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**CONFLICT RESOLUTION AND
RECONCILIATION IN SUDAN**

Z.M. BASHAR GADO

PhD

UNIVERSITY OF BRADFORD

2013

Conflict Resolution and Reconciliation in Sudan:
Inter-Tribal Reconciliation Conferences in South Darfur State up to 2009

Zuhair Mohammedi BASHAR GADO

Submitted for the Degree of Doctor of Philosophy

Department of Peace Studies

University of Bradford

2013

Zuhair Mohammedi BASHAR GADO

Conflict Resolution and Reconciliation in Sudan: Inter-Tribal Reconciliation
Conferences in South Darfur State up to 2009

Key words:

Sudan, Native Administration, Mediation, *Judiyya*, Reconciliation, Conflict,
Militia, Rebels, Tribes.

Abstract

This study explores and critically examines the role of indigenous mechanisms (the Inter-Tribal Reconciliation Conferences-ITRCs) in resolving tribal conflicts in South Darfur State of Western Sudan. The fundamental question raised by this study is: have these reconciliation conferences- 1989-2009- been able to address the root causes of the tribal conflicts and are they capable of serving the same role that they once did?

Tribal leadership structures, such as Native Administration (NA) and their mechanisms of conflict resolution/management in Darfur, have been subjected to highly significant changes over time. The question is to what extent these changes further fuelled tribal conflicts and/or have negatively

affected the capability of the NA and the ITRCs to deal with these conflicts?

This thesis relies on archive records and reports of the ITRCs and data generated through interviews conducted with key informants. Through a detailed analysis the study: 1) presents a detailed account of the major conflicts and their causes in South Darfur; 2) identifies the changing identities of the protagonists and of the perceived causes; 3) assesses the effectiveness of the agreements reached by these conferences when considered alongside the causes identified.

Analysis of the ITRCs shows that tribal conflicts in Darfur (from 1980s), and South Darfur in particular, were connected to the wider political conflict in the Sudan and the region respectively. The analysis suggests that the history of neglect/marginalisation of the region by successive governments, and the political manipulation of the NA and local government, have negatively affected the performance of these institutions. The experience of the ITRCs indicates that they were unable to address the underlying causes of the tribal conflicts, such as land disputes, the manipulation of the NA and local government, rape and mass killings.

Acknowledgements

I would like to thank many people including my supervisor, members of my family, friends and colleagues who have supported me strongly during this long journey (2008-2013). The support and encouragement I received from my supervisor, Professor Donna Pankhurst was invaluable. Her moral support, advice and thoughtful critical and detailed comments and editing enabled me to further organize my ideas and develop more clear arguments and consequently contributed positively into the in-depth analysis I have provided in this research.

Also, I would like to thank my wife (Mariam Abdelrahman Ibrahim) for her incredible support and encouragement throughout. She had given up a rewarding career to devote her entire time to look after our three children. This was very crucial to me in terms of saving time and provided me with peace of mind to concentrate on my study. Also her interest in conflict and peace issues in Sudan, allowed further grounds to have lengthy debates and exchange of ideas, the thing that had further enhanced my way of thinking about my research topic. I should also thank my three little heroes; Abdelrahman, Elyazan and Elyamin; for being such well-behaved and good children and understood, despite of age, my need for quietness to accomplish this study.

I would like to thank all members of my extended family for their financial and

moral support without which I couldn't have been able to finish this study. These are my father, mother (Fatima Daldoom Mohammed), brothers and sisters, cousins and uncles who kept contacting me and encouraging me to go ahead in this journey. Special thanks should go also to Mrs Salma Haroun Ali, for her tremendous back up and facilitation regarding financial aspects.

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List of Abbreviations

Af/o	Tribes of African origin
AL	Arab League
Ar/o	Tribes of Arab origin
AU	African Union
BC	Before Christ
BGF	Border Guards Forces
CAR	Central Africa Republic
CPA	Comprehensive Peace Agreement
CSOs	Civil Society Organizations
CT	Critical theory
DDDC	Darfur/Darfur Dialogue and Consultation
DDF	Darfur Development Front
D-JAM	Darfur Joint Assessment Mission
DPA	Darfur Peace Agreement
DUP	Democratic Unionist Party
ICC	International Criminal Court
IDPs	Internally Displaced Persons
INGO	International Non-Governmental Organizations
ITRCs	Inter-Tribal Reconciliation Conferences
JEM	Justice and Equality Movement
KI	Key Informant
NA	Native Administration
NAEO	Native Administration Executive Office
NCP	National Congress Party
ND	North Darfur
NGOs	Non-Governmental Organizations
PCP	Popular Congress Party

PDF	People's Defence Forces
RC	Reconciliation Commission
RSF	Reconciliation Support Fund
SAF	Sudan Armed Forces
SD	South Darfur
SLM/A	Sudan Liberation Movement/ Army
SPLM	Sudan's People Liberation Movement
SUP	Socialist Union Party
TJ	Transitional Justice
TRC	Truth and Reconciliation Commission
TRSD	Tribal Reconciliation in South Darfur (the Archive reports)
TRSD, Vol.1	Tribal Reconciliation in South Darfur (the Archive reports) Volume one
TRSD, Vol.2	Tribal Reconciliation in South Darfur (the Archive reports) Volume two
ULA	Unregistered Land Act
UN	United Nations
UNAMID	United Nations and African Union Mission in Darfur
UNDP	United Nations Development Programme
UNHCHR	United Nations High Commissioner for Human Rights
UNICEF	United Nations Children's Fund
UNMIS	United Nations Mission in Sudan
UNSC	United Nations Security Council
UP	Umma Party
WARTA	<i>Wali's</i> Advisor for Reconciliation and Tribal Affairs
WD	West Darfur

CHAPTER 1: RESEARCH INTRODUCTION, DESIGN AND METHODOLOGY

Introduction

This study aims to explore and critically examine the role of indigenous mechanisms of conflict resolution, such as the *judiyya* and the Inter-Tribal Reconciliation Conferences (ITRCs) in resolving tribal conflicts in South Darfur State of Western Sudan. This study argues that tribal leadership structures, and their mechanisms of tribal conflict resolution/management in Darfur, have been subjected to highly significant change and manipulation over time, and perhaps these changes and manipulation have both fuelled tribal conflicts and undermined the ability of “*al-idara al-ahliya*” which translated the Native Administration (NA) to undertake effective conflict resolution / management measures to resolve them.

This chapter is divided into two sections. Section 1 introduces the research such as location, topic and genesis of the research, aim and objective of the research, statement of the problem and research questions. Section 2 focuses on the research design and methodology, such as epistemological approach, data collection process, sampling methods and selection of participants, data analysis and interpretation, as well as ethical considerations and research structure.

Section 1: Research Introduction

Research location

Darfur, which is about 500,000 square kilometres, is located in the further western side of Sudan (Collins, 2008:277) (see the map 1 below). With exception of the capital Khartoum and the Gazira states, Darfur is the most populous region. The total population of Darfur is about 7.5 million, though contested by some Darfurians including rebel groups, this is what was officially proclaimed by the national census conducted in 2009 (Musa, 2011:91), with the highest annual rate of growth in comparison to other regions in the country, which is 4.15 % (O'Fahey, 2008:7). The region is surrounded by Chad in the west, Central Africa Republic in the south, Libya in the North West and Egypt in the north. Darfur is land-locked, and at the centre of the region there is a range of mountains known as Jebel Mara. The peak of these mountains is around 3,000 metres. Based on rainfall and soils, Darfur region can roughly be divided into three areas (Prunier, 2007:2-3):

1. The northern dry belt; with about 300mm of rainfall per year. In terms of economic activities, this area is predominately occupied by the camel herders. It has no agricultural activities other than those limited to the seasonal valleys (*wadi*).
2. The central semi-fertile sands (*goz*); with annual rainfall of about 500mm. In this area, agro-pastoral is common practice even though productivity is said to be very low.
3. Southern and South-western semi-humid belt; with rainfall of between 800 and 900 mm a year, which is the highest. The population here is

both sedentary farmers and cattle herders (“*Baggara*”, which is an Arabic word means those who breed cattle). The soil is much more fertile in this area. Farmers here use more developed agricultural techniques, which enable them to yield higher productivity than the two others.

Map 1: Map of Sudan shows Darfur geographical location



Source: www.unamid.unmission.org

South Darfur is selected as a case study. Darfur region consists of three states; *Shamal* (North), *Janub* (South), and *Gharb* (West) Darfur (see map 2 below). Although from 2012 it was further divided to become five states). Due to the large size of the population and region the study focuses on South Darfur State. This area is chosen as it includes almost all tribes of different ethnicities of Darfur region. The association of 'tribe' with negative colonial interpretations led some African countries to reject the use of the word tribe, in favour of ethnic group, for some time (Jenkins, 1997: 16), but this did not happen in Sudan, perhaps because most of the Sudanese historical Sultanates were ruled by tribal aristocracies (Mohammed, 2000:43). In Darfur in particular, the complex and changing hierarchies of identity through membership of tribe, sub-tribe, clan, etc. have retained currency throughout its history. South Darfur represents a typical instance for the rest of the region in terms of ethnicity, tribal groups, and livelihoods.

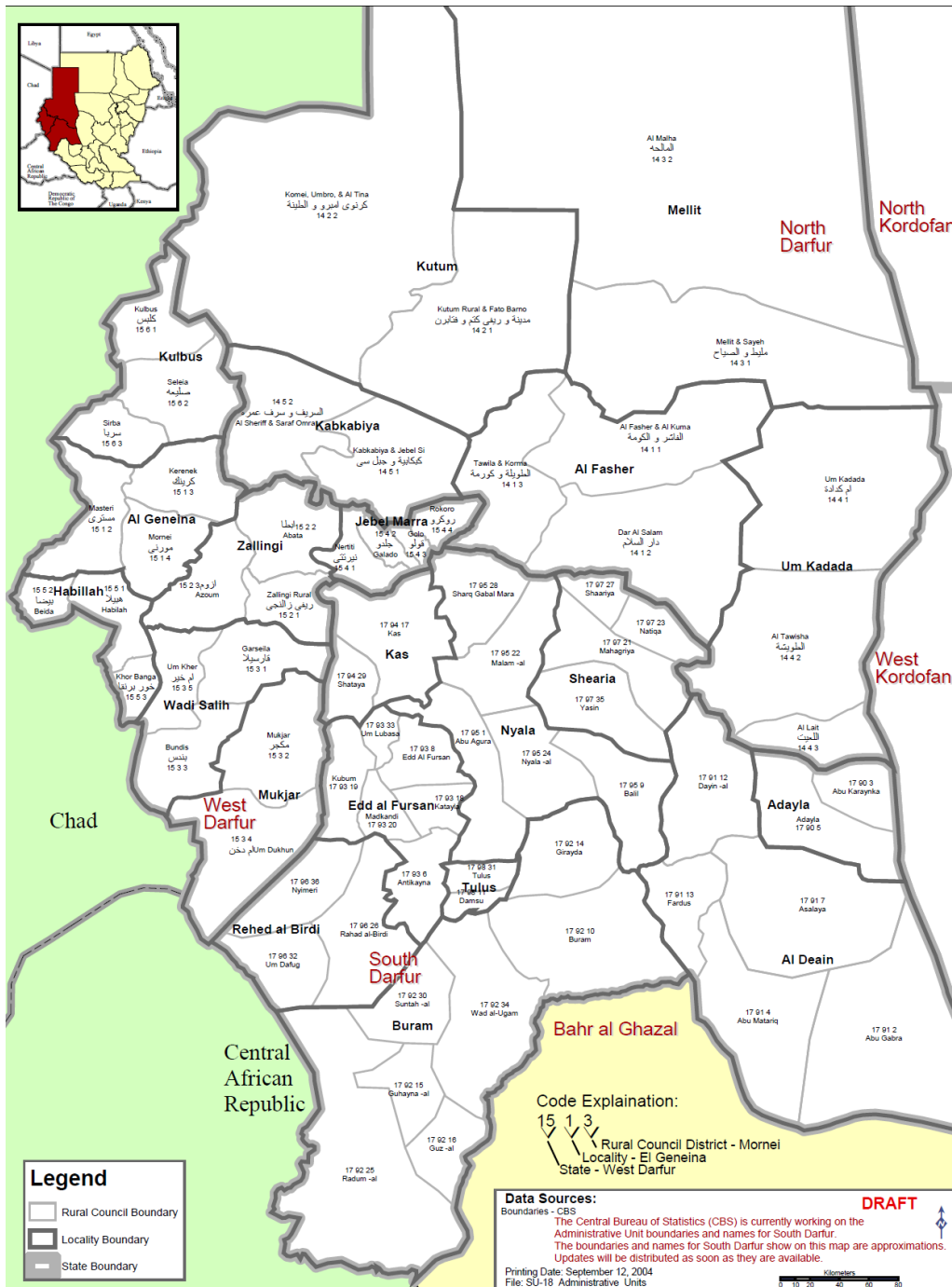
South Darfur is much more diversified with regard to social composition and livelihoods, with the highest number of population and events of tribal conflicts. Its population is about 3, 161,393 (Takana, 2009:53), and includes tribes of both African and Arab origin. The former are mostly sedentary farmers whereas the latter are mostly pastoralists. Recently, in Jan. 2012, South Darfur State was divided into two; East Darfur State and South Darfur State (this study covers the entire area of both states).

South Darfur state, the focus of this study, is located in the South and South-West of Darfur region in western Sudan. Compared to the other parts of the

region, this area is characterized by the highest rate of rainfall in this overall low-rainfall area; between 800 and 900 mm a year. The soil is much more fertile in this area than in other parts of Darfur. Farmers here use more developed agricultural techniques, such as using oxen plough and tractors, which enable them to yield higher productivity than the two other states, north and West Darfur.

In the early 1970s and mid-1980s, this area witnessed an increasing internal migration from the northern part of the region due to drought and famine. Thus, in South Darfur conflicts reflect a greater challenge with wider implications than in other parts of Darfur. It reflects the intra and interethnic diversity of conflict in the entire region such as: tribes of Arab origin (Ar/o) vs. tribes of African origin (Af/o); tribes of Arab origin vs. tribes of Arab origin; and tribes of African origin vs. tribes of African origin as well. Also this area witnessed the establishment of the “Arab Gathering or the Arab Alliance” in 1987 as a protest against a perceived political domination of tribes of African origin. The inter-ethnic conflict between Arabs and non-Arabs that broke out in 1988 was started in this area and later on spilled over to the northern and western parts of the region.

