



Security Council Topic Background Guide
Topic 2: The Situation in Sudan¹

12 October 2011

Sudan has experienced civil war almost constantly since it became independent from Britain in 1956. Moreover, the conflict has not been a simple matter of the government fighting one region or group. Instead, several regions of Sudan have been involved in separate struggles with the government. Of these, the longest-running conflict -- and the longest war in post-colonial African history -- has been between the Arab-dominated government of Sudan, which is located in and has most of its support in the northern part of the country, and the Christian and animist black African people of South Sudan. That war, which raged between 1956 and 1972 and also between 1983 and 2005, is estimated to have killed 2.2 million people.²

In 2005, under pressure from the US and other states (especially South Africa, the US, the UK, and Norway), as well as a number of international organizations and celebrities,³ Sudanese President Omar Hassan al-Bashir agreed to allow South Sudan to secede and become an independent state. In July 2011, after an election in which the people of South Sudan voted overwhelmingly to secede, South Sudan became independent. South Sudan is Africa's 54th state and the United Nations' 193rd member.⁴

In the push to obtain Sudan's agreement to the secession, a number of issues between what is Sudan and South Sudan were never resolved -- including tough issues such as where the boundaries between them lie and within whose boundaries the rich oil fields of the Abyei region fall.⁵ In addition, although many observers hoped that the successful creation of South Sudan would encourage President Bashir to end the other conflicts within Sudan's borders, the opposite seems to be true. In recent months, Bashir has cracked down yet again in the western Darfur region and has begun new assaults in the Nuba mountains of Southern Kordofan, where many people have family and religious connections with the people of South Sudan.⁶

In 2005, the Security Council asked the International Criminal Court (ICC) to consider whether President Bashir should be charged with war crimes. Since then, President Bashir has been indicted but there has been no effort to apprehend him and take him to the Hague, Netherlands, for trial. Since Sudan is still engaged in the kind of brutal killings that led to his indictment, should the Security Council now authorize and encourage UN member states to enter Sudanese territory and arrest President Bashir so he can be tried by the ICC? If not, how can the Security Council encourage Sudan to stop its military assaults and create a better life for the people of Sudan and the North African region?

¹ This background guide was written by Karen Ruth Adams, faculty advisor, with contributions from Kelsi Steele (2009) and Kedra Hildebrand (2009). Copyright 2011 by Karen Ruth Adams.

² "Sudan," *New York Times* country page, 14 July 2011, available at <http://topics.nytimes.com/top/news/international/countriesandterritories/sudan/index.html>

³ Carne Ross, "South Sudan: lessons in diplomacy from the birth of a new nation," *Guardian*, 15 July 2011, available at <http://www.guardian.co.uk/commentisfree/cifamerica/2011/jul/15/south-sudan-united-nations>

⁴ Jeffrey Gettleman, "After Years of Struggle, South Sudan Becomes a New Nation," *New York Times*, 9 July 2011, available at http://www.nytimes.com/2011/07/10/world/africa/10sudan.html?_r=1&ref=sudan See also "Security Council recommends South Sudan for UN membership," UN News Centre, 23 July 2011, available at <http://www.un.org/apps/news/story.asp?NewsID=39026&Cr=south+sudan&Cr1>

⁵ Ross, "South Sudan: lessons in diplomacy."

⁶ Gettleman, "After Years of Struggle."

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History and Current Events

To develop a Security Council policy on Sudan, it is important to understand the history of the country in both colonial and post-colonial times, as well as the many conflicts within the state, which have killed and displaced several million people.

