction with the local people and the local environment, thus creating a community that tended to be self – sufficient. These individuals often relied on wage earning and agricultural schemes. However, despite such local successes, on an international level the move toward development and durable

solutions still failed due to the lack of durable solutions addressing the factors that were causing the displacement.

Mostly to blame were those past issues of the UNHCR mandate that only relied on state actors for cooperation and funding. The opposing wills or needs of the Western nations versus those of the host African states often created contradictory or ambiguous goals. The host African nations were reluctant to develop areas or aid programs for refugees whom they felt should only be housed temporarily—if the Western nations would not help by accepting a larger percentage of asylum cases, then repatriation was the only solution. Additionally, the vast numbers of IDPs would require more thorough development, which would require peacekeepers in Sudan, an even more politically charged situation and lessening the likelihood that the Western nations would get involved at all. The result was that the United States and other Western nations chose the path of least resistance, namely, food aid and repatriation. Considering that both were extremely limited in terms of offering long-term solutions, fixed, dependent camps became the order of the day.

The High Commissioner (HC) during the pivotal decade of the 1990's, Sadako Ogata, was instrumental in fostering what she described as a move away from a “rigid Cold War structure” toward a more holistic global approach that took into account both sovereignty issues and the political and military objectives of the intervening states.¹⁴⁶ Ogata confirmed the real political and financial challenges, stating that “wealthy countries with the transformation of world politics won't act fully, but feel compelled to do something of humanitarian concerns.”¹⁴⁷ Ogata, given the political nature of the UNHCR's mandate and its dependence on the purse and the will of state actors, called this move a “compromise,” but a necessary one.¹⁴⁸ The “compromise” approach advocated by the former HC, coincided with (and then advanced) the

growing move toward humanitarianism. However, while Ogata was prescient in terms of understanding Western motivation, she misjudged both the desire of the Western nations and the ability of UNHCR to steer the growing humanitarian response toward anything resembling a durable solution.

Obscuring the situation that refugee numbers were lower in the 1990s were the 25 million¹⁴⁹ IDPs at the end of the millennium, who despite the legal niceties, lived in situations that were comparable or worse than those for the refugees. Rather than invest in humanitarian endeavors that would prove long lasting by developing strategies to integrate displaced persons or make them self-sufficient, Western donor and host African states essentially reduced their humanitarianism to that of ad-hoc or stop gap measures. By the end of Ogata's tenure, an estimated 6.2 million people worldwide were languishing in camps now considered to be "protracted" situations.¹⁵⁰

While part of the UNHCR's original mandate was to provide durable solutions, the United States, mirroring the international trend, also steered a course toward aid (i.e. food and immediate supplies) as opposed to the development of a long-term solution. Among the developed countries, relative to budgeting, the United States ranked 20th in development spending in 1993. While funding for humanitarian relief did increase—up from \$297 million in 1989, to \$1.2 billion in 1993—much of that actual increase during this period was for food aid, while funds designated for development actually declined.¹⁵¹ Further, scholars began to question the apparent bias that accompanies dispersal of aid. There has been an alarming trend of underfunding of African-based humanitarian programs; the dearth of aid is sometimes linked with questions of race or more innocuously seen as "donor fatigue." Thomas G. Weiss and Cindy Collins, authors of *Humanitarian Challenges and Intervention*, point out that UNHCR received

90% of its funds in mid -October 1999 for 800,000 Kosovo refugees, while only receiving a fraction of this amount for 6, 000,000 Africans.¹⁵²

The American public, often ignorant of such nuances in types of aid or the political motivations behind it, is often inundated by media images portraying the dispossessed as victims in need of “rescuing.” In the 1990s, stories of Sudan’s “Lost Boys” were ubiquitous. While the precise impact of the media can of course be debated, these accounts, as well as the perceived humanitarian nature of American’s foreign policy, unquestionably became politically expedient, as it allowed the U.S. government to appease a public that was demanding that something be done. In fact, both the media and the government in recent foreign interventions have consistently downplayed military and political objectives, instead choosing to describe such ventures in humanitarian verbiage.

Both Gulf Wars, even with their obvious economic and political ramifications, were consistently linked to stories that humanized the events. The general public most often was flooded with descriptions of a menacing Saddam Hussein whose victims ranged from the Iraqi soccer team to Iraq’s Kurdish population. Even the Somalia intervention, routinely and matter of factly was described as a humanitarian undertaking, has more recently come under fire. Cecil Dubernet persuasively describes the impetus for intervention as being politically motivated. The tendency then by American policy makers and media to describe intervention in these terms often gives the public an inflated and inaccurate sense of U.S. foreign policy being solely motivated by humanitarian concerns.

In fact, a recent poll indicated that Americans believe the United States contributes much more to humanitarian ventures than it actually does: Those polled believed 15% of the U.S. budget went to foreign aid, while in actuality, the number is 1%. The poll also showed that

Americans believed 40% of UN peacekeepers were American, but in reality that number is 5%.¹⁵³ However, while the general public tends to get its information through the sporadic and narrow lens of the popular media, U.S. policy makers, much like their awareness of the CPA's shortcomings, realized the humanitarian path was lacking.

The direction that the international and U.S. policy had taken, choosing to focus on repatriation and aid, rather than asylum or a long-term solution was a clear step away from the spirit of the 1951 mandate, which was to provide protection to refugee and to seek durable solutions. That move brought into question the effectiveness of the new strategies as well as the principles and motivations of the state actors. At best, scholars have viewed humanitarianism as inherently political, but at worst, critics argue vehemently that such a move does more harm than good and even prolongs conflict and suffering. While the negatives associated with the delivered humanitarian policies are too extensive to enumerate here, a brief look at those arguments raises serious doubts about America's foreign policy direction in Sudan.

