

Alex de Waal and Jerry Fowler Discussion
USHMM Committee on Conscience
June 19, 2008

Bridget Conley-Zilkic: Good morning and welcome to all of you. Thank you for coming. Sorry for the late start as well. I'll just give a brief introduction. And by the way, for any of you who have friends or colleagues who couldn't make it, we will be putting a transcript of this program up on our website, so you can forward it along to them through that method. The United State Holocaust Memorial Museum is mandated through its Committee on Conscience to alert the national conscience, influence policymakers and stimulate worldwide action to confront and work to halt acts of genocide, or related crimes against humanity.

We have been working on Sudan since 2000 -- the man to my left can probably correct me if I've misused any dates -- initially focusing on the conflict between the north and the south, with particular emphasis on the Nuba Mountains. And we have been working since 2004 on Sudan's western region of Darfur. This museum was conceived as a living memorial to victims of the Holocaust. It was founded in the belief that the unique social, individual, national and international collapse that allowed the Holocaust to occur issues to us today a solemn warning. Namely, there are no alibis to the present challenge of responding to genocide. How we respond to this challenge, though, is a question that we have to pose again and again, and that's why we've invited you here today to look at this challenge today in Sudan.

And for that purpose, we've brought two of the leading voices on Sudan to speak with us today. First, we'll hear from Alex de Waal, on my right, who's a program director at the Social Science Research Center. He works on projects on HIV/AIDS and social transformation, on emergencies and humanitarian action. He's also a fellow at the Harvard Humanitarian Initiative, which is a partner with SSRC, working on aid and governance issues. Alex, as I'm sure most of you know, has written extensively on Sudan and on genocide. Among his publications is the new edition of his book on Darfur, co-authored with Julie Flint, "Darfur: A New History of a Long War." Jerry Fowler then will provide a response to Alex's comments. I have to say it's really an honor to be able to welcome you back. Jerry was my boss for seven years, I think, actually.

Jerry Fowler: Who's counting?

Bridget Conley-Zilkic: Who's counting? Maybe it was only six and a half. It was enough. And he was the founding staff director of the Committee on Conscience at the US Holocaust Memorial Museum. He created all of our systems for working on contemporary genocide, helped this museum find its voice and its role in responding to genocide, and I'm quite pleased to have him back as a guest today. He is now the

president of the Save Darfur Coalition, and in addition to directing its staff, he also coordinates joint Darfur advocacy efforts among the coalitions, more than 180 member organizations, and directs communications with more than 1 million Darfur activists -- it's an astonishing number -- more than 1,000 community coalitions and joint efforts within the global movement in 50 different countries. So I want to thank both of them for coming, and we'll begin then with Alex.

Alex de Waal: Thank you, Bridget. It really is a pleasure to be here. I'm just taken aback by those numbers, of activists and groups concerned with Darfur. When I published my first book on Darfur, which was in 1989, the publisher said, "Don't put Darfur in the title. No one will ever buy a book with an unheard of -- the name of an unheard of place in the title." I actually, this being an academic press, they weren't too insistent, and I did get Darfur in the title.

Jerry Fowler: Subtitle, right?

Alex de Waal: "The Famine that Kills: Darfur, Sudan," so subtitle, yes. Leading off the subtitle. And the reason I went to Darfur actually, partly was because nobody had studied it. It was really terra incognita for those of us who were interested in humanitarian issues in the early 1980s. And actually, in a way, that's a starting point for the question I want to address which is, can Sudan survive? Or what Sudan will look like as it survives, because the country of Sudan in some form will presumably continue to exist, whether as one country or two, or maybe more.

One of the features of Sudan, which most struck me when I first, which struck me very strongly when I went there, and always has, is that there's always something going on. There's always some political movement, some opportunity, some shift in the political landscape, something that those who are interested in Sudan, whether as diplomats or activists or whatever, think, "Okay, there's something that we can grasp onto here." And yet, over a 25 year span, it's remarkable overall how little has changed, how the country is remarkably similar, remarkably familiar, from how it looked 25 years ago. And the bloodshed and violence is more widespread, but the political patterns, and the fundamental questions are essentially the same. And I've characterized this as a turbulent system. It's a system that is always creating disorder. It's characterized by disorder and instability, and of course, you know, immense human suffering and bloodshed, and yet it survives. Many Sudanese citizens do not, but the system itself does seem remarkably robust, impervious to change.

There have been, over the course of Sudanese history, intermittent revolutionary projects, attempts to completely transform the system. We saw this in the 1970s with Jaafar

Niemiri, what you call his *shumuliyya*, his total transformation, everyone becoming part of one system. We had it in the early 1990s, with the Islamist Revolutionary Project, the *mashru al hadhari*, the civilization project, and its main sort of implementing component, the *da'wa al shamla*, the comprehensive call to God. We had it in the reaction against that, led by the SPLM and some in the National Democratic Alliance, which briefly flirted with the idea of what they called *tahir al shamil*, or the comprehensive liberation. And then this word cropping up again, *al shamil*, meaning comprehensive. And in the comprehensive peace agreement, *at ittifaq al salaam al shamil*, which actually, I think, is a very, deeply unfortunate translation, because when we talk about comprehensive peace agreement, we automatically think it's an inclusive agreement. It covers all the issues. The word *al shamil* actually means an exclusive, tied down, almost a totalitarian agreement, and I think that choice of words was profoundly unfortunate, and spurred-- has created huge problems in Sudan since.

These revolutionary projects have invariably failed. The Islamist Project, the most recent one, was really abandoned in the mid-1990s, as the Islamists began to fall out amongst themselves, and revert to the more traditional form of governing the Sudanese state. And that's really what I want to talk about, how the Sudanese state has been governed for 150 years, if not longer. And the system that really shows very little sign of actually changing.

Now let me start off with a very sort of personal take on this, which is, watching how the chief negotiator of the Sudan government to the Sudan peace talks in Abuja behaved. I was brought into those peace talks in 2005, over the objections of this man, Dr. Majzoub Al Khalifa Hille. The Sudan government had, at various times, labeled me an enemy of the state, and so on, for various human rights activities that I was engaged in. And they strenuously objected, and actually prevented me becoming officially accredited as a member of that delegation. But the head of the African Union mediation team, Salim Ahmed Salim, brought me on as his personal advisor, and therefore circumvented that.

And I had, over about a six month period, a day to day opportunity to observe the functioning of this fellow, Majzoub Al Khalifa at close quarters, which was very, very interesting, because you really saw how one of the chief operators of this system actually made it function. Majzoub, in the formal sessions of the talks, sat there. He was killed in a car crash a year ago, so past tense. He was a big, imposing figure, and he used to sit there, utterly impervious to the abuse that was hurled at him from the other side of the table, from the rebel side. And I once joked with him, that was it his profession as a dermatologist that had given him a thick skin?

Actually, his ability to resist every detail had -- I was told by one of his colleagues that Hassan al-Turabi, his former colleague and leader of the Islamists -- in exasperation at

this man's intransigence had said in parliament, he'd said, "Even this man's specialty is superficial," because he'd spent the whole day talking about how they wanted to segregate public transport, which Turabi, even though he was the sheikh of the Islamists, was not terribly interested in. And so, for Majzoub, the business of the formal talks was a sideshow. He was there just basically to absorb the insults, to shrug them off in his somewhat reptilian manner.

