The activist:

Alex de Waal among the war criminals

By Nick McDonell

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On July 14 the International Criminal Court requested a warrant for the arrest of Omar Hassan al-Bashir, the president of Sudan, on charges of genocide and crimes against humanity. Since taking power in 1989, Bashir had overseen massive violence against his people, especially in Sudan's Darfur region, with little personal consequence, and most activists applauded what Human Rights Watch called "a significant step towards ending impunity for the horrific crimes" there. A few, however, argued that the request was premature, even counterproductive. The most vocal among these critics was Alex de Waal, a British academic and Harvard professor. At age forty-five, de Waal has dedicated most of his professional life to understanding the politics of northeast Africa. Many of his colleagues nonetheless took his opposition—he called the ICC action a "coup de théâtre"—not as a measured objection to an artless tactic but rather as a confused apology for a war criminal.

Lanky, pigeon-toed, and slightly graying, de Waal is an unlikely object of controversy. I first met him in 2006, when I took a class of his called The Politics of Humanitarian Emergencies in Africa. He was unflaggingly specific about the region's baffling politics, but he would always find the detail that kept us, his audience, in his narrative grip: the Rwandan MP who brought his pistol into the Chamber of Deputies, or the surprising origins of the sex manual for Tigrayan revolutionaries. (This technique was also, I later discovered, central to his fieldwork.) One day he brought to class several replica land mines and passed them around. De Waal was the first chairman of the Mines Advisory Group, one of a coalition of organizations that in 1997 were awarded the Nobel Peace Prize for their work toward banning land mines. He did not mention this in class. What he did mention was that most mine sweepers die from want of caution. "They get addicted to the adrenaline," he explained. "They say it is better than sex."

We studied emergencies from across Africa—the collapse of Somalia, the Rwandan genocide, the revolution in Ethiopia—but the focus was always on Sudan, and particularly its vast western region, Darfur. De Waal began his career with a dissertation on a famine that killed at least 100,000 Darfuris in the early Eighties, and he joined the Africa division of Human Rights Watch in 1989, the day after Bashir launched his coup against Sudan's ostensibly democratic government. The new regime immediately barred human rights workers from Sudan, but de Waal nonetheless spent the next several years sneaking across the border, documenting its extensive human rights abuses. He resigned from Human Rights Watch in 1992, largely because he opposed its call for military intervention in Somalia, and has since accumulated a comically large number of missions and titles from various governmental and non-governmental bodies, including the Economic Commission for Africa, the InterAfrica Group, and the United Nations. In 2005, the African Union asked him to be an adviser to its mediation team at the Darfur peace talks. His job, essentially, was to help stop the war, and that is the job he continues in today, drawing on whichever affiliation best suits the needs of the moment.

De Waal takes pride in his competence, and he does not hesitate to criticize activists he deems inexpert. He generally is against large-scale interventions, as with Somalia, but he is critical as well of what he considers to be dangerously inept instances of small-scale activism. Issue-awareness campaigns, for instance, may draw attention to important causes, but they can also motivate counterproductive demands among warring factions. Injecting cheap grain into a war zone might reduce malnutrition, but it may also help fund a warlord or destroy the local farm economy. The potential for unintended consequences also informs de Waal's concern about the ICC. He has no doubt that Bashir is a criminal, but he also believes that an arrest warrant, at this time, is far too blunt an instrument. Handled improperly, Bashir's arrest and trial could endanger what little peace there is in Sudan.

Such views have sometimes angered his peers. In a lengthy email to me, Gerard Prunier, a Canadian expert on eastern and central Africa and author of his own book on Darfur (*The Ambiguous Genocide*), called de Waal an "institutional scholar" whose primary motivation is maintaining his own "view of himself as a (well-paid) man of destiny." In a 2007 *Newsweek* online debate, John Prendergast, a former State Department adviser who now heads the anti-genocide project ENOUGH, told de Waal that he tends to "blame activists for things getting worse on the ground in Darfur, and for the failure of the Darfur Peace Agreement of 2006. At least that is what most activists perceive your intentions to be."

De Waal's students were often just as critical. Confronted with the unpleasant idea that their activism might be pointless or even counterproductive, one or another of them would point fiercely at him from across the table and ask, "Well what do you *want* us to do then?" In response to this unanswerable question, he would usually return as quickly as he could to his stories, mentioning perhaps the U.S. Marine who was eaten by a shark off the coast of Somalia.