First and foremost, humanitarianism instead of working in conjunction with true diplomacy has replaced it, often becoming synonymous with inaction. W.R. Smyser, author of *The Humanitarian Conscience: Caring for Others in the Age of Terror*, comments that "humanitarian aid has expanded worldwide", while the West is "less inclined to spend money and true effort" to address the underlying causes of displacement.¹⁵⁴ A 2007 Congressional report also noted that "too often in Africa humanitarian assistance, as limited and under-funded as it may be, becomes the primary means for powerful countries to engage with African problems." The report adds further, "The United States needs to engage fully with Africa in partnership with its allies and the United Nations, committing serious diplomatic resources, not just humanitarian funding, to bring a halt to conflicts and their attendant human rights abuses."¹⁵⁵

Much like the expedient CPA, American humanitarian dollars built political currency, but created little substantive change in Sudan.

Furthermore, humanitarian actors must be viewed in the end, whether NGOs or UN officials, as political actors. David Kennedy, author of *The Dark Sides of Virtue* claims humanitarians, who are full of slogans such as “we’re here to make things better,” are responsible for a reckless pride and sense of superiority that often leads to little more than promoting Western interests at the expense of the population they claim to be aiding.¹⁵⁶ In a striking example of Western hubris, American “humanitarian” interventions often are a detriment to the very populations they claimed to be assisting. For example, aid in Somalia had the effect of driving market prices up and encouraged overcrowding and looting in Mogadishu. The majority of displaced persons—those that most needed the aid— had either already fled to Kenya or could no longer afford food after the price fluctuations.¹⁵⁷ Additionally, the various accounts that surfaced of the “Lost Boys” paint young Sudanese as victims, both backward and helpless, until they were rescued and brought to America to work and flourish in a civilized society. The insistence of painting Southern Sudanese in this manner perpetuates an outlook that certainly cannot help garner the South the diplomatic attention it so sorely has lacked from the United States and other nations.

Another troubling aspect of humanitarian aid is that without any associated long-term development, dependent, static camps are created. As well as fostering dependence, these camps can lead to environmental degradation or at least foster that belief within the community, which then leads to tensions and conflict with the local populations.¹⁵⁸ Displaced persons within closed camps are also much more likely to be victims of violence. A 2005 UN Human Rights Commission on Sexual Violence in Sudan documented weekly cases of rape and sexual violence

against women, as well as reports of extortion, robbery, and violent crimes against a wide demographic. In a number of cases, the alleged perpetrators are actually members of the armed forces or the police.¹⁵⁹

Additionally, aid dispersal, especially in times of drought which is common in Sudan, led to local inhabitants becoming envious or even perpetuating conflict to gain access to aid. It has been commonly noted too that both Khartoum and various rebel factions manipulated both the aid and the camps. Operation Lifeline Sudan (OLS) in 1989 and OLS II the following year both fell prey to manipulation, as have recent efforts in Darfur. Camp militarization, an alarming trend in Sudan, is often exacerbated by international aid as IDPs are “manipulated as instruments of war.”¹⁶⁰ The troubling nature of camp dependence has even led some scholars, most notably African specialist Alex de Waal, to contend that humanitarian aid since it perpetuates conflict in Sudan should cease, allowing the population to reach a point of “sufficient desperation” where it might rise up to oppose the egregious rule of the NCP.¹⁶¹ De- Waal’s theory, if it can be taken at face value, is very unlikely to become palatable to the American public or Congress (or hopefully anyone else, particularly the UN); however, it does speak to the very real concerns, many of them unsavory, which are associated with the U.S. path in Sudan.

In fact, scholars have taken the previous orthodox “political” nature of the humanitarian argument even further, drawing even more unwelcome attention to American policy. Recent evidence has shown that static camps are not just an unwelcome by-product, absent the resolve to implement long- term durable solutions, but may even be an intended course set by America and other Western nations which fear the political and economic ramifications of massed border crossings. While substantial effort has been made to describe American foreign policy initiatives in humanitarian terms, often “protection” of the dispossessed (the majority of IDPs) is

tantamount to keeping these individuals contained. Certainly the most obvious example was the first Gulf War. When Iraqi bombardments threatened Kurds and Shi'ite Muslims in Northern Iraq, the UN Security Council approved intervention and on 16 April 1991, President George Bush Sr. announced to the world:

Consistent with United Nations Security Council's Resolution 688, and working closely with the United Nations and other International relief organizations and our European partners, I have directed the U.S. military to begin immediately to establish several encampments in northern Iraq, where relief supplies for these refugees will be made available...and distributed in an orderly way.¹⁶²

President Bush's incorrect usage of the term "refugee" while appearing trivial at first, ironically points to the fact that the exodus of Iraqis was prevented from crossing an international border (on the insistence of the United States and Turkey), thus denying these individuals the inherent protections that come with refugee status. The episode was described in "terms of efficiency," emphasizing the "suffering" of those displaced, and the "care" they were given due to the American actions.¹⁶³ American policy, by restricting those in danger from fleeing or receiving asylum, was in complete contradiction to the spirit of the UN mandate. Many who could have perhaps received asylum languished in camps and were subjected to a quasi- prison environment. An estimated thirty to sixty percent of the displaced Iraqi Kurdish population refused to return to their place of origin, but aid was then used to forestall their movement toward Turkey's border.¹⁶⁴ Similar arrangements were also enacted in the Balkans in the name of humanitarianism where "protection" was meant only to keep the population stabilized.