British Boundaries

The country that became independent as Sudan in 1956 did not have the territorial boundaries of any previously-existing country. Instead Sudan was cobbled together by the British by drawing national boundaries to include a variety of religious and ethnic groups that had historically lived separately. This “divide and conquer” strategy was typical of the British during their period of imperial rule over much of the globe. The British learned this strategy from their own conqueror, the Roman emperor Julius Caesar. The idea is that if a conquering state can pit its new subjects against one another, they will be unlikely to throw off the conquering state. The British employed this approach both during their occupation of Sudan from 1899 to 1956 and in deciding where the boundaries of the newly independent state would fall.⁷

Many observers attribute Sudan’s 50-plus years of civil war to the way the British boundaries were drawn. As the International Crisis Group explains,

Africa’s largest country, Sudan [was] divided along lines of religion (70 per cent Muslim, 25 per cent animist, 5 per cent Christian), ethnicity (African, Arab origin), tribe, and economic activity (nomadic and sedentary). ... Under the British divide and rule strategy, the country was separated into North and South. In 1947 political power was granted to the northern elite, which retained it following independence in 1956. Anticipating marginalisation by the North, southern army officers mutinied in 1955, and formed the Anya-Nya (“snake venom”) guerrilla movement, which began launching attacks on government troops. In the North, in 1958 General Abboud seized power in a coup d’état and began instituting a policy of Islamisation.⁸

For decades, the conflict between the Arab, Islamic, and relatively wealthy North and the African, animist or Christian, and relatively poor South has been fought in a variety of locations across Sudan, including not only the long-running war between the Sudan and what is now South Sudan, but also between the central government of Sudan and people in the Darfur region.

Darfur

Since 2003, the Sudanese conflict that has received the most international attention has occurred in the Darfur region of Western Sudan. In fact, according to many observers what has happened there is genocide. According to the Rome Statute of the International Criminal Court (ICC), genocide consists of acts intended “to destroy, in whole or in part, a national, ethnical, racial or religious group” (Article 6).⁹ According to the UN High Commissioner for Refugees (UNHCR), “The Darfur emergency ... is a case study of how difficult it is to protect internally displaced persons when their own government has caused the displacement and fails to comply with UN resolutions to provide security.”¹⁰

⁷ “A Continent Carved Up, Ignoring Who Lives Where,” *New York Times*, 8 January 2011, available at <http://www.nytimes.com/interactive/2011/01/09/weekinreview/09sudan-map.html?ref=sudan> See also Jeffrey Gettleman, “In Sudan, a Colonial Curse Comes Up for a Vote,” *New York Times*, 8 January 2011, available at <http://www.nytimes.com/2011/01/09/weekinreview/09gettleman.html>

⁸ International Crisis Group, “Sudan Conflict History,” available at <http://www.crisisgroup.org/en/key-issues/research-resources/conflict-histories/sudan.aspx>

⁹ International Criminal Court, “Rome Statute,” 1998, available at <http://www.icc-cpi.int/Menus/ICC/Legal+Texts+and+Tools/Official+Journal/Rome+Statute.htm>

¹⁰ UNHCR, “Chapter 7: Internally displaced persons: Box 7.2 Darfur,” *The State of the World's Refugees 2006*, 19 April 2006, available at <http://www.unhcr.org/4444d3ce2.html>

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Since 2003, approximately 2.3 million people from black African tribes in the Darfur region of Western Sudan have been internally displaced. This is the largest population of internally-displaced persons (IDPs) in the world. The problem began in 2003, when insurgents from the Fur, Massalit and Zaghawa tribes attacked Sudanese government installations in retaliation for favoring Sudan's Arab population. In response, the government and government-sponsored Arab Muslim militias (the Janjaweed) attacked the black African communities. According to UNHCR, they

killed up to 70,000 men and deliberately drove from their homes more than 2 million people, most of whom became internally displaced, while 200,000 became refugees in neighbouring Chad. Janjaweed militias then burned their villages, poisoned the wells and killed animals in a scorched-earth campaign. ... From 2003 to the present, the number of deaths from starvation, disease and violence in Darfur is estimated at more than 350,000. Almost 2 million people live in squalid camps, totally dependent on international aid and with little or no prospect of returning home due to the insecurity and destruction in their homeland areas. Although overall violence has decreased, military and Janjaweed attacks on black African farming communities and camps of internally displaced people still continue.¹¹