I had planned to travel to Africa myself, to research a book based on such stories, and I asked de Waal for contacts there. Two months later, as I began a series of interviews with officials in Kigali—I had gone to Rwanda in search of Okwir Rabwoni, the pistol-toting MP de Waal had told us about—I found that his associates had as many questions for me about de Waal as I had for them about East Africa. Had he sent me? What was he doing now? When was he coming back? I didn't know. But everywhere I went, his name started conversations.

In Africa, I eventually, unsurprisingly, crossed paths with de Waal himself, and I asked if I could watch him at work. He said yes. In fact, he said, in six months he would be traveling to Sudan, perhaps even to Darfur, to help the African Union bring about a planned "Darfur-Darfur Dialogue and Consultation" among the region's many warring factions. He was looking forward to getting back to Darfur, where, as a Ph.D. candidate twenty years earlier, he had developed a taste for the region's hard dates.

De Waal tells this story about the president of Sudan: Before the coup, when he was just a brigadier general stationed in al-Muglad, Bashir attended a local wedding. As many men do at such occasions, he fired his weapon into the air to celebrate. One of his bullets hit a girl dancing at the wedding. She died. A political problem. But Bashir paid the *diya,* the blood money, to the girl's family, thereby solving the problem. Some people say that his relationship with that part of the country is strong now, since he paid the *diya* so quickly and generously.

Bashir continues to maintain favor with many, but not all, of Sudan's Arab citizens.

He is far less popular, however, among the nation's "black African" population.[1]

Sudan, in fact, has the rare misfortune to be torn by not one but two civil wars. One war is between the north, which is largely Arab and Muslim, and the south, which is largely non-Arab and practices Christianity or one of several indigenous religions. These ethnic and religious differences are important, as they are in any civil war, but it is oil that provokes much of the violence. The oil is in the south, but most of the money that came from exporting the oil—414,000 barrels per day as of 2006—went to the capital city of Khartoum, in the north. Khartoum, in order to maintain that imbalance, waged a war that since it began in 1983 is estimated to have claimed more than 2 million lives, most of them in the south. The United Nations helped negotiate a cease-fire in 2005, based on a set of negotiations about profit- and power-sharing known collectively as the Comprehensive Peace Agreement, which also calls for a referendum on southern secession in 2011. Sporadic fighting continues, though, and it is this fragile peace that de Waal believes is so much endangered by the call for Bashir's arrest.

1. Although nearly every one of Sudan's 39 million citizens is African and has black skin, the convention has been to refer to a split between "Arabs" and "blacks" or "Africans," with the latter making up a 52 percent majority. Each of these terms is freighted with political significance, of course, and so the United Nations has proposed a more neutral characterization of the split: "Sudan has two distinct major cultures—Arabic-speaking Black Africans and non-Arabic-speaking Black Africans—with hundreds of ethnic tribal divisions and language groups between them."

The other war is in Darfur itself, whose name is derived from the Arabic *dar,* meaning home, and *Fur,* the region's largest tribe. The Fur are Muslim, as are most of the tribes in Darfur, but are not Arab, and here ethnicity plays a larger role. Like the southerners, the Darfuris want to benefit from oil revenues and increase their influence nationally, but they have long been marginalized by Khartoum, even as they have suffered through famine, drought, and the desertification of their land. In 2003, a rebel group attacked a local air base, destroying seven airplanes and killing more than seventy soldiers and aircraft technicians. There had been incidents of violence before, but this attack got Khartoum's attention. The counterattack, as it had been in the south, was devastating. Readers in the West saw reports of villages burned to the ground, mass rapes, infants thrown into wells. A U.N. official estimated in April that the conflict has caused 300,000 deaths in Darfur since 2003.

A central challenge to ending both of these conflicts is that no one is sure who has the authority to make an agreement. Most of the killing in the south has been done by Sudan's army and a variety of militias, all of which are controlled (more or less) by Bashir's National Congress Party, or NCP, in Khartoum. But much of the killing in Darfur has been done by the horse- and camel-mounted militias collectively known as the *janjaweed.* On the other side, in the south, is the Sudan People's Liberation Movement, or SPLA, the rebel group that, as part of the Comprehensive Peace Agreement, is now a formal political party, with authority that (supposedly) is co-equal to that of the NCP. Both parties maintain multiple competing security and finance infrastructures, creating an atmosphere of paranoia and inertia. And Darfur is even less unified than Khartoum or the south—U.N. staffers in Darfur say there are at least twenty-six different rebel groups operating in the region.