The real business was done elsewhere, and the real business, as far as he was concerned, was buying and selling. He was in the business, like all Sudanese, senior Sudanese political operators, and security officers, of buying loyalty. And he saw it as his task, during the peace talks, to calculate the price of every single delegate in the rebel camps, and actually quite a number in his own camp, whom he didn't terribly trust, and pay that price, the minimum price. And he was very good at it and he bought off a lot of them during the talks. And he, at the end of the day, he was just too mean. He wasn't prepared to stump up the larger amounts that particularly Abdul Wahid was demanding. He thought he would get away with a cheaper deal.

In Sudanese terms, they would call him a *jilaba* politician, *jilaba* being this class of merchants, peddlers, that have been, along with their counterparts as security officers, soldiers, mercenaries, freebooters, over 150 years or so, have been involved as a sort of partnership running this state. It's essentially a partnership between mercenary soldiers and traders. And the aim of this *jilaba* politician, Majzoub, was to buy loyalty. And to be frank, every single person in the rebel camp was a willing seller. The question was not whether their loyalty was up for sale. The question was, what was the price.

And Majzoub's critique of the north-south peace agreement was that it hadn't followed the same track. He argued that with the oil money coming on stream, they actually had enough money to pursue that strategy. Now Majzoub was a very remarkably tough politician, and I ended up, I must say, with a bit of a sneaking admiration for the skill with which he operated this system. My suspicions about this -- this being really the nub of the Sudanese state -- were confirmed by the fact that I wrote in the London Review of Books, in what I thought was a very uncomplimentary article, in which I described him as a reptile, as a king crocodile, as a man who was as vexatious to his allies as he was feared by his enemies, and described just the way in which he used the banknotes as his mechanism for trying to get a deal.

And when I saw him afterwards, in their republican pass in Khartoum, I was a little apprehensive about what he might say. And his office, actually, resembled a doctor's waiting room, with a whole line of people going in to see him one by one, get their instructions, get their payment for the next day, the next week. And we went in, and we

talked about various things and sort of fenced. And he didn't mention the article until when he was leaving. He put his huge hand on my shoulder, and he said, "Fair article." And I think he was slightly chuffed by the idea of being king crocodile actually.

And what I found more surprising was, when he was killed, the Sudanese presidency issued a little booklet of tributes to him, and they included that. They translated my little description of him and included it. And so for them, this is something that has resonance. And just one last thing on that. It was, again, a translation issue. I mean, I spoke about the difficulty of translating, or the problematic translation of the comprehensive peace agreement. Just the translation of the discourse of negotiation was very interesting.

My Arabic is not good enough to actually negotiate in Arabic, but I can eavesdrop and overhear what people are saying. And the whole Sudanese discourse around the end of those peace talks was about the price, what are they going to pay? And what Abdul Wahid al-Nour, the chairman of the SLA, wanted was, he wanted a compensation fund of minimum \$100 to \$150 million that he would control, so he would be able to play the same game. Not as a seller, but as a buyer. Instead of him having to supplicate loyalty, he wanted to be in a position to buy it. And I think this is -- and if you look at the CPA, that really is its core function. It provides sufficient resources to the government of south Sudan for it to act as a rival buyer in the system.

And though many things have not been honored in the CPA, one thing that has been honored is the financial transfers from north to south. In this year alone, the south has received more than \$1.4 billion, I'm told. I wouldn't swear on the figure, but with the price of oil going up, they have received huge amounts of money, more this year than, well, more in the last eight months than in the previous two years. And essentially, what you see in the government of south Sudan is an attempt to compete with Khartoum in, as it were, this auction room of loyalty. And the way the SPLA manages its security strategy is -- they call it building a professional army. If you look beneath the surface, basically they are paying all the commanders of militia or whatever to be loyal to them. And they have enough money to compete with Khartoum.

Taking a step back, what is the challenge of running this system? I mean, if you were Majzoub or Bashir, what do you want? Well, what you want is, you want loyalty to be cheap. You want to be able to buy off people as cheaply as possible. And this isn't a game of individuals, by the way. It's a game of elites. And it's quite interesting if you look at the elites in Sudan. They don't kill each other. It's almost unheard of for there -- certainly in the last 25 years -- for there to be assassinations among the elites. The ordinary people get killed in large numbers, but the elites don't. And the elites are remarkably cordial and civil to one another. And I think it's because today's enemy can be

tomorrow's friend, today's friend can be tomorrow's enemy. And it crosses all the political spectrum.

I mean, I described the rebels play it. The Arabs in Darfur play it. Musa Hilal, he became the militia, the really powerful militia leader that he was in July 2003. But even a month before, he was talking to the rebels, saying, you know, "Maybe we can cut a deal." And the reason why he was recently promoted to being an advisor in the Ministry of Federal Affairs, I think, was because he was threatening to do the same thing. One of his successors is leader of the Janjaweed, Mohammad Hamdan Hemeti, who had, he says, 20,000 troops under his control, as of last year. It may be a bit of an exaggeration, but not much. If you follow his career, it is, I think, the clearest example of this. I mean, one day, he was saying, "We will cleanse Darfur of the African tribes." He got a huge shipment of arms and ammunition and money from the Sudan government, beginning of October of this year, to fight against JEM, Justice and Equality Movement. What did he do? He switched sides, signed a deal with JEM, signed another deal with an SLA, sent his emissaries to Chad, to Libya, to the SPLA, to the international community, saying, "Let me come over to the other side. What's on offer?" And then he's on film saying, "We will fight against Khartoum until judgment day." Same rhetoric, just different target.

And so he spent about four months in negotiation with the different buyers. In the end, he went back to Khartoum, because they offered him a much better deal. They had the highest price and his estimate was reported to one of the UN people was, "I think Khartoum will pay 40 percent of the price." He was discounting 60 percent. "And that'll be enough for now, when the bargain can always be renewed. It will always be renegotiated." So the aim of Khartoum in the system is to get loyalty as cheaply as possible. And if the groups in the peripheries get too uppity, too demanding, then you go in and you fight them, and you crush them, and you make it much too painful for them to consider putting up the price. And as I said, human life has no value in the system. It's an elite system.

I mean, in the past, 19th century, as well as the loyalty of a community, or an armed group being a commodity, the life of an individual person was a commodity. People were bought and sold. Now that doesn't happen, or not very often. The price goes up when there are other buyers in the system. So when Chad moved in as a buyer, after, what we see in Darfur is horrible war, these offensives, these massacres, 2003, 2004. Then it calmed down. Then you had a lull, 2005. The data show about 1,000 people killed during 2005, and really quite a low rate. In fact, fewer people killed in 2005 in Darfur than in the south, which was then at peace. Then it came back up, and it came back up, because the Chadians were entering the market, Libya too, putting in money, and also putting in guns. And then we see the outcome of that is the Sudanese want to remove Chad as a competitor. Not so much as a military threat. Chad isn't primarily a military threat. Chad

is primarily a competitor, and if they are to be removed, then it would be cheaper to buy off the Darfurians.

The international community is a problem for this strategy, because what the international community provides isn't so much resources, but a stage, an opportunity for these characters to play the game, bid up the price of loyalty, and to play another Sudanese game. There's an Anglo-Sudanese word which I'm very fond of, which is *tajil-ity*. It was coined about 90 years ago, 80 years ago, by a district officer in Darfur. And it comes from the Arabic, *tajil*, meaning, "to delay." And it is the skill of strategic delay, the strategy of forestalling, prevaricating, never coming to a decision. And it was coined, actually, in honor of the Sultan of Gimr, who for 50 years, managed to play off all these far away patrons, Khartoum, the Mahadists, the Turks, the Egyptians, the Sanusia Order, and Libya, the French, the British, the Sultans of Darfur, and keep his little sultanate intact, by never coming to an agreement, by always saying, "Yes, I will talk, I will talk, I will talk." And if you see the way that many Sudanese political leaders behave, on all sides, they practice this skill.

