

# **Darfur Conflict Transformation Prospective**

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## Chapter 1

### 1.1 Introduction

The Darfur conflict arose and took its violent form in 2003 and went in escalation during which many attempts to bring peace were carried out. However, there are some efforts still ongoing from regional actors supported by the international community.

Darfur is neighbouring Chad, South Sudan, Libya and Central African Republic which are fragile states so any instability will affect the whole area for example there are rebel factions fighting and fuelling the ongoing conflicts in particularly South Sudan and Libya. To bring lasting peace to Darfur the conflict should be transformed by uprooting the root causes.

Conflict transformation is the most suitable way that can achieve a durable lasting peace by addressing the root causes of the conflict and prevent its reoccurring again. Conflict transformation differs from conflict resolution or conflict management which may lead to absence of war only.

### 1.2 Statement of the Problem

*The violence in Darfur was driven by two issues: one local, the other national. The local grievance focused on land and had double background; its deep background was a colonial legacy of parcelling Darfur between tribes, with some given homelands and others not; its immediate background was a four-decades-long process of drought and desertification that exacerbated the conflict between tribes with land and those without. The national context was a rebellion that brought the state into an ongoing civil war.* (Mahadani)<sup>1</sup>

### 1.3 Importance of the Study

Conflict transformation is a comprehensive approach, addressing a range of dimensions (micro- to macro- issues, local to global levels, grassroots to elite actors, short-term to long-term timescales). It aims to develop capacity and to support structural change, rather than to facilitate outcomes or deliver settlements. It seeks to engage with conflict at the pre-violence and post violence phases, and with the causes and consequences of violent conflict, which usually extend beyond the site of fighting. The study will add a new dimension to the past researches on the issue of Darfur conflict in a constructive manner and exploring the different prospective to transform the conflict.

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<sup>1</sup> Mahmood Mamdani Savors and Survivors, 2009.

## **1.4 The Aim, objective, research question and hypothesis of the study**

### **Aims**

To explore the prospects of Darfur conflict transformation by addressing the root cause especially the local factor of land tenure through the historical background and the competition over the natural resources due to drought and increase in population and livestock numbers.

### **Objectives**

The research will examine, identify and analyse the root causes of the conflict and put forward recommendations that could help in achieving the conflict transformation in Darfur.

Create an understanding to the root causes of the conflict and how to address them.

Provide a reference information for further studies in this issue.

### **Research Question**

To what extent the land tenure system and competition over the scarce resources constitute main source of violence in Darfur?

Is it by solving the land tenure issue and a proper resource management, conflict transformation in Darfur could be achieved?

### **Hypothesis**

The thesis will examine the links between violence in Darfur and the land tenure system and the competition over resources. To investigate this, I put the following hypothesis:

Proper management of land use and maintenance of natural resources lead to the conflict transformation in Darfur.

## **1.5 Research Methodology**

The proposed methods of study are mainly through the analyses of the secondary data. Most of the information has been gathered from secondary sources: published books, official reports, journal articles, newspapers and magazines. A primary source of data could be also my experience cognizant that Darfur is my home of origin and I witnessed the conflict from the very beginning. I have a previous Master in Peace and Development Studies and I used to work in the African Mission in Sudan (AMIS) then African Union-United Nations Hybrid Operation in Darfur (UNAMID) this will give me a good knowledge to analyse

the situation and come up with suggestion and recommendation which might bring the durable lasting peace to my home of origin Darfur with the assistance of the supervisor.

## **1.6 Overview of the Chapters**

The dissertation includes five chapters. Chapter One consists of Introduction, statement of the problem, research question, research methodology, literature review and the United Nations concepts on conflict. Chapter two includes discussion on historical background to Sudan and historical background to Darfur conflict. Chapter three discusses the issue of land tenure and its impact on the violence, history of tribal conflict in Darfur and the effect of drought, desertification and the resource scarcity. Chapter four will analyse the data and look on to prospects of conflict Transformation. Chapter five includes the efforts of peace process, the research will be concluded by discussion, recommendations and conclusions.

## 1.7 Literature Review

Conflict transformation theorists argue that contemporary conflicts require more than the reframing of positions and the identification of win-win outcomes. The very structure of parties and relationships may be embedded in a pattern of conflictual relationships that extend beyond the particular site of conflict. Conflict transformation is therefore a process of engaging with and transforming the relationships, interests, discourses and, if necessary, the very constitution of society that supports the continuation of violent conflict. People within the conflict parties, within the society or region affected, and outsiders with relevant human and material resources all have complementary roles to play in the long-term process of peacebuilding. This suggests a comprehensive and wide-ranging approach, emphasising support for groups within the society in conflict rather than for the mediation of outsiders. It also recognizes that conflicts are transformed gradually, through a series of smaller or larger changes as well as specific steps by means of which a variety of actors may play important roles. Conflict transformation must actively envision, include, respect, and promote the human and cultural resources from within a given setting. (Management, Berghof Research Center for Constructive Conflict Management)<sup>2</sup>

Conflict Transformation a generic, comprehensive term referring to actions and processes which seek to alter the various characteristics and manifestations of conflict by addressing the root causes of a conflict over the long term. It aims to transform negative destructive conflict into positive constructive conflict and deals with structural, behavioural and attitudinal aspects of conflict. The term refers to both the process and the completion of the process. As such it incorporates the activities of processes such as Conflict Prevention and Conflict Resolution and goes farther than conflict settlement or conflict management. To distinguish between those we have to define each of them.

Conflict prevention entails four pillars of short to medium-term activities: identifying situations that could result in violence, reducing manifest tensions, preventing existing tensions from escalating and removing sources of danger before violence occurs. So, the aim is not to deny the issues at stake, but to find non-violent ways of addressing them. For this reason, many practitioners prefer the terms “crisis prevention” or “violence prevention”. It is thus important to understand the many kinds of violence and why they arise. While prevention activities should ideally be undertaken pro-actively, most are usually applied in a post-war setting, in order to prevent a renewed outbreak of fighting. Typical tools

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<sup>2</sup> Berghof Research Centre for Constructive Conflict Management- Edited version August 2004.

and methods include early warning, confidence- and security-building measures, preventive diplomacy and preventive peacekeeping, and peace education.

Conflict management focuses on how to control, handle and mitigate an open conflict and how to limit the potential damage caused by its escalation. Like prevention, it can include military and non-military components. It is mainly understood as trying to contain a conflict or, at best, reach a compromise, without necessarily resolving it. This means looking for ways to deal with conflict constructively and aiming to engage opposing sides in a cooperative process that can establish a workable system for managing their differences.

Conflict resolution focuses on the deep-rooted causes of conflict, including structural, behavioural and above all, attitudinal aspects. As with management, there are many different understandings of resolution, which practitioners and scholars have long been at pains to distinguish. It is often used as an umbrella term for the whole field, especially in Anglo-American literature. Generally speaking, conflict resolution aims to help parties explore, analyse, question and reframe their positions and interests as a way of transcending conflict. For many, the learning process entailed in resolving a conflict is just as important as the end state it hopes to achieve: the future is not seen as conflict free, but as one where bonds and models exist that conflict parties can use to find further resolutions instead of resorting to violence.

Conflict management, born of the need to take quick and decisive action, is often criticised for merely “applying a band-aid” to cover deep wounds. Conflict resolution also has its limitations: urgency and expediency may result in root causes being overlooked or important stakeholders being excluded from negotiations. Moreover, one or more parties may refuse to cooperate. Lack of leverage or political will to seek a solution are commonly reported obstacles. Even if conflict parties would prefer peace to war, they may refuse to engage in talks because of risks to their security or fears of ending up worse off than before the resolution. Since peace accords are almost always concluded amongst armed parties, there is also a danger that conflict resolution will ultimately privilege these over other groups in society.

A frequent criticism levelled at both management and resolution approaches is that their objectives are not broad enough. Faced with the complexity, asymmetry and repeated manifestations of protracted conflicts, several scholars and practitioners have come to advocate a more comprehensive set of goals. They feel that this process of change is better captured in the concept of conflict



transformation. (Berghof Glossary on Conflict Transformation 20 notions for theory and practice)<sup>3</sup>

### **1.8 The United Nations concepts on conflict.**

The United Nations looks to conflict prevention, peacemaking, peacekeeping and peace enforcement rarely occur in a linear or sequential way. Experience has shown that they should be seen as mutually reinforcing. If they are used piecemeal or in isolation, they fail to provide the comprehensive approach required to address the root causes of conflict and hence reduce the risk of conflict recurring.

The term ‘peacebuilding’ only officially entered the diplomatic lexicon in 1992. Its endorsement as a sector in its own right is largely due to Boutros Boutros-Ghali’s Agenda for Peace published that year. Amid the widespread enthusiasm which characterized the immediate aftermath of the Cold War, the former UN Secretary-General categorized conflict management into four key activities: preventive diplomacy, peacemaking, peacekeeping, and peacebuilding. Despite its new exalted position at the heart of the UN’s *raison d’être* (the promotion of peace), peacebuilding was defined in only very general terms as an ‘action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict. The concept of peacebuilding has been taken up again and clarified in the Supplement to An Agenda for Peace, published in 1995. While restating the ‘validity of the concept of post-conflict peacebuilding’, the Supplement emphasizes the need for ‘integrated action’ (UN, 1995: paras 47–8). The same year as the publication of the Supplement, the Secretary-General created an inter-departmental Task Force to identify post-conflict peacebuilding activities that could be undertaken by UN agencies; these are described in An Inventory of Post-Conflict Peace-Building Activities, published in 1996. Along with this, the publication of An Agenda for Development (1994), An Agenda for Democratization (1996), as well as the UNDP Report on Human Security (1994) have helped to explain the UN’s perspective on the interaction between four central concerns: security, development, democratization, and human rights. The many peace operations undertaken during the 1990s were thus intended to be part of a broader strategy on post-conflict peacebuilding. In reaction to the often-mixed results of such operations, the Brahimi Report, published in 2000, stresses the need to promote more coherent strategies ‘to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war’ (UN, 2000: 3). This in turn demanded better coordination of the various stakeholders and recognition of the intersectoral nature of the many areas of peacebuilding activities inherent to such a process. This evolution culminated in the 2005 World Summit, which emphasized ‘the need for a coordinated,

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<sup>3</sup> Berghof Glossary on Conflict Transformation 20 notions for theory and practice, 2012

coherent and integrated approach to post-conflict peacebuilding and reconciliation with a view to achieving sustainable peace' (UN, 2005b: 25). The decision to establish a Peacebuilding Commission was adopted at the Summit with a view to resolving the institutional deficit that had long prevailed in efforts to ensure effective coordination. This quest has generated a new impetus for shaping the UN's strategy and conception of peacebuilding. (Chetial)

The UN currently defines the different peace processes as follows:

Conflict prevention involves diplomatic measures to keep intra-state or inter-state tensions and disputes from escalating into violent conflict. It includes early warning, information gathering and a careful analysis of the factors driving the conflict. Conflict prevention activities may include the use of the Secretary-General's "good offices," preventive deployment of UN missions or mediation led by the Department of Political Affairs.

Peacemaking generally includes measures to address conflicts in progress and usually involves diplomatic action to bring hostile parties to a negotiated agreement.

The UN Secretary-General may exercise his or her "good offices" to facilitate the resolution of the conflict. Peacemakers may also be envoys, governments, groups of states, regional organizations or the United Nations. Peacemaking efforts may also be undertaken by unofficial and non-governmental groups, or by a prominent personality working independently.