While these situations differ greatly from Sudan's predicament, there are several conclusions that can be drawn from a comparison. The commonality has been a consistent

subordination of the true spirit of the UN mandate in favor of responses that the U.S. believes will favor its own geo-political position. Policy-makers cannot be unduly criticized for following a policy which they feel is in their best interest—all nations do that. However, to understand the U.S. position more fully, its rhetoric and notions of its historic role as a bastion of the dispossessed needs to be tempered and understood in its proper political context. Presently in Sudan there are still a huge number of IDPs and many of these individuals live in appalling and dangerous conditions. American policy, especially after 9-11, was to both push for repatriation, and decrease its number of asylum grants; considering many of the persons repatriated to Sudan continued to suffer, what motivated the United States to pursue this path?

In recent memory, the U.S. has enthusiastically embraced the UN mandate: For example, during the Cold War years, the United States passed the Refugee Relief Act, setting aside more restrictive immigration laws and truly opening up its borders. However, the former was done in conjunction with America's core geo-political concerns, as the majority of immigrants were coming from Communist countries or the Middle East. However, Neither Sudan's intractable conflict, which killed millions, nor its horrific humanitarian and displacement crises, have garnered Sudan or East Africa the same attention as other areas of the world . In addition, presently, the chief concern in the region, namely *terrorism*, further subordinates and lessens the likelihood that the United States will honor the spirit of the UN mandate which was to grant displaced persons asylum and durable solutions to their plight.

So, while the Balkans and Iraq were costly interventions both politically and monetarily, these risks were considered commensurate with the value that the United States places both on the region itself and its subsequent stability. The goal in these strategic areas was no more to honor the UN mandate than it was in Sudan, but the general indifference toward Sudan (and the

region) precluded the United States from investing the same material resources there. The threat of international terrorism only amplified the historic U.S. apathy toward the Sudanese conflict and its displacement crisis. Consequently, while the United States did not intervene forcibly to protect the integrity of East African borders, it did alter its humanitarian and refugee policies to accommodate the growing concerns for international terrorism.

Despite the fact that the peace process, along with American dollars, given namely for humanitarian initiatives, gave the guise of moral credibility to U.S. policy, decisions made post 9-11 continued to reflect a policy in which the Sudanese crisis, if it did matter, remained very far on the periphery. Although, many compassionate voices still issued a clarion call in Congress, lamenting the loss of life in Sudan and the lack of will on GOS's part to pursue real peace, the chief concern for the United States as it related to Sudan and the world was the threat of terrorism.

The United States has tied its policy halfheartedly to an ephemeral peace initiative in Sudan, whereas America's "War on Terror" has received the full backing of the United States, materially, militarily, and monetarily. Just in terms of budget requirements on the wars in Iraq and Afghanistan, the U.S. has spent, since the inception of these wars up until May 2009, almost \$900 billion.¹⁶⁵ These figures do not include any other expenditures associated with counter-terrorism initiatives.

At the same time, the areas where the United States could help, namely, humanitarian initiatives, and monetary funds, especially for asylum cases, shamefully continued to lessen. The U.S. Patriot Act of 2001 and the Real ID Act of 2005, while meshed with the interests of American policy, caused an already scant number of refugee admissions to ebb still further. These policies, enacted in response to the horrific attacks of 9-11, changed visa limits for

temporary workers and tightened laws on application for asylum and deportation of aliens.

Several provisions under these acts—to be addressed later— appear to reflect an indifference to those in need, and a stubborn insistence to making the peace process work despite the realities on the ground and the needs of those displaced.

In effect, pushing the failed CPA forward melded with and supported several U.S. policy initiatives in Sudan. As long as Bashir continued to halfheartedly support the CPA, thus “ending” the civil war, the U.S. could in “good conscience” go forward with its own geo-political objectives. First, it achieved cooperation with the NCP in America’s counter- terrorism efforts. Secondly, it buttressed American apathy with regard to the humanitarian crisis in the region. Since in theory the CPA had ended the war, the United States could both push for Sudanese refugees to be repatriated, thus denying funding for long- term solutions, and limit requests for asylum. These aims, while reflecting a real fear of terrorist threats, also provided a convenient juxtaposition to the historic apathy of the region; the United States could try and keep its own borders impenetrable from terrorist threats and claim that Sudan was moving forward with the peace process as displaced persons were repatriated back to Sudan.

Members of Congress have even indicated that U.S. policy puts “an exaggerated emphasis on repatriation rather than resettlement.”¹⁶⁶ However, this policy of repatriation fell in line with the peace process, which provided a semblance of moral credibility, both for the United States and the Sudanese Government, which shamefully had promoted itself as an agent of change and peace in the region. Additionally, asylum cases settled in the U.S. provided incendiary rhetoric to political action groups who then took their case to Congress to further expose the transgressions of GOS. An embarrassment was unwanted by the NCP, and perhaps by the American government. Though these indictments were long trumpeted by several influential

members of Congress, policy dictated that if the United States did not believe Bashir's promises, they at least had to give him the benefit of the doubt or look the other way to continue down the current path. The U.S. had committed too few resources to develop any real long-term integration plans for the displaced and placed too few personnel on the ground to enforce compliance to the peace process or guarantee safety to those who were repatriated.

In order for the peace process to have any credibility at all, millions of Sudanese –at least in theory- would have to be welcomed home. The policy hardly took into account the realities on the ground, but either did the CPA without the full resources of the United States in support of it and a genuine change in GOS policies. What won out were U.S. interests and resources that were being devoted elsewhere, ultimately leading to a dogged insistence on moving forward with a paper agreement or peace process that ironically would have little tangible effect on the lives of those it so strongly professed it would help.