Map 2: The three states of Darfur (North, South and west) and their administrative units (up to 2010).



Source: http://reliefweb.int/sites/reliefweb.int/files/resources/B00A078FFE249F94C1256F780033E175-ocha_sdarfur_sdn051104.pdf

Preliminary overview

In spite of regime and policy changes, tribe as a social organization has persisted throughout the recent history of Darfur (1898-2009) without much change in terms of organizational form or the role assigned to it (Mohammed, 2009:19-22). This role extends to all aspects of life; socio- economic, cultural and political. Disputes and tensions occur, both within a single tribal entity- between different groups or members of the tribe- and between one tribe and another. In response, these communities developed their own means and mechanisms, derived from their local experiences and environment, to address such problems. *Judiyya* was the best example; which is “an Arabic term meaning the process of intervention by a third party to mediate a conflict situation” (Ali, 2002:39). The Inter-Tribal Reconciliation Conference (ITRC) is a modified form of *judiyya*.

ITRC refers to a meeting that is specially organized for mediating a conflict between or amongst tribal groups. This is clearly stated in the ITRC’s archives and reports “*Al-musalihat al-ahliya alati tamat fi wilayat Janub dar Fur fi alfatra min 2003-2008*” (in Arabic), which I have translated as “ Tribal Reconciliations in South Darfur, 2003-2008” and referred to it in the text of this thesis as TRSD, 2003-8 (Vol.1 & Vol.2). The main role of the ITRCs as reflected in the ITRCs’ archives and reports was to bring tribes involved in fighting together to the negotiating table with the aim to engage in a peaceful settlement for the conflict. Through the colonial period up to 2009, this practice was taking place in a form of a big meeting sponsored by the government. The attendees of

such meetings were representatives of parties to the conflict, mediators, and government officials.

The ITRCs, as a government sponsored mechanism for conflict resolution, have been used to resolve tribal conflicts in Darfur from the colonial period (1916-1956) until the present day. The ITRCs are referred to in Darfur as “*Mu’tamarat alsulh*”, which literally means ‘reconciliation conferences’. However, ‘reconciliation’ “refers to a large number of activities that help turn the temporary peace of an agreement which ends the fighting into a lasting end to the conflict itself” (Miall, 2005:27). The ITRC reports show that speeches delivered by government officials, mediators, and tribal leaders in these conferences, mostly indicate that indigenous conflict resolution mechanisms (mainly referring to *judiyya* and the ITRC) are seen by these people as intrinsically most suitable in dealing with tribal conflicts in Darfur (TRSD, 2003-08: vol.1 & 2). This claim was also reinforced by some key informants (KI/1: 3/6/10; KI/5: 4/6/10; KI/6: 5/6/10; KI/7: 5/6/10; KI/8: 5/6/10; KI/9: 6/6/10; KI/10/6/10; KI/11: 6/6/10; KI/15: 8/6/10; KI/25: 13/6/10; KI/26: 13/6/10). The ITRC reports also show that the aim was to achieve reconciliation. However the outcomes are far from the expectations, especially with regard to addressing structural discrepancies and root causes of tribal conflicts (chapter 5 gives detailed account of this). Therefore, this study explores and examines whether the ITRCs were truly a reconciliation mechanism as the term reflects, or only a mechanism for conflict containment which could assist in ending the violence, but not to sustain peace through genuinely addressing the underlying causes of the tribal conflicts.

Tribe and ethnicity

It has been argued that during the colonial period, social anthropological studies were employed to serve colonial agendas (Rex, 1986). During that time tribe was perceived by social anthropologists as a primitive and backward form of human organization (Jenkins, 1997: 16). Jenkins (1997) claims that the term was used within the context of differentiation between civilized and non-civilized structures and organizations; i.e. the developed and underdeveloped societies. Thus, tribe was associated with 'primitiveness' and 'backwardness', a description which embodies a negative and derogatory viewpoint. Some anthropologists warned that it might be much better to avoid using such concepts with such negative connotations (Fried 1975). In my opinion, these warnings came too late as the harm had already taken place as a result of such pejorative definitions and also due to the practical policies adopted by the colonial rule which further cement these theoretical perceptions. Hence, "tribes continued to be viewed as local and primitive by virtue of being isolated communities" (Mair 1967: 15).

Tribe has been defined in a number of different ways:

"A term refers to people who share a distinctive and enduring collective identity based on common descent, shared experiences, and cultural traits. They may define themselves, and be defined by others, in terms of any or all of a bundle of traits: customary behaviour and dress, religious beliefs,

language, physical appearance, region of residence, traditional occupations, etc.” (Harff and Gurr, 2004)

It is also defined as: “A group united by a common name in which the members take a pride, by a common territory and by a feeling that all who do not share this name are outsiders” (Mohammed, 2009:81).

However, in this study tribe is defined as:

“A group of people sharing or purporting to share a common ancestry, organized accordingly for political and other purposes. They claim descent from a founding father and owe allegiance to hereditary heads of family, sub clan, clan, and, finally, the tribe itself. [They are united by common name and common territory, meanwhile their] Political, economic and social life is endogenous, and the tribe deals as one with outsiders, whether individuals, groups or the state” (Daly, 2007:12).

There is a debate over the intrinsic nature of ethnicity in terms of identity and flexibility of identity. Scholars’ views in this regard, could be classified into two main clusters; ‘primordial’ and ‘instrumental’ (Gurr, 2000:4). The primordial view sees “ethnic identities as more essential, transcendent, and more enduring than other collectivities” (Gurr, 2000:4). The primordial approach looks to the concept of tribe as something that associated with backwardness. This perception was further supported by the ‘theory of racial typology’ (Banton, 1977). This theory concluded that based on their physical appearance, people could be differentiated and accordingly classified. Furthermore, the theory claims that difference in appearance is an indication of

distinct racial type. Thus cultures differ due to racial types that produce it. This implies that it is the biological status that determines culture. Against this postulation, human beings were classified into different races based on colour. The white colour was assumed the top of the ladder with the white people as a super race. The rest of the colours came behind in descending order with the black people located at the end of the racial hierarchy. Rex (1986) emphasizes that it is more likely that this theory of race could had been deliberately used to justify unequal treatment and to provide a rationale for the exploitation of other nations, especially black Africans by white Europeans during the colonial era. Thus, the 'primordial' approach perceives the phenomenon of armed disputes and civil wars in Africa as a primitive tendency of behaviour "rooted in the underlying phenomenological features and differences among the 'heterogeneous' communities and ethno-cultural/ regional groups arbitrarily bunched together by colonial diktat to form sovereign states" (Omeje, 2008:71-72).

While for the instrumentalists "ethnicity is one of many alternative bases of identity"; i.e. in principle, ethnicity gains social importance due to political manipulation by which ethnic symbols are invoked as a result of threats or purposively to achieve certain interests (Gurr, 2000:4). Although recognizing the reality of the primordial features, such as ethnicity, tribalism, and religion, instrumentalists contest primordial theory on the basis that these features on their own do not certainly lead to violent disputes. "Primordial factors instigate and affect conflicts only to the extent that they are deliberately manipulated

and politicized by political actors and local elites, usually for their self-seeking advantages” (Omeje, 2008:71-72).

In Sudan the two terms; ‘tribe’ and ‘ethnic’ (even in Arabic, *gabilla and ergiya* respectively) are used interchangeably, as reflected by some Sudanese authors (see Abdul-Jalil et al, 2007). Taking the *Fur* (the biggest ethnic group in Darfur which the region is named after) as an example, they were described by some Sudanese scholars both as tribe and ethnic group. However, in his elaboration on the definition of tribe, Daly describes the *Fur* as ‘people’, neither ethnicity nor a tribe. Accordingly he defined ‘people’ as “a large group sharing an ethnic identity (not necessarily with a tribal organization) and a language” (Daly, 2007:12). O’Fahey comments that “...the use of terms like ‘people’ or ‘tribe’ does not indicate ethnicity; at best they indicate locality and self-identity” (O’Fahey, 2008:9-10). He added that “ethnicity is a very moveable and slippery concept” (O’Fahey, 2008:9). Thus, O’Fahey prefers to describe what exists there in the reality as a “catalogue of labels; what content of this or that label is or was at any given time or place it is impossible to say definitely” that is because some labels are nonspecific; used by outsiders to describe those ‘over there’ (O’Fahey, 2008:9).

Genesis of the Research

As a national of Darfur, I have developed a special interest and concern about the conflict in the region. This study is motivated by my personal experience. I personally conducted and contributed to a number of research and surveys related to the role of Native Administration (NA) in conflict mitigation and conflict management. Further my work experience with the United Nations

Mission in Sudan-UNMIS- in South Darfur (from January, 2005 to November, 2007) also enticed my interest to undertake this study. I was assigned to monitor, facilitate and report on civil engagement in the process of resolving conflicts, peace and reconciliation amongst communities in the area. As such I contributed to carrying out surveys which targeted the Internally Displaced Persons (IDPs), community and tribal leaders. The following are some of the research activities that I had contributed to:

1. I participated, as research assistant with Dr. Rofael Badal, in research commissioned by the Life and Peace Institute (Sweden) on the role of Native Administration in Conflict management, which was conducted in North Darfur in 1996. Even though my role was restricted to data collection.
2. I participated, as research assistant, in research project on “The Socioeconomic impact of the *Ingaz* continental road, Western Kordofan Sector” carried out by the University of Khartoum’s Consultancy Corporation in 1998.
3. In 2003 I did an exploratory dissertation for fulfilment of Master’s Degree on the mechanisms of Peaceful co-existence amongst tribes in the entire region of Darfur.
4. During my work with the UN in South Darfur (2005-2007), I participated in number of surveys on conflict related issues. I was assigned to monitor, facilitate and report on civil engagement in the process of resolving conflicts. Issues covered by these surveys included the socioeconomic impact of the conflict on the civilians, main stakeholders,

including the government, rebels, tribal leaders, civil society organizations, the IDPs; their concerns and coping mechanisms, etc.

My grandfather was a *sheikh* and was succeeded by my father. My father also served as a *dimilij*, a rank within the tribal leadership system, which refers to someone who is responsible for collecting *diyya* (blood money) and compensations (O'Fahey, 2008). Therefore I grew up to see elderly and community leaders such as *omdas*, *sheikhs* and other Native Administration staff received by my grandfather and father at home to discuss issues related to disputes between individuals and groups. I used to serve them refreshments when I was a youngster and as such spent much time listening to their stories and discussions on different issues in normal situations and when conducting *judiyya*. In the early 1980s my father was selected (among others) as a member of the local court (called People's local court). The "People's court" was located in Adyla (headquarter of the rural council at the time). However the tradition was that the court should appoint members at some populous villages. Our village (*Hilla*) was considered as such. These members were authorized to serve as adjudicators in their areas and if they were unable to resolve a dispute then they could refer it to the Headquarters in Adyla. These members at village level were volunteers. The court did not have formal permanent offices at village level; they only paid visits to these villages on an irregular basis to hold hearings. As such dispute settlements among individuals and groups were mediated by court members at village level. Meetings used to take place at the market or the members' residence.

Frequently, such meetings were held at our home and I had an opportunity to observe such practices.

A particular event that further drew my attention at early stage to the issue of tribal conflicts was the dispute that erupted in 1965 between the tribe I belong to; the *Maaliya* and another neighbouring tribe; the *Rezeigat*. At the time I was only one year old, but later on I came to realize some of the devastating consequences of this dispute. Three of my uncles (two of them direct brothers of my father and one was his cousin and brother in law) were killed in that conflict. I had to grow up with orphans, some of whom were my age, looked after by their grandparents, uncles and aunts. Because of my age I could not imagine how someone can live without the presence of his/her father or mother. Since then I kept thinking about why people fight and why they do harm to each other, and is there any possibility to avoid such situation?

Aim and objective of Research

This study aims to explore and critically examine the role of the Inter-Tribal Reconciliation Conferences (ITRCs) in resolving tribal conflicts in South Darfur State of Western Sudan; specifically:

- To investigate the ways these mechanisms work and their effectiveness in resolving conflicts among different tribes.
- To reveal different factors that contribute to the success/or failure of these mechanisms.

-To look into the impact of governance on these mechanisms, particularly the impact of central government's policies on the systems of local government and Native Administration.

- To investigate their origins and the current philosophy / political ambitions attributed to them by different parties.

Statement of the problem

The ability of the ITRCs in resolving tribal conflicts in South Darfur seems to have been diminishing as time passes. Perhaps that was due to obstacles related to the governance system. This particularly might be true in Darfur. The tribal leadership system was officially recognized and adopted in Darfur by the British colonials (1916-1956) as the main system of governance at the local level and continued to be in practice after Sudan's independence up to the present, although in some periods it was officially not recognized (1970s-1985).

Governments' intervention in tribal structures by abolition and alteration without providing an alternative efficient system of local government, perhaps has paved the ground for tribal conflicts and disputes to escalate. In Darfur, as I personally observed, this is particularly reflected in the meagre presence or total absence-sometimes- of government institutions that abide by the rule of law and are capable of addressing the ever increasing conflicts between and amongst local communities. Also, this can be seen in the increase in the number and escalation of tribal conflicts. For example in South Darfur alone more than 37 conferences of a kind were held in the period from 2003 to 2009, which almost equals the number of conferences held in the entire region of

Darfur in a period of seventy years; between 1932 and 2002 (Mohammed, 2009: 82-83).

The fundamental question here is, to what extent has the changing of regimes, policies, and deliberate politically motivated government interventions in tribal and local government structures, negatively affected the efficacy and the legitimacy of the ITRCs in dealing with tribal conflicts in South Darfur?