Peace enforcement involves the application of a range of coercive measures, including the use of military force. It requires the explicit authorization of the Security Council. It is used to restore international peace and security in situations where the Security Council has decided to act in the face of a threat to the peace, breach of the peace or act of aggression. The Council may utilize, where appropriate, regional organizations and agencies for enforcement action under its authority and in accordance with the UN Charter.

Peacebuilding aims to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundation for sustainable peace and development. It is a complex, long-term process of creating the necessary conditions for sustainable peace. Peacebuilding measures address core issues that affect the functioning of society and the State, and seek to enhance the capacity of the State to effectively and legitimately carry out its core functions.

The boundaries between conflict prevention, peacemaking, peacekeeping, peacebuilding and peace enforcement have become increasingly blurred. Peace operations are rarely limited to one type of activity.

While UN peacekeeping operations are, in principle, deployed to support the implementation of a ceasefire or peace agreement, they are often required to play an active role in peacemaking efforts and may also be involved in early peacebuilding activities.

Today's multidimensional peacekeeping operations facilitate the political process, protect civilians, assist in the disarmament, demobilization and reintegration of former combatants; support the organization of elections, protect and promote human rights and assist in restoring the rule of law.

UN peacekeeping operations may use force to defend themselves, their mandate, and civilians, particularly in situations where the State is unable to provide security and maintain public order. (United Nations )<sup>4</sup>

A Clear example for multidimensional peacekeeping operation is the UNAMID that acting under Chapter VII of the Charter of the United Nations, established by Security Council resolution 1769 of 31 July 2007 and its mandate covers the following:

- i. To contribute to the restoration of necessary security conditions for the safe provision of humanitarian assistance and to facilitate full humanitarian access throughout Darfur;
- ii. To contribute to the protection of civilian populations under imminent threat of physical violence and prevent attacks against civilians, within its capability and areas of deployment, without prejudice to the responsibility of the Government of the Sudan;
- iii. To monitor, observe compliance with and verify the implementation of various ceasefire agreements signed since 2004, as well as assist with the implementation of the Darfur Peace Agreement and any subsequent agreements;
- iv. To assist the political process to ensure that it is inclusive, and to support the African Union-United Nations joint mediation in its efforts to broaden and deepen commitment to the peace process;
- v. To contribute to a secure environment for economic reconstruction and development, as well as the sustainable return of internally displaced persons and refugees to their homes;

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<sup>4</sup> United Nations Peacekeeping website

- vi. To contribute to the promotion of respect for and protection of human rights and fundamental freedoms in Darfur;
- vii. To assist in the promotion of the rule of law in Darfur, including through support for strengthening an independent judiciary and the prison system, and assistance in the development and consolidation of the legal framework, in consultation with relevant Sudanese authorities;
- viii. To monitor and report on the security situation at the Sudan's borders with Chad and the Central African Republic.

Having discussed the different conceptual approaches on conflict above, it seems that the most comprehensive approach is the conflict transformation which addresses a wide range of dimensions (micro- to macro- issues, local to global levels, grassroots to elite actors, short-term to long-term timescales). It aims to develop capacity and to support structural change, rather than to facilitate outcomes or deliver settlements. It seeks to engage with conflict at the pre-violence and post violence phases, and with the causes and consequences of violent conflict, which usually extend beyond the site of fighting.

## Chapter 2

### 2.1 Background history of Sudan

Sudan was already playing a role in world history as early as the first millennium BC. References to Kush are well known in Egyptian inscriptions and also in the works of Greek and Roman authors as well as in the bible. Despite the originality of the Kushite civilization, scholars have tended to see its achievements as wholly due to outside influences, even from areas as far away as India. This reflects a deep-seated prejudice, common until recently, about the ability of the African continent to nurture an indigenous civilization, an attitude that has been debunked by recent research. It would also be mistaken, in the final analysis, to view Kush merely as an Egyptian satellite, although it is true that the initial Egyptian conquest of the northern Sudan, during the time of the Middle Kingdom (c. 200 BC) had a profound effect upon Sudanese life and inspired the beginnings of indigenous development. The relationship between Kush and Egypt was much more of a two-way exchange; for a period of time the whole of Egypt came under the rule of the Napatan kings, and there are certainly aspects of the Egyptian culture which derive from Sudanese African traditions. (Boune)

The modern historian is unfortunately forced to look at Kush through foreign historical references, and it seems reasonable that they should attempt to identify specifically non-Egyptian elements at Meroe and at Napata. Around 590 BC, the Kushan capital was moved to Meroe, a move which has stimulated the development of indigenous elements in the Kush culture. Inscriptions in the Meroitic language and alphabet became more common after this date, and in the sphere of arts and crafts the earlier Egyptian influence became subordinate to a forceful and unique style. Pottery, perhaps the most easily studied archaeological medium, displays distinctly African characteristics. Further examples of specifically African or Sudanese traditions which are attested at Meroe by ancient authors can also be found; matrilineal succession and the importance of female positions – for example, Candace, or queen mother. All this is part of an indigenous development which was intertwined with Egyptian institutions without losing its original vitality. Eventually, many of the indigenous elements, which derive from African origins, outlived the Egyptian infrastructure and reappeared, more or less unchanged, at later periods in Sudan's history. Furthermore, as if to reinforce the distance between the Kushan realm and Egypt, the downfall of the Kushan kingdom came about not from the north, but from the south, from African Ethiopia, another neighbour which has played traditionally an important role in Sudanese history. In around 330 AD, the downfall of the Kush civilization occurred at the hands of King Ezana of Aksum, whose invading armies Ethiopianized the country; a language ancestral to present day Nubian was first introduced, and pottery styles became distinctly more African than Mediterranean. The Kushan period is instructive, if only because it serves as a

reminder to those whose own cultural and historical perspectives have remained trammelled along racial or religious lines, that the Sudan as a country is capable of generating its own specific characteristics, acquired from both the north and the south, and analysis furthered by reference to subsequent periods in Sudanese history (History of Sudan).<sup>5</sup>

### **Funj and the Fur sultanates**

The decline of the Kush civilization led to a decentralization of power within the Sudan. The country broke up into a number of smaller principalities which preserved some degree of Kushite culture. From out of this ‘dark age’ three major powers began to emerge: Nubia, Maqarra, and Alwa. The southernmost of these kingdoms, Alwa, displayed a distinctly African orientation, and indeed was the longest lived, surviving up until the beginning of the sixteenth century, when it was replaced by the Funj sultanate. Its leader, Abdalla Jama’a (the gatherer) was able to mobilize (as his name indicates) the Islamicized populace against Nubia which was by then Christianized following the Romanization and Christianization of Egypt. With the defeat of the Nubian Christian kingdom, Jama’a established the first semi-centralized Muslim authority in northern Sudan.

A detailed picture of the life of these early Sudanese states during the intervening period, although of considerable historical interest, is not central to the discussion here. What is important, however, is the fact that during this period Islam first began to make an impact on the territory of Sudan under a Muslim centralized authority, a process that had initially started with the gradual infiltration of Islam by Arab traders and immigrant tribesmen. This process had fundamentally altered the power relations within the country over the subsequent years, and led eventually to the adoption of Islam by the indigenous elite and the local peoples. To the latter, adhesion to the new faith was made easy by the fact that Islam propagated by those immigrants ‘demanded neither learning nor literacy but only a profession of faith and the performance of a few simple obligations’. The culmination of this process was the establishment of the Funj and Fur sultanates in the sixteenth and seventeenth centuries. However, this process of Islamicization and Arabization is without documentation, apart from a notable passage in the Arab author Ibn Khaldun, and its importance has in the past often been over-inflated; for the Funj and Fur sultanates were first and foremost African, specifically Sudanese states.

In 1504 the kingdom of Alwa fell at the hands of the Funj, and we need not quarry into history to identify the Funj’s origin nor to debate their claims of patrilineal descent from historical Arabs, a matter that has been the subject of much writing. Neither is the term ‘funj’ itself Arabic, nor is there a Funj tribe. The Funj themselves have claimed Arab descent from the Umayyad. The preponderance

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<sup>5</sup> Sudan Embassy in Washington Website.

of evidence suggests that the Funj were an Islamicized African Negroid people, who established their capital at Sennar (the tooth of fire), and very shortly afterwards carried their new faith westward into the heartland of Sudan. It was under the Funj sultanate that Islam first began to gain widespread influence in the central Sudan.

Bruce, the Scottish traveller who visited Sennar in 1772, was told that Islam had been adopted for the purposes of trading with Cairo; trade with Egypt was the mainstay of the budding Sudanese economy at that period. It is also worth remembering that much of that trade was in slaves, and that a Muslim cannot theoretically be sold as a slave. The economic superiority of the immigrant Arab traders and, more importantly, their modern culture (including the Arabic language which was increasingly used as an instrument of commercial communication with Egypt) enhanced their position in the Sennar community. Even so, in order to find themselves a niche within that community, those traders adopted many of the Sennarese customs and values while their distinguished status opened the way to them for fusion, through intermarriage, with the upper crust of society. This was the same process whereby immigrant Arab traders interacted with the local Nubian population in the northern commercial centers; Dongola, Berber Shendi, and so on.

From those genes, as in the Nubian north, new clans were born and mushroomed, a process that was enhanced by the gravitation of different non-Arab tribes in the region towards, and identification with, those new clans either for economic advantage or protection. One such example was the Hamaj, a collective name given by the Sennarese to the tribes in Upper Blue Nile who were often raided by them and captured as slaves. As a result, a process of identification grounded on kinship and pedigree took root in central Sudan from that period in time, as was again the case with Nubian Sudan, though in the case of the latter some ethnic groups such as the Halfawese, the Mahas, and the Danaqla, held out and maintained their pre-Arab languages. However, there is no evidence that it was internal political pressure or, even less, profound religious devotion which swayed the Funj to Islam. In fact, that they were very dedicated to their new faith is doubtful, for we know that the Funj court embodied a number of traditions and institutions which were incompatible with Islamic teaching, though that does not suggest that the Funj Sultans were in any way opposed to Islam. It is likely that these traditions were maintained for two reasons: first, there was no reason to change them; and second, such practices were expected by the Funj subjects from their rulers and were a requisite of the Funj establishing themselves within the traditional political framework of their domains. Effectively, by accepting many of the Sennarese values and customs and entwining them with Islamic institutions the immigrant Arab traders ushered in a new brand of Islam, an Islam built on the existing social order rather than replacing it with its own. The process of Islamicization was, thus, not one of cultural collision; if anything it was one of

cultural interaction – a two-way traffic resulting in the Arabicization of the local peoples, on the one hand, and the indigenization if not paganization of Islam on the other.

None the less, Islam remained a cult associated with royalty and foreigners and had very little impact upon the general population until at least the middle of the seventeenth century, when the first mosque was built at Sennar, and by which time the majority of the Fuqara (religious pundits) who were teaching in the Sudan were no longer foreigners but Arabicized Sudanese. Following the tradition of the Nubian north those fuqara, while dispensing their religious teachings, continued to live with the social mores of the community which were often repugnant to those teachings. Equally the fuqara, who were also traders, persevered in their commercial activities, accumulating a relatively great wealth in the process. In effect, the fuqara's way to the hearts of people was not only through preaching; another weighty medium of conversion was patronage made possible by endowments offered to those fuqara by the rulers in the form of land and cattle. Ascetic as their lives may have been, the fuqara were sufficiently wealthy to support their followers and thus maintain their allegiance.