Although resettling or offering asylum to IDP's has always been a delicate issue, the Patriot Act and the Real ID Act have hurt even the numbers of asylum cases that do fall under the UN Mandate. In the awakening caused by the horrific acts of 9-11, the Patriot Act was passed by wide margins in Congress. Although, the length and breadth of the bill is extensive, as it relates to asylum, it increased the scrutiny on immigration to a hyper-vigilance now reflected in diminishing numbers.

Although Congress did note that the number of "people of concern" or those that would benefit from asylum in Africa had risen to 19.2 million by 2005, the number of refugee admissions to the United States post 9-11 still continued to decline. In the fiscal years 2002 and 2003, U.S. asylum grants fell to historic lows of 27,100 and 28,422, less than half those for the fiscal year total for 2001 at 69,304.¹⁶⁷ Considering the immense number of people in need,

especially in wake of the increasingly contentious conflict in Darfur, that number seems increasingly paltry. At a hearing for World Refugee Day, notables and members of Congress listed several key issues with regard to the number of African refugees' moving forward. They were the U.S. Patriot Act, the Real ID Act, U.S. funding drying up, and a reliance on a humanitarian agenda as opposed to approaching Africa in real diplomatic terms.¹⁶⁸

While the budget for Iraq and Afghanistan has been in the hundreds of billions, the targeted budget for overseas assistance to Africa in 2005 was \$330 million. Not mitigating these paltry numbers is the fact that Sudan is just one of many African nations experiencing both internal conflict and a humanitarian crisis. Donald Payne of New Jersey, a member of Congress since 1988, and a long-time opponent of GOS's policies, has voiced concern due to the lack of attention and funds reserved by the United States for Africa. As a member of the Committee of International Relations in 2006, Payne lamented the drying up of such funds, connecting the change to the diminished number of asylum cases from Africa. Despite the deteriorating situation in Sudan, President George W. Bush asked for only \$236 million for 2007, a number, according to Payne, that was substantially lower than what would be needed to meet the ceiling set at 70,000 refugees for that year.¹⁶⁹ In Payne's opinion even the quota itself is distressingly low, and he added further that the U.S. refugee policy favors groups like Cubans at the expense of those in more dire situations.¹⁷⁰

Likewise, the material support provision, originally an amendment to the Immigration and Nationality Act (INA) in 1996, was broadened after 9-11, further restricting the number of asylum cases admitted to the United States. Further, U.S. policy, which relies heavily on "group referrals," has not invested the needed monetary or personnel resources, even if there was the impetus to do so, to evaluate referrals on a case-by-case basis. However, the real impediment

continues to be the broad brushstroke of the material provision. The original amendment stipulated the following:

[E]xtended immigration restrictions against members of terrorist organizations to more indirect affiliates of such groups. It defined, for the first time, the concept of “material support” as the provision of money, goods, personnel, and/or training to terrorist organizations. It also barred those who provided such assistance from entering the United States.

The Patriot Act of 2001, the Intelligence Reform and Terrorism Prevention Act of 2004, and the Real ID Act of 2005 significantly broadened the original definition to include the following:

[M]aterial support to terrorism is defined as the provision of any property, tangible or intangible service, including currency or monetary instruments of financial securities services, lodging, training, expert advice or assistance, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel and transportation, except medicine or religious materials to terrorist organizations.

Although, concerns were expressed in Congress in a variety of ways, the most common criticism was that “the law provides no exception for motivation, and thus the statutory definition could include groups that are engaged in opposition to repressive regimes.”¹⁷¹ More confounding, when viewed through a closer lens, it becomes quite apparent that the provision impacts individuals in Sudan who in every shape and form should fall within the perimeters of the United States asylum policy.

Anastasia Brown, Director of Refugee Programs, in a 2006 Congressional hearing before the House noted the ramifications of the Material Support Provision on potential asylum seekers. Declaring the intimate and often brutal nature of civil war in Africa where soldiers and civilians are not distinguished from one another, Brown added, “In [W]est Africa women and children who were raped and mutilated, whose families are killed in front of their eyes, who were held captive in their homes fall under the material support because they housed these criminals.”¹⁷² The law is so broad, that it injures any individual (even if compelled for reasons of their own safety) who provide materials or sustenance -even a glass of water- to an organization involved in resistance against a despotic regime. Brown’s comments drew an obvious parallel to the situation in Sudan. The nature of the Civil War in Sudan and its intimate closeness to civilians thus excluded many Sudanese, forbidding any American protection, and thus victimizing them a second time.

Additionally, the provision, when viewed from a broader perspective seems to inherently contradict the very fabric and historical foundation of the United States. The United States revolutionary past would seemingly lend sympathy to those oppressed by the cruel hegemony that Khartoum has imposed on the rest of that country. Congressman and Chairman of the Subcommittee on Africa, Christopher H. Smith, sardonically commented on the harm the Material Provision does to causes that America professes to heartily support: in a 2006 Congressional hearing, in response to the material support law that broadly includes groups engaged in opposition to repressive regimes, he exclaimed, “Presumably, that could be the Northern Alliance. It could be Cubans who resisted Castro. In Southern Sudan, it could be those who defended themselves against the Khartoum Government as it committed genocide there or,

conversely, those who in the north, in Darfur, resisting the Janjaweed. George Washington could have fallen into that category 200 years ago!”¹⁷³

However, while Smith represents a compassionate voice and argues ardently for a common sense approach to asylum, what he fails to state plainly is that the Material Provision, instead of being contrary to U.S. policy in Sudan, actually complements it. The United States has continued to be invested in the Comprehensive Peace Agreement (CPA), a paper agreement that allowed policy makers to expend as few resources as possible while claiming it did its part. Rhetoric aside, the American government—much like every other government—acts in accordance with what it believes its own self- interests to be.