Research questions

- What were the key features of the Native Administration, the local government and the central government during the British colonial period?
- What was the role played by the colonial government in the ITRCs; particularly the enforcement of rule of law and the effectiveness of the government to serve as guarantor for the implementation of reconciliation agreements?
- What changes have been taking place in the government-Native administration relationship at central and local levels since Sudan's independence?
- What were the main factors behind these changes?
- How far have these changes influenced the competency and the effectiveness of government institutions to enforce the rule of law and to act as guarantor for the implementation of the reconciliation agreements?
- What have been the repercussions of these changes on

the effectiveness of the institutions, structures, and consequently the role of the Native Administration in conflict resolution?

- Are the ITRCs still valid as conflict resolution and reconciliation mechanisms?
- Have these reconciliation conferences-at least for the last two decades- been able to address the root causes of the tribal conflicts?
- Have they addressed new issues that have been provoked by the Darfur current crisis? (Including specific issues such as the mass killings, rape, burning of villages, forced displacement, and land occupation).
- What were the main impediments and challenges that faced the ITRCs in dealing with these issues?

Research hypothesis

- ❖ The old established mechanisms and structures of conflict-management/resolution have mostly collapsed due to government interference and political instability, which has resulted in the dismantling of NA on occasions and the ineffectiveness of the newly adopted alternating systems.
- ❖ Despite the changes in the lives of communities, issues of conflict, and government policies, the ITRCs remained employed and portrayed by some as if they are an unchanging mechanism.

- ❖ The exclusion of key people and issues from discussions during the meetings, has negatively affected the performance of the ITRCs in resolving tribal conflicts in South Darfur.

Section 2: Research Design and methodology

Introduction

As provided by Oliver, (2004) an appropriate evaluation to the methodology is necessary prior to starting research. Methodology “refers to the choices we make about cases to study, methods of data gathering, forms of data analysis, etc. in planning and executing research study” (Silverman, 2005:109). This study adopts case study strategy of research design. Case study allows making in-depth investigation to gain valuable and unique insights, as it focuses on relationships and processes within social settings which tend to be interrelated (Denscombe, 2003:32). Mixed qualitative methods of data collection and analysis were employed. Due to the complexity of the social phenomena the use of mixed methods approach in social research is a very helpful way to better understand that complexity (Greene, 2007).

Epistemological approach

The tribal conflicts seem to be related to multiple factors, and as a social phenomenon they are inevitably shaped by socio-economic and historical developments. Therefore, tribal conflicts and their settlement need to be understood in a wider socio-economic and political context than as an isolated social phenomenon. Bhaskar, (1998b) argues that reality encompasses three layers: the empirical layer, the actual layer, and the real layer. The first is

observable by individuals, the second associates to time and space, and the last one exists, but beyond the facts, and is linked to perceptions and experiences. The role of research is to examine and try to unearth the processes and mechanisms in the real world, however these processes and mechanisms might be or might not be seen (Sayer, 2000).

From an epistemological point of view this study is guided by critical theory (CT). Epistemology is the study of knowledge; “the term is concerned with the nature of knowledge and justification, how we know what we know” (Miller and Brewer, 2003:94). Hence, epistemology focuses on the means for acquiring knowledge and how it could be possible to make a distinction between truths and fallacy (Smith, 2003:48 – 60). A long critical realism tradition, CT takes a middle position between empiricists who view reality as independent from the mind (Materialism) and idealists who argue that reality is a creation of mind. For Critical theorists reason is the highest potential of human beings and that, it is possible to use it to criticize and change the nature of the existing societies (Blaikie, 1993:52). They argue that social scientists need to be critical in order to be able to understand social phenomena. In order to uncover social behaviour, therefore, factors such as power relations, unseen cultural aspects and political agendas have to be taken into consideration (Hoper and Powel, 1985). Socio-economic and political aspects of a phenomenon do not appear overnight, they evolve and develop over time. This necessitates historical analysis for better understanding of the evolution of a social phenomenon. In this respect Chua, (1986) indicated that Critical theorists frequently rely on historical, ethnographic research and case studies.

Two points distinguish CT approach from the interpretive and positivistic (Johnson and Duberly, 2000), which are: 1/ CT argues that knowledge of social reality could be obtained through critical discussion, 2/ it claims that social reality has a potential emancipatory role. CT asserts that social research will always be influenced by values; it is not possible to accomplish value-free social research. The argument of CT, in this respect is that research is a political activity, “working either for or against the status quo” (Miller and Brewer, 2003:60).

The good thing about CT is that it sheds light on how ideology, systems and structures can influence freedom of human beings and shape reality. One could say among the advantages of critical theory is reflexivity as a process of self-reflection; for openly acknowledging and identifying the emancipatory aims one might hold, as well as the factors that make oneself and one’s setting particular and relative (Parker and Sim, 1997:130).

Data collection process

The research generated data from both primary and secondary sources. Methods used to obtain the data were review of documentation (archive records and reports) and literature review, semi-structured interviews and observation. Using multiple sources served an additional purpose which was correcting and checking on possible biases of different sources of information (Casley and Lury, 1981:21; Tansey, 2007:7). Data from secondary sources was made possible from books, journals, dissertations, as well as internet

sources. Records, relevant reports and documents related to ITRCs during the British colonial period were made available from National Records Office of Sudan and some articles and books.

Meanwhile, more recent ITRCs (e.g. for the last two decades) were obtained from the Office of the *Walī's* (Governor) Advisor for Intertribal and Reconciliation Affairs of the South Darfur State. Also, such documents and reports were made available from individual staff of the Native Administration such as *omdas* and other community leaders. This included notes of meetings for the "Reconciliation Commission" (RC) which was established following the signing of the Darfur Peace Agreement (DPA) in 2006, and which I refer to in the text of this thesis as (RC, 2010). Primary data were generated mainly through archival review and semi-structured interviews, conducted with key informants from the area. Purposive sampling was employed to select key informants as is explained below.

Literature Review

The methodology for this case study combined a literature review with fieldwork. An intensive literature review was carried out with the purpose to precisely cover literature related to my research topic and to identify the gap within the literature that this study might contribute to fill-in. Also, another purpose behind the literature review was to identify possible potential sources of secondary data for my research. Therefore comprehensive reading was conducted. This included books, articles, journals, periodicals, PhD theses and Dissertations. In this respect I covered three aspects of literature (highlighted

in chapter 2): 1/ Literature related to theoretical concepts of conflict resolution, 2/ Literature related to conflict resolution in Africa, and 3/ Literature related to conflict resolution in the Sudan with especial focus on Darfur (tribal conflicts and its resolution).

Interviews: Sampling strategy and selection of participants

As provided by David and Sutton, (2004) there is no clear cut answer with regard to the correct sample size, as sampling often depends on the research's purpose and the nature of the population subject to investigation (e.g. degree of heterogeneity). The interviews were meant to be used to generate supplementary data and to check on the accuracy of the information generated from the archives and secondary data.

“Elite interview data is rarely considered in isolation, and the goal of collecting such data is often to confirm information that has already been collected from other sources ... and to contribute towards the research goal of triangulation, where collected data is cross-checked through multiple sources to increase the robustness of the findings” (Tansey, 2007:7).

This study aims to appraise the capability of the ITRCs in resolving tribal conflicts. It looks into how the changes on the NA and local government structures, which resulted from changing regimes and policies- including deliberate politically motivated interventions- have led to increasing disputes along tribal lines and contributed to the erosion of the competency of the

ITRCs in addressing these conflicts. Thus, purposive sampling was employed to select key informants who were involved on these processes and were in a position to provide useful insights.

Semi structured interviews

To allow respondents to develop narration on his/her own terms is vital to generate reliable data (Enosh and Buckbinder, 2005: 589). For this reason open-ended question design was adopted (See attached appendix for samples of questions). This was meant to allow flexibility and good explanation. Tansey, (2007:7) indicated that unlike surveys, an interview enables researchers 'to ask open-ended questions', which allows the research participant to express himself/herself freely. Also interviews have another advantage in that they enable researchers to obtain first-hand information and gain insights from key informants who are directly involved in the events and processes of decision making (Tansey, 2007:9). However, I am aware of some shortcomings of the interviews where, sometimes, respondents might misrepresent their positions which raise reliability concerns (George and Bennett, 2005:99). A remedy to avoid such bias of respondents, as well as other sources of primary data, is that four questions should frequently be asked by researchers which are: "Who is speaking?, Who are they speaking to?, For what purpose are they speaking, and under what circumstances?" (George and Bennett, 2005:99). During conducting the interviews, I have made use of all this advice. Furthermore, skills gained from my previous work and research experience were also employed and proved to be very useful.

Number of interviews and Criteria of Selection

Based on purposive sampling, semi-structured in-depth interviews were conducted with 26 key informants from South Darfur State in June, 2010. I personally conducted all these face-to-face interviews, which included representatives of NA staff and elderly people, practitioners, women, government officials, rebels, and voluntary NGOs. The representation included different tribal groups, from the main two ethnicities in south Darfur; tribes of African origin and Arab origin as well (see the list of key informants in the appendix). The selection of the key informants was based on the following characteristics: a) their knowledge of customary law and/or previous experience of participation in ITRCs and tribal conflict resolution/management in general; b) Having an administrative role in dealing with tribal conflicts and their resolution/ management; c) Government officials or civil servants directly relating to tribal conflicts and ITRCs; d) Civil society activists who are active in advocacy on human rights and gender issues; e) Those who may argue against the continuation of the role of the Native Administration in Darfur, such as educated people and the rebels. Accordingly, the key informants were selected from the following groups:

1. Tribal and community leaders.
2. Civil society activists, including women.
3. Local government administrators
4. Government officials responsible or related to conduction of the ITRCs.

5. Representatives of rebel groups.

6. Academics

Based on my own previous experience in dealing with different groups in the area, key informants were identified. I also held brief discussions on the phone with some former colleagues who are still working with the UN in Darfur, some members of Civil Society Organizations (CSOs) and some colleague researchers at home universities who have done similar research in the area. The aim of the contact was to update my own database, with regard to names and contacts of people, which I established during my most recent work with the UN in South Darfur.

Reflection on Field work:

Two weeks prior to leaving UK for Sudan, I established contacts with some of the targeted potential respondents and briefed them about my research topic and sought their agreement to participate in this study. Following my arrival in Sudan, I started contacting my potential key informants, briefed them about the research project and confirmed their interest and readiness to take part. All these contacts were made through phone calls. As I had initiated contact with the respondents previously, a reasonable but short time (3-7days) for the respondents to get ready for the meeting was allowed.

Following contact and receiving their initial consent to participate in the research, a specific date and time of the interview were identified for each respondent. I started to make a list of the potential respondents with their

contacts and an agreed schedule of meetings to make sure that the targeted number of respondent was secured and to remind them prior to the meeting in order not to miss it. Furthermore, I made an additional list of potential key informants, more than the required number. This was to serve as a reserve list, in case any of the potential respondents could not make her/ himself available or change his/her mind to participate, which I found very useful.

Then interviews were started with those who coincidentally were in *Khartoum* and meetings continued in *Nyala*, the capital of South Darfur. However before the interview began, information about the research and the researcher together with a written 'consent form' (all attached to the appendix) were usually provided for each respondent (a further account in this respect will be provided below when elaborating on ethical considerations). As per the mechanism used to establish a respondent's consent, there are two alternatives (Oliver, 2003:31); a simple oral agreement or a written agreement-consent form. Which one is most suitable depends on the educational capability of the respondents. Accordingly, the former method was mostly used to establish informants' consent. This was mainly because of the sensitivity of signing forms which the respondents were very reluctant to accept; perhaps either because they were not familiar with, which was the justification mostly mentioned or maybe because they feared the consequences of putting their signature on something that might fall into the hands of the authorities; even though I assured them regarding the confidentiality and the anonymity.

Risks and problems encountered:

As was expected, undertaking this kind of research in the disturbed region of Darfur involved some risk and complications. Financial and security risks were both encountered. I was lucky to have help from a number of support groups and networks regarding safety issues. However, finances were harder to tackle. It is only thanks to family support I was able to complete this research.

Observations and Memos

Observation is defined as “A purposeful, systematic and selective way of watching and listening to an interaction or phenomenon as it takes place” (Kumar, 2005) and it could be used as a method of data collection. Observation involves watching, listening and writing all that is seen (May, 1993).

As a Darfurian who was born, grew up and finished school education in a number of different parts of South Darfur, I had already developed a sense of observation. Also, this experience of living in different areas inhabited by different tribal groups familiarised me with a variety of traditions and customs. I was able to make comparisons and closely observed similarities and differences in patterns of culture and livelihood. Recently (2005-2007), in my capacity as a UN staff, I was invited by the authorities to observe ITRCs held in South Darfur State. During the years 2005-2007, I attended over 20 ITRCs. In 1996 I attended the *Arabs/Massalit* conference in Al-Geneina, West Darfur, from the beginning up to the end. This accumulated experience of observation has given me sufficient familiarity with peoples’ (individuals and groups)

actions, reactions, interactions, perceptions, attitudes patterns of behaviour and gestures in these settings. I employed observation as a method of data collection and more importantly to check on the accuracy of the information provided by the informants and when reviewing archival data; i.e. to validate data obtained from these sources.