Eventually this religious elite became the mediator between the rulers and the masses, gaining, in consequence, tremendous political influence. The same process of Islamicization and spread of Arabo-Islamic culture can be seen even more clearly in the establishment and organization of the Fur sultanate which had arisen at this time – around the middle of the seventeenth century when the Keira sultanate of Darfur emerged out of the obscure background of the Tunjur tribal kingdom. This state was essentially a non-Arab Sudanese kingdom which was also an Islamic state, just like Sennar, and since the historical and oral material is more abundant than at Sennar it is possible to take a closer look at the institutions within the Fur state. The Fur were made up of purely African tribes: the Kungara, Karkirit and Pemurka, though the Kungara, a purely African group, claimed an Arab strain. Within the administrative structure of the Fur sultanate the compromise between Islamic and traditional elements was key factor in the success of the state as a whole.

Similarly, as with the Funj, Islam did not suppress the cultural characteristics of the tribes; instead, it had woven them through its common thread. Thus, despite their conversion to Islam, some tribes of that region continued to maintain traditional social institutions and cultural patterns blatantly repugnant to Islamic tenets. For example, the Islamicized Midob tribe preserved their matrilineal system of succession with the effect that, when the mek (ruler) died he was succeeded by his sister's son, in the belief that 'the bone is from the mother, the flesh from the father'. On the other hand, whilst the system of law was theoretically based upon shari'a administered according to the Maliki school, in practice traditional laws were dominant. A customary law, supposed to have been



codified by Sultan Daali and based on a system of fines paid in rolls of cloth and animals, was commonly applied, and there is no evidence that the shari'a punishments were ever imposed. Taxation too, combined Islamic and traditional taxes.

The Fur provincial administration continued, on the more formal level, to grant estates to members of the royal family and tribal chiefs as a system of privilege; and on the more informal level, administration of local justice was left to the religious notables in the regions. And whilst the holders of the estates collected and kept the traditional taxes, the Islamic ones were passed on to the central administration. Trade with Egypt, along the caravan routes, in slaves and other 'legitimate' commodities such as camels, ivory and ostrich feathers, was an important part of the Fur economy and gave the kingdom an eastward orientation, so that contacts between Darfur and the Nile valley were common. Trade, being a highly structured group activity involving vendor, purchaser, transporter and distributor, needed a degree of institutionalization through a central authority. This inevitably gave rise to the Patronage and exploitation of trade activities by the rulers; each caravan to the east was led by a khabir (guide) designated by, and responsible to, the sultan. Again, this led to the establishment of a permanent hierarchy of power inside the trade orbit based on the maintenance of economic power by a ruling elite, who used slavery as a means towards the maintenance of the status quo. The rulers of the Fur, like those of the Funj, who were Africans themselves, owned and marketed slaves captured in Dar Maslait and northern Bahr al Ghazal, and possessed, directly or indirectly, monopoly on religious orthodoxy, such as it was at the time, and wielded political authority with little opposition.

The Funj and Fur sultanates formed a 'political golden age' inside Sudanese history as a whole, since a purely Sudanese central authority held the reins of power inside the country. More importantly, owing to the control of the authority, they also had the capacity to apportion political and economic power between the governing elite installed by them and the religious elite which was gaining prominence. The process of Islamicization and Arabicization of northern Sudan was altogether a more complex and gradual process than the Islamicization and Arabicization of North Africa. It came about as the result of nine centuries of intermarriage, trade and cultural interchange, setting the ground for the work, later on, of itinerant holy men from Hejaz, Egypt, Iraq and elsewhere who preached and taught throughout the country. These holy men established their Khalwas (Koranic schools) where they taught the Qur'an to a superstitious rural population who maintained, to large extent, their own indigenous traditional beliefs. A large Portion of these early fuqara were Sufists, whose approach to Islam was characterized by asceticism and mysticism, and this early preponderance was to affect profoundly the nature of Islam in the Sudan.

The history of the Funj kingdom is replete with stories of holy men who wielded power parallel to, if not greater than, that of the prince. The rise of the sheikhs and their followers marked the birth of the distinct Sudanese sectarian political activity in the localities, something that blossomed chiefly in the Turco-Egyptian period in spite of the essentially antipathetic nature of the new centralized and orthodox regime, which laboured continually to undermine the power and influence of the Sufi tariqas. The Funj and Fur sultanates had provided a background for this process, but the formation and accession to prominence of a factionalized religious elite which accompanied it took place largely during the period of the Turkish rule. The passing of these medieval Sudanese sultanates forms a watershed in the history of the Sudan, considered as a whole. With the annexation of the Sudan by the Ottomans, the basis of power within the region was profoundly altered, and the colonial political framework, thus engendered, caused the country to become fragmented both into regional elements which sought to resist the imposition of the central authority, and into social groupings which sought, in a variety of ways, to exploit the limited possibilities for economic expansion and political gain provided by the Turco-Egyptian administration. (History of Sudan)

### **The Turco-Egyptian period in Sudan**

From the above it is clear that, until the Turco-Egyptian conquest of 1821, Muhammed Ali's forces entered the Sudan without encountering any organized resistance from the Funj sultanate, which by this stage was suffering chronically from internal divisions and political fragmentation. The motives for the invasion were varied. The presence of rebel Mamluk troops in the northern Sudan had been a source of concern to the Egyptian government; possibly, Muhammed Ali harboured ambitions of founding an empire; certainly the Sudan was a rich source of slaves; and, apart from their economic value, Muhammed Ali had ideas of building a large slave army around himself, something which provided the major incentive for a continued Turco-Egyptian presence in the region.

The new administration had important consequences for Sudanese life. For the first time it brought all the territories of the Sudan under one centralized administration. Considerable changes now took place which were to affect the Sudanese people and their rulers profoundly, both in the political and economic fields. Central amongst these was the new balance of power which was promoted between the various regions of the Sudan. The keystone of the economy in these times was the extremely profitable slave trade, which had been blossoming since the days of the Funj and the Fur. Given the administrative advances made by the new government, this now assumed more extensive proportions.

The results of these changes were twofold. First, it seriously increased the tension, already present, between the centre and the periphery, particularly the south. Second, it altered the economic layout of the Sudan, and transformed the region

into the model which confronted the Anglo-Egyptian Condominium when it eventually took over. This basically meant that the seat of power moved to the central riverain part of Sudan, Khartoum, and then Omdurman. The slave trade enhanced the position of the traders, who were generally northerners working on their own or conniving with some tribal chiefs. A third major consequence of the Turco-Egyptian regime was a profound change in the relations of the local religious elite to the central authorities. The justification of the conquest had been that it claimed the Sudan for the Ottoman Sultan, the lawful ruler of the Muslim world. For this reason, three Egyptian 'Ulama (learned men) from Al-Azhar travelled with the initial expedition with the intention of forming an orthodox Islamic state in the Sudan. Obviously, there was a vast gulf between the official Islam of the Egyptian administration and the personal faith of the Sudanese and their Sufi leaders. The Egyptians insisted on their shari'a courts, which had never before been known to most Sudanese. They also attempted, not very successfully, the introduction of a system of schools throughout the country which were subject to the central administration. Not only did these moves threaten to undermine the influence which the established Sufi brotherhoods exercised over the population, but the withdrawal of the privileged tax exemptions and charters bestowed on them by the Sennar and Fur rulers endangered the very existence of this religious elite. The three 'Ulama were openly contemptuous of the fuqara and the heads of the Sufi tariqas, and thus attempted to subvert the power and influence held by those local Sudanese religious leaders, an attempt which signally failed.

The political conflict between the new rulers and the established system is easy to understand. It reached a peak under the rule of Khedive Isma'il during his renewed attempts to impose Azharite Islam upon the country. But competition had also begun to develop among the various Sufi brotherhoods themselves. Membership of the larger orders had become little more than the swearing of allegiance to the sheikh, and involved no spiritual initiation at all. For the religious elite who led these orders, patronage was beginning to assume importance not simply for reasons of devotion, but because it provided them with a political platform. Like the Condominium government which followed the Mahdist period, the colonial Turkish administration found that it simply could not rule the provinces of the Sudan without the support of this local religious elite. Thus, despite all their efforts to the contrary, the Turks, like the British afterwards, were forced to patronize certain of the Sufi tariqas in order to maintain their grip on the country.

Of all the local tariqas to benefit from this favouritism, none did so more than the Khatmiyya. This order, sometimes known also as the Mirghaniyya (after its founder), had been set up around the time of the Turco-Egyptian invasion by Muhammad 'Uthman Al-Mirghani, an itinerant Sufist of Central Asian provenance and a disciple of Ahmad Ibn Idris al-Fasi. Well organized, and with an expressed purpose to unite the varying Sufist teaching and orthodox shari'a,

the sect called itself the 'seal of the tariqas'. The khatmiyya established itself at al-Khatimiyya hill near Kassala and gained tremendous support in both the eastern and northern parts of the country conterminous with Egypt. Many of its adherents from those areas came from the merchant class who traded with Egypt, and were driven to the tariqa because of its privileged position with the Turkish rulers. Those two factors, geographic and occupational, were of paramount importance to the way in which the Khatmiyya developed politically, and probably explain both its historical linkage with Egypt and the shopkeeper vision of politics which became so characteristic of some of the Khatmiyya-based political parties. However, despite its reformist ideas, the order developed along the same lines as others and became centred on the Mirghani family whose Baraka had become hereditary.

Ironically the 'seal of the tariqas' became just another tariqa in intense competition with a number of other Sufist orders. But, unlike a number of smaller tariqas, the Khatmiyya survived into modern times, becoming an important factor in Sudanese politics because of the patronage the regime afforded it at this crucial stage in the history of the Sufist movement. The Turco-Egyptian administration was at root deeply unpopular; its initial attempts to impose a foreign system of taxation, which was alien to the established tribal and estate model, resulted in the rebellion of 1822. From the start the Turco-Egyptian government did not make itself popular, the Sudanese regarded the officials as 'Turks' and outsiders. Despite the introduction of a telegraph system and steamers on the Nile, the Turco-Egyptian period brought few benefits for the Sudan as a whole. As international pressure upon the government to limit the slave trade within the Sudan increased, the administration became more despondent. Shortage of money meant that taxes had to be raised, whilst little spending upon internal development was possible. Since the initial violence of the conquest, the Sudanese had never liked the new administration, and heavy taxation had only made relations worse. Also, by favouring the Khatmiyya order the government had estranged other orders and their followers. Given those circumstances, the eventual collapse of the regime to a popular revolution was entirely predictable, and the Mahdist revolt of 1881 ushered in a new phase in Sudan's political history (History of Sudan).

### **The Mahdiyya, 1881-98**

Discussion of the religious orders leads naturally on to the Mahdist movement, generally recognized as the origin of Sudanese nationalism, and the prelude to the establishment of the Anglo-Egyptian Condominium in 1898. Before turning to look at the movement, it would be well to examine the origins and basic elements of Mahdist belief. Ibn Khaldun writes in his *Muqqaddama*: 'It is a universal belief amongst the Muslim masses throughout the ages that at the End of Time a man of the family of the Prophet must manifest himself to confirm the faith and proclaim justice. The Muslims will follow him and he will establish his rule over

the Islamic Kingdoms, he will be called the Mahdi.' Such messianic belief is popularly rooted in Sunni Islam, providing an ideology for the oppressed which has resulted in the frequent appearances of Mahdis throughout the history of Islam.

To many modern Sudanese Muhammad Ahmad al-Mahdi is the father of nationalism. The view of the Mahdist movement as being nationalist in origin has come about because it thrived upon the unity created by the oppression of the Turco-Egyptian regime; and also because the Mahdi managed to overcome, perhaps for the first time, the system of tribal and religious loyalties, to allow the Muslim Sudanese people to act as one with a common motivation and a common loyalty.