De Waal has made it his work to know every faction, but the factions continue to multiply. He will tell you that Sudan has the potential to become a totally failed state,

like Somalia in the early 1990s, where he saw air-to-air rockets, stolen off of MiGs, fired from pickups down the alleys of Mogadishu.

When I saw de Waal again the following November, it was not in Darfur but in a small conference room at the Hilton hotel in Addis Ababa. Getting into Sudan is difficult, so de Waal does a great deal of his work across the border in Ethiopia. On this trip, he was conducting a briefing under the aegis of the Social Science Research Council, a New York think tank for which he is a program director. He ignored the stack of papers in front of him, instead looking into the eyes of whichever of the twenty-odd attendees he was addressing. Among them were exiled academics, several politicians whose careers had been ended by the Bashir coup, and a retired Ethiopian general who was advising the SPLA.

Two other men were present. One was Ashraf Qazi, an elegant and smooth-voiced Pakistani who had been sent by the United Nations to supervise the more than 26,000 U.N. soldiers, technicians, and administrators who were set to take over peacekeeping operations from the African Union the following month. Qazi had spent the previous three years as a special envoy to Iraq, and de Waal had arranged this meeting in order to provide him with information about his new assignment, information that he might not get through more official channels. The other man—small, light-skinned, and bald—slipped in and out of the room several times over the course of the day. During a break, de Waal told me that he had never before seen this man, who had not been invited and most likely had been sent from the Sudanese embassy to spy on the meeting. De Waal would merely ignore his presence, though, because he could not afford to alienate Bashir's government. It is an important part of achieving peace, de Waal reasoned, and helpful in such mundane matters as acquiring a visa to enter Sudan.

The wisdom of de Waal's caution became clear when we went to Sudan's decrepit colonial-era embassy later that week, for lunch with Ambassador Mohieldin Salim, and were met at the door by the bald mystery man himself. The man gave us a wide smile, introduced himself as Counselor Mohammed Hassan Babiker, and sat us on a faded couch in the ambassador's office for a talk. He wanted to know our business, but he also had many other questions. What did de Waal think of the progress of the Comprehensive Peace Agreement? Did the Americans agree? Would they change their minds if Obama were elected? Why did reporters write only about the crimes of the government and ignore the atrocities committed by rebels?

De Waal told Babiker what he told everybody: The government in Khartoum is not coherent. It has multiple power centers, and there is much dissension among them. Atrocities have been committed by everyone, from militias to refugees, but, so far as the international community is concerned, ultimate responsibility rests with Bashir's government. The ICC was on the hunt. Whatever Bashir's people had conceded—from peace agreements to U.N. protocols to minority appointments in the government—it was seen as not enough, and, de Waal emphasized, someone must eventually be held to account. The United States will not have a coherent policy until at least six months after the new president is sworn in, but if a Democrat is elected, the United States will be more inclined toward a policy of regime change. The American intelligence community might resist this change because of Khartoum's counterterrorism assets, but without further concessions, pressure will continue to grow. This all seemed obvious, but coming from de Waal it became intelligence. Babiker took notes.

At lunch with Ambassador Salim in the musty, formal dining room, de Waal turned the conversation to the problem of press access—foreign reporters were regularly denied entry to Sudan—and suggested that Khartoum might find it beneficial to issue

more journalist visas. This was the solution, he said, to Babiker's repeated complaints that the "real story" was never told. The ambassador stared blankly at de Waal over his plate. "We must strike a balance between the freedom of speech and the security crackdowns on those who say the wrong thing," the ambassador said, through a mouthful of mutton. "It is bad when crackdowns are clumsy." This widely held attitude in the Sudanese government is, of course, antithetical to freedom of speech, but de Waal said only, "Yes, it is bad when they are clumsy."

After lunch, Babiker invited us into his small office in a corner of the compound, where we filled out visa paperwork and gave him our passports. We left, as quickly as we could, with Babiker's promise that we would get our passports the next day. Babiker was as good as his word—the passports arrived the next morning, bearing the requested visa sticker—and shortly thereafter he called, too. He wanted to remind de Waal that he must stop by for lunch again, when he next passed through Addis Ababa.