So Nafi Ali Nafi, his strategy is very clear. He wants to wait out the international community. He thinks the international community has limited patience for dealing with Sudan. He will wait them out, and then he'll be the only one left standing. Abdul Wahid al-Nour, he wants to wait, because he thinks there'll be something in his favor. You know, the Libyans will move in, or an Obama administration will intervene, send troops, and then he will become king of Darfur. So he is always engaging with every strategy, but he will never put his name to it. Another practitioner of this skill of *tajil-ity*. In this system, a peace agreement is not what we think it is. It is a bargain in that particular market, for that moment, and it is frankly only as good as those market conditions hold.

And it's quite notable that most peace agreements in Sudan have, as the immediate consequence, an upsurge in violence. The Darfur peace agreement, the Khartoum peace agreement of 1997, even the Comprehensive Peace Agreement, caused more violence, in the short term, because it was a deal between one elite, the SPLA, and Khartoum. And therefore, other elites in the south needed either to come in, submit, or be crushed. Some of them were crushed, and we saw forcible disarmament in parts of Upper Nile. Immediately after that, a lot of people were killed, as part of that peace. So the distinction between peace and war, I think, is not necessarily a very useful one. This is a political system that generates violence out of this political marketplace.

Now any political system, including the one here in the US, is a marketplace of sorts. The problem with the Sudanese one is that it is a system that does not have that mechanism for protecting human rights, for protecting the rights and dignity and livelihoods of ordinary

people in it. And so while the system is remarkably robust, remarkably resilient to influence and change, people continue to suffer and die. It has a couple of other interesting aspects.

Let me make three, four more points. One is that one of the outcomes of this is urbanization. I mean, we talk about displacement, forced displacement. Over the long term, what all these things are, are urbanization. Darfur is today approximately one-third urban, one-third rural, one-third displaced. Now most of those displaced are actually becoming economically and socially integrated into the towns. And even if there's peace, they will stay in the towns. If you see the southern displaced who went to Khartoum, several million of them, even with peace in the south, they're not going home. They're actually staying in the urban centers, because the economic opportunities are there, which, because Darfur-- because Sudan is so unequal, that that's where the money is. And because the services, frankly, are better.

Even in displaced camps, the services are better than in villages. And so there's a long term urbanization. And this is something that I think the humanitarians in particular are really in denial about because -- let me put it another way. It is a challenge that hasn't yet been faced, because humanitarian operations are basically geared to rural areas, and camps, on the assumption that camps are transient phenomena. They're not really transient. They are actually, you know, cities in becoming. And how to handle that is a big challenge for humanitarian policy.

It's also an interesting political challenge, because violence in Sudan is essentially a rural phenomenon, organized violence. Sudanese cities are remarkably safe. Even Nyala, when I was last there six months ago, there was a curfew at night, but very few people observed it, apart from the internationals. All the Sudanese were wandering around at night, largely in safety. Khartoum is one of the safest cities on the continent, apart from when Khalil Ibrahim attacked it and fought in the streets. But it actually, in terms of ordinary crime and the social piece, the cities are very safe, which raises a question which I don't have an answer to, which is that, can this sort of civic peace -- which is possibly fragile, possibly not, I don't know -- can this be an asset that can be used for political change? I say possibly fragile, because there are some serious underlying tensions there, particularly over issues of political exclusion, over racial discrimination. And over the habitual routine security clampdowns that are so abusive to people, so offensive to people's dignity. They don't tend to kill many people, but they are a thoroughly humiliating exercise, when they are enacted.

The second to last point really is about the question of self determination in the south, because this is a political system that is chronically indeterminate. It lives on delay, on

never coming to a final settlement. And the referendum on the right of self-determination is scheduled for now just three years away, should it happen, is a rare instance of cash payment in a credit economy. It's a real crunch decision time, and it's very, very difficult to see how that can be handled. And how can-- and what I suspect may be the mechanism, the Sudanese mechanism for handling it, we see in the Abyei protocol-- not the Abyei protocol, the Abyei road map that was just agreed in the last couple of weeks.

Now why did the Abyei crisis occur? It occurred for a number of reasons. There were people, local people, getting out of control on both sides. There was a strategy from the SPLM of confrontation, of provocation, for one very good reason, which is that the SPLM is profoundly divided politically on a number of issues, primarily, should it be in favor of unity or self determination? And the easiest and best way of maintaining SPLA unity is to confront the north. And Edward Lino, the governor of Abyei, was very, very skilled at doing this, of bringing them to a confrontation, to make their demands, but not going over the edge. The NCP responded with its routine overreaction, its predictable brutality. It also has a strategy of setting little traps for the SPLM, watching them make mistakes, and then responding and trying to capitalize on it. So both sides, but more particularly the SPLM, I suspect, have a political dynamic that demands a confrontation, because it serves their political purposes.

Yet the deal was done, and the deal was done primarily because of oil, because of finance, because of this marketplace phenomenon. Because both sides have an interest in their oil flowing, because if the SPLM blocks it, then neither side gets the oil. If the government blocks it, again, neither side gets the revenue. So you have this odd game, where they're driven apart, and yet they have financial interests that bring them together. If my reading of Sudanese politics is broadly correct, the way that, largely left to themselves, they would handle it, is for the NCP to use its patronage resources, its money, to purchase the loyalty of sufficient number of the southern elites, to find a way of indefinitely or repeatedly postponing that moment of decision on self-determination. Meanwhile, having recurrent-- meanwhile tolerating recurrent confrontations, which can involve things like destruction of an occasional town, displacement of tens of thousands of people, deaths of numbers of people, which cause human distress, but never quite bring the two sides to outright war. And that, for both of them, would actually be a functional outcome -- not, obviously, for the people who happened to live in those locations.

My final point to you, really, is sort of off topic a bit, but is the subject of the day, which is the International Criminal Court. And the distinct possibility that the prosecutor will be issuing an indictment against a very senior government figure, maybe President Bashir. And I'm running a little debate on my blog on this topic. What if Ocampo indicts Bashir? That is a revolutionary step. It's a sort of regime change by judicial activism. Because if

one were to indict a head of state, you are basically saying the entire government is criminal and you can't do business with it. It has to be removed.

I have some trepidation about this. I mean, I have long held the view that there has to be accountability. I've always held the view that there has to be accountability for the crimes committed, and I pushed very hard to get accountability clauses in the CPA. We mobilized a lot of Sudanese civil society to press for this. When those negotiations were starting, we actually compiled dossiers on some of the people we would like to see put behind bars, especially in the Nuba Mountains. But I do think that the step of indicting a head of state, while he's still a head of state, has many potential downside risks of impeding the ability of the international community to engage with that state on all sorts of issues, like humanitarian activities, peacekeeping, peace. So humiliating that state, or that government, that it lashes out and causes more mayhem, and Sudan is, at the moment, sort of blackmailing the international community, or blackmailing Ocampo, saying, "That's what'll happen if you do that." Or indeed, emboldening the opposition. I mean, there are many Darfurians who might say, "Okay, let's collect our forces, drive to Khartoum and enact this arrest warrant ourselves," which, if the vast attack on Khartoum is anything to go by, it would not be very pretty.