The Mahdi was an astute politician, keenly aware of the feelings of the various Sudanese groupings, and endowed with the enviable attributes of a personal charisma and organizational ability. Mahdi's initial military successes were gained in the southern region of Kordofan (by the end of 1882 all but two garrisons of that province lay in Mahdist hands). That area was particularly responsive to anti-Turkish agitation due to the threat posed to its economy by the regime's professed determination to eradicate the slave trade, after pressure from Europe. This example of a region or grouping finding the Mahdist cause attractive for reasons other than religious enthusiasm is by no means unique – the Baqqara nomads, who became the mainstay of the Mahdist army, can be seen as motivated by their propensity to fighting government control on the southern fringe, as much as by anything else, whilst the adherence of the Beja tribes, reluctant as it certainly was, can be attributed to the rivalry of some of their leaders with the Khatmiyya that they shared with the Mahdi. Such a variety of motivations almost inevitably produced a degree of fragmentation even within the Mahdiyya, probably the most unitary institution of Sudanese pre-colonial history, something reflected in the structure of the Mahdist army, different factions fighting under different flags, each division commanded by its own caliph.

Initial success lent the movement impetus and credibility, and thereafter progress was swift. In January 1883 the Kordofan capital, El Obeid, fell to the Mahdi, precipitating the collapse of the decadent Turco-Egyptian regime, and obliging many reluctant Sudanese elements to join the revolt. Ottoman rule in the Sudan finally came to an end with the defeat of General Gordon and the capture of Khartoum on 26 January 1885. The system of government which the Mahdi and his followers, the Ansar, established was based on the principle of his absolute authority in both spiritual and temporal matters. Calling for a return to the pure and unadulterated Islam of the Prophet, he eschewed the ascetic principles of Sufism in his pursuit of justice in dar al-salam (the land of Islam) and followed orthodox theocratic principles in creating a government conducted, in the

tradition of Prophet Mohammed, by four caliphs and involving judicial and financial institutions based upon the Qur'an and the Sunna.

The Jihad was a central pillar of the new state inherited by the Mahdi's chief disciple, Khalifa 'Abdullahi al Ta'aishi, upon the death of the former less than six months after that of Gordon. The Mahdist subjection of the Sudan was only ever intended as a first step in the holy war (something which clearly renders dubious the view of Mahdism as a movement with vocation). Abdullahi's position was not enviable. He lacked the Mahdi's charisma and profundity, and his succession had been challenged not least by the Mahdi's kith and kin led by Khalifa Sharif; they called themselves awlad al balad (the rightful sons of the land), as opposed to the Baqqara 'upstarts' who descended on Omdurman from the west. The Khalifa was swift and ruthless in neutralizing them. Even so, whatever authority the Khalifa had exercised continued to rest upon brute force and reverence for the late Mahdi, something which obliged him to continue all the initiatives undertaken by his predecessor, including a campaign of Jihad against Egypt (since 1882 occupied by British forces) and against Ethiopia in order to bring its 'infidel' people into Islam. He also sent dispatches to queen Victoria, the Ottoman Sultan Abd al Hamid and Kediye Tawfiq of Egypt enjoining them to submit to Mahdiyya. This obscurantist approach to international relations, with its concomitant adventurism, had contributed more than anything to the demise of the regime. Tribal feuds, internal dissension and famines compounded matters further for the Khalifa; the only surprise, thereafter, was that the Mahdist regime survived as long as 1898 when its fate was sealed by the victory of Kitchener's superior army at the battle of Karari (History of Sudan).

### **The condominium**

The battle of Karari, which took place on the 1 September 1899, effectively heralded the end of the Khalif's reign; Kitchener's superior forces were victorious, and his troops proceeded to a reckless pillage of Omdurman. Khalifa 'Abdullahi remained at large, but his fate was sealed, and it was merely a matter of time before the conquering armies caught up with him; he was finally overtaken and killed by forces under Wingate, in November 1899 at the battle of Umm Dibaykarat in southern Kordofan. Thereafter the conquering forces turned to the spoils, and to the future status of the Sudan.

The reconquest of the Sudan had been undertaken by a joint army, acting, in theory, on behalf of the Khedive of Egypt, but from the outset it was clear that the British were not going to let the territories of the Sudan return to a purely Egyptian sphere of control. This was facilitated by the British occupation of Egypt itself (which had occurred in 1882). British public opinion back home was against returning the area to the people who, it was felt, had stirred up the Mahdist rebellion in the first place by their 'ill-advised' policies, and who had therefore

to take some of the blame for the demise of General Gordon, by then a popular hero in the British Isles.

On the other hand, the annexation of the region as a British colony was at the time not in question either. International politics had effectively put a stop to any prospective British claims, with the Fashoda incident, in 1898. The arrival of French forces, under Captain Marchand at Fashoda on the Upper Nile on 10 July 1898 precipitated a rapid advance by Kitchener, and his subsequent announcement that the French were violating the rights of Egypt, as well as those of Britain, an argument designed to undermine the French position in a way which left British interests intact. This was the more surprising in view of the disinclination of the British sovereign, Queen Victoria, towards Fashoda; the Queen of England could hardly bring herself to consent to war 'for so miserable and small an object', according to her message to Lord Salisbury on 30 October 1898.

The result of this dilemma was the 'Agreement between Her Britannic Majesty's Government and the Government of His Highness the Khedive of Egypt relative to the future administration of the Sudan', which is known in general as the Condominium Agreement. Lord Cromer, the British Agent and Consul-General in Egypt, was basically responsible for the drafting of this agreement, as he also had a great deal to do with the rationale behind the reconquest, and the British involvement in Sudan, anxious in the first instance to let the Egyptians shoulder the financial burdens that the governance of Sudan might demand.

The Condominium Agreement effectively shelved the question of sovereignty, but in practice the government of Sudan was a British affair. The Governor-General of Sudan was nominated by the British, and possessed supreme military and civilian authority in the land, with the power to rule by decree. His appointment was conditional on ratification by the Egyptians, but of course, since the latter were under British 'protection' the result was that appointments were given a rubber stamp. All the governors-general were British, from the inception of the Condominium Government to Sudanese independence, though Sir Robert Howe, the penultimate British Governor-General, proposed on this resignation in 1955 that his successor should come from a neutral country in order to ensure impartiality during the self-government period; his advice was not heeded.

The subsequent history of the Condominium Government is usually dealt with in terms of a number of fairly clear-cut periods. From the reconquest to the outbreak of the First World War, the Sudan Government was concerned largely with establishing an administrative framework, and pacifying the various forms of resistance it encountered. The internal security of the country was probably the single most important 'policy' pursued. The Great War itself saw some fundamental changes, including the annexation of Darfur in 1916, and the enlistment of Sudanese notables to support the war cause (History of Sudan).

## **2.2 Background on Darfur.**

Darfur is about the size of France (114,000 square miles); from north to south a slice of the Sudanic Belt, a region that stretches from Senegal to Somalia. The dry northern zone is the home of a number of Arab and non-Arab camel nomad groups, an area now badly affected by drought and desertification. In the central zone, north of 10 degrees latitude, farming communities, largely-non-Arab, cultivate varieties of millet, using slash and burn farming techniques. The central zone is dominated by the Marra mountain range (rising to about 10,000 feet). From about 10 degree latitude southwards, the third zone is the home of largely Arab cattle-keeping nomads. Fundamental is the fact that each of the three zones is dependent on the others. (O'Fahey)

Introducing Darfur is a difficult task. One problem, among many, is the question of where to begin writing a relevant history of the region. People have inhabited Darfur for at least two millennia, with Islamic influences apparent in the archaeological evidence from about 1000 years ago. Timothy Insoll identifies two dynasties that ruled Darfur from the Middle Ages onwards: the Daju from the tenth to the twelfth centuries, followed by the Tunjur from then until some time in the late sixteenth or seventeenth century. The Tunjur were followed in turn by a Fur dynasty, which emerged from the mountainous Jebel Marra region of central Darfur, and established the Keira Sultanate at some point around the mid-seventeenth century. For three hundred years the Keira expanded, consolidated and developed control over much of what today is modern Darfur. Along with the question of 'when' one also has to deal with the difficulty of where to locate the study. Darfur is easy enough to find on the map – the region is the size of France. It not only shares borders with three other Sudanese provinces, Kordofan, Bahr a-Ghazal and Northern State, but also with three (or four if you include the newly formed Republic of the South Sudan) neighbouring countries: a long border with Chad to the west, Libya to the north and the Central African Republic to the south. The region of Darfur is located at the crossroads between East and West Africa and for this reason can be seen as a 'melting pot' of diverse ethnicities and cultures. Darfur has been the stage on which travellers across the Sahel have interacted for centuries. The result of this travel and trade across Darfur from people originating in areas to its west and from the consistent 'Arab' movements from east and north has resulted in the formation of hybrid cultures across the region. While Darfur has traditionally been influenced by western African societies it has also over time become increasingly drawn to affairs to its east. Due to its location, Darfur has been, and remains, an important 'watershed' between East and West Africa and between sub-Saharan Africa and the Maghreb. (Bassil)



## Chapter 3

### 3.1 Land System in Darfur

Ever since the early beginnings of the Fur sultanate, sultans have realized the importance of land as a vital source of life for both humans and animals, especially after Sultan Sulayman Solonga began to expand the sultanate, which started at the foothills of Jebel Marra in the heartland of the Keira clan. Sultan Sulayman Solonga annexed tribal lands to the north and east of Jebel Marra. In fact, it has been reported that he managed to subdue and annex by force the lands of 27 sultans, seven from the black atheists and the rest from the semi-black Muslims. Sultan Sulayman's grandsons adopted the same policy of annexing tribal lands. Thus, the sultanate started to expand gradually to the west and east during the eras of Sultan Ahmed Bakor (from 1682 to 1722) and Sultan Mohamed Tairab (from 1752 to 1787). The former invaded the sultanate of Dar Gimir and extended his influence to parts of Dar Zaghawa. He confined his movements first to the western and northern boundaries of the sultanate. Sultan Tairab's invasions were confined to the eastern reaches of the sultanate, where he subdued Kordofan and marched towards the River Nile. Sultan Abdelrahaman al-Rasheed (who ruled from 1787 to 1802) continued on the same path and moved the capital eastwards to Elfasher.

Based on this description, it appears that the Fur sultans expanded their territory gradually from the west to the north and the east. They annexed tribal lands, but left tribal leaderships in place—provided those leaders pledged allegiance and paid annual taxes and zakat. Nonetheless, Fur sultans intervened indirectly in the appointment of heads of these tribes (Sultan, King, Shartay, Sheikh, and so forth) according to the customary laws adopted by those tribes.