The night before we were to fly into Sudan, de Waal and I went to the spacious, dimly lit home of a Sudanese diplomat who was hosting yet another discreet meeting of southern Sudanese officers. De Waal wanted to talk to Lieutenant General Oyai Deng Ajak. If war breaks out again between Sudan's north and south, it is General Ajak who will command the Southern People's Liberation Army. To what end exactly, he himself may not know, since his party had recently withdrawn, and would soon after just as suddenly rejoin, the national government.

General Ajak had spent most of the previous day touring an Ethiopian munitions factory. De Waal likes to stay intimate with such interstate developments, which can decide wars. Intelligence on southern relations with Ethiopia—an indicator of southern strength—would also suggest, perhaps, how much of Khartoum's attention might be focused on the south, as opposed to Darfur.

Ajak and a dozen associates, including his communications adviser, were gathered in the diplomat's living room. Most of them focused their attention on an ancient console television set, which was showing an unfamiliar sitcom. They all stood up when we arrived. De Waal quickly launched into a discussion of Ethiopian politics with the general. Some of the men listened, but most returned to watching the show. When it was over, one of the officers stood up and changed the channel to a station showing an Ethiopian dance program, which the group watched almost as quietly, a few tapping their feet. Several of these men had bad scars. One was missing a leg; one, several fingers; one, an arm.

The matter of Ethiopian munitions was delicate. The southerners have drawn significant covert foreign aid from Ethiopia, Kenya, Congo, and others, and they still need that aid to match Khartoum. These relationships are volatile and unavoidable. They should be pursued, de Waal counseled, but only with great tact. "You must not neglect your Ethiopian brothers," he told the general.

This statement clearly was not neutral. The next day, I asked de Waal whether he supported the dream that many southerners have of toppling the regime in Khartoum. After a long pause, he offered that he had "always felt more comfortable around the SPLA,"but tempered that statement with a caution: "I have to be reflective about this and not fall into the trap," he said. "People of my 'class,' if you will—from the leftist background—have a special sympathy for guerrilla liberation movements." It makes sense that a British academic like de Waal might prefer the promised secular democracy of the southerners to the shari'ah law of the north. But he has become increasingly suspicious of anyone who would hold power in Sudan.

De Waal told me a story about John Garang, who led the SPLA from its inception in 1983 until 2005, when he died in a helicopter crash. Garang was considered by the international community, particularly the Bush Administration, to be a promising leader. He was charismatic, democratically minded, and, as a Christian, enjoyed the support of fellow believers at churches in, among many other places, George W. Bush's hometown of Midland, Texas. But, de Waal said, Garang could have ended the war in 1992, thirteen years before the first peace agreement was signed, and he chose not to. His forces were on the verge of capturing Juba, the regional capital of southern Sudan, and Khartoum's own troops there were dissatisfied and likely to join the rebellion. Garang himself was a day behind his forward troops, though, and he feared that if his lieutenants took Juba without him, they would take the mutinying soldiers into their own ranks, thereby creating a new, more powerful rebel army—with someone else at the head. So Garang radioed ahead for his troops to withdraw. Several of his officers, anticipating their own imminent demise and also the general slaughter that would follow their exit, committed suicide. De Waal emphasized to me that this story, like much of the SPLA's intraparty history, is disputed. But he believes that some version of it probably is true. It is part of why he is afraid of "falling into the trap." Ajak and his officers are some of the competing heirs to Garang's mantle.

If the leadership in the south is as bad as in the north, I asked de Waal, and the available new leadership won't improve anything, what can you do?

"You can make the process more humane," he said.

This goal, presumably, governed his meeting with Ajak, who nodded seriously as de Waal talked to him, and who is far less likely to be overrun by Bashir's forces if he receives a discount on light mortars from his Ethiopian brothers. Within de Waal's construct of a more humane process lies the idea of a balance of power.

We arrived in Khartoum at 2:30 a.m. and were met at the nearly empty airport by a short, surly local man, also named Alex, who was to be our driver. The ringtone on his phone, which rang frequently, sounded convincingly like glass breaking, but Alex the driver seemed to take little joy in the gag. All of my attempts to make conversation with him over the following week were met with monosyllables. The only exception came a day after Bashir went on television and asked his elite Popular Defense Forces "to open training camps and to gather mujahedeen, not for the sake of war but to be ready for anything." The current head of the SPLA, who is also one of Sudan's two vice presidents, had accused the president of impeding the Comprehensive Peace Agreement, and this was Bashir's chest-thumping response. Everyone I spoke with in Khartoum that day was tense and aware that if the fragile north-south peace were to break, there likely would be violence in the city itself. As it happened, Alex, like more than a million other citizens of Khartoum, was from the south. "This time," he said, "we will start the fight from within."