So that's my analysis, and I think that the most likely scenario we'll have is that Sudan will continue in this turbulence, and if we are looking for a modest goal, it is to reduce, or perhaps hopefully eliminate, the human bloodshed and humanitarian suffering that is caused by this system, so that political competition continues, but it's not armed. How to do that, I'm not quite sure. We can also contemplate more, if you like, radical, sweeping or revolutionary options, including regime change by judicial activism. I am unconvinced that they would actually work.

Bridget Conley-Zilkic: Thank you. We'll now turn to Jerry Fowler for a response.

Jerry Fowler: Commentary.

Bridget Conley-Zilkic: Commentary.

Jerry Fowler: Well, I appreciate the opportunity to be here. I always find it very illuminating to hear Alex's analysis, or to read it. Certainly, a lot of what I know about Sudan, I've learned from Alex, so in some ways, this is kind of the clever graduate student, commenting on the professor's work. And I think where I would start, I would start with kind of three broad observations.

The first is, one of the challenges that I've always seen in dealing with this particular context, and in dealing with other contexts, is the challenge of respecting and appreciating the complexity of the context, but not losing sight of the moral contours. And I think there's a very fine balance there, and I know the Holocaust Museum works very hard on that, in everything that it does, but in terms of historically looking backwards, and in terms of the activities that they're doing today.

And so, I guess we have to be very careful about not getting in the weeds too much, and losing sight of what I think is one of the things that has led to this incredible movement that you noted at the beginning, and that was in Bridget's introduction, that there are some moral contours here, particularly about the cost of this system to civilians, that I think is part of the equation of figuring out how to respond and what to do about it. But at the same time, we can't just focus on that, and assume away the realities and the context and the complexities.

The second broad observation that I would have is, I think implicit in everything that Alex said, and that we'd do well to remember, is that ultimately, the future of Sudan has to be resolved by Sudanese, by the people who live there. I know, you know, I'm president of the Save Darfur Coalition, and one criticism that's often leveled is that the very name, Save Darfur, has this idea that outsiders are going to come in and sort out the solution. And I think Save Darfur actually, as someone who was there when this name was came up with, was originated, I think the idea was just saving lives in Darfur. Not so much saving the system, but saving lives. I think that's perhaps a little bit less imperialist.

And the reality is, I think what we should all be working towards is creating a space where the issues can be resolved by the Sudanese, in the context of the moral contours, which again, to me, comes back to protecting civilians from violence. And then the third broad observation, which will lead me into some more detailed comments, is that I think the question that's dangling out there in Alex's presentation, and for all of us, are primarily whether the international community, so called, has a role to play in creating this space for Sudanese to resolve the issue of Sudan. And if so, what is the role that it has to play? How should it play that role?

So let me get into a few more detailed comments. One, I think, reality of the Sudanese context that Alex has written about, didn't mention today, but I think is very important to keep in mind, is what he's called, and which is a reality, the extreme disparity between the center and the periphery. You know, this idea that power and wealth really have been concentrated in the hands of a fairly narrow elite, centered around the Nile River valley and Khartoum. Now to the exclusion of the people on the peripheries. They've been marginalized, and that's underlying the violence and the turbulence. It's one of the things

that underlines the violence and the turbulence, both longstanding war in the south, and then the conflict in Darfur. There's conflict in the east as well, and in the north. I mean, it's just-- I don't know if it was you, or someone once described Sudan as a giant sink. Was this your--?

Alex de Waal: Don't think it was me.

Jerry Fowler: Okay, a giant sink, and Khartoum is the drain. And that's where all the power and the wealth flows down that drain. And I want to emphasize that this is a disparity of power overall. I mean, the power is-- the disparity is reflected in the people with the power accumulating the wealth. But it's a disparity of power, of might. And that has an influence on this idea that the system, the political system is a marketplace. And I think, as Alex said, it's not particularly unique to Sudan that the political system is a marketplace.

I mean, in some ways, all political systems are marketplaces. They can have different characteristics, but there are a couple of things that are salient to that description that we shouldn't lose sight of, and that is that in most marketplaces, at least for them to be efficient markets, what you're talking about is bringing together a willing buyer and a willing seller. And the definition of willingness really depends upon both sides, the buyer and the seller, having alternatives to the transaction. And kind of a corollary of that is that both sides are free from coercion. And in fact, if you think about our economic marketplaces, one of the things that we have is a very developed set of laws that prohibits monopolies and cartels. In other words, it's illegal in the United States for sellers, for example, to get together and fix the price of a product, so that the buyer doesn't have a choice. It could go both ways. Both buyers and sellers can create-- it's called a monopsony, if the buyer does it, instead of a monopoly, but the concept is the same. And kind of the point is that if-- that efficient markets have rules that protect them from failing.

And there are two things about the market in the marketplace of Sudan, the marketplace of politics, which Alex has described so well, that I think represent market failure. And one, that is ultimately the resort to violence by the more powerful party, the willingness to resort to violence, and I think that was one of the points that you made, that if the price gets too high, you know, they go in and they squash the people who are causing the price to be too high. So you've got this element of-- and not just violence, I mean, let's be clear. This is extreme violence, directed against civilians. That involves mass death, it involves rape, it involves displacement on a very broad scale, and that's what we've seen in Darfur. So that's one source of market failure.

Second source of market failure, and again, is made possible in particular by a serious imbalance of power, is cheating. And you can agree to a price, but then not deliver what you said you were going to deliver and that seems to be a characteristic in Sudan. In fact, one of the points that Alex once made to me, many years ago, quite a number of years ago, having to do with the negotiations between the Khartoum government and the southern rebels, is this imbalance in the political culture, where in the negotiation, the south couldn't agree to a split, say of 50 percent, because they would know that after the negotiations, Khartoum would basically claw back an extra 25 percent. They would cheat.

And so those two things create a serious problem of market failure. And I think to get a little bit less abstract about it, I want to highlight one of the things that Alex said near the end, is that, in this market, there is no mechanism for protecting human rights. And a lot of that comes from the fact that the people who are actually in the marketplace are elites who, at the end of the day, no matter where they are, are not that concerned with human rights. But that means that the civilian population is very much held-- is very much at risk. So that leads up to those two questions that I said are dangling there, which is, whether the international community has a role to play in dealing with this, and if so, what is the role that it has to play?

And I think in approaching this question of whether outsiders have a role to play, I would highlight two broad themes that have emerged in international law and politics, since the end of World War II, and since the end of the Holocaust. And the first one is that international peace and security is an international concern, and will be protected collectively. And that's at the core of the United Nations. That's at the core of the responsibility of the Security Council of the United Nations, is to maintain, protect if necessary, restore international peace and security. And of course, that has relevance to the situation in Sudan, because the market failures in Sudan are having an influence on international peace and security. Even if we weren't concerned with what was happening inside of Sudan, it's having regional implications, particularly with the destabilization of Chad, which of course, has its own internal dynamic, as well.

The second thing, which has emerged more slowly since the end of World War II, but I think has been picking up steam, so in the last decade, the last 15 years is that as a matter of international concern, there are absolute limits on how civilians can be treated on the situation of civilians. So when we say an aspect of the market failure or the political marketplace in Sudan is that there's no mechanism for protecting human rights, and that sometimes the result is human rights violations on a massive scale against civilians, we're implicating an international concern. This concern is taking form in a doctrine that many of you may have heard of called the Responsibility to Protect, which the Holocaust Museum has had some sessions on that. There's a lot of aspects that could be explored about that, and I think the actual contours of this responsibility are still

being worked out, how seriously its taken by different actors in the international community is being worked out.