Congressional records do show, perhaps overwhelmingly so, that much like Smith, there are sympathetic individuals in the American government. The element that is lacking is not compassion, but rather the actual will to do more in Sudan to produce a tangible change. For American policy- makers the Comprehensive Peace Agreement (CPA) may have left open a sense of a diminished moral responsibility, but the agreement has done little to mitigate the suffering for those who languish in camps or return to their homes where their situation remains still very dire. Even while American policy- makers have listened and lamented over the humanitarian tragedy in Sudan, much of which falls at the feet of the government there, they have steered a path away from the honorable humanitarian principles embedded in the 1951 mandate. Worse yet, the United States by sponsoring a peace that included the NCP, has essentially codified that regime’s legitimacy, thus pinning the future hopes of the nation (and on South Sudan) on the inconceivable belief that this regime will honor its commitments. That is not likely, nor have there as yet been any indications suggesting such an acceptance.

CHAPTER FIVE: AFTERWORD

Given the continued intransigence of the Sudanese government can there be any cause for optimism that the crisis and humanitarian disaster in Sudan will eventually end? Several factors in the coming years could play a significant role in that effort. First and foremost, although its power and prestige have certainly flagged in the last decade, the United States still wields tremendous influence in the world. While the shift by the developed nations toward humanitarianism has often meant an absence of true diplomacy and resolve, thus offering few tangible changes in Sudan, this trend has coincided with developments that could offer future opportunities for more aggressive moves in Sudan. The notion that sovereignty is not sacred has found expression in many forms, most notably in the UN's R2P, as well as in the Bush Doctrine's philosophy of preventative war. Could the crisis in Sudan be altered by outside Western intervention under these newer determining factors? As previously stated in this thesis a precedent already exists for the United States to intervene more aggressively in sovereign nations. However, despite the precedent and the NCP's continued oppressive actions against its own citizens, the United States, lacking the will, is not likely to act against the NCP. However, while Darfur and South Kordafan (particularly the Nuba Mountains) are still part of Sudan and continue to suffer under Khartoum's hegemonic rule, the South, which became the independent nation of the Republic of South Sudan on July 9th 2011, is now a sovereign nation. The new relationship between North and South –now two sovereign nations- could potentially play a part in how America and other nations deal with the NCP.

Could the violation the South's sovereignty by the NCP trigger a stronger American response in Sudan? America's waning power in the world, coupled with the United States support of the CPA, might incite American policy makers to act and halt a violation of the

South's sovereignty. However, several factors make this scenario unlikely. First, al-Bashir can preserve his chief policy objectives without a "major" violation of South Sudan's sovereignty. Strategically Darfur and the Nuba Mountains are a priority. Reeling in opposition to the NCP in these regions will take the bulk of Khartoum's resources and attention. Even if the NCP had a free hand and was able to launch a full scale invasion of South, success (as the previous two decades have shown) would be highly unlikely. Additionally, the NCP's objectives in the South have always been the strategic border areas that lie between the two regions –now two independent nations. Initially the border areas were sought by Khartoum –largely through its proxy wars- for transition to its commercial farming schemes. Presently the focus is more on the oil-rich regions, especially Abyei, an area -even after the 2011 referendum for independence- that al-Bashir refuses to relinquish. Secondly, after decades of dancing around American sanctions and policy initiatives al-Bashir is savvy enough to realize that NCP's transgressions along these border regions are not likely to provoke an American response. In fact, after two decades of human rights violations and transgressions in this region, followed by a non-response by the United States, al-Bashir can feel confident that anything short of a full scale invasion of the South will go unpunished.

Since the South's July independence many problems with the peace process that were pointed out in this thesis continue. For example, the American supported Comprehensive Peace Agreement dealt solely with the SPLA/SPLM, ignoring the ethnic diversity in the South, as well as its disparate rebel groups. In the first week of July, days before independence, thousands in South Sudan have died in tribal and rebel violence, much of this coming in conflict with SPLA forces. In addition, South Sudan's government has accused the NCP of arming rebels in an effort to undermine the South.¹⁷⁴ Much value should be attached to this claim as the North for

decades has sought to exploit the divisions in the South and more recently in Darfur. More alarming was the recent move on May 22, 2011 by the NCP to seize the disputed border area between North and South. The seizure of Abyei (the oil rich region) often called Sudan's "Kashmir", was, according to the North, in response to an SPLA attack of Northern troops who were being escorted by the UN peacekeepers.¹⁷⁵ The seizure of Abyei was followed by escalating violence and recriminations from both sides as thousands have fled the area. The escalation of violence in the region, and the NCP decision to seize Abyei, which is in violation of the CPA, magnifies the lack of peace keepers or international presence in the region. Critics, including U.S. Special Envoy to Sudan Princeton Lyman, argue the NCP seizure of Abyei was "disproportionate and irresponsible."¹⁷⁶ John Prendergast, Sudanese scholar and co-founder of the Enough Project, an advocacy group, commented, "If there is no cost to the Khartoum regime's commission of atrocities and to the dishonoring of agreements, then why would anything change in Sudan?"¹⁷⁷ It appears that the NCP continues business as usual. The American response has continued to be cautious, as the government has done little more than discuss sanctions on the NCP. While the recent violence has not elicited a greater American response, prospects for change could rest on Africa's own organizations.