On the morning of our arrival, though, Alex was silent. He simply drove us to the wealthy Amarat section of Khartoum, where we were immediately swept into the next meeting. This took place in the large, spare apartment of Abdul Mohammed, an energetic Ethiopian Muslim with a darting smile, designer glasses, and a paunch. Mohammed is known locally as an inspired but unpredictable diplomat with a hard assignment: he was chairman of the preparatory committee for the Darfur-Darfur Dialogue and Consultation. His wife and children live in Geneva, but he told me that his natural habitat is the Upper West Side of Manhattan, where he lived while studying political science at the New School, thirty years ago. To support himself back then, he drove a yellow cab. Mohammed explained to me that he made no money until a fellow Ethiopian described the daily flow between the Upper East Side and

Wall Street. Mohammed stocked his cab with copies of the *Wall Street Journal* and encouraged his morning passengers to share rides. His tips improved dramatically. Employing similar enterprise, Mohammed has built a career in East African politics through a variety of organizations including the InterAfrica Group, the United Nations, and the African Union. Like de Waal, he tends to view the specific titles and affiliations as subsidiary to the larger project. After a warm greeting—Mohammed clearly was relieved to have de Waal there to help—the two sat down to work out a series of complex meeting agendas.

Mohammed's hope was that the African Union would create an impartial forum in which all of the parties involved in the Darfur conflict could simply talk. But the government was concerned, and not entirely without justification, that such meetings would serve only to unify the rebels. It had detained and questioned members of Mohammed's staff several times, which in turn raised suspicion among the Darfuris, who feared Mohammed was in league with Khartoum and so sometimes refused to talk at all. Everyone de Waal spoke with in the following weeks, rebel and *janjaweed* alike, insisted that there must be peace *before* the Darfur-Darfur Dialogue and Consultation could begin.

Mohammed and de Waal went to sleep around five in the morning and were back at work over breakfast.

Musa Hilal was the first person named on the U.S. State Department's list of persons suspected of genocide in Darfur. Through intermediaries, de Waal had arranged a meeting with Hilal, who sent his driver, an enormous man—perhaps six foot six and very broad—to pick us up in an old Mercedes. De Waal hadn't been sure the meeting would come off, and arranging it had been his focus all that day, along with the preparation of a gift—a photograph de Waal had taken of Hilal's father in 1985, one of only two known images of the old man.

Hilal had once been the most powerful leader of the government's *janjaweed* forces, but he had, for mysterious reasons, decided to retire to a quiet life in the city. De Waal had known Hilal's father back when he was the sheikh of their tribe. "He was revered in Darfur for always delivering justice in a day," de Waal said. Hilal's father did not want him to become sheikh, preferring another of his seven sons. Hilal took over himself, however, when his father became demented in old age.

De Waal made small talk in Arabic with the giant chauffeur as we wove through the dark maze of Khartoum to the compound where Hilal now lives. He suspected that the government had brought Hilal back to Khartoum in order to assuage international human rights organizations and the U.S. State Department. But perhaps not. He wanted to meet Hilal and get a better sense of his plans. It was possible that some of his people would participate in the Darfur-Darfur Dialogue and Consultation.

Several dusty pickups were parked outside Hilal's house, and a half dozen men lounged in shadow around the gate. De Waal greeted each of them with a quiet "*salaam*." We met Hilal in a small den upstairs, where his driver served licorice cake. De Waal has called Hilal a murderer in print for years, but as we sat down he politely gave Hilal the gift he had prepared. Hilal set it aside and began talking in a low monotone. He wanted de Waal to understand the plight of his people. According to Hilal, a significant cause of the conflict in Darfur was an increase in competition for food and water following the drought at the end of the 1970s. De Waal writes about this problem in his book *Famine Crimes*. His conclusion, after 220 pages and five detailed case studies, was that drought and famine were usually manipulated, and sometimes even caused, by governments like Bashir's. All of Hilal's observations

placed responsibility elsewhere; he and his friends were to blame for nothing. De Waal listened, apparently fascinated, and occasionally asked a careful question. He never got a straightforward answer, but he nodded as Hilal kept talking.

