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Abstract

A review of:

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Keywords

Human rights, Darfur, Sudan, United Nations (UN), Sudan Liberation Movement, Government of Sudan

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Darfur and the Crisis of Governance in Sudan: A Critical Reader. Edited by Salah M. Hassan and Carina E. Ray. Ithaca: Cornell University Press, 2009. 528pp.

Sudan has been involved in one conflict after another since its independence in 1956. The most recent conflict is the war in Darfur in 2003 and 2004, after which the UN International Commission of Inquiry held the Government of Sudan (GoS) and its militias, the Janjawid, primarily responsible for the international crimes committed during the war. This collection of essays, authored by a wide variety of distinguished authors and activists, shines a light on Darfur, examining the causes of the conflict as well as the history of Sudan. The book came out of a three-day conference held in early 2008 at the Institute of Ethiopian Studies in Addis Ababa, in neighboring Ethiopia, with the collaboration of Cornell University (Africana Studies and Research Center) and Fordham University (History Department).

The book is divided into five themed sections of several chapters each, followed by appendices. The first section covers the origins and evolution of the conflict. The scene is set by Dr. Mansour Khalid, a Northern Sudanese former Foreign Minister who is currently a member of the Sudan Liberation Movement. Like the other contributors, Dr. Khalid points to systemic failures by Sudanese governments to promote the national interest since independence in 1956. Power is retained by the charmed circle in Khartoum, which treats as heresy demands from the opposition for policies that seek to serve the national interest. Three leaders (past and present) are held responsible for bringing the nation to its present calamity: Ja'far Muhammad Nemeiri; Sadiq Al Mahdi; and the present ruler, Omar Hassan Al Bashir. The contributors in this section paint a picture of a country that has been internally colonized to the benefit of five percent of the population consisting mainly of the Northern Muslim Arabs based in Khartoum. The authors describe a history of strong opposition to the Arabisation of Darfur by the non-Arab Darfurians.

The authors caution against the overuse of racial categories to describe the war in Darfur. They point out that the term “BlackAfricans” is an ambiguous one for the non-Arab population of Darfur. Inter-marriage has created a mixture of Darfurian Arabs and non-Arabs. Unlike in Southern Sudan, the people of Darfur are Muslims, and Arabic is the lingua franca. Furthermore, the Sudan Liberation Movement and the Justice and Equality Movement, the principal groups opposing the GoS, argue for a non-racialized Sudan and advocate policies to protect the interests of all national groups in the country. All the contributors in this section hold the GoS responsible for the racialization of the conflict, as exemplified by the recruitment of a predominantly Arab militia (the Janjawid) to attack the majority agro-pastoral population.

One of the authors, Atta El-Battahani, points to the existence of a mysterious document issued by an influential group calling themselves the “Arab Gathering,” which calls for the protection of the interests of the Northern region, a euphemism for Arabs. The document was published without acknowledged authors, nevertheless it enjoyed wide circulation and it openly called for the promotion of the interest of the minority elite. Arabization is acknowledged as one of the root causes of the conflict. To counter the claim that the North's interest is not being privileged, the Justice and Equality Movement issued the “Black Book,” which contains detailed statistical analysis of resource allocations, as well as the appointments to public offices since independence. The statistics reveal how five percent of the population enjoys a disproportionate

advantage of resource allocation and public offices. Both these documents are included in the appendices.

Section Two examines the way the war has been reported and presented by the international and African press. Some lobbying groups in the United States saw the war through the prism of an Arab/ Black African dichotomy, while one of the authors, Carena E. Ray, found reporting in the African press tended to reflect the national interest of the reporter. The notable exception was Dr. Gamal Nkrumah, a writer for the Egyptian English language weekly, *Al-Ahram*, who was found to have a sound knowledge of the region and of the issues and was praised for his consistently balanced and yet critical assessment of the war.

The third section deals with gender, war, and violence. The essays reveal gross failure on the part of the GoS to protect victims, especially victims of rape. For example, legal definition in Sudanese municipal law, of rape conflates the crime with adultery, thereby shaming victims and deterring them from reporting rape. Rural women in Sudan who reported rape were subjected to bureaucratic paperwork requirements, and the authors claim that the authorities showed no interest in investigating the perpetrators. While the authors acknowledge weaknesses in the capacity of the legal system to cope with the increased incidence of rape, the paradox is that the legal definition of rape leaves the victim exposed to criminalization for the offence of adultery or *zina*. The penal code reverses the burden of proof insofar as by reporting rape, the victim is inadvertently admitting that she engaged in sexual intercourse with a man who is not her husband. The victim finds herself in legal confusion because of a lack of clear distinction between rape and adultery. The legal system fails to protect the human rights of women who are raped in conditions of armed conflict. For example, the Additional Protocols to the 1949 Geneva Conventions, to which Sudan is signatory, regard rape as an attack on women's honor and member states are expected to protect women against the violation of their dignity. The authors make it clear that not enough is being done by the authorities to provide this essential protection.

Section Four includes three essays that address issues of law, human rights, and persecution of victims. The contributors reveal a legal system that is unresponsive to the violations of international human rights and international humanitarian law. The GoS is criticized for failing to cooperate with the International Criminal Court (ICC) regarding Sudanese officials indicted for war crimes and crimes against humanity, including President Al-Bashir himself, the first serving head of state to be indicted by the ICC. In 2007, the ICC had indicted the Minister for Humanitarian Affairs Ahmad Haroun and Janjawid leader, Ali Kosheib of war crimes for their alleged atrocities in Darfur. The authors show that the purported investigation was a shame as the Minister of Justice was set against the extradition of any of those indicted to The Hague. It is clear that the victims of violations of international human rights and humanitarian law in Darfur cannot expect remedies from the domestic courts and that their hope lies in the successful prosecution of the indictees in The Hague.

Section Five deals with civil society, the state, and the struggle for peace in Darfur. The essays show how government policy constrains civil society. Civil society organizations enjoy a precarious existence in Sudan and have been denied their potential to contribute to peace especially after the civil strife in Darfur. In spite of strong opposition from government, two civil society organizations (the Sudan Inter-Religious Council and the Khartoum Centre for

Human Rights) were able to convene a three day workshop to address background to the crisis in Darfur and to explore the role of Non-Governmental Organizations (NGOs) in promoting peace. The original venue for the workshops was to have been the El Fasher University, in the capital of Northern Darfur. The governor of North Darfur opposed the workshop taking place in his territory in case the discussions gave credence to the “rebels” grievances. Even when the workshop organizers relocated to Khartoum, they also encountered opposition from the central government. Although permission was given to hold the workshops, the themes were drawn up so carefully to that account of the government sensitivity and general suspicion of the humanitarian motives of NGOs.

The editors have put together one of the most informative books about Darfur. No one seeking information about modern Sudan can do without this book. The book will also be of interest to Intergovernmental Organizations (IGOs), students of international relations and conflict resolution. It is illustrated with photographs, capturing the life and people in Darfur and showing them in their beauty and dignity. On criticism is that the section devoted to human rights was not well developed. For example, the account of the internal legal aspects in Sudan regarding the ICC indictment of President Al-Bashir and two other suspects for the war crimes in Darfur needed a better analysis.

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