Data analysis and interpretation

Introduction

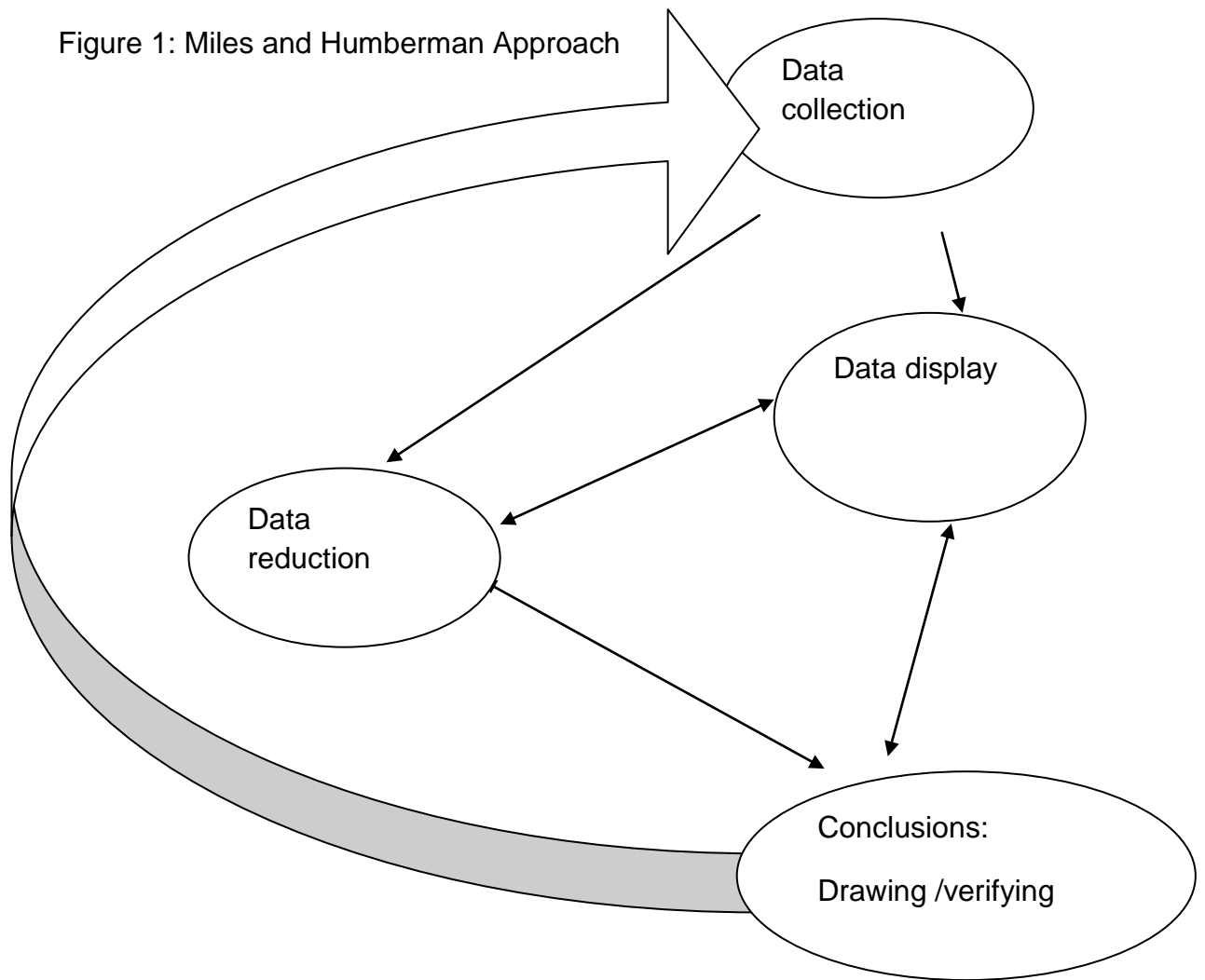
Data analysis is a very sensitive process in a sense that it is much often possible to be affected by researcher's own biases, feelings and interpretations of data. When starting to analyse data therefore, a researcher should bear in mind the need to be honest about his/her theoretical perspective and values. This is imperative as "Research is all about the power to define reality" (Lewis, *et al* 2003:26-27); when someone claims to be carrying out research this means he or she is undertaking methodical inquiry to make some statement about the world. In this respect data analysis can be defined as:

"a process of piecing together data, of making the invisible obvious, of recognizing significance from insignificance, of linking seemingly unrelated facts logically, of fitting categories one with another and attributing consequence to antecedents" (Morse, 1994:25). However, case study "does not call for a particular approach of analysis of qualitative data which it produces" (Robson 2002). Therefore, "It is not an easy task to provide robust

accurate analysis for case study evidence, because the strategies and techniques have not been well defined” (Yin, 2003:109).

Despite the disagreement with regard to strategies and techniques in the analysis of data, still there is agreement on the importance and the need to analyse data for the purpose of drawing conclusions and verifications that make it much more meaningful and useful. In this study more than one method of qualitative analysis is applied. For example, I applied stakeholders’ analysis and conflict mapping methods. Stakeholders’ analysis is a method for understanding the conflict system and identifying the major players in that system; their roles attributes, interrelationships, interests and factors (triggers and root causes) which contributed to these disputes (Ali, 2002:9). The research also used conflict mapping method to identify major conflict events and major ITRCs that took place in South Darfur to tackle them.

Also, I drew upon Miles and Humberman’s approach in analysing the ITRC documents. This approach drew attention to the importance of data reduction, data display, conclusion drawing and verification (Miles and Humberman, 1994:10-12). Also, it provides a general framework for conceptualizing qualitative data analysis, and as such is relevant to case studies analysis (Robson, 2002:473-479). Data reduction is the process of sorting out key words, themes or responses whereas further reduction of data through presentation, such as tables and diagrams, is referred to as data display, which contribute to make the data more understandable (Bryman 1989). Below is an adapted diagram of the Miles and Humberman approach.



Source: (Miles and Humberman, 1994:12).

Transcribing data

After my return from the field, I started an immediate transcribing of the field data. First, I started reviewing the interview sheets, and labelling them in order to flag specific observations and write down comments related to each interview separately. After that, I read the interviews thoroughly in their original language, which was Arabic, and then started translating each interview literally into English. The transcribing process took me seven months to complete. I took note of transcription rules related to spoken discourse suggested by Bruce, (1992:145), which stated that “transcription system should be easy to write, easy to read, easy to learn, and easy to search”.

Coding and development of categories

Coding and development of categories is a sorting out process which involved comparing, contrasting and combining data (Gibbs, 2002). I used an excel programme to establish tables and draw diagrams following manual counting to identify some interrelated factors, their relationships and their frequencies. This process was directed by the research questions. Thus my focus at this stage was to identify and select the issues, categories that appear relevant to each question or group of questions and put them together. After completing the coding and development of categories I drafted an initial summary of findings which was shared with my supervisor to have her initial comment before I went further in my analysis.

Generating meaning and verification

Generating meaning and verification represents a very important stage of data analysis, during which the researcher should guarantee that the research has attained good quality data. After finishing transcribing the data, coding, and developing categories, I started observing patterns and trends, and making further categories. This helped me to establish some meanings and associated terms and to start drawing initial conclusions based on the display of data that I had conducted in the earlier stage. As provided by Robson, (2002:473-485) data display is a tactic for drawing meanings and making verifications, the latter means going back to the original sources of data to assure that meanings and conclusions drawn do not contradict with the data. This was a continuous process of review, correction, and modification with the aim to develop categories patterns and provide genuine logical interpretation of the data. Sometimes I referred to my records or compared sources/and or recalled my personal observations to check whether different expressions used by different respondents/data sources might establish the same meaning/and or refer to same event, a process which entails data verification.

Ethical considerations

In relation to social research, ethics refers to the moral deliberation, choice and accountability on the part of researchers throughout the research process (Mauthner *et al*, 2002:14). Ethics in research is becoming increasingly important due to a number of influential factors such as the rise of consciousness with regard to the right of individuals, the emergence of new research approaches such as critical, participatory and feminism, furthermore,

the establishment of ethic committees in the universities and research institutions (de Laine, 2000:16).

There is no common ground among researchers on what might constitute an ethical issue. Ethical rules in research differ from one research to another depend on the adopted methodological approach. However there is a common agreement among researchers that ethical responsibility represents an integral part that should be appropriately incorporated in the research topic, design and plan (Miller& Brewer, 2003:96). In this regard I was to abide by the ethical procedures adopted by the University of Bradford, specifically; Participant's voluntary consent, the central point of which is that the relationship between the researcher and the respondent should be based on no harm and voluntary consent (Miller& Brewer, 2003:96). Also, as a part of research ethics confidentiality and anonymity should be considered.

Anonymity and confidentiality

"Anonymity means that the researcher will not and cannot identify the respondent, while confidentiality means that the researcher can match names with responses but ensure that no one else will have access to the identity of the respondent" (Miller& Brewer, 2003:97).

Confidentiality is not limited to the statement of assurance but it includes the concrete steps that will be taken to ensure that this measurement will be genuinely maintained and the information will not fall into the wrong hands (Oliver, 2003:78).

To ensure confidentiality and/or anonymity of personal data, those answers which might easily be attributed to a particular participant were paraphrased. During the process of data collection, processing and analysis, all the names of the participants were changed, together with any other details that might identify his or her personality and codes were used instead (see appendix for the coded list of respondents). I have transcribed the interviews myself on a password protected computer. Other than me, only the supervisor can access such data. The computer where the information is stored is now located at the University of Bradford. This information will be kept for the duration of a PhD research project (2010-2013). It will be used solely for the purpose of this project and then destroyed following a reasonable period of time, so as to ensure that participants will not find themselves at risk due to public disclosure of any information they have made available to the researcher. Confidentiality and anonymity could be lifted in the event of situations changing and where the consent of the respondents is secured.

Principle of no harm

This means the participation of the respondent in the research must be voluntary and entails no harm on a respondent. Potential physical or mental harm to the participant in the research must be avoided (Miller& Brewer, 2003:98); this includes sensitive issues related to dignity, which might make participants feel annoyed or depressed. Participants may not feel comfortable to talk about certain issues or may be willing to talk about but not in front of the other people (Miller& Brewer, 2003:98). Sensitive issues related to killings,

torture and rape, which might make participants feel annoyed or depressed, were discussed in the interviews, though these issues were only brought into discussions voluntarily and spontaneously by the respondents themselves. I was aware of the sensitivity of these issues. Based on my own previous research experience I knew that some informants might not feel comfortable to talk about such issues or might be willing to talk about them but in privacy. However, the good thing about this point was that the focus of my research is retrospective, i.e. it is reviewing the past practices of the ITRCs, NA and local governance, rather than only focusing on current ones, which made questioning less contentious. I avoided asking direct questions about sensitive issues. The strategy I followed was that I used general terms to ask questions (see the attached appendix of the interview questions) and left it for the respondent to decide to touch on these issues or not. Yet, most of the respondents did choose to touch on these issues. In such cases, I took the opportunity to probe, even though I put no pressure on them for further elaboration. While respondents showed willingness to talk about such issues, their right to avoid doing so was guaranteed. I kept reminding those who voluntarily engaged in discussing these sensitive issues about their right to stop talking and/or rephrase their information or withdraw the information provided in full or part, if they so wished.

Role of the researcher

A part of implementing the no harm principle is that a researcher should not put himself/herself or others at risk (Goodhand, 2001:13). South Darfur State is my homeland, where I was born, grew up, went to schools and lately worked. I maintained broad social networks which included tribal and community leaders at urban centres and at grass-root levels across the state. Also, I have good connections and networks within government institutions; some of my school mates and university colleagues are now civil servants or government officials. Furthermore, I am in contact with some colleagues who are working with local and international NGOs, and the United Nations and African Union Mission in Darfur (UNAMID).

The researcher is quite aware of the challenge of accessibility to information and people in generating data and information. However being from the region with previous research experience on similar issues and practical work experience in the region helped me to overcome such difficulty. Though this familiarity with the area and the people might pose challenges such as subjectivity or a negative perception of the researcher as an insider, I persisted in being open about my research topic, ethnic background and the objective of the research. I took the responsibility to provide accurate and sufficient information about my research. As asserted by Miller & Brewer, (2003:97) apart from the prerequisites of individual's participation in the research process, a researcher should provide them with accurate information about his/her research. Respondents should be fully informed about the research. Oliver, (2003:28) stated that "a broad definition to fully informed" should include any information which a participant might conceivably need in order to make a

decision about whether or not to participate in a research process. It is preferable to give people sufficient time to make up their mind and decide freely whether to accept to be participants in the research or not (Oliver, 2003:27-28).

After briefing through the phone as explained earlier, a 'Research Information Sheet', which included the following three parts, was prepared and shared with the respondents (see the appendix for the details):

- 1) Information related to the researcher.
- 2) Information related to the research.
- 3) Informed consent Statement and Consent form.

A simple, easy and understandable Arabic language was used to present research information and 'informed consent form' for the respondents. Arabic is the shared common language for different communities in Darfur. For me, Arabic is my mother tongue and I speaking the local dialects of Darfur Arab tribes, and I understand the common language of most of the other tribes of South Darfur.

Reflections on data sources

Archive: Problem of missing data and citation

The archives related to the ITRCs, especially with regard to the last two decades (1989-2009), were made available to me by the office of the South Darfur State's Governor (refers to as *Wali in Arabic*); particularly, the office of the "*Wali's* Advisor for Tribal and Reconciliation Affairs". In this respect I

particularly refer to reports compiled by the above mentioned office in two large volumes in Arabic "*Al-musalihat al-ahliya alati tamat fi wilayat Janub dar Fur fi alfatra min 2003-2008*", which I have translated as "The Tribal Reconciliation Conferences in South Darfur, 2003-2008", which I refer to in the text of this thesis as TRSD, 2003-8 (Vol.1 & Vol. 2). They represent a collection of documents related to ITRCs conducted in South Darfur State under the auspices of the Governor of south Darfur state during the above mentioned period. These collections, in particular, were not well organized. Some pages were missing and the existing ones, most of the time, were not in order. Also, some parts of or whole letters submitted by the parties to the conflict, copies of supportive documents, and names of participants were also sometimes missing. Details about the Methodology followed at ITRCs, and how decisions were reached, sometimes lacked clarity. All these things were either not clearly stated in these documents or were somehow distorted. I suspect that this level of disorder is not unusual in local government records at this time in Sudan, due to the under-resourcing of such activity.

Nonetheless, these documents remained important because they reflect claims and counter claims made by different parties to the conflict, give background to the conflict, show the names of the participants, the mediators and other attendees, such as government officials, and finally they include the agreements and the recommendations made for resolving the concerned disputes. These documents are not collected elsewhere to the best of my knowledge, and so I am probably in possession of the only copy outside Sudan. Moreover the collection of documents/reports relating to a single ITRC

sometimes includes letters that contradict one another. For example you can find a letter submitted by one group which refers to claims made by their opponents/and or a statement made by a government official or chairperson of the ITRC which summarizes issues put forward by the parties to that conflict and their names. So, through comparison, synthesis and careful analysis, I was able to generate useful data from these reports and documents. Also, the interviews which I conducted with the key informants, some of whom personally participated in these ITRCs, proved to be very useful to fill-in some of the gaps and to verify some information. This process took me a lot of time and effort to accomplish.