Hilal did not thank him for the gift until we were again at the car. Then he said, "I would like to continue the relationship, as you had with my father, with you." The men lounging in the shadows watched this farewell with great interest.

Days later, in Darfur, south of Kutum, de Waal sat down to lunch with some still active *janjaweed* to suggest that they meet with their victims at the Fata Borno displacement camp. When he told them that he had seen Hilal recently, one patted de Waal's arm and praised the sheikh. Did de Waal know that one of Hilal's six brothers, Hassan, was right now in this very village for a wedding? De Waal nodded and said this was good, because Hassan was a peaceful man, who had never been a soldier.

Our most unnerving meeting was with Abdullah Safi al-Nur, who, as a member of Bashir's government at the time of the genocidal campaigns, had put thousands of Kalashnikovs into the hands of Hilal's horsemen, among many other *janjaweed* factions. De Waal approached the meeting believing that Nur had come to regret his actions and might want to use his considerable influence with the current military leadership in Khartoum to achieve some sort of peace. But Nur, we would discover, had his own reasons for inviting de Waal. Nur lives in a large house on a quiet unpaved square in Khartoum. Before we saw him, we saw his grandson, perhaps five years old, riding his tricycle in and out of his gate, occasionally pretending to start the tricycle with the key to a Land Cruiser. In his airy, cool sitting room there were faded certificates from the United States Air Force proving that he had trained in Fort Worth in 1984. At lunch, the grandson sat on Nur's knee, playing with his grandfather's pack of Benson & Hedges. Nur used his thumb to gently push mutton from the communal platter into the boy's mouth.

As the meal continued, more men began to arrive. Without telling de Waal, Nur had invited some of his associates. All of them were wealthy Arabs—politicians, businessmen, academics—who were similarly entrenched in Bashir's power structure. They wore djella bahs and expensive shoes. By the time Nur settled into his post-lunch cigarette and tea, perhaps a dozen newcomers had gathered. De Waal glanced at me as the guests arranged themselves around us like a tribunal. He was surprised to be made a trophy but saw that even this might be profitable. The assembled men wanted to talk with de Waal about some of his writings. They claimed that there were many mistakes in his latest book, *Darfur: A Short History of a Long War*. De Waal asked the men to please correct him.

They stressed that it was the non-Arabs of Darfur who had started the war, that it was they who continued to cause problems, that they were in the internal-displacement camps because they *wanted* to be there, that the accusations of genocide were simply false. Ahmed Balla, a soft-looking, pockmarked man in desert fatigues, was the most strident. "They say Arabs come with camels carrying *dushkas*!" he said. *Dushka* is slang for a type of Russian anti aircraft gun. "I swear an oath that no man with his own living eyes has ever seen a camel with a *dushka*!"

De Waal had repeatedly heard, usually from eyewitnesses, that when the *janjaweed* came to burn their villages and rape their wives they always came with camel-mounted *dushkas*. As one military attaché explained to me, you could put a *dushka* on a camel's back and carry it into battle, but there is no way that you could *fire* it without ripping the camel itself to pieces.

The main point of contention, though, was over who exactly the *janjaweed* are and what the word means. De Waal acknowledged that the etymology of the term is unclear. Most people agree that *janjaweed* refers to "armed men," or "devils," on horseback or camelback. But the word is not Arabic. One theory is that it is derived from the Persian *jangawee*, meaning "warrior." Another is that the word was the namesake of a particular bandit, but no one knows who he was or where he came from or why he decided to become a criminal. "How could you call a man a *janjaweed* in your book," Balla demanded, "when you just agreed you don't know the exact definition of the word?"

Definition, de Waal allowed, is crucial, especially in light of U.N. Resolution 1556, which calls on the government of Sudan to disarm the *janjaweed* militias. This resolution is the project the peacekeeping force currently in Darfur is supposed to be overseeing. But the term *janjaweed* can be applied to a bewildering array of tribes: Ereigat, Hottiya, Mahamid, Mahariya, Sa'ada, Terjem, and so on, many of which are themelves divided. Moreover, at least one of the tribes that could be accused of producing *janjaweed,* the Zaghawa, is made up of non-Arabs, and therefore is more commonly held to be the victim of genocide than the perpetrator, though some Za g hawa do in fact ride camels and horses and fire their weapons at civilians.