To ensure continuity of domination, a school was established in the palace in Elfasher for the training and upbringing of the sons of those heads of tribes who would replace their fathers upon death; in this way, the sultanate ensured that future tribal rulers would be indoctrinated with sultan-approved teachings. This was in addition to the adoption of the magdoom system. Magadeem (plural of magdoom) were personal envoys of the sultan for the inspection and control of tribal administrations. The strength of this system explains the strength of the central administration system adopted by the sultanate right from the beginning until the last of the sultans, Ali Dinar. (Takana)

One of the fundamentals on which the stability and success of the Sultanate was based on its control over the land-tenure system, known locally as hakura . The basic elements of the hakura system resemble, in some notable ways, the feudal system of Europe, with land titles granted by the Keira Sultans to members of the royal family and aristocracy. O’Fahey has cautioned against viewing hakura in this way, even if the system in Darfur possessed some similarities with feudalism in Europe, preferring to see it as a system which evolved to meet the particular needs of the Sultanate’s expansion and dominion over diverse communities across Darfur. The extent that hakura differed from European feudalism is a matter of debate but in relation to who controlled land it could be said the situation in Darfur resembled feudalism when land holdings, Hakura , thus, operated on the basis of communal tenure, with access to the land allocated to a designated group. Usufructuary land-use fell to individual members of the community, who would be expected to cultivate the land or it would be considered unoccupied and free for reallocation. Sedentary groups, especially those located in the heartland of the Sultanate benefited most from the hakura system. However, as O’Fahey explains, this was not designed as a system to advantage one or some ethnic groups over others. Rather it was a necessary component of state-building and ensuring the loyalty of the population to the Sultanate and as a way of effectively managing human and natural resources and of preventing disputes over land. Pastoral groups were also included within this system and it appears that land management accorded nomadic groups access and protections as well. In addition, the Sultan’s absolute control of land allocations provided him with the leverage necessary to control the aristocracy. Successive Sultans utilised that control to sanction or eradicate real or potential political opponents, and to consolidate alliances with leading notables. Land was a powerful mechanism of control, which successive Sultans employed to their advantage. Interestingly, there is also evidence that the system of land control in Darfur changed as time progressed. As the Sultanate’s power waned in the late nineteenth century its ability to control land allocations seems to have weakened. According to Alex de Waal, hakura had evolved into a system of freehold tenure at the time of the colonial conquest of Darfur, where land had become ‘a valuable commodity and hakura owners were wealthy and prestigious. Thus, ownership and control over land had changed from earlier times and rather than it being unchanged traditional practice as commonly assumed, it was the colonial government that resumed the practice of basing tenure on usufruct land-rights assigned to tribal chiefs. This is another example why it is a mistake to view the hakura system, or any other aspect of Darfur, as somehow static. The local economy also benefited from the stability that came from the integration of diverse groups into the Sultanate. The economic ties forged between camel nomads and sedentary farmers were particularly important for maintaining balance in the region. Haaland’s study of ethnicity in Darfur illustrated that the patterns of interdependence in Darfur between nomadic groups and sedentary-farming communities were extensive and that these groups

had once forged strong ties across extremely fluid ethnic boundaries. In the examination of ethnicity by the eminent anthropologist F. Barth, he found that, Perhaps the most striking case is that from Darfur provided by Haaland which shows members of the hoe-agricultural Fur of the Sudan changing their identity to that of nomadic cattle Arabs. This process is conditional on a very specific economic circumstance: the absence of investment opportunities for capital in the village economy of the Fur in contrast to the possibilities among the nomads. Ian Cunnison's study, mentioned earlier, also identified the extent of coexistence and cooperation between sedentary-farming communities and nomadic groups, which he defined as symbiotic. One salient example of this symbiosis at work was the relationship formed between Darfur's camel herders and sedentary-farming communities. Cunnison described how during the dry season the camel herders travelled south in search of water and pastures. He further explained how over time, the farming communities and the nomads developed robust patterns of cooperation based on economic needs. The farmers allowed the nomad's animals to graze on the weeds and grasses found in the fallow fields and provided access to water, and in exchange the animals manured the fields. According to Cunnison, the owners of the animals would barter meat and milk products for grain and vegetables thus further cementing the relationship between farmers and pastoralists. While the bonds between the different economic communities in Darfur, formed out of the economic interdependence and intermarriage facilitated by the Sultanate were strong, disputes over access to land and water did arise. This is clear from judicial and other records, now available, dating from the time of the Keira, which as much as anything else, illustrate that a strong centralised juridical authority was crucial for maintaining stability and security in the region: a fact which should not be lost in relation to the origins of the current conflict in Darfur. (Bassil)

### **The role of land tenure in Darfur conflict**

The issue of land has for long been at the centre of politics in Darfur. Land-ownership in Darfur has been traditionally communal. The traditional division of the land into homelands – so-called “dar” - which are essentially areas to which individual tribes can be said to have a historical claim, is crucial in the local self-perception of the population. The traditional attribution of land to individual tribes in existence today dates back to the beginning of the 20th century when the last sultan of Darfur, Sultan Ali Dinar, decreed this division which was generally accepted by all tribes. While this traditional division of land is not geographically demarcated in an exact manner, some general observations are possible. For instance, in the northern parts of West Darfur and some western parts of North Darfur, the Zaghawa tribe predominates, and the area is also referred to as Dar Zaghawa – the homeland of the Zaghawa. In the area around and south of El Geneina, still in West Darfur, the Masaalit tribe has its homeland. While the name

Darfur would mean the homeland of the Fur, the actual area where this tribe has its homeland, is located in the centre of the Darfur region, around the Jebel Marrah area. The Rhezehghat are mainly found in the southern parts of South Darfur. As noted, some tribes, essentially most of the nomadic tribes, do not possess land and have traditionally transited through land belonging to other tribes. Although this traditional division of land into homelands of different tribes has been in existence for many years, extensive intermarriage and socio-economic interconnectedness between the tribes have rendered a clear demarcation of both tribes and homelands less precise or accurate. Nevertheless, the self-perception of people as members of tribes and the social networks connected to the tribal structures remain a central feature of the demographics of Darfur. (; UN)

Historically was collectively owned by the members of the tribe and its use was determined by the tribal leadership. Tribal leaders had extensive powers to allocate parcels of land to its members for dwelling, grazing, agriculture, or other forms of use. During the 1970s, however, the land laws were changed and individual ownership became possible. Although the land ownership was now attributed to the State, those who possessed land for at least one year could claim legal title. Those who did not have land had additional incentive to demonstrate loyalty to the Government in order to acquire it. In recent years both ecological and demographic transformations have had an impact on inter-tribal relations. Darfur is part of the Great Sahara region, and while it has some agricultural areas, particularly around the Jebel Marrah plateau, most of the region remains arid desert land. Drought and desertification had their impact in the 70s and 80s, and the fight for scarce resources became more intense. In particular, tensions between agriculturalists and cattle herders were affected. Cattle herders in search of pasture and water often invaded the fields and orchards of the agriculturalists, and this led to bloody clashes. Corridors that were agreed upon amongst the tribes to facilitate the movements of cattle for many years were not respected. As fertile land became scarce, settled people's tolerance of the seasonal visitors diminished.

### **Land Users and Tenure Systems**

**Traditional Farming** Despite the fact that traditional agriculture, particularly qoz cultivation, is visualized as small-holders subsistence form of land use, it is increasingly facing conflicts with other forms of land use. This is evident from the gradual increase in farm size and number of plots per household. This, in turn, has resulted in competition over land and a gradual shortage of land. Many factors have contributed, with varying magnitude, to this evident change in the traditional pattern. Most prominent of these factors are desertification, increased livestock

population and increased demands for food production. All these processes have ultimately resulted in tenurial and land resource related conflicts in Darfur. These relatively recent developments will undoubtedly have strong bearings on the stability of tenure system and land use patterns, particularly the water harvesting and spreading issue. Another factor, which is also expected to shape and reshape the land use patterns, is the close correlation between farm size and increased levels of aridity. Farm size and also plot numbers increase as aridity conditions increase.

### **Farmers Tenure System**

Generally, the farmer's right to land is established by continuous actual use and cultivation. This well-defined tenure basis may reflect the fact that land has never been an issue of serious dispute in the history of this area. In other words, land has little value in the sense that unclaimed agricultural land was large enough so that it was not worthwhile to maintain long-term rights over it. However, there were some cases where individuals could establish control over land through the opening up of a new land by clearing and preparing it for agriculture. But generally, it was difficult to maintain rights if the land was left fallow for a long period. The only effective way to exercise long-term ownership, is by allowing hashab to regenerate on the land and keep protecting it until it becomes a well-defined stand of productive trees. Such ownership is recognized because the occurrence of hashab adds to the value of the land in two ways. Firstly, it produces cash and secondly, it renews the fertility of the land. Unfortunately, the hashab has almost ceased to regenerate naturally due to increasing rates of desertification. This has deprived the area of an excellent cash crop and a perennial form of land ownership.

### **Pastoralists Tenure System**

Seasonal stock movements in response to physical/biological and socio-economic factors are often associated with contacts, frictions and conflicts. This, of course, has led to some internal balancing mechanisms, particularly, those related to their social structure and tribal administration. It is well documented that through time, the tribal or native administration has articulated itself and crystallized as a powerful organ and institution that caters for the interest, sustenance and stability of the nomadic system. In this system, pasturelands and water sources are communally owned and utilized. They are not appropriated by individuals and pasturelands are always defined as uncultivated lands. Beyond the seasonal routes also, no land is reserved or allocated for grazing. However, such specific land allocation exists only for cultivation, which clearly indicated the tenurial bias against the nomadic pastoralist. Within the Dar (homeland),

tribal sub-divisions, clans and villages have preferential grazing right within their territories. One mechanism for maintaining this preferential grazing right is through the control or access to water sources (this is only possible and feasible if they were established by the community rather than by the government as in case of water yards). Often, customary rules and native administration are the main mechanism and institution regulating the tribal use and right on the seasonal routes. However, these rights could be lost if such routes are abandoned or intercepted by sizeable community or government project.

### **Hashab (Gum Arabic)**

Traditionally, gum production from hashab tree constitutes an important source of cash to the farmers. The integration of hashab plantations within the traditional agricultural rotation system is an old practice in the area. This is done by cutting hashab trees when their yield declines, and replacing them by crops for 3-4 years. In the meantime, gums from those trees becomes ready to be tapped when crop productivity started to decline, signalling the decline of soil fertility. Trees continue to be able to be tapped for 8-13 years, and again farmers start cutting these trees to grow crops in their place. The hashab crop rotation goes in this sequence. However, this pattern of land use began to lose its importance in many areas. Conflicts often were associated with hashab and grazing damage caused by herders trespassing.

### **Water Spreading Tenure**

This is a relatively recent pattern of farming that has emerged as one of the coping mechanisms with the drought conditions in Darfur. This newly emerging form of agriculture is confined to the alluvial soils of the wadis and khors. However, as a new form or pattern, it interacts with other resource users in many aspects:

- conflicting with pastoralists access to watering and grazing along the wadis and khors.
- conflicting with small-holder farmers particularly, traditional tobacco or tombak producers.
- conflicting with small farmers who traditionally exploit the residual moisture of the khors for vegetable production. The status of tenure as regards the lands under water spreading activities is not comparable to other land users' tenure systems. In fact, there is a great deal of confusion within the customary rules when dealing with tenure issues and conflicts of the water spreading land. Formal Recognition Formal recognition by the government as regards the customary tenure systems in the area is not well-defined. Registration of land as a formal

procedure of government recognition is not applied in Darfur. Lack of such formal recognition and registration of land on permanent basis is considered by many proponents as advantageous and very much compatible with rural conditions in the country. (Osman)