In 2008, Sudan was the country with the largest number of internally-displaced people in the world.¹² As of then, most Sudanese IDPs were living in 65 camps established by international organizations with the permission of the Sudanese government. Others settled in neighboring towns or fled to the bush, where it is nearly impossible to receive aid.¹³ In January 2011, government forces attacked the Zamzam camp for displaced persons near Darfur.¹⁴

In 2005, the UN Security Council exercised its authority under the Rome Statute to refer Sudanese individuals to the International Criminal Court (ICC) for trial. In 2009, the ICC indicted Sudanese President Omar Hassan al-Bashir with five counts of crimes against humanity.¹⁵ According to the Rome Statute, crimes against humanity involve "a widespread or systematic attack directed against any civilian population" (Article 7). In response, President Bashir ordered 13 international and three national non-governmental organizations operating in Darfur to leave the country, alleging that they had provided biased testimony to the ICC. These organizations employed 40 percent of all aid workers in Darfur.¹⁶ UNHCR and other organizations, such as the International Committee of the Red Cross (ICRC), were allowed to continue working in Sudan and expanded their operations to make up for the departure of the other organizations.¹⁷ Because the ICC does not have a police force or military, it is up to UN member states to apprehend Bashir, if they so desire.

¹¹ UNHCR, "Chapter 7: Internally displaced persons: Box 7.2 Darfur."

¹² UNHCR, "Internally Displaced People Figures," available at <http://www.unhcr.org/pages/49c3646c23.html>

¹³ Amnesty International, "Displaced in Darfur," January 2008, available at <http://www.amnesty.org/en/library/info/AFR54/001/2008>

¹⁴ Human Rights Watch, "Sudan: New Attacks on Civilians in Darfur," 28 January 2011, available at <http://www.hrw.org/news/2011/01/28/sudan-new-attacks-civilians-darfur>

¹⁵ "Sudan," *New York Times* country page.

¹⁶ Sudan Report, *OCHA-United Nations Office for the Coordination of Humanitarian Affairs* (March 8, 2009), available at <http://www.reliefweb.int/rw/rwb.nsf/db900SID/VDUX-7PYUBZ?OpenDocument>

¹⁷ International Committee of the Red Cross (ICRC), "Sudan: addressing civilians' needs in complex circumstances," Interview with Jordi Raich Curco, 12 May 2009, available at <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/sudan-interview-120509>

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The Idea of the Responsibility to Protect

In September 2009, Secretary-General Ban Ki-Moon congratulated the General Assembly on adopting the UN's first resolution on the international community's "responsibility to protect" (R2P) civilians from genocide, ethnic cleansing, war crimes, and other atrocities even if this means violating national sovereignty.¹⁸

The idea of R2P is that state sovereignty implies a responsibility on the part of a state to protect its citizens from mass atrocities such as genocide, war crimes, crimes against humanity, and ethnic cleansing. Responsibility for protection belongs first and foremost to the sovereign state within which the atrocities are occurring. However, when mass atrocities are occurring or are imminent and "the state in question is unwilling or unable to halt or avert it, the principle of nonintervention yields to the international responsibility to protect."¹⁹

In the case of Sudan, international intervention has occurred on a large scale over a long period of time, due to the state's targeting of its own people during the prolonged civil war. As of October 2011, the UN Security Council has three peacekeeping missions in the region:

1. In the Darfur region of Sudan, the Security Council has authorized UNAMID (the African Union/United Nations Hybrid operation in Darfur).²⁰
2. In the disputed, oil-rich territory of Abyei where the boundary between Sudan and South Sudan has not been established and the militaries of each side fight on a regular basis, the Security Council has authorized UNISFA (the United Nations Interim Security Force for Abyei).²¹
3. In the new country of South Sudan, where there are ongoing conflicts between the new government and people within the state, as well as militias that fight with Sudan in either Sudanese or South Sudanese territory, the Security Council has authorized UNMISS (the United Nations Mission in the Republic of South Sudan).²²