While several non-Western nations, most notably China, have grown economically and militarily, these nations, for better or worse have not embraced the liberal principles of democracy, and human rights now embedded in the idea of globalization. Most of these non-Western nations also, absent enough media pressure and public sentiment for change, have little impetus to change the way they do business in Sudan. China's ascendancy in the twenty-first century, coupled with its established connections to Sudanese oil, Khartoum's cash cow, would be in a position to evoke change, but has failed to do so. While its intervention might be the best

hope for change, China with its own history of separatist movements, as well as the contentious issue of Taiwan's future still undecided, it remains highly unlikely that China will support any move in Sudan that Beijing feels might paint Khartoum's sovereign government in a negative light. The latter elements coupled with China's severe restrictions on personal liberties, as well as its lack of free and open media, ensure that Beijing receives little pressure to alter its economic partnership with Khartoum. Moreover, China's involvement in Sudan's economic development will likely act to further dull the effect of any U.S. sanctions on Khartoum.

One hope, especially in wake of Africa's colonial past and the failure of Western humanitarianism is that organizations provided by Africans will heal the wounds that trouble that continent. In fact, succumbing to many of the same global pressures and changes (post- Cold War) the Organization of African Unity (OAU), has attempted to evolve not only its name –now the African Union (AU) – but also its approach to dealing with contemporary issues.

The OAU (upon its inception in 1963) largely was concerned with the integrity of the newly formed African Nations. The organization viewed colonialism or neo-colonialism as its primary concern, but also had to be concerned with the internal strife endemic to nation building in Africa. However, while the right to self-determination served African leaders well and was trumpeted loudly in their fight against European colonialism, post- independence, these same leaders, fearing both for the stability of Africa's fragile new nations, as well as neo-colonialism, viewed the principle with more reservation and even hostility. Therefore, while the dynamics are different, both western actors and African have protected and supported the sacred right of sovereignty. This tendency has been a major challenge to a more energetic response in Sudan.

Although the concerns of African leaders have been legitimate, the determination to keep the map as it was, coupled with the political nature of the OAU and the weaknesses imbedded in

that organization, have set a pattern of ineffectiveness in response to internal strife and African despotism. Much like the UN, the OAU is administered and funded by the same state actors with which the organization must interact. Often its leaders, beset by their own state's economic failings, as well as fearing a consideration of their own government's shortcomings, have failed to act forcefully when it comes to inter-African conflicts or crises. Rajen Harshe, author of "Reflections on Organization of African Unity," referring to that lack of response to communal violence in Sudan, laments, "The OAU watched these ghastly spectacles by using principle of 'non-interference' as a convenient excuse".¹⁷⁸ As the geopolitical landscape continues to shift post-Cold War, the inability of the OAU to act unfortunately has coincided with worsening economic and inter-state conditions in Africa, further compounding the crisis.

While fostering the continent's own economic growth has become a primary goal of the AU leading up to its official inception in the new millennium, so too was addressing Africa's human rights issues and the growing displacement crisis. Integral to fixing the latter problems is a new view of the former slavish reliance on state sovereignty. For example, several objectives of the new organization were cited as, "the promotion of good governance, social justice, gender equality, and good health." The new charter did reaffirm "defense of sovereignty, territorial integrity, and independence of member states" but did provide for the "right of the Union to intervene in a Member State Pursuant to a decision of the Assembly with respect to grave circumstances, namely: war crimes, genocide and crimes against humanity."¹⁷⁹ Additionally, peace keeping, mediation, and sanctions were cited as circumstances in which intervention was warranted. The current African Mission in Sudan (AMIS) is deployed under this very provision.

The above changes now embedded in the AU seemed to provide a legal and moral impetus to do more. The move in Africa corresponded with the international push (post- Cold

War) toward eroding the principle of sacred sovereignty, which more and more was viewed internationally as an anachronism. In addition, the very recent July 9th 2011 Independence of the Republic of South Sudan removes the barrier. In short, the continued atrocities committed by governments against their own citizens provided the moral and legal imperative to intervene for humanitarian reasons. Scholars, historians and legal experts have concentrated on providing an international precedent or legal justification for this paradigm shift.

Judy Mayotte, author of “Civil War in Sudan: The Paradox of Human Rights and National Sovereignty” claims that in 1991, the UN, the United States, and European leaders established a precedent, based on international law, justifying intervention in certain situations. In brief, international leaders because of the imminent threat to the Shi’ite and Kurd populations were compelled to act because of humanitarian considerations. While in the past, a much narrower interpretation of the UN Charter essentially forbid the UN from intervening in domestic matters, in April of 1991, intervention was justified and implemented under UN Security Council Resolution 688. Mayotte points out that, the resolution “for the first time in history determined that humanitarian suffering within a given member state was a threat to international peace and security.”¹⁸⁰ The latter concept was based on statutes of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. President George Bush Sr. used that prevailing temperament and legal precedent to justify American military action during the Gulf War in 1991.

Scholars often treat foreign policy in a similar fashion; they seek remedies to improve existing international law or to underscore legal precedent(s) as a basis for policy or intervention. Mayotte uses President Bush’s 1991 Iraq intervention, along with the transgressions of GOS, as a basis for Sudanese intervention. Additionally, Cohen and Deng, authors of *Masses in Flight*,

create a concise and reasoned overview of both the strengths and weaknesses of current international law, particularly as that law applies to IDPs. The authors view the failings of international response to internal crises largely as a legal quandary. However, the failing of these scholarly works is that they are just that –scholarly works. Foreign Policy is enacted not in an esoteric vacuum of academia, but within the real world of active geo-politics. Policy is principally driven, not by humanitarian concerns, but the political whims or will of different nations. Both the United States and the AU are strongly guided by political motivations. And while the United States has acted in accordance with international law, it has also chosen to ignore both international law and the opinion of its Western allies when it serves its own purposes. A precedent for intervention for “humanitarian purposes” or to act against “rogue regimes” has already been set both with international backing and without; a further alteration or an adjustment to international law to fit Sudan’s internal crisis is not a guarantee that more aggressive action will ever be taken.

