

Ocampo v Bashir: The Perspective from Juba

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18 July 2008

The perspective on the ground in Juba regarding the ICC prosecutor's request for an arrest warrant for President Bashir is very different from that in Khartoum and Europe. Here there is concern about the impact of the warrant on the fragile Comprehensive Peace Agreement (CPA) signed in 2005. This agreement has only recently saved the people of Southern Sudan from the same suffering and deprivation that has prompted international outcry over Darfur. What is the point, ask some Southern Sudanese, of taking action in support of Darfuris if it is at the expense of the people of the South?

While the situation in Darfur seems only to get worse, Southern Sudan can be cautiously viewed as a success story. Within three years, Southern Sudan has come to look and feel like a separate country. Roads have been de-mined and paved for the first time, buildings are going up everywhere, people are returning, jobs abound. While international agencies have evacuated staff from Khartoum, life in Juba goes on as usual: peaceful, hopeful, and now even bustling. This is in stark contrast to life here only a few years ago.

For the past few days, people in Juba have been reading the newspapers and watching the news on satellite television, and many conclude that they could do without both Bashir and Ocampo. While some Jubans support the purpose and aims of the ICC – and certainly few have any sympathy for Bashir – many shake their heads at international actors so focused on symbolism and lofty ideals that they fail to consider the practical impact of their actions on the people of this region. Here justice is a pipe dream, a luxury few can afford. What people want is peace and development. They want healthcare, clean water, education, and most of all security.

The conflict in Darfur has raged for the last five years. The civil war between the 'North' and the 'South' lasted 22 years, involving various rebel factions, regular forces, and counterinsurgency forces with 'Northerners' and 'Southerners' on both sides. Since the CPA, Southern Sudan has been occupied with the task of rebuilding a region lacking infrastructure, but there are many complex issues that remain to be worked out. Foremost among them is the relationship between the new Southern state and the region's many communities. Institution-building, the resettlement of refugees and IDPs, developing a land policy, drafting legislation, building human capacity, providing much-needed services, preparing for elections – these are the immediate issues that concern Southern Sudanese, not exposing Bashir's crimes or punishing him for his role in Darfur.

Here, many people bear responsibility for atrocities committed during two decades of war. Almost all of the Southerners now in the Government of Southern Sudan fought either with the Sudan People's Liberation Army or in Khartoum's counter-insurgency campaigns. That the success of 'South-South reconciliation' has brought together the likes of Paulino Matiep (former commander of the South Sudan Defence Forces), Clement Wani (former Sudanese Armed Forces General and leader of the Mundari Militia), Salva Kiir and Riek Machar to work towards a common goal is a remarkable feat. Indeed, it is a model of a successful reconciliation process, led by Southern Sudanese themselves, and a gain worth protecting.

Here abstract ideals of international constitutionalism are far from most people's minds. Having experienced the cynical realities of post-independence politics and too familiar with the harsh realities of war, many people do not want their lives to become test cases for theoretical debates on the future of international law. Jubans recount tales of the war, meanwhile hoping the judges of the ICC will exercise restraint. The ICC will not necessarily bring Bashir to justice, but it will certainly have an immense impact on hopes for democracy here, and may in the end destroy what Southern Sudan has only just started to build.

The atrocities in Darfur and the role of the Government of Sudan certainly warrant international action. Yet just as the conflict in Darfur cannot be divorced from its domestic and regional contexts, neither should international involvement be pursued without consideration of its domestic and regional consequences. So far the only hope of a future peace in Darfur, and indeed of stability in the region, is a strong, developed Southern Sudan, with political ties to its neighbours and to the international community. This is the only objective that seems achievable. It is reckless to jeopardise this possibility in an effort to secure justice in Darfur.

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