

Africa



Sudan's false dawn?

The ICC's decision to indict the country's president for war crimes may force the ruling party to confront its strategy of violence, writes **Nick Grono**

The decision of the International Criminal Court (ICC) on Wednesday to order the arrest of Sudan's President Omar al-Bashir for atrocity crimes in Darfur is a victory for the conflict's countless victims and offers a rare opportunity to bring peace to Sudan.

Over the past few years the Khartoum regime has conducted a scorched earth policy against its own citizens in the western region, leaving more than 300 000 dead and 2.6-million displaced. Much of the initial killing came at the hands of government-sponsored militia, the Janjaweed, who continued to harass and prey on the victims even when they had fled to displacement camps now scattered throughout Darfur and across the border in Chad.

Although the ICC's decision will not, on its own, allow Darfuris to return to their destroyed homes, or undo the deaths and injuries caused, at least some semblance of justice is now on the horizon for people who have lost almost everything they once had. This landmark decision provides independent legal recognition of the massive crimes committed against them and confirms that there are reasonable grounds to believe that al-Bashir is personally criminally responsible.

The indictment also provides an opportunity to change for the better the political dynamics in Khartoum. Of course, no one expects to see al-Bashir in a courtroom in The Hague any time soon.

But it is likely to force senior figures in his National Congress Party (NCP) to confront the reality that their strategy of disproportionate violence against their Sudanese opponents and aggressive confrontation of their external critics has made Sudan less



Thumbs up: members of the Darfuri community celebrate the International Criminal Court's decision outside the Sudanese Embassy in London. Photo: AP

secure, not more so.

Up to now al-Bashir and his security apparatus have been entrenched in their positions. Although they will continue to claim that the ICC is the tool of those seeking "regime change" in Sudan, there is growing tension in their ranks. Over the coming months, in an effort to preserve its economic interests and guarantee its survival, the NCP may well look for a way out by changing its policies or leadership. To succeed, it will need to change both.

Sudan's allies can encourage this dynamic. China, Egypt and the Gulf states with investments there have an interest in stability, which will be further undermined if the government in Khartoum responds simply by lashing out at its own people, declaring a state of emergency or clamping down on internal political opposition. And having already issued an arrest warrant for the president, the ICC prosecutor should not hesitate to pursue anyone responsible for further atrocities.

The broader international community holds another card — sanctions can be lifted and reconstruc-

tion aid provided to Sudan. But given the regime's history of breaking its promises, these incentives should be offered only if al-Bashir's party provides irreversible and unconditional evidence of its commitment to the peace process.

Probably of more interest to al-Bashir is that the UN Security Council has the power to defer ICC prosecutions in the interests of peace and security for 12 months at a time. If this measure was used to bring about credible accountability measures in Sudan, end a conflict that has devastated the lives of millions and transform the strife-filled internal politics of Sudan, it should be considered seriously, but again only following demonstrated

The Khartoum regime has conducted a scorched earth policy against its own citizens ... leaving more than 300 000 dead and 2.6-million displaced

progress on these fronts.

While China, the African Union and the Arab League have already indicated that they will be pushed for a deferral, they will have to more than simply echo Khartoum demands to get a UN Security Council decision.

There is now a glimmer of a peace process, since the Justice and Equity Movement rebels signed an agreement in Doha in February, but have seen too many false dawns of Sudan already for this to be taken evidence the government is changing. To prove its good faith the N will have to change course dramatically and advance the cause of peace and justice in Sudan, especially in Darfur.

It may decide that this is a price it is unwilling or unable to pay. But if it does, al-Bashir and his party will become increasingly isolated, with the threat of prosecution hanging over them. Meanwhile the Sudanese people will continue to pay a devastating price.

Nick Grono is deputy president of the International Crisis Group