Viable and effective cooperation by the AU, UN, and the United States to halt the crisis in Sudan may remain a fantasy. Although the inception of the AU did bring with it a more cohesive economic plan, its lofty expectations for humanitarian endeavors remain captive to politics, as well as a legacy of inaction. In part, the issue still lies within the structure of the AU, which requires a vote by a Union Assembly to proceed, further politicizing and weakening that organization. In spite of credible evidence that the situation in Darfur has met the definition of grave circumstances (war crimes and crimes against humanity) the AU has decided to proceed with mediation and a small observer force rather than evoke Article 4h. That Article, if voted affirmatively, could trigger intervention. In fact, “the closest the AU Assembly has come to singling out the perpetrators of the mass killing is its condemnation of ceasefire violations by all

parties.”¹⁸¹ Despite GOS’s continued misbehavior and refusals to comply with the CPA, the AU has continued to respect Sudan’s sovereignty. Additionally, in the face of Sudan’s atrocious human rights record, the AU has scoffed at indictments handed down against President Bashir from the International Criminal Court and even seriously considered Sudan’s bid to become Chair of the Union in 2006. The bid was eventually denied, but as bargaining chip it was agreed Sudan and Bashir could take the seat in 2007. While Sudan never took the seat, the fact that it was considered, and two consecutive Chairs, which included Congo’s President Sassou-Nguesso in 2006, were handed to leaders that came to power in a *coup d’état* speaks volumes for the extreme political nature that still has steered the course of African organizations.

United States policy in Sudan is also unlikely to develop or evolve into a more robust response in Sudan. Once more, currently there are at least 4 million IDPs in Sudan, many of these individuals dispossessed as a result of Khartoum’s illegal policies. American initiatives, sanctions and humanitarian efforts in response to the war in Sudan have been initiated more from a moral and public relations impulse to do something, anything, but, to act without getting the United States involved militarily, fiscally, or in committing large numbers of personnel. Again, al-Bashir is savvy enough to gauge American intent.

While the conflict and humanitarian crisis were met with apathy, American policy when in response to a terrorist threat – a top geo-political concern- produced a more robust action or the threat of action from the United States. President Clinton in 1996 suspended diplomatic relations with Khartoum triggering the expulsion of bin-Laden from Sudan in that same year. Two years later in August of 1998, the ground work already laid by bin-Laden, al- Qaeda attacked American embassies in Kenya and Tanzania provoking President Clinton to launch a cruise missile attack on an alleged chemical plant in Sudan. Additionally, months before 9-11

and under pressure from the Bush Administration, al-Bashir, albeit with his own agenda, arrested Hussein Turabi bin Laden's former host and mentor. In the aftermath of 9-11 American resolve and intent has been easy to gauge; consequently al-Bashir has been almost obsequious in his desire to meet American demands, even granting the United States access to the Sudanese secret service. In short, al-Bashir is easily able to guess when America means business with its foreign policy and act accordingly.

The current economic recession, the wars in Iraq and Afghanistan, their unpopularity with much of the public, the history of inaction in Africa, as well as the cooperation that exists on the Terror front between Washington and Khartoum, make the United States current foreign policy path likely to continue in the region. In 2007, U.S. State Department's senior envoy to Sudan, said a regime change was "furthest from our mind." He added further that the United States would likely announce new sanctions.¹⁸² With China, and other nations imbedded economically in Sudan, and without a stronger AU response, sanctions, which have been par for the course, will be unlikely to evoke a greater change in the NCP's behavior or policies.

The best hope moving forward is that the United States engages Sudan –not just the NCP- but the SPLA/M and the myriad rebel groups with diplomatic attention commensurate with the crisis and number of people affected. Sadly, while the United States Congress has had countless hearings on the crisis, and has listened to testimony of scores of experts, victims, and scholars, making it an informed body, the American public has only received sporadic and cursory information. An "informed" American public could provide the necessary pressure on Congress to do more.

The influence of the media on the American public can be difficult to gauge. Scholars debate the exact influence the media holds; opinions range from the "CNN Effect", a belief that

the media can play a significant role in foreign policy decision making, to a belief that its role is largely overstated. Although its influence is open to debate, it is clear that the American media has taken a particular position on the Sudanese crisis.

Robert Rotberg and Thomas G. Weiss, authors of *From Massacres to Genocide: The Media, Public Policy, and Humanitarian Crises*, explain that the media has helped to paint an image of crisis and response within the perimeters of “victim and rescuer.”¹⁸³ Ironically, while public interest in the Sudanese crisis could potentially provide the impetus for more effective policy, it has in the past only acted to buttress the limited aims of the United States. Media coverage in the past decade of Darfur and in previous decades of the civil war was limited, appealing more to a humanitarian impulse than a true call for diplomatic response. Darfur was labeled by President Bush and covered by the media as an act of genocide. In previous decades, the face of the Sudanese conflict, the “Lost Boys”, were presented as refugees chased and driven from their homes. Both garnered a general response from political interest groups, NGOs, and Christian groups which gave rise to increased humanitarianism, essentially an offering to the “victims”. However, what was needed was a call for more diplomatic attention and resources in the region.

Congress has acknowledged as recently as 2007 that “humanitarianism was too often stressed” at the expense of serious diplomacy between American, its allies, Africa, and UN¹⁸⁴. Although presently the American public is ill informed of the negative effects of humanitarian endeavors, or the true policy measures it so often replaces, more and more scholars have taken up the banner; some even advocating a “sitting on the sideline approach”, absent true diplomacy. While it is hard to imagine the academic insight associated with humanitarian endeavors and their impact on diplomacy would become general knowledge overnight, public awareness could

continue to grow slowly. Additionally, there is a growing awareness on college campuses and amongst Christian groups that increasingly have called for more robust American responses in Sudan. If these voices continue to grow, once in the public mainstream it could serve to influence elections and public policy.