Echoing his words to Counselor Babiker at the Sudanese embassy in Addis Ababa, de Waal told Balla that the international community would ultimately hold "Khartoum" responsible for the crimes taking place in Darfur, even if some of the definitions were hard to nail down. Such news was obvious but none theless unwelcome. To one degree or another, Abdullah Safi al-Nur and his associates all knew that jail might be in their future. And they knew that de Waal was involved, somehow, in the system that would put them there, even if only because he is the expert on their country and on them. It was a long, tense afternoon. One man, a former newspaper publisher who is now a member of Sudan's parliament, noted over tea that "it would be very easy for me to kill someone such as Mr. Alex."

Darfur is a difficult place to reach—the Sudanese government is as stingy with internal travel permits as it is with entry visas—but de Waal was determined to gather more information. After a week of paperwork and phone calls, he secured us a ride to Darfur's provincial capital, Nyala, on an African Union helicopter whose crew was supplying the United Nations peacekeepers with eggs, juice, and huge sacks of frozen beef. The helicopter was packed tightly, and de Waal had to insert himself awkwardly between the beef and the window so that he could look down on the empty landscape. There was little movement on the roads—a few produce traders who probably had bribed their way through the checkpoints, but no internationals.

A U.N. staffer later explained to me that it is impossible to drive a Land Cruiser more than a few kilometers outside of Nyala without being carjacked, and that carjacking had become a significant problem even within the city. The week before we arrived, there had been two incidents, one just a few hundred feet from the U.N. compound. The peacekeepers have become a source of vehicles for rebels and bandits alike, and the distinction between the two is frequently unclear. A popular local joke about the most recent Darfur negotiations: "Give me a Land Cruiser, a Kalashnikov, and a satellite phone, and I'll get you a seat at the table!" But the U.N. staffer who had endured one of that week's carjackings told me that the people who had taken her car were very young kids, frightened, who wouldn't even know what a satellite phone looked like. In any case, U.N. staffers now prefer to travel in squat Toyota Hiaces, which outlaws unanimously disdain. No one wants to go to war in a minibus.

We landed in Nyala and drove (in a Hiace) to the adobe-walled U.N. compound,

where we were greeted by Abdullah Fadil, a dapper Canadian of Somali descent who is the U.N. head of office for South Darfur. In his office, Fadil offered us bottled water and, with stoic good humor, sketched out a universe of problems. His task, he said, was to prevent bloodshed by managing the region's mess of competing interests. He was responsible for everything from tracking human rights violations to making sure the mafias that sprang up in the refugee camps didn't divert international aid. His job was difficult not only because of the significant lack of resources but also because of the conflicting, often obstructive, orders from Khartoum about where he could go and what he could do. In any case, all of this was taking place far too late. "This should have happened two years ago," he said. "Now we have to utilize the peacekeepers to be an agent for stability, security, and conflict resolution, just so that development can even begin to take place." The U.N.'s annual budget in Sudan was $2.5 billion, he said. "Imagine if all of that money had gone to migratory routes, schools, health . . ."

Now, Fadil said his job was becoming even more complex. Some of the *janjaweed* militias had begun to switch sides. One of those groups was run by Mohammad Hamdan Hamati, a Darfuri Arab who fought under Musa Hilal and now claims to command 7,000 men of his own. Last year, Bashir armed Hamati with forty Land Cruisers, a hundred satellite phones, and a shipment of small arms, presumably in the hope that Hamati would defend Khartoum's interests in the territory around Nyala. What happened instead was that Hamati took the equipment and disappeared into the forested slopes of Darfur's tallest mountain, Jebel Marra, which also happened to be the traditional home of the Fur, many of whom had fled the mountains for the refugee camps down below.

At the end of our meeting, Fadil invited us to a very early dinner—five o'clock—at his house. In light of the recent carjackings, he had imposed a 7:00 p.m. curfew on his staff, and he wanted us off the roads too.

One afternoon a few days after we met with Fadil, de Waal drove in a convoy out of Kutum, in North Darfur, to ask the Fur leaders at the Fata Borno refugee camp what they knew about *janjaweed* switching sides. Did they believe it? If so, could they accept peace with them? There were twenty-five of them, sitting on a plastic tarpaulin in a fragile wooden shack on the rocky plain. The chiefs were dressed in faded djellabahs. Another man, their spokesman and sometimes translator, wore a gray T-shirt with save our animal resources printed on it around a cartoon of a donkey.