But I think its fair to say that there is an emerging consensus that when civilian populations are victims of genocide, which is an agreed upon international legal category, crimes against humanity, which are an agreed upon international legal category, ethnic cleansing, which is a little bit vaguer, and war crimes that is an international concern, and that there's a role for outsiders to play in addressing that. To sum it up broadly, when there are massive human rights abuses against a civilian population, it becomes an international issue.

Now that begs the question, of course, of what can the outside world do? And one of-- in some of his writings in, I think, the essay from which this presentation today was drawn from, Alex expresses a lot of frustration -- and probably stronger than frustration, maybe I'm being a little weak on this -- but rejects external blueprints and blue helmets as a solution. And I think that if any of us look at the way in which outsiders, especially in the form of the United Nations and the United Nations Security Council has dealt with the situation in Sudan and in Darfur over the course of the last -- well, Darfur, they started taking it up in 2004, after the crises was well underway, of course -- we can't help but be frustrated. In fact, we can't help but be outraged that there has been such a level of lack of urgency, of lack of seriousness of purpose.

And there is a tendency, in the absence of urgency and in the absence of a lack of serious purpose to fall back on very unwieldy and not particularly effective mechanisms for dealing with it. And I think a perfect example of that is the UNAMID Civilian Protection Force that has been authorized for Darfur and is now in very serious danger of failing, of not actually ever even being fully deployed. And there's a whole long story behind how it came to the point that that force was authorized in the first place, the conditions under which it was authorized. And a lot of the flaws that were built into it, in particular, giving the Sudanese government a veto over the composition of that force, such that even though some countries have offered up very capable troops to be included in the force, the Sudanese government has been allowed to veto their participation.

So I think in terms of the practicalities of how the outside world can fulfill this responsibility that it's increasingly accepting, we're still a very long way from figuring out how to do that. But I do think it's fair to say that there are a couple of broad goals that seem to be the imperatives that have to be addressed by the international community. The first is ensuring some level, or trying to ensure some level of protection for civilians. After all, it is the fact that large civilian population is at risk that stimulates this responsibility, and included in that level of protection for civilians is the assurance of humanitarian access.

Sometimes I think that it's very, very easy for people to look at a crisis like Darfur as they've looked at similar crises in the past and think that the responsibility is completely fulfilled by providing humanitarian assistance and basically addressing the symptoms of the crisis, and I don't believe that for one minute. But it is, I think, an inalterable minimum that when a civilian population has been put in the position where it cannot survive without outside assistance that the outside world has to ensure the access of that assistance.

And when I first went to meet with refugees coming across the border in Chad in May of 2004, there were something like a million people displaced inside of Darfur, and fewer than a hundred international aid workers providing aid to them. And the Sudanese government was very strenuously trying to prevent humanitarian access, and if they had succeeded in keeping international aid out, if they had not been pressured to allow aid in, the death toll in Darfur would have, I think, been much, much greater. I know it would have been much greater than it actually was.

The second broad thing really kind of goes back to a lot of what Alex was talking about, and that is I think the international community has a role in creating a peace process, a space for the Sudanese to resolve the issue of Sudan without the market failure that I identified, without the extreme disparity and power disfiguring the negotiations, and without ultimately the prospect of extreme violence and cheating being the determinant factor of the price, if you will, that's agreed upon by the parties. And how you create that process is a very, very difficult thing, and Alex has written very extensively about the Abuja process and many of the failings of that process. But I think the fact it has not been gotten right yet does not answer the question of whether it can be gotten right, and whether there should be an effort to get it right, because I think in both cases, there must be an effort and I think that it's possible to get it right.

Let me finally just offer a couple of comments on the accountability issue. First, I would think, and I do believe that accountability ultimately is part of the resolution of this crisis has got to be addressed, and there are a variety of reasons why parties involved would not want to address it. At the same time, I think that the situation that has developed where the situation of Darfur was referred to the International Criminal Court, and now it is going through doing what it was mandated to do and seems on the verge of indicting, if not Omar Bashir, then high ranking government officials is a reflection again of the lack of seriousness of purpose on the part of the Security Council.

One thing that I wanted to add as you were talking, because you said one possibility is that while Darfurians could take thing in their own hands and man an assault in Khartoum, the chief prosecutor also said last week that he is investigating crimes committed by rebel groups, and so it is very, very likely -- I don't know if it's likely, but it's very, very possible --

that in addition to indicting high ranking officials of the Sudanese government for their responsibility for crimes against international law, that there could also be high ranking rebels who are indicted, as well, and that might stymie some of their enthusiasm for at least enforcing the ICC arrest warrants through their own means.

But the situation was referred to the International Criminal Court in March of 2005, so that was over three years ago. And it was not referred to the International Criminal Court either because the Security Council collectively had a firm commitment to justice and accountability, or because it had any kind of strategy as to how pursuing justice and accountability would resolve the crisis. It was done because it was politically expedient, and it was something that they had enough votes to do and then they could forget about it. And they did proceed to forget about it, while the prosecutor began doing his investigation. And now the Security Council has to confront the consequences of having started this process in motion, without also dealing with the more immediate and urgent need to protect civilians and to promote a peace process that would resolve the underlying crisis.

The Security Council, through inaction for four years now, or I would say halfhearted half-measures has made the problem worse, has made it more difficult. And when the International Criminal Court does issue these new indictments next month, whether it's President Bashir or whoever it is, it's going to be a fact of life going forward. I don't think that there's any way that that's going to be altered in the near term. The Security Council has the ability, legally, to suspend the investigation, but that's very unlikely that it's going to do that. Having said that, I think that in the long run, there is merit to identifying people who are responsible for committing crimes against international law, and that accountability, preferably accountability that is acceptable to the Sudanese people as a resolution of this crisis has to be included in it. The timing is perhaps not as felicitous as it could be, but again, that's largely a product of the lack of seriousness of purpose on the part of the Security Council. Thanks.

Bridget Conley-Zilkic: Thank you. We'll give Alex a chance to also respond if you would join us, but I wanted to also ask if you in the audience have questions that you would like to post to start formulating those, and we'll be happy to take some of your questions. Alex, did you have anything?

Alex de Waal: Thank you. I thought those were very insightful. I think the taking the metaphor or the model of the marketplace quiet seriously, and looking at the market failure is very interesting. I think that what you have in Khartoum is a poorly regulated cartel. I mean it's not a single buyer. It's a cartel, and which don't always get on, but essentially, there's very little competition. I think that the challenge in the long terms is for

the international community to provide a mechanism that makes this a -- if not either a fair or a nonviolent political marketplace. And the two don't necessarily go together in the short term. That's the problem, because if one were to say okay, let's give all these elites a choice, let's bring an alternative buyer, and you found some locals for that alternative and you're purchasing, for example, Juba, the danger is actually you will then ferment a new conflict, or you actually become more unstable.

You are, clearly, you're on this -- as you say, the extreme inequity of the system means that people of Darfur, the people of the south and the east and, indeed, the north, they basically have a just cause. They need a fairer share of this wealth. The problem is that the way that is open to them to pursue it seems inexorably to lead to horrendous violence, and of which their own elites are not innocent, either, although Khartoum is almost invariably the one that inflicts, by far, the greatest share of violence. So given that that's how the system is currently set up to function, how does one address the element of the inequality, the unequal competition, without exacerbating the other constraint, which is that we want-- which is that we don't want this to be a violent system. And I don't think we have answers to that yet.