Another problem with this part of the archival documents of ITRCs in particular was the citation. The problem was that they were unpublished and at the same time disorganized in a sense that some pages are missing and each ITRC related document was not always included in a consistent order. Therefore, following consultation with my supervisor and other African History colleagues on the best way to reference these documents, we agreed that I should reorganize the documents according to each ITRC that they related to so that they are in a more recognisable and logical order, which makes the citing straightforward (see the attached appendix which shows the new organization). This was another challenging and time consuming process.

Limitations of the Interviews

South Darfur state, as part of greater Darfur, was put under a state of emergency in 2002 which remains in force up to the present time (2013) due to the civil war. There has been an apparent connection and overlapping between the tribal conflicts and the on-going government/ rebels' struggle, which made the authorities, particularly security organs, consider tribal conflicts as a sensitive issue which threatens state sovereignty. This situation left me with limited space in which to meet people and discuss some issues with them in a comfortable and a secure way that avoided risk to both the researcher and the participants. As a result, I was restricted to meeting with this limited number of key informants as stated above.

It should be noted that the respondents came from different backgrounds and had different types of expertise and as such they did comment on different issues, even though they were asked the same questions, and I personally observed that each person tended to talk about issues related more to his/her own experience. For example, the tribal leaders focused more on the history of the tribal relations and their actual experience in relation to the ITRCs and *judiyya*. Meanwhile, the local government administrators were more concerned about the overall governance issues and the negligence of the central government to local government as well as the overlap between the role of the NA and the local government administrators. This is why, although they presented diverse views and conclusions, they rarely contradicted each other. Another point regarding the key informants is that they often gave narratives which mixed up events from the past and present, as if they were not clear

about the period they were describing or/ do not have a clear sense of the historical moments, at which things changed. They often referred to events in the past by using present tense. This presented a challenge as to whether to present their deliberations in the past or present. This was particularly so when they were talking about *judiyya* practice. Therefore with regard to chapter 6 (focusing on *judiyya*), I have presented the details in the present tense, unless referring to a specific historical event or period, as this was their testimony, even though at times I think that they were referring to different periods in the past, and this issue is discussed in further detail in that chapter.

Research limitations

The interview samples were drawn from a limited number of key informants, some of whom were associated with urban centres, even though they originally came from rural areas and still uphold strong connections with their people in rural areas through their involvement in ITRCs, either as mediators, representatives of their tribes or serving as advisors. Their deliberations reflected their experiences and memories of such roles or previous life experiences in South Darfur. Therefore, in spite of the similarity with regard to the social context of the entire region of Darfur, the study is limited to a certain area which is South Darfur State; as such the findings cannot simply be generalized to the other parts of the region (West and North Darfur).

Reliability and Validity

Reliability can be defined as “The degree of consistency with which instances are assigned to the same category by different observers or by the same

observer on different occasion” (Hammersley, 1992a:67). In other words it means the extent to which a study would give consistent conclusions if carried out by the same person or different researchers more than once with the same people under similar standard conditions (Hall and Hall, 1996). Thus, regarding the measurement of reliability the meaning of consistency is central (Punch, 2005).

As far as my study is concerned, the issue of reliability was genuinely dealt with. This was reflected in the simple nature of the design of my interview questions (open-ended) and the clarity of their meanings and logical flow. The purpose was to make it easier for the respondents to understand and at the same time open-ended questions allow flexibility for the respondents' response and provide opportunity to generate accurate and more reliable data. I observed that respondents were able to understand the questions clearly without asking for clarification, a thing which was reflected in their readiness to provide answers straightaway. Furthermore, such an objective was made possible due to the adoption of certain additional measures, such as pre-testing of questions and applying probing-when necessary- for further clarification and assurance of exact meaning of words and expressions, exact dates and places of events as well as names of people. Also, I found out that adopting consistent standard methods for writing down field notes and transcripts was especially useful in cross-checking of data.

Data related to case study research might be limited in perspective and scope as it studies partial views and reality. In this respect I applied triangulation of data collection, using three methods: documentation and literature review,

interviews, and non-participatory observation. The aim was to make sure that the weakness of one method is recompensed by the strength of another (George and Bennett, 2005:99). I was aware of the technique of checking for negative evidence, by giving back the collected data to the respondents to seek their confirmation and comments (Robson 2002). However due to time constraints and other factors which were out of my control, I only read them a summary of their answers following the interview and sought their confirmation, with the option to withdraw data or rephrasing responses.

Validity

The importance of the validity, as argued by Harvey and Macdonald, (1993) emerges from the fact that it assists to ensure the suitability of questions for the answers/ideas the researcher is attempting to extract from the interviewees. For Bryman, (2001) validity relates to the effectiveness and accuracy of the measuring tools. This means validity involves that the methods and techniques used to generate data for the research are genuine and suitable to achieve the purpose. Furthermore, criticism could be applied by the researcher and others to verify the truthfulness of the data. In this regard any information found to be incomplete, distorted or doubtful, including false arguments, was excluded. As asserted by Neuman, (2007) it is essential that a firm vigorous link is maintained between the ideas and the reality of the social phenomenon on the ground.

In this respect, socially desirable responding is considered to be a threat to validity. This might result from fear or suggested value judgements related to close-ended questions. However, in order for the respondents not to feel

worried or threatened because of the information they released I assured them of confidentiality and anonymity and I only did face-to face interviews that included one person separately. To avoid suggestions of value judgements I opted for open-ended questions and only intervened to make clarification or probing. Furthermore to reduce any bias of the researcher and respondents, I used the field notes, documentation review, and observation to cross-check data. Finally, the process of data analysis, which employed Miles and Humberman approach to data analysis, has served to ensure data validation as well.

Reflexivity

The subjectivity of the researcher and the respondents is part of the research process which should be considered (Wengraf, 2000:144). The researcher's self-awareness about how her/his own social identity and background influences the research process is referred to as reflexivity (Robson, 2002:22). The researcher is quite aware of the challenge of accessibility to information and people in generating data and information. Being from the region and with previous research experience on similar issues and practical work experience in the same area most likely helped me to overcome such difficulty. However this familiarity with the area and the people poses another challenge, which is subjectivity. In this regard what is expected from the researcher is to acknowledge and identify openly the emancipatory aims he/ she might hold, as well as the factors that make one's setting particular and relative (Parker and Sim, 1997:130).

During the first years of my undergraduate studies in Khartoum, I was an active member of a number of advocacy groups and students societies. I was a co-founder of an advocacy group which was calling for equal rights and fair policies for university admission as the then policies were considered to be in favour of the students from the centre of the country. I was motivated by my background as someone from a periphery area and realized the disparity between Khartoum and Darfur with regard to standard of living and social services. Following the military coup of 1989, I was an active member of the Umma political party. During the 1990s I was also an active member of local advocacy and human rights' organizations.

After graduation, I developed a special interest in conflict and peace studies and I received good training in conflict resolution and also became a trainer myself; facilitating training workshops on awareness raising and advocacy on conflict mitigation/resolution and management for community leaders and local staff. During my work with the UN in Darfur, I also facilitated training workshops on the dissemination of information and gauging of views on peace initiatives and peace agreements, namely; the Comprehensive Peace Agreement (CPA) between North and South Sudan, and the Darfur Peace Agreement (DPA) between some rebel groups in Darfur and the central government in 2005 and 2006 respectively. The targeted groups in these workshops included IDPs, tribal and community leaders, as well as police and military personnel. These accumulative experiences enabled me to obtain ideas and better understanding of the dynamic of tribal conflicts in Darfur, their

triggers, root causes and mechanisms used to deal with them. Also, these activities enlightened me about human rights and gender issues. Eventually, and since the end of 1990s I opted to publicly criticise the deteriorated situation in Darfur, especially with regard to the escalation and increasing of tribal conflicts and the way the government has been dealing with them. This was again influenced by my personal experience when my own tribe was attacked in May 2002 and more than 50 civilians were killed. I therefore approached the research as someone who already had strong views about what was happening in Darfur and so had to take special care in not allowing these views to bias my data collection or analysis.

Research structure

This research consists of eight chapters. Chapter one concerns itself with the “research introduction, design and methodology”. These are issues such as research area, preliminary overview, genesis of the research, research problem, research questions, aims and objectives as well as research design and methodology. Chapter two discusses “conceptual framework and literature review”. This is connected to three aspects of literature: a/ Literature related to theoretical concepts of conflict resolution, b/ Literature related to conflict resolution in Africa and c/ Literature related to conflict resolution in the Sudan with especial focus on Darfur (tribal conflicts and its resolution). Chapter three focuses on the “political legacy in Darfur”. This chapter aims to show that tribal leadership structures and local governance in Darfur have been subjected to highly significant changes over time and mostly these were deliberate and politically motivated. This process was started by the British colonial power and

continued following Sudan's independence.

Chapter four discusses "the anatomy of conflicts in Darfur" in general mainly since British colonial period in 1916 up to 1956. Backgrounds on geographical location of Darfur, tribal composition, concepts of tribe and ethnicity, tribal leadership system, NA, local governments and land tenure system were all discussed.

Chapter five focuses on the "The Anatomy of Conflicts in South Darfur", particularly reflects on the Root, Proximate causes and Triggering factors. It identifies the main actors and their interests and influences, different factors, triggers and underlying causes, and as such serve as a platform for the following two chapters, which looked into how indigenous mechanisms addressed these issues. Chapter six "Beyond the ITRC: Indigenous mechanisms of conflict resolution / management in Darfur" is devoted mainly to discuss the *judiyya* as an indigenous community sponsored mechanism. It reflects on the practices of this mechanism and offers some accounts provided by the key informants in this regard.

Chapter seven focuses on the experience of the ITRCs and their attempts to resolve tribal conflicts in South Darfur. This chapter is divided into a number of subsections. The sub-sections include reflections on the principles of the ITRCs, the role and the way they were functioning, the main actors, including tribes involved, the key issues addressed by these conferences. Political ambitions attributed to ITRCs were also highlighted and examined.

Chapter eight offers an overall conclusion to the thesis and particularly sheds light the extent to which the thesis was able to address the main research

questions. Also, the conclusion highlights the main impediments and challenges faced by the ITRCs, which need further investigation and as such it could be a focus of the future research in South Darfur.

CHAPTER 2: CONCEPTUAL FRAMEWORK AND LITERATURE REVIEW

Conceptual framework for Analysis

Introduction

Sudan (which refers to the territory up to 9th July 2011-the date when the southern Sudan became a separate independent country-see the map below) did not know a serious attempt to create a central political entity prior to the nineteenth century. The only attempt of a kind started during the Turkish Egyptian colonial era; 1821- 1881 (Harir and Tvedt, 1994: 96). However, the territories named Sudan, as of today, have a deeply rooted history, but as a scattered political entities with different names. These were independent Kingdoms and Sultanates; for example, in the further north there was the Kingdom of Kush with its two branches (*Nabta* and *Marrawe* ,750 BC- 350 BC), which was followed by the Christian kingdoms; *Alwa* and *Almagara* (Terefi, 1988:39-41). The latter two kingdoms lasted until the fifteenth century and ended with the establishment of the Kingdom of *Funj*, 1504-1821 (also known as *Sennar* Islamic Kingdom) in the centre of the current Sudan, which included in addition to the territories of the above two Christian kingdoms some parts of the current region of *Kordofan* and *Beja* territories in the west and eastern of Sudan respectively (Terefi, 1988:40). In the west there were Islamic sultanates; Such as *Musabaat* Sultanate and the Kingdom of *Tagali* in *Kordofan*, besides the *Fur* Sultanate and the *Massalit* Sultanate in Darfur. The South experienced no unified independent political entity; but rather separate

entities according to their own local and tribal constituencies led by tribal leaders. From 750 BC through the Nubian Christian kingdoms, the *Funj* sultanate and up to the nineteenth century (1821), no single central authority experienced political control over the territories that came to be known later as Sudan (Woodward, 1990:19).

Map 3: Sudan up to 8th July 2011 (before the separation of the South Sudan)



Source: <http://www.google.co.uk/imgres?imgurl=http://burningbillboard.org/wp-content/maps/sudan/demarcation>

Map 4: Sudan after the separation of the South Sudan in 9th of July 2011



Source: http://www.maps.com/ref_map.aspx?cid=694,720,730,954&pid

The concepts of Nation-state and Nation-building

Lapalombara, (1974:33) defines nation-state as a sovereign national entity which extends its legislation and authority to prevail and includes every person living within its territories. Other definitions identify the following as the most fundamental elements of nation-state: government, people, land, and sovereignty. Albathani, (1988:9) for example, elaborates that sovereign state is the one that has the ability of formulating its foreign policy according to its own interests and internally to have the ability to extend its sovereignty over its members and its surroundings with legislation extending to include every citizen lives within its territory. The idea of a nation-state entails a government that derives its legitimacy from the people and that citizenship is the basis of rights and obligations. Such government should work towards maintaining social harmony among different groups, a thing which does not come only as a result of coexistence and interaction among groups during an extended period of time within geographic boundaries, but rather could be achieved through the encouragement of these groups to establish common interests, feelings and affinities (Lapalombara,1974:41); i.e. the encouragement, promotion and facilitation of the process of interaction and overlapping between groups through using different patterns of mobilization.

Furthermore, the role of the modern nation-state extends to deliver what Robert (2002) came to describe as political goods. These include a range of services such as security, education and health services, economic

opportunities, basic infrastructures, etc., in addition to “ a legal framework of order and a judicial system to administer it” (Robert, 2002:87).

Nation building, on the other hand is defined as “...a community of equal, rights-bearing citizens united in patriotic attachment to a shared set of political practices and values” (Seymour et al, 1996:32). Colonial rulers were driven by their own colonial interests, which was necessarily contrasting with the philosophy of building a nation (Collins, 2008:21). This was evidenced in the divide and rule policies and other related systematic efforts contributed to maintain society fragmented in the African colonies (Duignan and Gann, 1975). Artificial boundaries with communities of diverse cultures, ethnic and religious backgrounds forced to be part of these territories was another example, in addition to the British policy of indirect rule which recognized dual systems of judiciary and governance (See chapter 3 for further account with regard to Sudan). In spite of these challenges, “opportunities for nation-building were present at independence”, such as public consciousness and enthusiasm due to mobilization for independence, civil service and other establishments, which could be built on to achieve genuine nation-building (Doe,2009 :92-93). Regrettably, no efforts were exerted to build on these basics. Using the excuse of abolishing traditional structures and loyalties to build a broader nation and identity, the new ruling elites often adopted one party systems and a single ideology which often became a means of suppression and, as described by Davidson, (1992) no more than vehicle for autocracy.