The United States could immediately step up its commitment to sending more peace keepers to enforce the Darfur peace and the CPA. Khartoum has responded when it feels it is truly being pressured, or its position is at stake. While even a fairly large surge in American peace keepers would not correct the underlying political issues in Sudan, or change the inherent ills of the NCP, it could at least give the CPA or the peace in the border areas between the two nations a chance. Additionally, a larger American response could prove to promote more forceful AU initiatives. Although perhaps the least unsavory of outcomes, an American peace keeper injured or killed in Sudan could spark public outrage in America and inspire a stronger stance in regard to the NCP.

As delineated in this thesis the CPA is not a cure-all for the ills of North or South Sudan. However, the United States made a commitment to the people of Sudan when it pushed forward the peace process. Khartoum's decision to not honor or uphold the results of the Abyei Border Commission (ABC) has essentially broken the agreements made in the CPA. Abyei should become a cross roads in American policy. While the United States has more often tied geopolitical importance to military and economic concerns, human suffering and America's commitment to upholding the CPA should take precedence. The decision to go forward with a more robust response over Abyei could take several forms and have several positive outcomes in the long-term.

First, a scenario in which America buttresses a UNMIS peace keeping force to observe that the Abyei borders were upheld would send a message to the NCP that the United States is committed to upholding the CPA and the sovereignty of South Sudan. Al-Bashir has typically responded to American pressure when U.S. intentions and priorities were clear. An American presence would also give confidence to the people of South Sudan that it can commit its resources and energies, especially along the border, to creating a nation built on a foundation other than war. Additionally, while the above circumstances would not directly help the marginalized people of the North, it would set a precedent (led by America) in which a strong challenge to the NCP's policies could evoke political change in the North. As previously stated, the NCP is a regime that does not garner support from the majority of its citizens.

Lastly, if the NCP continued to violate the sanctity of Abyei the United States could respond militarily. Visualizing American ground forces stuck in a quagmire fighting for Abyei is difficult, but there are other options. Since Khartoum has used its government troops to launch attacks into Abyei the United States could identify targets and use air strikes. Air-strikes in the former Yugoslavia, while not necessarily achieving an immediate humanitarian need, did force Serb forces to stop their offensive actions. Strikes of this nature could also halt the NCP and uphold the borders. Again, historically U.S. policy has been transparent.—American intentions have easily been read by Khartoum. While successive administrations stated their goal was to end the war, America clearly did not give credence to this goal by its actions. The NCP's objective has always been, first and foremost, to keep its power and position in Khartoum. A military confrontation with the United States could galvanize the Sudanese people around al-Bashir, but this is unlikely. The more likely effect would be for al-Bashir (fearing to lose his

tenuous grip on power) to pull back from his demands in Abyei. American resolve, as shown in America's war on terror, has achieved results in Sudan.

However, with the United States heavily invested in Iraq and Afghanistan, and memories of the Somalia fiasco fresh, an American military intervention in Sudan is unlikely, but perhaps the surge of negative attention directed at the NCP could foster confidence and eventual change generated from within Sudan itself. While the civil war and the Darfur conflict have often been simplified down racial, religious and ethnic lines, the inherent injustice, and the impetus behind these conflicts, continues to be the lack of power sharing with Sudan. The world has witnessed in Egypt, Libya, and other Middle Eastern nations grass roots movements that have toppled or threatened to topple despotic regimes. If further rebellion was to occur in Sudan, threatening the NCP, it would be interesting to see what response the United States would take. Would the United States judge, based on the fall of the NCP, and the possible instability to follow, that its main geo-political interests –clearly the war on terrorism- would become threatened? Or could this mean a new period of true democracy and secularism in Sudan that could give rise to a new era of diplomacy between Sudan and the United States?

While a humanitarian agenda is unlikely to bring a long term resolution to the crisis in Sudan, the United States could make a difference in the lives of many more Sudanese by addressing its asylum policy. The United States by 2007 had offered only 3 Darfurian refugees in the United States!¹⁸⁵ Protecting America's borders is still a priority, but clearly there is a compelling need for a revision of the U.S. Patriot Act of 2001 and the REAL ID Act of 2005. America for centuries provided opportunities for those suffering against various forms of despotism. Asylum policies need to be drawn, not around broad brush strokes, but with care to

individual needs and a case by case criterion; while it may be more expensive and politically precarious, the suffering that continues in Sudan and South Sudan make it necessary.

However, if a stronger U.S. response (either politically or militarily) is to come in Sudan, the opportunity most likely will present itself with a change in America's overall geo-political position in the world. After 9-11 a paradigm shift did occur, but as previously stated, it only worked to further degrade the importance of the Sudanese crisis, at the expense of intelligence gathering in the region. In the foreseeable future the "War on Terror" will continue to evolve as will America's relationships with the NCP. While Khartoum currently provides a "service" to Washington, this benefit at some point may not outweigh the unrest in the region caused by the NCP's transgressions and poor governance.

More likely than not America's position and influence in the world will continue to decline relative to the strength of up and coming global rivals. While difficult to predict, China's growing economic strength worldwide, and in Africa, will perhaps, in the eyes of Washington, give rise to a new level of diplomatic interest in Sudan. The ebbs and flows of geo-politics, not a moral imperative, typically give rise to action or foreign policy initiatives. Perhaps its evolving position in the world may finally serve to wake American indifference toward the crisis in Sudan.

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