Although some Security Council members, especially Russia and China, have been reluctant to pass resolutions invoking R2P, in March 2011, the Council did pass such a resolution with regard to Libya. There, the Council authorized "all necessary means" to protect civilians from the government of Libyan President Moammar Kadafi.²³ Thus there is now a precedent for the Council to do more than pass resolutions condemning Sudan and authorizing peacekeeping missions. Specifically, it is conceivable that the Council could pass a resolution calling on member states to use "all necessary means" to arrest President Bashir and take him to the ICC for trial.

Regional and International Implications of the Conflict

One of the arguments against R2P is that the UN Charter specifically states that UN member states cannot intervene in one another's domestic affairs. But the civil wars in Sudan have had many serious consequences for its

¹⁸ "General Assembly agrees to hold more talks on responsibility to protect," UN News Centre, 14 September 2009, available at <http://www.un.org/apps/news/story.asp?NewsID=32047>

¹⁹ International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect*, 2001, p. xi, available at <http://www.iciss.ca/pdf/Commission-Report.pdf>

²⁰ United Nations, "UNAMID: African Union/United Nations Hybrid operation in Darfur," available at <http://www.un.org/en/peacekeeping/missions/unamid/>

²¹ United Nations, "UNISFA: United Nations Interim Security Force for Abyei," available at <http://www.un.org/en/peacekeeping/missions/unisfa/>

²² United Nations, "UNMISS: United Nations Mission in the Republic of South Sudan," available at <http://www.un.org/en/peacekeeping/missions/unmiss/>

²³ Philippe Boloignon, "After Libya, the question: To protect or depose?," *Los Angeles Times*, 25 August 2011, available at <http://articles.latimes.com/2011/aug/25/opinion/la-oe-boloignon-libya-responsibility-t20110825>

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neighbors. In 2007, Sudan was the fourth-ranking country in terms of the source of the world's refugees, after Afghanistan, Iraq, and Colombia.²⁴

In addition to being a very difficult place for many Sudanese to live, Sudan is a dangerous place for international aid workers. From January to November 2007, 128 vehicles belonging to aid organizations operating in Darfur were hijacked, and 74 humanitarian convoys were attacked.²⁵ In 2009, two aid workers were taken hostage for four months.²⁶

In January 2011, it was revealed that China has continued to sell weapons and ammunition to Sudan during the Darfur conflict, despite UN arms sanctions on Sudan. According to journalist Colum Lynch, "Since 2001, China has supplied Khartoum with 72 percent of its imports of small arms and light weapons." In addition, a recent UN report claims that "Chinese ammunition had made its way into Darfur, and in some cases, had actually been used in skirmishes against U.N.-African Union peacekeepers."²⁷

New Assaults in the Nuba Mountains

Instead of becoming more cooperative since South Sudan became independent, President Bashir has cracked down on new groups within Sudan, including people in the Nuba Mountain region of Southern Kordofan. According to Amnesty International (AI) and Human Rights Watch (HRW), "an indiscriminate bombing campaign carried out by Sudan since early-June is killing and maiming men, women and children."²⁸

Between mid-June and mid-August 2011, these non-governmental human rights organizations "documented 13 separate bombing incidents in Kauda, Delami and Kurchi towns alone, in which at least 26 civilians were killed and more than 45 others." The attacks were carried out by "Antonov aircraft" that "dropped bombs over farmlands and villages on a near-daily basis" with "seemingly no legitimate military targets near to where the bombs struck." According to AI and HRW:

Since early June, more than 150,000 people have been forced to flee due to the conflict. Tens of thousands are in opposition-held areas, where the Sudanese authorities have effectively blockaded humanitarian assistance and the flow of desperately needed goods and basic services. Displaced communities forced out of their homes by the repeated bombing live in harsh conditions in caves, on mountaintops, under trees, and in the bush far from towns. They lack sufficient food, medicine, sanitation, and shelter from heavy rains. Many displaced families told researchers they were eating berries and leaves and that their children were suffering from diarrhoea and malaria.²⁹

International journalists confirm this report. According to *New York Times* columnist Nicholas Kristof, "In its effort to preclude witnesses, the Sudanese government has barred humanitarian access to the area and threatened

²⁴ UNHCR, "2007 UNHCR Statistical Yearbook," December 2008, available at <http://www.unhcr.org/>

²⁵ Amnesty International, "Displaced in Darfur."

²⁶ Henry McDonald, "Aid worker tells of mock executions staged by her kidnappers in Darfur," *Guardian*, 19 October 2009, available at <http://www.guardian.co.uk/world/2009/oct/19/aid-work-mock-executions-darfur>

²⁷ Colum Lynch, "Exclusive: Named and shamed, China turns to intimidation," Turtle Bay blog, *Foreign Policy*, 18 January 2011, available at http://turtlebay.foreignpolicy.com/posts/2011/01/18/named_and_shamed_china_turns_to_intimidation

²⁸ Amnesty International, "Sudan: Possible war crimes in Southern Kordofan," 30 August 2011, available at <http://www.amnesty.org/en/news-and-updates/report/sudan-possible-war-crimes-southern-kordofan-2011-08-26>

²⁹ Amnesty International, "Sudan: Possible war crimes in Southern Kordofan."

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to shoot down United Nations helicopters. Sudanese troops even detained four United Nations peacekeepers and subjected them to “a mock firing squad.”³⁰

According to AI and HRW, “The type of munitions used -- unguided munitions dropped from high altitude -- and the indiscriminate manner in which they were delivered, violated international humanitarian law.” As a result, the AI and HRW have urged the Security Council to “condemn in the strongest possible terms the ongoing human rights violations in the Nuba Mountains, and mandate an independent inquiry to investigate abuses committed by parties to the conflict in Southern Kordofan since 5 June.”³¹

Previous Committee Work on This Topic

From January to October 2011, the Security Council has received and passed resolutions on six reports on the situation in Sudan from UN Secretary General Ban Ki-moon. The most recent of these were in June and July 2011.

In Resolutions 1990, 1996, and 1997, the Council revised the mandate of UNMIS, the peacekeeping force that used to separate Sudan and South Sudan, to create UNISFA and UNMISS now that South Sudan is an independent state.³²

In S/RES/2003, the Security Council extended the mandate of UNAMID, the peacekeeping force in Darfur, for one year. In addition, the Security Council “demand[ed] that all parties to the conflict, including all armed movements, engage immediately and without preconditions to make every effort to reach a permanent ceasefire and a comprehensive peace settlement on the basis of the Doha Document for Peace in Darfur (DDPD), in order to bring a stable and durable peace to the region.”³³

The Security Council has not passed a resolution on the emerging violence in the Nuba Mountains. In fact, it does not seem to have discussed this violence at all.³⁴

Conclusion

With new violence by the Sudanese government against its own people, the question arises, should the Security Council authorize a new UN peacekeeping mission to operate in the Nuba Mountains, or should it take a new approach and authorize an international effort to apprehend President Bashir?

Of the two, the former is consistent with the Council’s past behavior. But, like all other peacekeeping operations, it would have to be approved by the government, that is, by President Bashir. In addition, from the long record of government resistance to resolving the Darfur crisis, there is no reason to think that a peacekeeping mission will fundamentally change the government’s behavior.

The Security Council’s alternative is to invoke the new principle of the Responsibility to Protect and authorize UN member states to enter Sudanese territory without the government’s invitation to apprehend President Bashir so he can be tried for crimes against humanity by the ICC.