Sudan was not an exception to this pattern; following independence third world countries tended to face challenges of nation-building. However, regardless of the variety of strategies adopted by different countries, a general theoretical framework under which these challenges of nation-building was maintained was referred to as the “transformation process”, which involves a shift in the policies and structures inherited from colonial authorities, towards new policies, and perhaps new/modified structures, in line with the requirements of nation-building after independence (Zarnouqa, 1994:97).

In this respect, the patterns of the ‘transformation process’ varied from one country to another (Zarnouqa, 1994:97-99). There are countries (namely, some of Asian countries) that achieved national unity through building and supporting institutions which assisted in maintaining a reasonable level of political stability. The latter was made possible through establishment of bodies and mechanisms enabled peaceful handover of power and that were capable to resolve the contradictions regarding power and wealth sharing arise from time to time in a peaceful manner as well. Other countries followed the same direction but were faced with the problem of political instability and regime change due to struggles over power and wealth sharing. Here we can imagine more than one scenario; some countries were able to overcome such difficulties, after some time. Other countries found themselves in a vicious circle of civil war and political instability due to struggle over power (most of which were African countries). The third group was exposed to civil wars,

which led to the secession of some parts (e.g. Ethiopia and Sudan) or collapse of the state itself (e.g. Somalia).

Experience of Nation-state in the Sudan

With the beginning of the Egyptian-Turkish rule in Sudan (1821- 1885), attempts to strengthen the central authority in Khartoum began, which were merely motivated by colonial interests (Collins, 2008:10). This could be considered the first genuine attempt of creating central authority in Khartoum to control the scattered political entities. For example, the attempts to attach the Southern Sudan to the central government in Khartoum started only in 1839 onwards; before this time, the Southern Sudan remained isolated from the political developments in the north (O'Fahey, 2008:262).

Then came the attempts made by the *Mahadist* state (1885- 1898); which was the first national rule in the Sudan. Mohammed Ahmed Al Mahdi (the leader of the *Mahadist* revolution) and his successor (*Khalifa*); Abdullah Altaaishi managed to establish a central authority in *Omdurman* (O'Fahey, 2008). They made considerable efforts to create a national entity, on an ideological Islamic basis. The territories of the *Mahadist* state, which lasted for about thirteen years(1885- 1898), included most of the territory of the modern Sudan in the north, west, east, and parts of the southern Sudan-the northern parts of Upper Nile and Bahr el Ghazal (Collins, 2008:21-27).

The third attempt at strengthening and expanding the central authorities in

Khartoum could be attributed to the second colonial period (the Condominium (Anglo-Egyptian rule, 1899-1955), at the end of which the modern Sudan came into being (Holt, 1965). Most of the territories which came to be known as modern Sudan were annexed during Condominium rule; the best example was the *Fur* and the *Massalit* Sultanates, which were officially annexed to the central government in Khartoum, only in the years 1916 and 1922 respectively (de Waal, 2009:8; Daly, 2007:120). Then Sudan became the biggest country in Africa in terms of territory and a highly diversified state in terms of geography, ethnicity, and culture. The then Sudan included 19 major ethnic groups and 597 sub-groups (tribes) speaking more than 115 languages and local dialects, with about 70% Muslims and 30% Christians and other local spiritual beliefs (Ahmed, 1988:16-19; Malwal, 1981). The influence of religious and ethnic factors appears from the fact that those who claimed to be Arab and/or Muslims lived in the north and those who claimed African origin and believed in Christianity or other religions lived mostly in the South.

Strategy of Nation-building in the Sudan

Having become an independent country in 1956, some scholars identified the most prominent challenges faced by Sudan as (Bashir, no date: 36): 1) How to achieve national unity, which entails dealing with a diversified society in terms of culture ethnicity, and religion, and 2) How to realize even development amongst different regions. Accordingly, the following were pointed out as the most fundamental pillars to achieve such objectives (Albathani, 1988:9):

1. Establishment of a compromise political system acceptable to different groups, which advocates equality among citizens on the basis of

citizenship and allows for equitable power sharing, distribution of wealth and development among regions.

2. As a sovereign state is expected to have the ability to extend its sovereignty over its members and its surroundings and externally to have the ability of formulating its foreign policy according to its own interests.
3. To develop economic and social policies necessary to achieve equitable balanced development and modernization of the economy and society structures in line with local needs of state and society.

Nation-building encompasses “a process whereby individuals and communities are socialised into a larger political community and to which they remain devoted and loyal” (Seyon, 1977: 20). From a theoretical point of view, we can mainly talk about three strategies to achieve such an aim (Zarnouqa, 1994:97-99):

- 1) The strategy of modernization and social change, which aims to bring about change in a deliberate and planned manner so as to eliminate the traditional beliefs and values and to replace them with modern ones, 2) The cross-cutting strategy, which consider various issues and challenges facing the nation-building in an integrated manner, 3) The strategy of national ideology, which heavily relies on ideology as a backbone and driving force to achieve national unity.

In Sudan the strategy of national ideology based on Arabic-Islamic culture was the main strategy that was employed by the liberation movements in mobilizing people to fight colonial authorities. This was the case of the *Mahadist* revolution, which fought the Turkish-Egyptian colonial power and was able to defeat them and to establish a first national central authority in Omdurman/Khartoum. Then the same strategy was used again to resist Anglo-Egyptian rule.

Following Sudan's independence all the successive national regimes, both military and civilian, reinvented this same strategy to strengthen the legitimacy of the ruling elites and as a basis for building a Sudanese nationalism, as they claimed (Musa, 2011:120-122). Practical experience has shown the failure of this strategy in achieving its stated goals, especially in light of the monopoly of wealth and power by minority groups and the perpetuation of a policy of uneven development. This failure appeared earlier and has manifested itself in the following examples; the emergence of rebel movements in southern Sudan since 1955 (Malwal, 1981) up to 2005, with only limited periods of peace. The emergence of regional and ethnic political entities in other regions of Sudan in early 1960s; for example, the Union of the *Nuba* Mountains in southern Kordofan, Darfur Development Front in Darfur and the *Beja* Union in eastern Sudan due to the fact that successive governments insisted not to admit the right of these groups in power and wealth sharing, and continued to adopt the same strategy (Prunier, 2007:40). These peaceful political formations in the above mentioned areas shifted to armed resistance movements; during the

1980s, 1990s and 2002 respectively. Civil wars in Darfur, Blue Nile, and Nuba mountains are still on-going. The Separation of Southern Sudan in July 2011 was but an obvious end result of the prolonged civil war between north and south Sudan that continued for about half a century (1955-2005, with only short periods of peace).

The peripheries of the Sudan have been waging resistance against the domination of the centre in different ways and scales. It was also a battle against different aspects of socio-economic inequality and marginalization, which appeared in the uneven development with regard to certain regions and the imposing of a single culture under an ideological religious justification (see chapter 3 for more details). Rothchild *et al*, (1996) argued that struggle over power; including minority and ethnic conflicts, is a central factor behind intrastate wars. In Africa, practical experience however indicates that in many cases the majority-dominated government system did not assure minority rights, a thing which led to further fears and made minority groups opt for armed resistance and secession (Fearon, 1994:7-12). As observed by Rothchild *et al*, (1996) a feeling of insecurity contributes to ethnic conflicts; when one group or each group is becoming suspicious of the intention of the other a reciprocal antagonistic relation emerges. Conca *et al*, (2000) refers specifically to the competition over resources and stressed that struggling to control or get access to resources such as land, oil, water, etc. is an imperative factor behind intrastate conflicts. The above arguments were reinforced by Rugumamu, (2002), who indicated that intrastate conflicts in Africa are mostly

motivated by underlying causes related to economic and political imbalances, which are further aggravated by state repression, poor governance, ethnic composition and the repercussions of previous history of inter-relations of such groups.

Approaches to dealing with conflicts

Reinmann, (2005:7) refers to three main approaches in dealing with conflicts, which are conflict settlement, conflict resolution, and conflict transformation. These three approaches could be more relevant in providing the conceptual basis for this study and to comprehend to what extent the mechanism of the ITRCs fit either of them.

Conflict settlement aims to put an end to the different forms of apparent violence, which does not necessarily imply that the underlying causes of the conflict are addressed (Zartman, 1989). This approach perceives conflict as something negative which hampers development. Further to using peaceful tactics such as negotiation and mediation, it incorporates forcible measures such as military and/or economic sanctions. Conflict resolution on the other hand considers conflict as a manifestation of dissatisfaction in relation to human needs (Kelman *et al*, 2003). This approach distinguishes between interests (economic, political, etc.), which it describes as changeable and negotiable, and needs (security, justice, recognition), which it considers as natural non-negotiable issues. The focus here is on the issues of conflict and the concern is how to resolve these issues rather than looking for a frame of

reference that focuses on the restoration and building of relationships (Lederach, 2006:24). The aim thus is not to end the conflict, but rather to get rid of the violent nature of the conflict and transform it into a non-violent one through encouraging communication and improvement of an interest-based mutual understanding of all parties (Burton, 1990). This approach uses a range of methods to achieve such objectives, which are mediation, negotiation and arbitration. Conflict transformation perceives conflict as normal and “continuous dynamic within human relationships” (Lederach, 2003:15). In this regard Conflict transformation is defined as:

“envision and respond to the ebb and flow of social conflict as life-giving opportunities for creating constructive change processes that reduce violence, increase justice in direct interaction and social structures, and respond to real-life problems in human relationships” (Lederach,2003:14).

In other words, conflict transformation: “is a process of engaging with and transforming the wider social, economic and political structures underlying a conflict, including transformation of the relationships, interests, discourse and, if necessary, the very constitution of society that supports the continuation of violent conflict” (Miall et al. 1999:4). In this sense conflict resolution is mostly suitable to address open conflicts whereas conflict transformation is suitable to address both open and latent conflicts (Omeje, 2008:70).

Having these definitions in mind, I could claim that the approach adopted by the successive Sudanese governments (since independence 1956 up to present) in dealing with conflicts has constantly been a conflict settlement

approach. Particularly in Darfur, regardless of the nature and levels of conflicts, it is evident (further elaborations is provided in chapter 7) that in most cases, the eruption of a conflict is usually faced by security measures and an excessive use of force rather than negotiation (Mohammed, 2009:33). It seems that the first thing a government thinks about is declaring a state of emergency, imposing military rule, creating special courts to prosecute what they describe as outlaws, elements of banditry and armed robbery, and to confiscate weapons claimed to be possessed illegally. All these measures are then followed by mediation and arbitration under government auspices, as the documents of the ITRCs indicate.

Literature Review and Research Contribution

Although many African countries have undergone similar experiences of colonialism during which 'indigenous Mechanisms' were adopted as an integral part of their systems of justice and administration, they do not all share 'Common Systems of Conflict Resolution' (Alie, 2008). Experiences of colonialism differ and traditions and customs differ as well from one country to another and within each country, depending on the 'style of colonialism' on one hand and the patterns of ethnic and cultural diversity on the other (Doe, 2009:90-91). Accordingly, each country has its own unique experience regarding the way they have employed these mechanisms.

There is a growing body of literature on African indigenous systems¹ and their role in conflict resolution and peace-building in post conflict. In spite of the fact that Sudan is largely excluded from this literature, and the focus is more on the experience of a few selected countries, the overall analysis seems to be persuasively applicable to all African countries including Sudan, as this literature reflects on the main structural features and relations of the colonial state which are common to many of the African countries, regardless of the nationality of the colonizers. Also, a considerable part of this literature focuses on peace, justice, and reconciliation in the post conflict period, and the interrelationship and the overlapping of these issues. Furthermore, the literature has also elaborated on the experience of employment of the indigenous systems and mechanisms in post conflict peace building in some African countries. The common factor of this literature was the role of the indigenous systems and mechanisms in conflict settlement and achieving peaceful coexistence amongst communities.

¹. Examples:

1. World Bank Indigenous Knowledge Database on Africa Region, available at <http://www.worldbank.org/afr/ik/guidelines/>.

2. Luc Huyse and Mark Salter (ed.) (2008), *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences* International Institute for Democracy and Electoral Assistance: Stockholm.

3. *Peace and Conflict in Africa*, edited by David Francis (2008), Zwd Books Ltd: London.

In his book, which is titled "Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism", Mamdani, 1996 has given a considerable space for discussions on 'Native Authority', Customary law and the relationship of the tribal leaders with the colonial authorities. All that was reflected within the context of the British Indirect Rule; a policy which, as stated by Mamdani, has resulted in: two separate, yet related, forms of authority: the central 'modern state' and the 'Native Authority' at the local levels. The former applied civil law, meanwhile the latter adopted customary law along ethnic and tribal lines (Mamdani, 1996:11).

Due to this historical reality, Mamdani, argues that one of the core agenda items faced by African states after independence was how to deal with this legacy of a divided conflicting society; with a dual demographic nature: urban/rural communities and dual legal system: civil law/customary law (Mamdani, 1996:11). A part of the debate raised by the author was about what constitutes customary law? Mamdani's argument is that tribal leaders who were backed by colonial administrations possessed arbitrary power to decide the content of customary law (Mamdani, 1996:12). Mani, (2002:82) agrees with Mamdani that rules which are derived from what came to be known as customary law "do not necessarily produce laws which were well designed to achieve justice". Furthermore, sometimes it seems to be more problematic to deal with local systems in the situation of post- conflict, especially with regard to transitional justice, as it is difficult to decide whether these structures are sufficient and capable of being built on or whether they are best ignored

(Pankhurst, 1999:243). Wassara, (2007) indicated that wars bring political and administrative instability that hits formal and informal structures and institutions in a given society. For instance, as observed by the same author, the return-home process following post conflict generates competition between tribal leaders over local tribal authority as Internally Displaced People (IDPs) and refugees' chiefs are more exposed to new values (Wassara, 2007). Mani, (2002:82) states that the worse situation is the simplistic supposition made by the colonial administrators that customary law is static and uniform which is often repeated by the UN rule of law reform programmes of today.