And I think that perhaps it's a sad commentary on the state of analysis of Sudanese political affairs that it's been very difficult to have this type of discussion and this type of analysis. It what's tended to happen, I think, possibly because there are many people who are operationally involved in Sudan, but very few people who have had a long history of political science analysis of Sudan, we tend to look at the short term operational things, you know, and certainly, talking to the U.N. people, they're completely consumed with what they need to do tomorrow and in the next week, instead of looking down the road at strategy. So if we don't have immediate answers to those questions, its not -- I don't think that should be council of despair. It should be let's try and do some of this more fundamental analysis.

Other than that, all I can really say is I agree with -- I thought your comments were insightful and very useful. I would want to add one other metaphor that I find useful for looking at the Security Council. The Security Council -- it's the metaphor of an army confronting an adversary. And instead of having a strategy, instead of the Security Council figuring out okay, what is our key strategy for overcoming this enemy, what they've done is they've sort of gone on a on a buying spree and bought a whole lot of weapons: high-tech weapons, Chapter 7 resolution, sanctions, lists of this and that in which the biggest weapon is the ICC, this sort of powerful self-guided, self-arming missile under nobody's control, except the prosecutor, which is how it should be. And four years down the line, we're in the stage of this army having a lot of weapons which have been firing. And of course, under those circumstances, without a strategy, without clear command and control, the danger of friendly fire casualties is very great. And one of my

critiques, one of the arguments I got into with some of the advocates in this town was that there was a friendly fire problem over the prioritizing peacemaking as against the Department of Peacekeepers during the last stages of the Abuja talks, which in my opinion, handicapped those talks. Again, we could have the same problem now. We all agree that the CPA and the election should go forward, if -- and it's quite possible, if one of the impacts of an ICC prosecution is to imperil those. Then that's another friendly fire problem, which isn't to say that we're on the other side. It's a question of prioritizing, and strategizing and sequencing.

Jerry Fowler: Can I just--

Bridget Conley-Zilkic: Sure.

Jerry Fowler: --hone in just for a second on this point that you make about the fact that fairness and nonviolence don't necessarily go together in the short term. And I think this is a source of maybe some of the discord between the two of us is that I see protecting civilians and being serious about protecting civilians, and creating a mechanism for protecting civilians as contributing to ultimately resolving the conflict. I mean kind of riding the marketplaces, if you will, because it tries to take some of the violence as an option for the more powerful party out of the mix. It may be in practice that it doesn't quite work that way, but to me, that would be the rationale behind having a serious push for protection now in the form of UNAMID, would have much preferred, I think, something earlier, sooner, more robust and that was not hybrid, but that it helps to reshape the marketplace and contributes, ultimately, to a fair resolution by neutralizing or at least tamping down the ability to recourse to violence by the more powerful party.

Alex de Waal: If I can come out, I think this is a very interesting point. I absolutely agree with you that if one could have a protection force that could ensure that you could get the politics right and people aren't going to suffer, and then the protection force is there until at which point the political problem is fixed and that's fine. I have a very deep skepticism about international peacekeeping forces. I just think it's very rare for them to work in that physical protection function. I haven't seen it. I mean my history on this is I was a big critic of the Operation Restore Hope in Somalia in 1992, and actually got myself an arrest warrant from the U.N. for criticizing them for their human rights abuses, because the troops in Somalia deployed there were so abusive. And when I went to the military attorney with my copy of the Geneva Conventions, you're violating this, this and this. The guy said, "We're not bound by the Geneva Convention. Come back tomorrow," and then they put this arrest warrant on me, so I have personal reasons.

Jerry Fowler: That's not fair.

Alex de Waal: So I have this personal experience which makes me a little bit skeptical about the ability of these forces and to deliver. And we've seen the two big destabilizing incidents over the last couple of months albeit, and the attack on Khartoum, the UN forces were irrelevant. They did absolutely nothing and there were forces in Khartoum. Could they have deployed to protect civilians? I suppose they could have done that, but they were Rwandese. This was a Rwandese company there. In Abyei, houses were burned right up to almost the compound of the UN forces there and they didn't leave. They didn't do anything. It was shocking. And it would be wonderful to have a force that could go out and do this. I think we're a long, long way short of that and so that's one point. The other worry I have is I saw the SPLA up at close quarters quite a lot during the 1990's, and I have no confidence that they would be that much more respectful, significantly more respectful of human rights than the Sudan armed forces. And my concern is also that in putting these forces in, you change the political incentives and you may embolden a group that, while it's basic cause is just, it's actual behavior on the ground is not that different to its adversary.

Jerry Fowler: Yeah, I think those are both excellent points. Am I allowed?

Bridget Conley-Zilkic: Oh yeah, yeah, yeah, yeah. You're doing fine.

Jerry Fowler: The – and I do think that anyone who advocates, as I have, the deployment of a civilian protection force or peace keep -- you know I always find, referring to what we're talking about in Darfur as a peace keepingforce, no, it doesn't make sense, since there's not the peace to keep. But a civilian protection force doesn't necessarily have a long record of success to point back to. But I think that it is true that over the course of the last 16 years, since Somalia in 1992, there have been improvements in the concept of deploying these forces and in the practice of deploying these forces, not that there don't continue to be problems, but I think the underlying real problem which you put your finger on and is demonstrated by having houses burned up to the perimeter of the U.N. camp is again, a lack of seriousness of purpose on the part of the Security Council and the United Nations in terms of what they intend to accomplish with these forces. And to me, that's a political problem. That's part of the political problem that activists are trying to deal with and with the tools at their disposal that try to instill a sense of seriousness of purpose. And, quite honestly, where we are, and UNAMID totally reflects this, is someplace that's not even halfway. I mean you've got the form of civilian protection, but without real seriousness of purpose, and it does mean that the ability to succeed is limited. I take from that, and again, as one of the things you said is not to take a council of despair. I say that lines not our challenge of getting from where we are to something that's serious in terms of protecting civilians.

Bridget Conley-Zilkic: Are there any questions from the audience? Go ahead.

Jerry Fowler: We're recording this. Do we need to—

Bridget Conley-Zilkic: Yeah, you can come here if you'd like. Since this is a small crowd, I can also repeat the question and then we'll get it recorded.

Jerry Fowler: Okay.

<question from crowd>

Bridget Conley-Zilkic: The question essentially is if, as Andrew Natsios noted, there is a larger shift to protecting the terms of the CPA, the Comprehensive Peace Agreement between the north and the south, does this take attention away from Darfur, and what would that mean? Either one of you, I think.

Alex de Waal: Shall I go first? I think Andrew's point was that there's -- well part of his point was that there can be no solution to Darfur if the CPA falls apart, and so let us protect what we have and not let that go down the tubes, because the situation in Darfur, though far from peace is, at the moment, not at a high level of violence, whereas a breakdown in the CPA would cause a catastrophic level of violence. So there's a humanitarian rationale.

There's a political rationale, which is that the Darfur peace process is going nowhere, and in my view, won't go anywhere, and the political conditions are simply not there for progress in the Darfur peace talks for at least 18 months. So, well, there are other things that can be done politically in Darfur, but the peace process, the formal peace process will need to be completely rethought. At the moment, it's an alibi for ongoing conflict, rather than a road to peace. But don't jeopardize the CPA in order to do that, which doesn't mean losing dwindling attention on Darfur, quite the contrary.