### **3.2 Drought and competition over resources**

Drought and desertification had its impact not only on Darfur but the entire region of the Sahara, which led to increased migration of nomadic groups from Chad, Libya, and other states into the more fertile areas of Darfur. It is generally not disputed that while this immigration was initially absorbed by the indigenous groups in Darfur, the increased influx combined with the tougher living conditions during the drought led to clashes and tensions between the newcomers and the locals. The problem of desertification and its profound effects on the geographic area of Darfur was considered a major source of profound ecological change. The advent of drought in the 1970s, leading to even more devastating drought during the 1980s, resulted in dramatic consequences. Some nomadic and agricultural activities, and the slash-and-burn clearance of national forests, acted as major contributory factors to soil nutrient depletion and reduced land productivity. Increased local demands for fuel, and growing pressures for higher levels of food production, led to shorter fallow periods and hence to the removal of the vegetation cover and the dismantling of the top soil layer on the Qoz sands. The ultimate result of this process was the reactivation of the consolidated sand dunes and the advancement of moving sands, with all of their ecological and socio-economic consequences. According to Hassan Mangouri, University of Khartoum, in the face of the declining income, local populations opted for certain economic alternatives, which in turn added to the process of degradation. Similarly, persistent drought conditions in the northern parts of Darfur has had the effect of pushing the nomadic herders into the southern areas, who, in huge numbers, have searched for pasture and drinking water, intensifying the ongoing process of desertification and causing inter-tribal discord. A far-reaching effect of drought has been the decrease in land productivity. Farming is the main economic activity for more than eighty percent of Darfur's population. Agricultural products such as millet, sorghum, groundnuts, and sesame are essential food sources as well as national cash crops. The production rate of such crops is largely dependent on rainfall and the natural fertility of land. Deterioration in both rainfall and land fertility has led to a sharp decline in the production of rain-fed crops. Competition between settled pastoralist farmers and nomads is a feature of the natural resources-based conflicts in Darfur. Abduljabbar Fadul, Vice-Chancellor, ElFashir University, referred to eleven animal routes, which have been designated as passages for nomads to pass

through farmers' plots during their movements from south to north in the rainy seasons, and from north to south during the dry season. This arrangement was agreed upon by the Darfur local nomadic leaders and the settled farmers in the early 1950s. Due to the deteriorating environmental conditions, the cattle movements from south to north were significantly limited. Moreover, the animal grazing areas have been increasingly turned over to the cultivation of crops, especially groundnuts and sesame, as sources of cash for the farmers. An explicit example of the present crisis in Darfur is the conflict between the camel nomads and the settled farmers, who are competing over wadis, or seasonal riverbeds, and clay areas in Jabal Marra, Garsilla, Kabkabiya, and Geneina. Settled farmers in the past used to construct fences either as new farm plots, or as reserve pastures for their animals, or for selling the grasses. Such fences are now sometimes broken by nomads, who claim that they are illegal, generating direct hostilities and fighting between farmers and nomads. R. S. O'Fahey, University of Bergen, noted that conflicts over wells that in earlier times had been settled with spears or mediation became much more intractable in an era awash with guns. Considerable discussion concerned the issue of land tenure and use, with emphasis on the fact that land tenure systems in Darfur are the result of a long historical evolution and actions taken by successive political, economic, and social organisations. A summary of how such a system works was provided by Yagoub Mohamed, University of Khartoum: Each tribe acquired for itself a large territory of land (dar). The Dar is regarded as the property of the entire tribe, and the chief of the tribe is regarded as the custodian of the property. Land is allotted to each member of the tribe for cultivation purposes, while unused land is left to form shared resources, available for use by all the visitors (nomads). The regeneration of acacia senegal trees, or hashab, which produce gum-arabic, is a successful method of authenticated ownership. This practice is advantageous, because it protects land against processes of deforestation and generates financial income. Disputes over land tenure are enlarged by the contradictions between traditional systems and the legal implications of land ownership measures instituted by a 1970 act. Advocates of traditional mechanisms raised several arguments against formal governmental systems of land registration. They assert that such a system would be inapplicable in Darfur, because it entails restraining the mobility of groups, irregardless of changing conditions of rainfall, land fertility, and available grazing lands. Fears were expressed about the expense involved in establishing and running such a system, which could impose unnecessary burdens on the rural population. The process became even more complicated when holders of land charters (watha'iq tamlik), granted by the Darfur Sultans, made claims to large areas as their property. Furthermore, the system was disrupted by the recurrence of severe droughts, which have hit the



area in the past years. In 1997 a film on the problem of desertification, 'The Tale of Arnator', was produced with support from the Ford Foundation to tell the tale of a severely affected village in the region. The point of the film was that land use has always been at the heart of local disputes and a major source of conflicts in Darfur. Deryke Belshaw, University of East Anglia, proposed a number of innovative land use and development strategies for the region of Darfur, suggesting the need for strengthening local land tenure, farmers associations, and credit institutions. He stressed the necessity to replicate successful local experiences and promising imports in response to people's interests and preferences. He recommended the rapid collection of a large amount of relevant information, to be analysed and subsequently used in designing effective reconstruction and development strategies. He also encouraged the use of natural resource base-soil, water, vegetation, appropriate technologies, improved products, family enterprises, and improved institutions and infrastructure at the local level. Such steps would have the effect of enhancing productivity rapidly in both the settled agriculture and nomadic pastoralist systems. (Osman)

#### Development Schemes in Darfur

In spite of some notable rural development efforts in Darfur, the natural resource potential remains unlocked. On the contrary, the natural resources have been subject to degradation and poverty and food insecurity has increased. The development schemes implemented in Darfur have been largely confined to rural agricultural development but none of them is working now. These schemes include the following:

##### Jabal – Marrah Project for Rural Development

The Jabal-Marrah project covers four municipalities in West Darfur State comprising a total area of 1.5 million feddans on the higher and lower slopes of Jabal-Marrah. The population in the project area is estimated at 1.8 million people with the vast majority depending on farming, livestock rearing and forestry. The pilot farms were started in a prepared area of one hundred thousand feddans, marking the implementation of the early stages of integration. The rural development project was developed in stages from 1967 and aimed at providing services to some seven thousand four hundred families. The components of the project include extension, adaptive research, community development agricultural input, rural roads, training 89 and monitoring and evaluation. The farmers were able to increase their agricultural productivity, social services were improved and several rural roads were constructed and the water situation was markedly improved, thorough the digging of wells and the installation of irrigation pumps. Staff of the project was trained in addition to five thousand

farmers' leaders. The project generally has a favourable impact on the livelihood of the people in the early phases in the project area. However, the extension funding started to decline in 1994 and, accordingly, a rural development corporation was established to search for funding to sustain the project. A Jabal Marrah Company for roads was created but soon disappeared and the project management was transferred to the state of West Darfur. The deterioration of the project continued, and in 2002 the president declared the project as a national project within the domain of the Federal Ministry of Agriculture financed from the Ministry of Finance development budget.

#### Western Savanna Development Project (WSDP)

The Western Savanna Development Corporation was enacted in 1978 and by 1982 funding was secured from IDA, ODA, and Saudi Fund for Development and the Government of Sudan (GOS) amounting to twenty-six million dollars for the first phase, which ended in 1984. Phase II started in 1986 funded by IDA, IFAD, ODA and GOS allocating forty-six million dollars. The project served an area of one hundred and thirty-five square kilometres within South Darfur State. The project aimed at unlocking the economic potential and improving the welfare of the people through enhancing supply and security of food and water and conserving and protecting the natural resources from degradation. Specifically, the project was aiming at increasing grain production and improving farming systems, livestock improvement, and improved soil and water management. The project's activities included adaptive research, extension and water settlement, veterinary services, livestock management, range and pasture improvement. The project achieved reasonable success in regard to its set objectives. However, as a number of problems were encountered, including lack of credit and inadequate crop protection, low level of agricultural technology and shortage of inputs and problematic procurement procedures; the project is now dormant.

#### Umm Kaddada Area Development Scheme

The Umm Kaddada Area Development Scheme was started in 1988. It is one of several Area Development Schemes implemented jointly by the GOS and UNDP, aiming at increasing the capacity of the poor to sustain their livelihoods through self organisation, access to micro-credit, agricultural services and inputs and the increased capacity of the poor to sustain their livelihoods. The Umm Kadada ADS falls within the semi-desert zone with an annual rainfall 90 ranging from 150mm the north and 450mm in the south and with sandy soils, sparse vegetation of cacia and traditional farming with livestock raising. Local economies suffer from frequent droughts. Water supply sources are limited to deep bore holes. The resources in the area are marginal. The ADS covered an area with a total

population of eighty thousand distributed in fifty-one villages. The expansion area of the ADS has one hundred and forty-nine thousand indigenous population and thirty-seven thousand internally displaced people (IDP) in 5 villages. The project area is characterized by poverty, limited resources potential, fragile production systems and poor social services, which require a combination of physical and human factors for development. The ADS has generally laid the basis for a workable integrated development model. The project succeeded in the mobilization of the village populations in different institutional set-ups. However, the project is not yet self-reliant. North Darfur State is committed to continue the project upon termination of UNDP funding.

### **3.3 The native admiration in Darfur**

Native administration is one of the most controversial issues in Sudanese politics. Even at its very inception in the early 1920s, it was not welcomed by leaders of the nationalist movement. It was perceived as a government creation that was meant to serve the purposes of colonial rule. Following the end of foreign rule, radical elements in the political parties, including elements within the conservative parties, have continued to be hostile to native administrators. Opponents of native administration are probably justified in their attitude to the system. The colonial rule really wanted to rely on native administrators rather than on the hawkish leaders of the nationalist movement. On several counts they were preferred to the urban educated elite. For example, they were the ones who had been entrusted with the implementation of the so-called Indirect Rule i.e. rule by Sudanese natives. Secondly, when a version of a local government was founded in 1937, councils were dominated by appointed tribal leaders. Again, when legislative institutions were created at the national and regional levels, their members were predominantly native administrators, their families or sympathizers. Some of them continued to dominate the political scene in the rural areas even after the foreign rule came to an end in 1956. A resolution was passed by the October radical government (1965) for the dissolution of the system. Then the May Revolution regime, starting 1969, had actually dissolved the system in 1970, abolishing its topmost leaders, i.e. the Nazirs and other chiefs. One aspect of native administration that has often been overlooked by its opponents is its role in maintaining law and order in the rural areas. It is the best and cheapest institution of governance, when communities are at a traditional or semi-traditional stage of development, particularly in a country as vast as the Sudan. Following the weakening of the system by the October caretaker government's resolution and the actual dissolution of the system in 1970, lawlessness prevailed

among the rural communities, particularly in Darfur. People took the law into their own hands and started using force for the settlement of disputes. To a large extent the proliferation of tribal and/or ethnic violent conflicts in the Darfur region may well be attributed to the weakening and untimely dissolution of the system of native administration. Tribal leaders were not only able to maintain law and order within their communities, but they were also able to establish symbiotic relations among different ethnic groups. They were instrumental in nurturing communal institutions and practices that contributed to the promotion of peaceful coexistence among local groups (e.g. organising tribal festivals, taking wives from other groups, exchanging valuable gifts with their counterparts, establishing friendship ties with one another).

It was customary for the Darfur tribes to solve their differences through traditional law, especially the many disputes which occur between nomadic tribes and sedentary tribes like murders and incidents related to cattle stealing, which can develop into inter-tribal conflicts. Traditionally, disputes between members of tribes were settled peacefully by the respective tribal leaders, who would meet to reach a mutually acceptable solution. The State was then seen as a neutral mediator. But President Nimeiri introduced new structures of local administration and formally abolished the tribal system. The administrators of the new structures, who were appointed by the central Government, had executive and judicial powers. Although the tribes continued to informally resort to the tribal system, this system was significantly weakened. Local leaders were often chosen on the basis of their political loyalty to the regime, rather than their standing in the community. They were sometimes financed and strengthened particularly through the State's security apparatus. This meant that when the State had to step in to resolve traditional conflicts, it was no longer seen as an impartial arbitrator.

### **3.4 Cross borders effect**

Inter-tribal conflict was further aggravated by an increased access to weapons, through channels with Chad and Libya in particular. Libya aspired to have a friendly rule in Chad and the attempts to contain Libya's ambitions in the region led several foreign governments to pour arms into the region. In addition, several Chadian armed rebellions were launched from Darfur. The conflict in the South of the Sudan also had its impact on the region through easier access to weapons. As a consequence, each major tribe as well as some villages began to organize militias and villages defence groups, essentially a group of armed men ready to defend and promote the interests of the tribe or the village.