Another type of literature focuses on issues of peace, justice and reconciliation. A good example is an article which is written by Pankhurst, (1999) and is titled: "Issues of Justice and Reconciliation in Complex Political Emergencies: conceptualising reconciliation, justice and peace". The focus in this article is how to achieve balance between demands for peace, justice and reconciliation in the post-conflict situation. The author provides five different linguistic meanings for the word reconcile, the common factor among which is individual focus and that they describe reconciliation as to get friendly relationship (Pankhurst, 1999:240). However distinction has been made when it comes to reconciliation within political contexts; issues such as forgiveness and truth come forward (Pankhurst, 1999: 241). As defined by one of the authors, reconciliation "refers to a large number of activities that help turn the temporary peace of an agreement which ends the fighting into a lasting end to the conflict itself" (Spanger *et al*, 2003). In this regard Alie, (2008) agrees with Pankhurst (1999) that justice and reconciliation are fundamental components

to achieve peace. However as convincingly put by Pankhurst: "There is no common understanding of the political conditions under which efforts on reconciliation should be minimal in relation to focus on justice in order to achieve the 'best' peace, or of those where the pursuit of justice should become paramount." (Pankhurst, 1999: 239). That seems to depend on specific concurrences of political, cultural and historical forces (Alie, 2008:08). The study makes an important clarification of what is the differentiation between the descriptive- negative peace and positive peace. Very often the ending of violent is referred to as peace. However, Pankhurst, (1999:239) and Miall (2005:27) agree on Azar's definition that positive peace is a situation whereby future potential cultural and structural violence is overcome.

Regarding the concept of justice, Pankhurst (1999) argues that sometimes justice is defined to mean the rule of law. However, she added that there are two versions of rule of law; a minimalist version which is associated with the short term and related to personal security and rights of protection from arbitrary violence, and the maximalist conception which is associated with the long term and related to issues like human rights democracy and good governance (Pankhurst, 1999). Mani, (2002) also has referred to the two concepts of Minimalist and the Maximalist that relate to the rule of law; however she considers the rule of law as only one dimension of justice. For Mani, (2002) justice consists of three dimensions: legal justice relates to legal institutions and rule of law enforcement, rectificatory justice which relates to gross human rights abuses and distributive justice that addresses socio-economic and political discrimination and inequalities.

Furthermore, Pankhurst,(1999:239) and Mani, (2002:53) agree on the potential role that the United Nations, Non-Governmental Organizations and other international actors can play with regard to justice. However Mani (2002) emphasizes issues that might hinder this role. First, the rule of law reform programs that have been carried out to provide legal justice to citizens in post-conflict has adopted a minimalist approach which, ‘tends to treat rule of law as a mechanism for establishing order rather than a vehicle to restore justice within society’(Mani, 2002:53) . Secondly, outsiders are faced with the problem of how to identify what is considered as ‘authentic’ and ‘accepted’ customary law and legal traditions for a given society in order to integrate within the legal framework of reform programmes they propose to adopt(Mani, 2002).

A third type of literature focuses on “Traditional Justice and Reconciliation”. A good example, here, is a study on "Traditional Justice and Reconciliation after Violent Conflicts: Learning from African Experiences" undertaken by the International Institute for Democracy and Electoral Assistance in 2008 and edited by Huyse, L. And Salter, M. The study explores the increasing role of the indigenous techniques in transitional justice and reconciliation policies. It reflects on the experience of Rwandan, Mozambique, Uganda, Sierra Leone, and Burundi. Also, Murithi, (2008) provided brief examples of the experience of what he called the ‘indigenous’ and ‘endogenous’ mechanisms of conflict resolutions in some selected African countries such as the *Jir* in Nigeria, *Guurti* in Somali land, *Mato Oput* in Uganda, and the *Ubuntu* which is used in a number of societies across Southern, Central and East Africa (Murithi, 2008:19-26). These studies examine the difference in implementation and

nature of these indigenous mechanisms, which range from secular to religious practices. Omeje, (2008) argued that the common factor among the African approaches to conflict resolution is that they seemed to be inspired by the “Swahili (originally Bantu) concept of Ubuntu. Ubuntu is a humanistic philosophy (which has no English synonym) and connotes ‘collective personhood’, and is best captured by the Zulu maxims: ‘a person is a person through other persons” (Omeje, 2008:89).

Issues addressed by these indigenous mechanisms include offences ranging from minor injustices like theft to more serious issues involving violence between members of a society, murder or manslaughter (Murithi, 2008:24). In Somaliland, for example, *Guurti* is a method of dispute settlement. According to a *Guurti*-based governance structure in Somaliland, “supreme authority in decision-making, peace-making, adjudication and reconciliation of disputes rests with a council of community elders that as a matter of rule excludes women, youth and social minorities within the clan” (Omeje, 2008:90).

In South Africa, for example, the main task of the Truth and Reconciliation Commission (TRC) was ‘the promotion of national unity and reconciliation’; justice has not been included in the name of the TRC. Malan, (2008:138) argued that justice, in the general terms to mean equal rights and treatment of all groups was adhered to by the TRC, but mostly as *Ubuntu*-friendly restorative justice which could contribute to building a new society and facilitate integration of perpetrators. In Rwanda, for example, the ‘*Gacaca*’ only became the combined mechanism for restorative and punitive justice following the modification made on it by the Rwandan parliament, and accordingly an

adapted form of *Gacaca* system was incorporated into the judiciary system and *Gacaca* courts were established by the government to serve couple of purposes: justice and reconciliation (Malan, 2008:135).

Regarding the implementation of justice, the concerned political leaders, lawyers, members of civil society and academics debate whether priority should be given to achieving peace/reconciliation and political stability or should the emphasis be on prosecution of perpetrators (Alie, 2008). Negotiated peace often results in a compromise agreement between the warriors (Pankhurst, 1999). So, the legitimate question is how to balance the demands for justice against the many socio-economic and political constraints (Alie, 2008)? In this respect the suggestion is to look for other alternatives, which tend to be the 'traditional' mechanisms for justice and reconciliation, to avoid 'the dangers of too much and of too little criminal justice' (Alie, 2008: 03).

Indigenous mechanisms have sometimes proved to be useful in conflict management, resolution and peace building, however they have their own limitations, such as the alteration in form and substance due to three factors: colonization, modernization and civil wars (Alie, 2008:08). Furthermore, there is a shift with respect to the issues over which people used to struggle (Irobi, 2005). In this regard, though used interchangeably, it is useful to make a distinction between two terms; dispute and conflict. Spangler and Burgess, (2003) indicate that disputes are short-term disagreements that involve interests and needs, which are relatively negotiable and easy to resolve while

long-term, deep-rooted problems that involve seemingly non-negotiable issues- such as identity, autonomy and recognition- are referred to as conflicts.

The main conclusion is that African indigenous/ traditional conflict resolution mechanisms are restorative justice-oriented. These mechanisms were also criticised on the basis that they were slow in bringing about agreements because their procedures based on consensus-building as they are guided by the principle of consensus, collective responsibility and communal solidarity (Yakubu, 1995:4-13). In Rwanda between 1994-2003 “some ten thousand of Gacaca-based courts reported to have been established, yet during this period only 10% had held pre-trial hearings and none had begun to try alleged perpetrators” (Malan, 2008:136). Also settling land related disputes in Somaliland proved to be problematic because elders have no training on conflicts concerning land tenure in urban centres, and where the situation is further complicated by the loss or destruction of property titles during the Somali civil war (Hart and Saed, 2010:8). Another disadvantage of the indigenous methods of conflict resolution is that they are highly context specific with the honour and the respect of the outcomes often depending on the competence of mediators, and the traditions and values of the communities (Omeje, 2008:90). Murithi, (2008:26) observed that there is a rich oral history of these local mechanisms, but a lack of documentary records.

Further to the above a couple of other issues are also problematic with regard to the study of the role of indigenous/ traditional mechanisms in post-conflict

situations. First: the term "traditional" is of Eurocentric notion which tends to describe an existence of static normative structure, however in reality these structures are subject to change due to socio-economic and political factors (Alie, 2008:08). Second: the strong tendency within European and North America academic and NGO communities to visualize traditions as persistent, which has been added to the already existing cultural barriers such as language (Alie, 2008: 08). Thus Ethnocentrism represents a basic source of misconceptions in looking at the outside world. For example, concepts that prevail in Europe and North America such as 'amnesty', 'impunity' and 'forgiveness' do not necessarily exist/or have the same meanings in the African local languages (Alie, 2008:08). In this regard Murithi, (2008) made a distinction between two terms 'indigenous' and 'endogenous'. "Indigenous refers to that which is inherent to a given society but also that which is innate and instinctive. Endogenous refers to that which emerges from a society; processes that are generated and systematically reproduced by such a society" (Murithi, 2008:17). This indicates that traditions and customs are not static but dynamic and change over time. Hart and Saed, (2010:17) asserted that due to its 'organic and flexible nature', customary law, "has the potential to integrate into its system of rule-based problem solving the values, strategies, and practices of conflict transformation".

However a couple of important questions remain with regard to the potential role of the indigenous mechanisms in post conflict peace building: First; "are these indigenous tools able to deal with war crimes, genocide and crimes

against humanity? Second; do they have the capacity to restore years and sometimes decades of material and social destruction?” (Huyse and Salter, 2008:184). The study provided that the answer is not straightaway ‘yes’ in a sense that “tradition-based practices have the potential to produce a dividend in terms of the much needed post-conflict accountability, truth telling and reconciliation that is not negligible”(Huyse and Salter,2008:192).

This leads to a question of what kind of justice is required in the post conflict situation. While international tribunals focus on retributive justice, UN and sub-regional organizations are more conflict regulation and conflict management-oriented but have not been designed with the view to fostering reconciliation (Malan, 2008:144). On the other hand African conflict resolution mechanisms mostly are restorative justice-oriented. Transitional justice (TJ) comes in the middle between two extremes; it is described as “the interrelated processes of restorative and retributive justice that usually play a crucial part in the period of politico-socio-economic transition between the resolving of a conflict that managed to oust an unjust authoritarian regime and the effective establishment of a new and just democratic dispensation” (Malan, 2008:147). The restorative and retributive justice are core components of TJ; practical experiences, such as the case of South Africa and Rwanda showed whichever of the two is given priority the other also has to be taken into account (Malan, 2008:147). Perhaps this is one of the strongest reasons of the increasing tendency of incorporating endogenous/ indigenous approaches as an alternative form of restorative justice (Murithi, 2008:25). The emphasis here is

on rebuilding of social trust, healing of social divisions and restoration of broken relationships, something which continued to represent challenge for the liberal peace approaches of peace building. Restorative justice is rooted in indigenous and religious systems of problem solving, however it was only over the last thirty to forty years has been integrated on a global basis into formal legal systems (Hart and saed, 2010:16). This leads us to the issue of hybridity approach in dealing with the post conflict situation. As defined by MacGinty (2011:1)

“I understand hybridity as both a process and a condition of interaction between actors and practices. It is a process of social negotiation, conflict and coalescence and can be found in all societies and social interactions. It is not the grafting together of two discrete entities to produce a third entity. Instead, it is a more complex and fluid process of interchange. It is assumed that actors, norms and practices are the result of prior-hybridisation”.

MacGinty, (2010) calls for employing hybridity approach in dealing with post conflict situation. He argued that the purpose of using hybridity as a tool is to provide a more accurate view of the dynamic and diverse nature of actors, ideas and practices that contribute to peace building and aid during a post conflict situation (MacGinty, 2010: 2).

As conflict resolution in Sudan has not been included in many studies that have covered conflict resolution in Africa; only very little literature on Sudan is available. With the exception of a joint survey conducted by the UNDP and the UNICEF on ‘Conflict Mapping in Sudan’, 2002 the different regions of Sudan

were rather studied separately. The emphasis has been on Southern Sudan and recently on Darfur in general due to the civil war that broke out in both regions. However such literature focuses on the civil wars and the causes of these wars rather than focusing on conflict resolution. In relation to the literature on South Darfur, there is no literature that covers this area with this focus. With regard to Darfur in general there is very little literature of any kind. In this regard the existing literature could be divided into two:

1) Literature concerned with the conflict in Darfur in general, most of which reflects on tribal conflicts to present historical background to the armed resistance that recently took place in the region (1991 and then from 2002 onwards). This group could be represented by De Waal, 1993; Harir, 1994; De Waal; 2005b; De Waal, 2007; Daly, 2007; Marchal, 2007; Tubiana, 2007; Totten and Markusen, 2006; Prunier, 2005 and 2007; Collins, 2008; Mamdani, 2009 and Musa, 2011.

2) Literature with a focus on the causes of tribal conflicts in Darfur partially covers conflict resolution and tends to offer general descriptions of the ITRCs. Here, there are many studies among which, the most relevant are: Ali, 1999; Ali, 2002; Ayoub, 1991; Bashar, 2003; Hagar, 2003; Mohammed, 1998; Salih, 1999; Mohammed and Badri, 2005; Mohammed, 2009 Rabah; 1998; Takana, 2009. The common feature of these studies is that they only partially address the Inter-Tribal Reconciliation Conferences (ITRCs). Most of this literature was Masters Dissertations focused on the causes of the inter-tribal conflicts in Darfur and tangentially refers to the ITRCs within this context. For instance, Bashar, 2003 was an exploratory dissertation on the mechanisms of Peaceful

co-existence amongst tribes in the entire region of Darfur; Salih (1999) has devoted only 11 pages out of 209 to discuss the reasons behind the failure of the ITRCs. Ayoub, (1991) has focused entirely on one intertribal reconciliation conference as a case study (*Fur/Arabs* conflict in 1987-88). Rabah, (1998) selected two ITRCs(*Arabs/Massalit* and *Fur/Arabs*) to focus on as a case study in her attempt to look into the role of the NA and the Central Government in resolving intertribal conflicts. Ali, (1999), has also studied three ITRCs from two different regions (Darfur and Kordofan) as case studies to investigate the role of indigenous mechanisms in resolving intertribal conflicts in Darfur and Kordofan. Ali, 2002 selected one case study of the Arab/Massalit conflict in Western Darfur in 1996-1999.