I would add that I we mustn't _____ the CPA. It's notable that the people who take the CPA most seriously, who have most ownership of it are not the Sudanese and that's a concern. That's a real major concern. And one reason why they don't have ownership of it is because the interim period comes to an end in three years, and so everyone -- the Sudanese have longer timeframes. The separatists have been biding their time. They tolerated John Garang, because while he was a unionist, they knew as long as there was a self-determination clause in any peace agreement that was fine, they would wait. They

would wait. They would wait. They won't wait indefinitely, but they would wait. The northerners are the government -- the legion of the NCP is waiting to find a way of reneging on that commitment or indefinitely postponing it. And I think we need to face the reality that the status quo is not sustainable. And what solution can be found that gets us out of the fact that we are stuck in an interim solution which, as we continue down that track, is headed for a train wreck.

Bridget Conley-Zilkic: Did you have anything?

Jerry Fowler: Well I wasn't able to attend the session at USIP yesterday, but I had read the article that Andrew Natsios wrote in Foreign Affairs and I assume that his comments yesterday were consistent with that. And what I took away from the article, which did concern me, and you can clarify whether this is what you took away from it was the idea that more or less, Darfur could be safely ignored and attention turned to the CPA, the north/south. I think that would be very, very dangerous, and I think that would just be replicating the series of mistakes that have been made over the course of the last five years, where at first, Darfur was ignored in order to focus on the continuing negotiations between Khartoum and the SPLM, and then once Darfur really heated up, north/south was ignored and all the attention was on Darfur. I think it is true that you can't solve the problem of Darfur without solving the problem in Sudan. And you can't solve the problem in Sudan, without solving the problem in Darfur. And I think it would be a mistake if -- we might have a slight disagreement about just how stable things are in Darfur right now, but I feel certain that if it were accorded benign neglect, that whatever stability is there -- and really, I think things are perhaps less stable than Alex does -- it would evaporate very, very quickly. And so I think it would be a mistake to think that it's possible to just kind of set it aside and focus on this other set of issues. I think they both need to be dealt with.

Bridget Conley-Zilkic: Jim?

Q: Can you direct some attention specifically to U.S. policy in the past and in the near future, in particular, initiatives that, over the last five or six years that have been either good or run and missed opportunities? And then in the next 12 to 18 months, under a new administration or whatever, what are some of the potential opportunities and ___ things that might be undertaken in that new environment?

Alex de Waal: Shall we take two or three questions together, and because otherwise—

Bridget Conley-Zilkic: Okay. There was one back here.

<question>

Bridget Conley-Zilkic: Okay, if there's one more, we can take it. Yeah, go ahead.

Q: What's the real influence of China blocking the Security Council? How much power do they really have in the game?

Bridget Conley-Zilkic: Okay, so the first question then concerns U.S. policy, and analysis of past policies or failures and effective measures, and what that implies then for the future.

Alex de Waal: I just want to make a comment about less stable. I'm not sure that we do actually, necessarily disagree, and that we could discuss it, perhaps, afterwards about the level of stability in Darfur. One of the problems I have is that a number of the Darfur advocates make such inflated claims for what they think is going to happen next by saying it's not the case that two million people are going to die before the rains. You end up looking as though you say everything's all right. And I think that some of the advocacy around Darfur has gone up to such a sort of ratchet of improbably extreme, that it's very difficult to focus in on the actual reality of what is happening, without appearing to trivialize it. And I just wanted to put that point on the table.

There was an example about a month ago, when a village was bombed in north Darfur. First we thought a school had been bombed. It turned out that wasn't the case. But a market had been bombed and 12 people had been killed, which was actually the largest single incident of civilian casualties in a bombing raid that is documented since the beginning of the war. And it was interesting that the -- certainly, in the exchanges I had, there was a surprise amongst many that this wasn't happening every day. The expectation from some of the advocacy was that a dozen civilians are being killed in bombing raids every day, and in fact, when there'd been, I think, one other bombing raid which had killed ten people a month before. But other than that, it was actually quite an exceptional occurrence.

So I think we need to be quite careful. If we're ready to acknowledge that some of these more extreme claims really are off the map, then I think we can get pretty much on the same page about the level of violence and the potential for those horrible _____ when you don't have, as happens now, a hundred people killed in an offence. You might have 10,000 people killed.

Jerry Fowler: Can I just -- I think it's very important for advocates to be as accurate as possible. There are a lot of things that are said that I have no control over. And so I don't know that anyone in my organization has said that two million people are going to die before the rains come. I don't think that's true. And so, if there are people that are making that kind of assertion, it's probably not helpful in the long run.

Alex de Waal: Yeah.

Bridget Conley-Zilkic: And then the U.S. policy questions?

Alex de Waal: Okay, the U.S. policy question, the U.S. policies that worked. It's interesting, actually. Looking back, there were some policies that worked that we didn't think were working at the time, like the Humanitarian Access Policy in 2004 actually got a lot of humanitarian access. If you look at the data for the evidence that we have for the massacres, the N'djamena cease fire of 2004, while it was violated by the parties, actually led to a massive reduction in civilian killing. Now it wasn't necessarily a success of the Sudan government. It was partly because the Sudan government completely did offensives that it wanted to. But nonetheless, there were clear reports from military commanders thereafter that they'd been given instructions not to kill civilians. And if you look at the patten of killings, about 85 percent occurred between June 2003 and April 2004, and 7 or 8 percent in the rest of 2004 and the remainder since then.

So there were some successes earlier on which I think are not—have perhaps been missed. And I think -- I mean generally speaking, actually, one of the problems of advocacy campaigns is knowing when you have succeeded, because quite often, you don't know that success until some months later and then it's very difficult to say oh we succeeded then. You want to celebrate your success today. And it's easier to celebrate a success which is a success that you have more obviously planned for, which could be a UN Security Council resolution or something like that, rather than a success on the ground, which is much more difficult to read.

I think there's been a confusion in U.S. policy, and I think this is the point that Jerry made. There was a switching from Darfur to the south back to Darfur, as it were our single focus; whereas, and a failure to keep two balls in the air at the same time, which was I think, a major major failing. I think that the rush to get the Darfur peace agreement through was a bit of a mistake. I think we needed a bit longer. And there's a consistent pattern in that things that needed to be done, that those of us who were involved, particularly on the security side said this will take six months to do, like training local commanders in how to observe a cease fire. We got people in and they said this is going to take six months to do, and we were laughed at, of course, by the UN, the AU, and the U.S.

This wasn't the first -- this happened four times, this proposal has been made. A preconditioned process as far training and confidence building on the ground, it'll take six months, first put on the ground in December 2004 and we still haven't done it. It still needs to be done.

And what should be done in the coming 18 months, I think it's one of the important things is to have a very steady hand over the transition period, transition from this administration to the next, because all parties are reading the signals out of Washington. And the SPLA, let's be frank, has a terrible record of misreading signals. It has a terrible record of getting a signal from Congress or from some well placed person in thinking that it has U.S. backing to do just about anything, and actually, it doesn't. And I would be worried that in a transition, some of the hotheads in the SPLA would think okay, we have a signal that the new administration is going to come in behind us, so let's be assertive. And then they do something and then NCP overreacts and the government says—U.S. administration says hey, we didn't mean to do that at all and then we have a mess. So that, I think, is whatever happens, that should be-- that's a very important priority.