The tribal clashes in the latter part of the 1980's was essentially between sedentary and nomadic tribes, and in particular between the Fur and a number of Arab nomadic tribes, which had organized themselves in a sort of alliance named the Arab Gathering, while some members of the Fur tribe had created a group called the African Belt. The conflict was mediated by the Government and local tribal leaders in 1990, but tensions remained during the years to come, and clashes between these tribes continued.

## Chapter 4

### 4.1 Analysis

As mentioned at the Hypothesis the research will examine the links between violence in Darfur and the land tenure system and the competition over resources. Furthermore, whether solving of the two issues could lead to conflict transformation in Darfur. To achieve the conflict transformation, we have to look deeply into the root causes which identified above. Through following the history of the land tenure system since the establishment of the Fur sultanate it was clear that the practice of allocation of land was not problematic at the begging rather it was a necessary component of state-building and ensuring the loyalty of the population to the Sultanate and as a way of effectively managing human and natural resources and of preventing disputes over land. Pastoral groups were also included within this system and it appears that land management accorded nomadic groups access and protections as well. In addition, the Sultan's absolute control of land allocations provided him with the leverage necessary to control the aristocracy. Successive Sultans utilised that control to sanction or eradicate real or potential political opponents, and to consolidate alliances with leading notables. Land was a powerful mechanism of control, which successive Sultans employed to their advantage. Interestingly, there is also evidence that the system of land control in Darfur changed as time progressed. As the Sultanate's power waned in the late nineteenth century its ability to control land allocations seems to have weakened. The hakura had evolved into a system of freehold tenure at the time of the colonial conquest of Darfur, where land had become 'a valuable commodity and hakura owners were wealthy and prestigious. Thus, ownership and control over land had changed from earlier times and rather than it being unchanged traditional practice as commonly assumed, it was the colonial government that resumed the practice of basing tenure on usufruct land-rights assigned to tribal chiefs. This is another example why it is a mistake to view the hakura system, or any other aspect of Darfur, as somehow static. Recently Nimeiri introduction of new structures of local administration and formally abolished the tribal system. The administrators of the new structures, who were appointed by the central Government, had executive and judicial powers. Although the tribes continued to informally resort to the tribal system, this system was significantly weakened. Local leaders were often chosen on the basis of their political loyalty to the regime, rather than their standing in the community. They were sometimes financed and strengthened particularly through the State's security apparatus. This meant that when the State had to step in to resolve traditional conflicts, it was no longer seen as an impartial arbitrator.

The DOHA DOCUMENT FOR PEACE IN DARFUR (DDPD) addressed the land issue under section titled DEVELOPMENT AND MANAGEMENT OF LANDS, HAWAKEER AND NATURAL RESOURCES. ARTICLE 34: LAND TRADITIONAL AND HISTORICAL RIGHTS 187. Land ownership regulation and use and exercise of land rights are concurrent powers which shall be exercised at the appropriate government level. 188. Tribal traditional land ownership rights (hawakeer), historical rights to land, traditional and customary livestock routes and access to water sources shall be recognised and protected. All relevant levels of Government shall initiate and complete a process to progressively amend relevant laws to incorporate customary laws, in accordance with international trends and practices. To protect the traditional heritage, the closed traditional and customary livestock routes shall be re-opened, whenever possible, or alternative routes shall be demarcated. 189. Land laws amended in accordance with paragraph 188 shall recognise and protect the historical, traditional and customary rights to land. 190. No individual or group of individuals shall be deprived of any traditional or historical rights to land or of the right to have access to water sources without consulting and compensating them in a prompt and adequate manner. 191. Without prejudice to the jurisdiction of the courts, the Darfur Land Commission (DLC) shall address land traditional and historical rights, review land management and use and natural resources development. ARTICLE 35: LOCAL COMMUNITIES' LANDS 192. The Federal and State Governments may develop communities' lands in good-faith consultation with the participation of the local communities that have rights to those lands. The community shall be entitled to receive an equitable share of the revenue accruing from the development of those lands; alternatively the affected community shall be compensated in kind and/or in cash. 193. The Federal and State Governments may act on or develop any land belonging to the local communities provided that such an action or development is in conformity with the Development Plan set in accordance with the Land Use Mapping Database established in accordance with Article 38. ARTICLE 36: LAND ALLOTMENT 194. Individuals in the local communities may register their customarily owned land as their own. The registration shall be free, if possible, and, if not, shall be for a reduced fee and shall be coupled with facilitated procedures and campaigns for raising public awareness. ARTICLE 37: LAND PLANNING AND SUSTAINABLE DEVELOPMENT 195. Land planning and sustainable development shall be subject to the following:

- i. Recognition of traditional rights (including hawakeer) and historical rights to land to ensure the safe and sustainable basis to livelihood and development in Darfur;

- ii. Development of sustainable land system and resolution of disputes resulting from competition in land use;
- iii. Land planning in Darfur shall be based on the outcomes of the Land Use Mapping Database in terms of the following usage: a) Housing; b) Agriculture; c) Grazing; d) Mining; e) Industrial development, including foreign investments; f) Natural reserves; g) Seasonal transhumance (routes, pastures etc...); h) Forests reserves and afforestation. ARTICLE 38: THE DARFUR LAND COMMISSION 196. The Darfur Land Commission shall be established. The DLC Council shall be composed of representatives of the Federal Government, the DRA, DSG, Native Administration and local experts. The membership shall reflect land use interests in Darfur. In making recommendations on land planning and development, the Council shall consult individuals whose rights are affected. 197. The DLC shall develop the Darfur States Land Use Mapping Database and shall submit it as a recommendation to the Darfur State Legislatures for their adoption and then to the DRA Council for final approval. This Database shall be reviewed every five years. 198. The DLC shall apply a system of planning for the use and development of land and natural resources that is aimed at the following:
  - i. Sound management, development and protection of the natural resources, including agricultural lands, protected natural reserves, forests and minerals, waters, towns and villages with a view to promoting the local communities' social and economic welfare and the establishment and the preservation of a better environment;
  - ii. Development and coordination of the organised economic exploitation of lands and natural resources;
  - iii. Sustainable development;
  - iv. Protection of cultural heritage;
  - v. Protection, provision, and coordination of telecommunication, transport and other relevant services;
  - vi. Allocation of land for public purposes;
  - vii. Provision and coordination of social services and facilities;
  - viii. Environmental protection, including the protection of flora and fauna, endangered species and natural reserves;
  - ix. Reclamation of eroded land and development of programmes to combat desertification, including reforestation and afforestation;
  - x. Enhancement of shared responsibility for environmental planning among various government levels in Darfur;



- xi. Creation of opportunities for public participation in environmental planning and assessment;
- xii. Creation of opportunities for consultation with all persons affected by land and natural resources development plans;
- xiii. Approval of adequate and prompt compensation for individuals whose means of livelihood or properties are adversely affected as a result of decisions related to land and natural resources development and planning. 199. Local communities or individuals whose current land use or means of livelihood are adversely affected as a result of the Land Use Mapping Database shall have the right to be promptly and adequately compensated. 200. The DLC shall:
  - i. Be independent and impartial;
  - ii. develop its rules of procedure and submit them to the DRA for approval;
  - iii. Have access to all land records;
  - iv. Discharge its functions expeditiously;
  - v. Make all appropriate arrangements to ensure full and effective participation by all affected individuals and local communities in its procedures;
  - vi. Submit an annual report to the DRA and the Darfur State Governments on its activities in its annual budget;
  - vii. Ensure that the membership, recruitment and conditions of service in the Commission, in accordance with law;
  - viii. Take into consideration traditional and historical rights to land.
    - 201. Without prejudice to the jurisdiction of courts, the DLC shall perform the following additional functions:
      - i. Arbitration on land rights disputes;
      - ii. Submission of recommendations to the appropriate government level on the recognition of traditional and historical rights to land;
      - iii. Assessment of appropriate compensation in connection with the applications submitted to it. Such compensation may not necessarily be limited to financial compensation;
      - iv. Advising the different levels of government on how to coordinate policies on projects of the Darfur State Governments affecting land or land rights, taking into consideration the Land Use Mapping Database;
      - v. Establishment and maintenance of records on land use;
      - vi. Undertaking research on land ownership and use;
      - vii. Reviewing the current mechanisms for the regulation of land use and making recommendations to the competent authorities on necessary changes, including the restoration of land rights to their owners or

payment of compensation to them. 202. While performing its arbitration functions, the DLC shall have the authority to receive applications and may, with the agreement of parties in dispute, apply customary and traditional laws or principles of justice and equity. The arbitration decision shall be binding upon the parties in dispute and it may be enforced by a competent court. 203. Without prejudice to the jurisdiction of the courts, parties to land disputes shall be encouraged to exhaust traditional methods of dispute settlement, including arbitration, before going to court. 204. The DLC shall respect the decisions made by institutions or entities authorised in Chapter IV of this Agreement to make decisions on lands owned by displaced persons, refugees and other conflict affected individuals. 205. The National Land Commission (NLC) and the DLC shall cooperate and coordinate their activities so as to use their resources effectively. Without placing restrictions on coordination issues, the NLC and the DLC shall agree on the following: i. Sharing information and decisions; ii. Delegating certain functions of the NLC, including data collection and research, to the DLC; iii. Removing any contradiction between the results and recommendations made by the two Commissions; 206. The DLC shall be a permanent member of the NLC. 207. In the event of a conflict between the results and recommendations of the NLC and those of the DLC, the two Commissions shall endeavour to reconcile their positions. Failing this, the issue shall be referred to the Constitutional Court for decision. (Darfur Doha Peace Document)

## Chapter 5

### 5.1 The International and region efforts in Peace Process.

Since the outbreak of the conflict in 2003 numerous ceasefires were signed. The Darfur Peace Agreement (DPA), also known as the Abuja agreement, was signed on 5 May 2006 by the Government of Sudan (GoS) and one faction of the Sudanese Liberation Army, (SLA-MM), led by Minni Minnawi. A regional governing body, the Darfur Regional Authority (DRA), was established with a mandate of power-sharing, wealth-sharing and compensation. The agreement did little to curb the violence, in part because it had failed to secure endorsement by other key rebel factions, such as the JEM and an opposing faction of the SLA (the SLA-W, led by Abdel Wahid.)

#### The African Union

The African Union (AU) deployed a mission (AMIS) to monitor a ceasefire agreement signed on 8 April 2004, a mission endorsed by United Nations Security Council (UNSC) Resolution 1556. The AU initially deployed 150 troops in August 2004 but had increased that number to 7,700 troops by April 2005. African leaders resisted efforts to widen the intervention to non-African countries. These voices included South African President Thabo Mbeki, who stated “we have not asked for anybody outside of the African continent to deploy troops in Darfur.

#### European Union

On 6 April 2006 the European Parliament called on the UN “to act on its responsibility to protect civilians” in Darfur. On 28 September 2006, the Parliament stated that Sudan “has failed in its ‘responsibility to protect’ its own people” and called on the GoS to accept a UN mission under UN Resolution 1706. On 15 February 2007, the European Parliament called on the UN to “act in line with its "Responsibility to Protect" doctrine (. . .) even in the absence of consent or agreement from the Sudanese Government”. On 12 July 2007 the Parliament called on the UN to act “basing its action on the failure of the Government of Sudan (GoS) to protect its population in Darfur from war crimes and crimes against humanity”.

#### United Nations

On 24 March 2005, the UNSC authorized a UN mission (UNMIS) in Resolution 1590 to support the implementation of the CPA. On 31 August 2006, UN Security Council Resolution 1706 aimed to expand the mandate and force size of UNMIS.