Their stories, even retold hundreds of times to various journalists and diplomats, remain horrifying. De Waal's suggestion that they open discussions with the Arabs who had occasioned these stories was met with anger. "If peace comes, and I know the person who killed my brother, raped my sister, killed my mother," said one of the chiefs, "how can I live with this person?" This sentiment was unsurprising but also obscured potential common ground. Hamati, the former *janjaweed* leader with 7,000 men, had abandoned the government for much the same reason that many of these men had taken up arms: Khartoum refused to share wealth or power, to provide health services or new schools. Almost everyone in Darfur suffered, one way or another.

At the end of the meeting, a deeply wrinkled, gray-haired chief produced a sword. Passing it to de Waal, he explained through the translator that it had been given to his father by Guy Moore, the British district officer whose deputy, Wilfred Thesiger, achieved great fame in the 1930s for his lion-hunting skills. One of de Waal's running jokes was to introduce himself as from "the tribe of Moore," and when he got the sword, he reintroduced himself that way. It was a somber meeting, but this cracked up several of the old chiefs.

When Luis Moreno-Ocampo, chief prosecutor for the ICC, requested the arrest warrant for Bashir, at a press conference in The Hague in July, de Waal was sitting in the audience. Moreno-Ocampo outlined the indefensible horrors and, to emphasize the point, played footage of victim testimony on a television screen. “I don’t have the luxury to look away,” the prosecutor said. “I have evidence.” It was a shock to Sudanese politics, indeed to international politics; only two other sitting heads of state—Charles Taylor and Slobodan Milosevic—have been subject to such charges.

De Waal had been tipped off some eight weeks in advance that Moreno-Ocampo would be making this request (he wouldn’t tell me by whom), but he wanted to be there anyway. The day before, he had published an essay in the *Guardian* asking Moreno-Ocampo to reconsider. “The prosecution,” he had written (with British journalist Julie Flint), “will endanger the people we wish to defend.” His primary argument was that a threatened Bashir could do much to damage the already fragile peace, and that the ICC had no ability to back up its threat with an actual arrest or trial. He did not say that Moreno-Ocampo was making empty threats out of vanity, or that such vanity was a poor substitute for the expert application of diplomacy, but the suggestion nonetheless hung on every word. I asked de Waal if he would sit down with me and discuss what had happened. As always, he was happy to talk, and so on a rainy day back at Harvard, exactly four weeks after Moreno-Ocampo’s request, I paid de Waal a visit.

At that point, a month after the press conference, it appeared as if de Waal’s assessment might have been mistaken. There had been no retributive violence, the north-south peace agreement had not collapsed, the United Nations had not been expelled. Justice was moving forward, and the peace, such as it was, had survived.

De Waal, however, remained confident in his methods. In fact, he said, when he got his tip, he immediately began to write letters, first to Moreno-Ocampo, asking him to reconsider, and then to various government and human rights organizations. He even sent a letter to a member of Bashir’s inner circle, and therefore essentially to Bashir himself.

This was surprising. I asked de Waal what he hoped to achieve by tipping off a war criminal, and, as was his habit, he answered with a seemingly unrelated story. In addition to warning Bashir, it turned out, he had also made a call to Sadiq al-Mahdi, who had been prime minister of Sudan until the title and the role itself were eliminated by the coup. After several years in exile, Mahdi now leads one of Sudan’s largest political parties. His reaction would be crucial—any indication of support for the warrant might cause Bashir to act rashly. De Waal told Mahdi the news, hoping that he would demonstrate restraint. Mahdi thanked him for the call. Soon after, he released a memo stating that an indictment would lead “to a basic conflict between accountability and stability” and that avoiding a trial therefore was “a case of accepting the lesser evil.” It was words such as these, de Waal said, that had prevented Bashir from killing more of his own people.

Did de Waal believe he had influenced Mahdi’s forbearance? He said no. His task was not to convince anyone of a particular point of view but rather to draw attention to a range of expert analyses so that people could draw their own conclusions. This was how diplomacy worked. “There should not be unpleasant surprises in politics,” he said, “especially for thugs.” And thus far for Bashir—who continues, with careful reassurance from some of his greatest adversaries, to maintain power—there have been none.