On the longevity of the market, the market, itself, I mean if one analyzes it purely -- if you take aside any moral considerations, the simplest market solution is for Khartoum to buy out everybody. That's not a very ethical policy, but that would be a success of this highly unbalanced monopsonistic market, would be for Bashir to, say, have enough money from oil, from whatever to say okay, I'll just buy everyone into the system. And that would actually be a less violent outcome. It wouldn't be a very fair outcome. It might generate, down the line, a lot of resentment. And the peripheral is in, perhaps, in such a system, the international role would be to help develop the peripheries so they have decent schools and hospitals and so on. I mean that's a theoretical outcome.

I think, morally, it sticks in the throat and politically, I think it's- it's pretty much impossible, certainly, in the current U.S. climate. I think any other market outcome has a short term danger of inducing more violence, and I think this is why the issue of what a protection force can do is vitally important, and also, trying to see what types of agreements could be enforced that actually minimize the violence. And one analysis that I haven't quite done -- and I would like to present it, but I'm not quite sure I can stand by the results is -- I mentioned that peace agreements tend to involve an uptick in violence, an increase in violence, because they're a political bargain. And with each one of these political bargains, there is someone who is not included. What's interesting is cease fire agreements are the exact opposite. If you can have a cease fire agreement that is not a peace agreement, it actually seems to work. And so there's a mystery here and I really haven't figured it out.

What are the conditions on which the specific cease fires that have been signed in the Nuba Mountains, like the N'djamena cease fire, and a lot of areas, actually, it did work in Darfur, the eastern Sudan cease fire and so on? What are the conditions for actually having a cease fire that can work that can allow the political bargaining to carry on? And actually, the eastern Sudan peace agreement is quite interesting in this, because the last stages of that conflict were conducted, really, without any violence at all. And it was a shameless piece of bribery. It was just that Khartoum bought Asmara, the Eritreans who are the patrons of the eastern Sudan, eastern front and then just handed them over. There was then riots in Port Sudan. I think, actually, 15 people were killed in Port Sudan, so it wasn't nonviolent. But compared to the violence associated with other peace agreements, it was fairly modest. And I haven't seen any analysis of quite why it took that track and not another. Influence of China, I think the Chinese role has been much less financial, much less armaments related, much more in the Security Council. I think that's exactly right. I think that's why it's been playing an absolutely key role. Sudan can sell its oil on the international market and does. I think Japan buys more of Sudan's oil than China. Might this be correct?

Jerry Fowler: Well I think—I think a lot of it's refined in Japan, because Japan's got the refineries that can do it. Where it ends up, I'm not sure.

Alex de Waal: India buys a whole lot. Armaments, a lot comes from China, a lot—even more comes from Iran, I believe. So the sort of the financial role, the direct role in Sudanese policy is much less as important than China at the Security Council. That's the key thing.

Bridget Conley-Zilkic: There are three questions on the table for you to conclude with this: U.S. policy, the resiliency of the marketplace and the influence of China.

Jerry Fowler: Well I think in the interest of time, on the U.S. policy, I'll just focus going forward. I agree with Alex. It'll be very important to have a steady hand in the transition, and that in particular, whoever takes over the U.S. government's got a lot of things they've got to deal with. And I think the greatest danger in the whole range of issues dealing with Sudan is if this is something that's put on the back burner. That would mean that you could basically have policy adrift through the transition period -- I mean the formal transition period, which will be from the election -- or when the election is decided, which is not always at the time of the election -- and the inauguration on January 20th. And then there's kind of the informal transition as people are appointed, policies are adopted and stuff and real back burner issues can just hang fire for six to eight months after the inauguration. And I think it would be disastrous for Sudan if that were the case, and so

one of our advocacy pushes is to get a commitment from both candidates that Sudan would be a day one priority when they take office.

The second thing about going forward that I think is somewhat a ray of hope on the horizon is that the new administration will have an opportunity on Sudan on a whole range of things for new diplomacy, for forging, well what I've described as a sense of seriousness or purpose among other countries. It is no secret that over the course of the last eight years, that the kind of ability of the United States to conduct multilateral diplomacy has been really diminished by a number of things. And I think that as a new president takes office, whichever candidate it is, there's going to be an interest on the part of a lot of countries to turn over a new page with the United States, and to cooperate and find common ground, and so I think there's a real opportunity for leadership, in particular, on Sudan. And I think one of the things that is true in the course of the past is that the more unity there is among outside players in dealing with Sudanese players, with Khartoum, in particular, but with other players, the more progress you can make. And that Khartoum, in particular, is very adept at playing both ends against the middle, if they've got any ability to kind of divide and delay, so to speak.

In terms of the sustainability of the system, I think one of the points that Alex makes, which is not to be taken lightly, is that the system survived for a long time, and in particular, this particular regime has survived for a long time. It's not that common in systems of this sort. At the same time, there is kind of an inherent instability to it to the extent that it's built on, really, two things. One is patronage, and basically, people in the position of power buying off others. One way in which systems of this sort ultimately get into trouble is where they start making commitments that they can't fulfill, because the price of oil goes down, if the resources are depending upon come from oil or whatever. It happens in a lot of different contexts.

And then the second foundation is, of course, violence, and that's what they resort to when they don't want to pay the price, or they can't pay the price that they have to pay. So I think -- and this is in some ways, what Alex said -- the system may be able to stumble along, but it is very turbulent. And I think if we go back to what I consider the touchstone of our concern is the impact on civilians, and that the system might be able to continue. But in terms of having horrendous suffering and crimes committed against the civilian population, I think there's every prospect that that will continue, if there's not, again, serious attempt to protect civilians and to create a space where the underlying political problems can be addressed more or less fairly.

And then the third thing on the real influence of China, I agree. China has very close relations with Khartoum. They're the number one direct investor in Sudan. They

obviously are very heavily invested in the oil sector. But what has been vital in terms of contributing to this problem is the diplomatic support that they give to Khartoum in the Security Council. And I think that the calculations and the judgment of the decision makers in Khartoum would be very, very different if China said you know what, we're not going to be your heat shield anymore in the Security Council. I think there are other problems that contribute to this lack of seriousness of purpose among the Security Council, but first and foremost among them is that China has impeded, watered down, really blocked any kind of serious action. And if they chose not to do that, it would, I think, have dramatic affects on the calculations of the government of Sudan.

Alex de Waal: Can I add one—

Bridget Conley-Zilkic: If it's brief.

Alex de Waal: --On the U.S. policy, which is what's done is going for elections in a year's time. And what the Sudan government's strategies for the elections of the national congress part is to build a broad block of the northern parties, using money, winning the elections in the north and say we are elected. And they want to postpone, to the last possible minute, the elector law and international involvement in that, so that they can basically fix the election before that. And I think one of the things they're counting on is lack of U.S. attention to that in the first months of the next administration.

Bridget Conley-Zilkic: Thank you, both. I would just say that this question of time has sort of underplayed both discussions; who has time, who's losing time, who has no more time left, on the civilian front would stall, and where we'll go moving forward. And I want to thank both of you for coming and helping us understand a little bit better about how we can impact, hopefully positively, how time unravels, moving forward into the future of trying to respond to the ongoing violence in Sudan throughout the country. Thank you all for coming. If you want to hear more about the work of Save Darfur, you can certainly visit their website. Alex has a—

Alex de Waal: <http://www.savedarfur.org>

Bridget Conley-Zilkic: Savedarfur.org. Ales has a blog, Making Sense of Darfur --

Alex de Waal: -- of Darfur, which is — I need to get a better URL. It's <http://www.ssrc.org/blogs/darfur/>

Bridget Conley-Zilkic: You can Google Alex and it comes up pretty quickly. And of course, please visit us again at <http://www.ushmm.org/conscience/>. Thank you.