Resolution 1706 was the first to make reference in a country-specific situation to paragraphs 138-139 of the 2005 World Summit, by which governments endorsed unanimously the Responsibility to Protect. In the face of opposition from the GoS, the UN instead proposed the transition from AMIS to a joint UN-AU mission (UNAMID) of 25,987 personnel in Resolution 1769 on 31 July 2007, whose deployment was delayed until 31 December 2007. UNAMID's mandate was extended in Resolution 1935 in 2010 and again in Resolution 2113 in 2013, although the mission's strength was set at 26,167 personnel in 2012 by Resolution 2063.

UNAMID exit strategy:

- Cognizant that there is a significant progress in the situation in Darfur the GoS and UN reach to an agreement on UNAMID exit strategy which will lead to transfer the tasks undertaken by UNAMID to the authorities of the host country (Sudan) and exit of the military, police and civilian components of the mission, according to certain agreed measures.

Backgrounds UNAMID exit strategy

- After a marked improvement in the security and humanitarian situation in Darfur, the Sudanese government has asked the United Nations and the African Union according to the letter of the Foreign Minister to the Secretary General of the United Nations on February 15, 2014 indicating the need for implementing the UNAMID exit strategy.

- The Sudanese government based its request on the following:

1. Prevailing of peace and improvement of security and humanitarian situation and the decline of military operations.
2. Concluding many peace agreements with the armed movements.
3. Increase in the numbers of displaced people returning voluntarily to their villages in Darfur.
4. Significant improvement in Free and secure movement National and International Organization across Darfur.
5. Establishment of many development projects and Moderate villages attractive for voluntary return.
6. The efforts exerted in the field of Disarmament, demobilization and reintegration.

7. Conducting of General election and the initiative of national and community dialogue.

8. The establishment of the rule of law and justice in Darfur.

- It was agreed on the mechanism of the of exit Strategy to form the (Joint Task Force) between the Sudanese government, the African Union, United Nations and the UNAMID mission should prepare the terms of reference including the implementation phases.

- The joint Task Force prepared the draft terms of reference and included the implementation phases strategy to begin in the March 6, 2015 and to send a joint team to Darfur to review the situation on the ground and then the team should present its report to the AU's Peace and Security Committee, the UN Security Council and the Government of Sudan for consideration and adoption.

- The United Nations representatives and the African Union refused to sign the report after its drafting, and to be transmitted to the African Union Peace and Security Committee and the UN Security Council.

- The Security Council mentioned in its resolution (2228), issued in June 2015 that there should be a consultation on a high political level on the arrangement, and that furthermore has been reaffirmed by the statement of the African Union Commission at its (556) Meeting.

- As a result of the Addis Ababa Meeting to discuss the issue of UNAMID exit strategy on January 19, 2016 the tripartite mechanism (the United Nations, the Government of Sudan, the African Union and UNAMID) agreed to hold another meeting in New York on 22 March 2016.

- The tripartite mechanism agreed to the resumption of the work of the joint Task Force for the implementation of UNAMID exit strategy.

- The parties started implementing the exit strategy and withdrawn numbers of troops handover some areas to the government of Sudan.

### International Criminal Court

On 31 March 2005, the UNSC referred the situation in Darfur to the International Criminal Court (ICC) and on 14 July 2008, Luis Moreno Ocampo, Chief Prosecutor of the ICC, requested an arrest warrant for President Omar Al-Bashir of Sudan, the first time the ICC had indicted a sitting Head of State. The GoS, the Arab League, and the AU denounced the warrants. The AU Assembly, at its 16th

annual summit, called for the UN Security Council to defer proceedings against President al-Bashir in accordance with Article 16 of the 2005 Rome Statute. The UN Security Council has so far not acted on this request and the warrants remain in force.

## **5.2 Doha Document for Peace in Darfur DDPD & Latest Developments**

In December 2010, talks began between the GoS and an umbrella organization for rebel forces, the Liberation and Justice Movement (LJM). Both the LJM and JEM (the largest single rebel group) agreed to attend talks in Doha. On 14 July 2011, the GoS and the LJM signed the Doha Document for Peace in Darfur (DDPD). The Agreement proposed power-sharing, a more equal distribution of wealth and committed to the work of the Darfur Regional Authority. At the third meeting of the DDPD in February 2014, further discussions were held on the integration of LJM battalions into the Sudan Armed Forces (SAF) and Police.

On 6 April 2013 the JEM-Sudan/JEM-Bashar, a splinter group of JEM, signed the DDPD and resumed the process in January 2014 after a brief freeze in implementation.

### 5.3 Discussion

Darfur conflict interred the fifteen years since it took the violence approach during this time many lives has been lost and properties destroyed. It is high time for all parties to exert their efforts to put an end to this tragedy by addressing the root causes of this conflict to achieve the full transformation.

The conflict transformation could not be achieved without solving the issue of land use and resource management by implementing the DDPD. Further efforts are needed to bring the reluctant faction to join the DDPD, to free Darfur form proliferation of arms, conduct reconciliation between tribes, grantee security, human rights, rule of law and good governance.

The DDPA in Articles 33 to 40 emphasized that a Mechanisms shall be established to ensure the sustainable management and use of lands and other natural resources. All citizens affected by land development and natural resources utilisation shall be consulted and their views taken into consideration. Individuals whose property or means of livelihood have been adversely affected because of the development and exploitation of natural resources shall be entitled to adequate and prompt compensation. The agreement further recognized the tribal traditional land ownership rights (hawakeer), historical rights to land, traditional and customary livestock routes and access to water sources as well called for its protection and asked all relevant levels of Government to initiate and complete a process to progressively amend relevant laws to incorporate customary laws, in accordance with international trends and practices. To protect the traditional heritage, the closed traditional and customary livestock routes shall be re-opened, whenever possible, or alternative routes shall be demarcated.

The Darfur Land Commission DLC was established on 13th July 2007, as an integral part of the Transitional Darfur Regional Authority (TDRA), in order to address traditional and historical issues of land tenure and to review natural resources management. A notable Eng. Dr Adam Abdel Rahman Ahmed was appointed as Chairman of the Commission, he utilized his experience and mobilized expert from within Sudan and abroad. The Commission signed contract with GAF( a German Company), to set up a Natural Resources and Land Use Database and Map for Darfur. The overall objective of the project is the establishment of a multi-layered and dynamic state-of-the-art natural resources information system that provides basic land management and planning information and thereby will enable decision makers to develop and manage Darfur's natural resources in a sustainable way. The company conducted a survey in Darfur and prepared comprehensive report but unfortunately, it did not hand it to the Commission due to the failure of paying the agreed fees according to the

contract. (Ahmed) In my view what has been stated in the DDPD regarding the issue of land and natural resources will transform the conflict in Darfur if properly implemented.



## 5.4 Recommendations

- The establishment of a research centre, which could provide a pool of data, new techniques for the accumulation of data, analyses, and empirical studies on the interaction between conflict and the environment.
- Strengthen the land commission for land tenure and use, which can adopt an acceptable and flexible approach based on openness and free consultations with the concerned local leaders.
- The demobilisation of tribal militias and the employment of long-term disarmament plans, including the curbing of easy access to small arms in the region.
- Local administration should have the support of the government for the important administrative tasks that they must undertake, and such support should not be politically motivated.
  - Improved farming systems and technologies are crucial for the rehabilitation of deserted fields and the increase of their agricultural productivity.
- Increased investment in agriculture and improved marketing systems are critically needed.
  - Encouragement of investment in environmental management would be prudent.
- Investment in rural infrastructure; roads, power and drinking water is a top priority.
- Increase resource use efficiency.
- Systems that can provide early warning of impending conflicts need to be developed as quickly as possible.
  - Rehabilitation of the hashab trees and their combination with millet are recommended as urgent measures to reconsolidate the reactivated sand dunes and to contribute to an increase in farmers' income.
- Concentration of in-migrating nomads around water points for long periods should be strictly avoided.
- The successful experiences of some villages in conserving trees in settlement perimeters—through the efforts of the inhabitants themselves—should be followed in all affected areas.

- Improvements in livestock husbandry should be instituted through the controlled use of the pasture, by accurately calculating the Land Carrying Capacity in terms of Livestock Standard Unit (L.S.U.).
- In areas with still higher resource potentialities, precise knowledge of the soil productivity and the dominant socio-economic conditions should be collected and made accessible for planners and policy makers.
- Limitation of wood cutting should go hand in hand with experimentation in energy saving methods, such as introducing charcoal ovens instead of the commonly used open wood fires.
- Both private and cooperative agricultural ownership and management of projects are highly recommended to exploit the agricultural potentials at the wadi basins.
  - Large rural development projects should act as a regulator factor in drought years, to keep millet prices within the purchasing power of the majority of the local inhabitants.
- Availability of high quality raw materials in the form of wool, leather, wood, and palm leaves, together with the inherited tradition of handicrafts in the region, should help to encourage the expansion and improvement of manufacturing.

The development and improvement of agricultural and livestock sectors through scientific means to increase productivity and thus decrease friction and conflict between the stakeholders in the two sectors.

- The abolition of communal grazing in the agricultural areas throughout the year. Abolishing the talaig regulations would mutually benefit both the farmers and the animal breeders. This, in turn, would initiate and encourage fodder cultivation and thus develop the animal production substantially.
  - Camel raising has become very expensive and with a very low growth and return. Camel nomads should be encouraged to shift from camel breeding to sheep raising which is more feasible.
  - The far north underground water aquifers (Um Byada, Wadi Hawar basins) should be used through the drilling of boreholes, and used for fodder production for the pastoral communities.
  - Monitoring and stopping the Chadian camel herders from entering Darfur should be considered, because they are the main cause for most of the conflicts between the pastoralists and farmers in Darfur.

- Rural communities in Darfur, continue to operate through institutions and resource management systems which are capable of reconciling social needs with ecological conditions.
- Land tenure conflicts and user rights are often resolved at village level with the help of customary institutions.
  - The intercommunity relationship as used to be practised through precautionary conferences, where all stakeholders (leaders) meet to discuss possible emerging issues and affirm previous decisions, is an important approach and forum for the settlement and prevention of conflicts.
- Decentralization policies and the federal system are expected to introduce new dimensions to land management. It is important to look for ways to make smooth transition through negotiated management of natural resources. Pastoralists (nomads)
  - Pastoralists, although they have less security of tenure, still exercise rights of use over certain areas which are controlled by several authorities. Because of this, there is need to coordinate their movements with communities that have rights of access to resources.
  - Right of access to forage changes over the course of the year (rainy and dry seasons). Assigning particular areas for nomads may have a negative impact on mobility and need to cope with variations in fodder production and to make the best use of pasture land.
    - In order to meet the needs of the herders, it is important not to oppose traditional rules and local strategies and allow the smooth evolution of indigenous land management systems.
- The land commission to be must follow an open approach and consultation with actors in order to find sustainable solution to the problems of land management.
- Enhancing natural resources management through strengthening information base, land reform, conservation measures and sustaining the natural pastures.

## **5.5 conclusions.**

The conflict in Darfur has its adverse effect in the social structure of the region, to restore the relations between the different components the community would require discussions on land tenure issues especially the traditional land tenure systems which can be adhered to or modified to return to a more peaceful situation in the area. Can Internal Displaced Persons IDPs return be able to use their lands without major confrontations with whoever moved into their territory after they left? The return of refugees and the revival of local economic life, both in agriculture and in the sense of opening of pastoral migration routes are keys to normalization but this requires a platform that the parties can accept.

Natural resources should be given adequate attention to avoid the competition over scarce resource in the region due to the drought and desertification.

The assistance of the international community is highly needed especially in providing the fund necessary for the development of the region. The one billion dollars that has been spent in UNIMID operation every year during more than ten years, its high time to be directed to the development of the region in order to achieve the total transformation of Darfur conflict.

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