³⁰ Nicholas D. Kristof, “Yet Again in Sudan,” *New York Times*, 29 June 2011, available at <http://www.nytimes.com/2011/06/30/opinion/30kristof.html?ref=nicholasdkristof>

³¹ Amnesty International, “Sudan: Possible war crimes in Southern Kordofan.”

³² These resolutions can be accessed from UN Security Council, “Resolutions: 2011,” available at http://www.un.org/Docs/sc/unsc_resolutions11.htm

³³ UN Security Council, “Resolution 2003 (2011),” S/RES/2003, 29 July 2011, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/438/85/PDF/N1143885.pdf?OpenElement>

³⁴ UN Security Council, “Meetings conducted / Actions taken by the Security Council in 2011,” available at <http://www.un.org/Depts/dhl/resguide/scact2011.htm>

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In researching and writing your country's position on this issue, consider the following questions:

- What is your country's historical relationship with Sudan and its neighboring states?
- What direct and indirect effects does continued violence in Sudan have on your country?
- Has your country experienced civil and international violence like that occurring in Sudan? If so, what is its current status? If the conflict ended, what brought it to a close?
- What role has your country played in previous UN resolution and programs in Sudan? Does it have peacekeeping troops there?
- What are the precedents and principles established by the Security Council for addressing the situation in the Sudan?
- What can the Security Council do to ensure a peaceful solution to the Sudan's current civil unrest?
- What is your country's position on the International Criminal Court and on the "responsibility to protect" civilians from war crimes, genocide, and crimes against humanity?
- What is your country's position on the recent Security Council and NATO intervention in the civil war in Libya?

Recommended Reading

Bolopion, Philippe. "After Libya, the question: To protect or depose?" *Los Angeles Times*. 25 August 2011.
Available at <http://articles.latimes.com/2011/aug/25/opinion/la-oe-bolopion-libya-responsibility-t20110825>

This article by a staffer at Human Rights Watch explains the controversy surrounding R2P in the wake of Security Council Support for the Libyan civil war.

Human Rights Watch. "Sudan." Available at <http://www.hrw.org/africa/sudan>

This site provides access to recent HRW reports on human rights violations in Sudan. For additional information, see the sources in footnotes 28 and 30.

International Criminal Court. "ICC-02/05 Investigation: Situation in Darfur, Sudan." Available at <http://www.icc-cpi.int/Menus/ICC/Situations+and+Cases/Situations/Situation+ICC+0205/>

In 2005, at the suggestion of the Security Council, the ICC indicted President Bashir for war crimes in the Darfur region of Sudan. This site provides information on the indictment, as well as information about which states are party to the ICC and what they have agreed to in the Rome Statute.

Jones, Laura. "Doha agreement could actually worsen chances for peace in Darfur." *Christian Science Monitor*. 19 July 2011. Available at <http://www.csmonitor.com/World/Africa/Africa-Monitor/2011/0719/Doha-agreement-could-actually-worsen-chances-for-peace-in-Darfur>

This opinion piece was written by a blogger at the Enough Project, which calls attention to genocide and crimes against humanity worldwide. It argues that the Doha Document for Peace in Darfur, which the Security Council endorsed this summer, may actually make the situation in Darfur worse. In addition to explaining the Doha Document, this article discusses the many groups involved in the conflict.

Sudan." *New York Times* country page. 14 July 2011. Available at <http://topics.nytimes.com/top/news/international/countriesandterritories/sudan/index.html>

This site provides a historical overview of the conflict and links to stories about current events. It is a good place to start in understanding the Sudanese civil wars and to keep up with recent events.

UN Security Council. "Meetings conducted / Actions taken by the Security Council in 2011." Available at <http://www.un.org/Depts/dhl/resguide/scact2011.htm>

Here you can access the transcripts of recent Security Council meetings on Sudan, with summaries of country speeches.