With exception of Ali, 2002 and Bashar, 2003, most of these studies have also overlooked and/or marginalised the key features of the Native Administration, the local government and the central government during the British colonial period and post-independence. Also, with exception of the above two cases, no sufficient consideration was given to how the relationship between these levels of governance have influenced the role of the Native Administration in dealing with intertribal conflicts.

Another point of limitation with regard to the latter group of writings is methodological. I observed that issues related to concepts, framework of analysis and methodology have not been clearly stated or adopted. In this regard again the only exception is, to some extent, Ali, 2002 and Bashar, 2003. No definitions of concepts such as conflict resolution, settlement, and

reconciliation were presented. Furthermore, archival data were rarely referred to in most of these studies.

Conclusion

Like many other African countries, for more than fifty years after independence Sudan has been unable to transform the multiple cultural societies within its inherited boundaries into a coherent political entity. Woodward (1990:39) indicated that in Sudan “the state was being built from the centre outwards, [thus] peripheral areas were not nearly as well represented in the establishment”. Before and after independence, both the colonial governments and the successive national governments focused efforts of development in the centre (further elaboration is provided in chapter 3). Peripheries, including Darfur were excluded from genuine representation in state apparatus, decision making and an effectual fair ‘delivery of political goods’. Accordingly, exercise of effective control by the government over peripheries has not been achieved. Instead tribes, in most cases, were used as agents for governments to provide political support ; a process started earlier during the *Fur* Sultanates, officially legalized by the colonial rule (the Indirect Rule Policy) and continued in one way or another up to present (see chapter 3).

Tribal conflicts in Darfur, thus, should be looked at in this wider context which encompasses the process of nation-building and governance policies at central and local levels, i.e. the role played by the successive Sudanese

regimes to encourage nation-building on a basis that could accommodate diversity of tribe, ethnicity and religion.

As such no in-depth studies were carried out with regard to ITRCs in Darfur and South Darfur in particular, making this study unique in analysing tribal conflicts within a wider context related to the unresolved issues of nation-building and in the sense that it depends, to a large extent, on archival data supported by interviews. Also, it offers clarity with regard to terms, concepts, framework of analysis and adopted methodology. This research, thus, makes a significant contribution to the literature on conflict resolution in Sudan in general and Darfur in particular in two respects: 1) the practice of the ITRCs in South Darfur, and 2) with regard to the conceptualization of the ITRCs.

CHAPTER 3: POLITICAL LEGACY IN DARFUR

Introduction

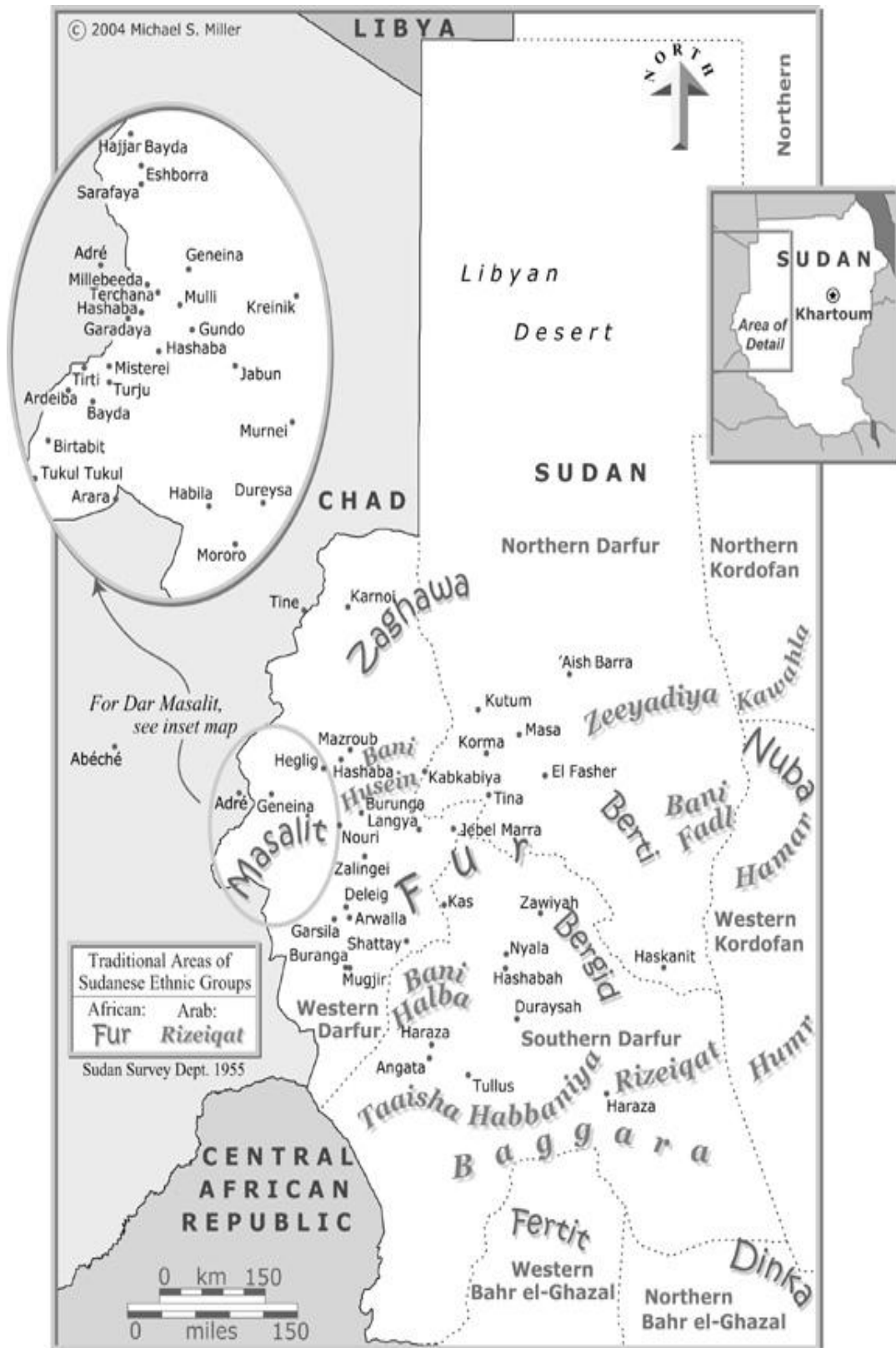
This chapter aims to show that tribal leadership structures and local governance in Darfur have been subjected to highly significant changes over time and mostly these were deliberate and politically motivated. This process was started by the British colonial power and continued following Sudan's independence. However in the last two decades the acceleration of these changes increased significantly and thus have both fuelled tribal conflicts and undermined the ability of the Native Administration (NA) to undertake effective conflict resolution / management measures. These structures and their mechanisms have been described to me by tribal leaders (KI/1: 3/6/10; KI/5: 4/6/10; KI/6: 5/6/10; KI/7: 5/6/10; KI/8: 5/6/10; KI/9: 6/6/10; KI/10: 6/6/10; KI/11: 6/6/10; KI/15: 8/6/10; KI/25: 13/6/10; KI/26: 13/6/10) and identified by government officials (TRSD, 2003-08: Vol.1& Vol. 2) as though they have remained unchanged since pre-colonial times. Studies such as Ali, (2002), Mohammed, (2009), Abdul-Jalil et al, (2007), De Waal, (1993), Tubiana, (2007), Mamdani,(2009), Prunier, (2007), and others have pointed to some of these changes, but have overlooked their impacts on the Inter-Tribal Reconciliation Conferences (ITRCs), which was not a focus of any of these studies. This research focuses specifically on the ITRCs. This chapter examines the key features of the Native Administration and the local governance and the changes that have been taking place in this regard during the colonial period and after the independence of the Sudan. Detailed

accounts of the consequences of these changes on the NA, tribal conflicts and ITRCs will be presented in the following chapters, especially chapter 4, 5, and 7.

Darfur: Ethnic and tribal composition

In terms of ethnicity, Darfur is characterized by complexity and diversity (see the map below). The *Fur*, which the region is named after, is the largest ethnic group in Darfur, with about one third of the total population (O'Fahey, 2008:10). The *Massalit*, which is another tribe of an African origin, is the second largest. There are the *Zaghawa*, *Tunjur*, *Daju*, *Birgid*, *Berti* and many other tribes of African origin. With the exception of the *Zaghawa*, some of whom are still pastoralists; tribes of African origin are predominantly sedentary farmers (Prunier, 2007:47). This represents one big block of ethnicity in Darfur, which recently (at least from 1980s) came to be known the "African tribes" to differentiate them from the other block which are tribes of Arab origin in Darfur. The latter consists of a wide range of tribes, mostly pastoral in livelihood, either cattle or camel herders (Mamdani, 2009: 167). The pastoralist camel herders (*Aballa*) are located in the north of the region. The cattle herders who came to be known as the *Baggara* are located in the south and south west parts of the region. Within this block there are the *Habaniyya*, *Falata*, *Taaisha*, *Maaliya*, *Benihalba*, *Salamat* and *Rezeigat*. The Arab camel herders are in the northern part of the region such as the *Zayyadiya*, and northern *Rezeigat* (*Erigat*, *Etifat*, *Mahriya* and *Mahameed*). With exception of the *Zayyadiya*, camel herders do not own *hakura* (see Tubiana, 2007:69-70).

Map 5: Map of Darfur region shows some main ethnic groups



Source: <http://www.hrw.org/campaigns/Darfur/map.htm>

Fur Sultanates and administrative set up, 1650-1916

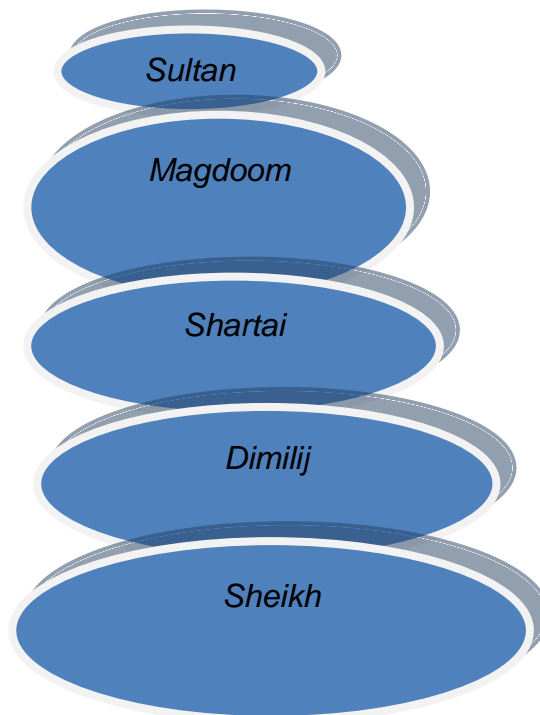
Historically speaking, Sudan was the land of kingdoms. All these kingdoms, such as *Funj* in central Sudan and the *Fur* Sultanates in the west, were ruled by tribal aristocracies through tribal leadership systems (Mohammed, 2000:43). *Fur* sultanates ruled the Darfur from the 1650s up to 1874 and again from 1899-1916-the period of *sultan* Ali Dinar which was considered as continuation of the *Fur* sultanates (O'Fahey, 2008:137). During this period, a tribal leadership System of Administration based on administrative structures of tribal *sheikhdoms* "*Al-mashiakhat al-gabaliya*", was the predominant system of governance (O'Fahey, 2008:164). Tribal leadership was a type of decentralized governance, which was adopted by *Fur* Sultanates as a formal system of government administration. According to this system tribes were enjoying a sort of self-rule whereby each tribal group was administered through their own tribal leaders (O'Fahey, 2008:163).

The Darfur Sultanates adopted an administrative system based on three levels of governance whereby, to a large extent, people were governed by their own local leaders (Abdul-Jalil *et al*, 2007:42). According to this system, the entire territories were divided into four administrative areas known as *Magdomates* (provinces) run by *magdoom* (see Figure 2 below). Each *Magdomate* was divided into a number of *shartays* (chiefdoms) run by *shartai* (see figure 4 below). The *shartays*, in return, were further divided into a number of local chiefdoms known as *dimlijyyas* run by a *dimilij*. The villagers' and nomads' *sheikhs* represent the lower level of administration. The position of the *shartai* was an inherited one. As a representative of the sultan, however, *shartai* was

either appointed, or his appointment was to be confirmed, by the Sultan himself. The main responsibilities attached to this position were the implementation of justice, tax assessment and tax collection. The *sheikhs* and the *dimilijs* used to be responsible for issues related to the direct administration such as settlement of low-scale disputes, land, tax assessment and collection, and other activities of ceremonial nature related to the higher ranks in the scale of administration system. In order to guarantee efficiency of the system a chain of command was maintained whereby heads of the family were responsible to their respective *sheikhs*. As an example, the *sheikhs*, in turn, were held accountable to the *omda*; a middle rank position and usually head of sub tribe, in the tribal leadership hierarchy, and the latter were held responsible to the *nazir* which is the case for most tribes of Arab origin and other tribes such as *Zaghawa* (see figure 3 below). The titles and administrative structures differ from one tribe to another. However in general we can speak about eight common titles for top tribal leaders in the entire region (Abdul-Jalil *et al*, 2007:47) which are Sultan (e.g. *Daju*, *Massalit*, *Fur*, *Zaghawa*), *magdoom* and *Dimingawi* (*Fur*), *Malik* (e.g. *Berti*, *Zaghawa* and *Midob*), *Nazir* (*Birgid* and tribes of Arab origin, especially cattle herders), *Sheikh* (e.g. tribes of Arab origin especially camel herders), *shartai* (e.g. *Fur*, *Birgid*, *Zaghawa*) and *Omda* (Arabs, *Zaghawa*, etc.). These were the titles that referred to by the colonial authorities as the tribal chiefs or paramount chiefs in their respective tribes, as will see when talk later about the NA during the British colonial period. Sometimes the same tribe with sub divisions that located in different separate places had different structures and titles; for

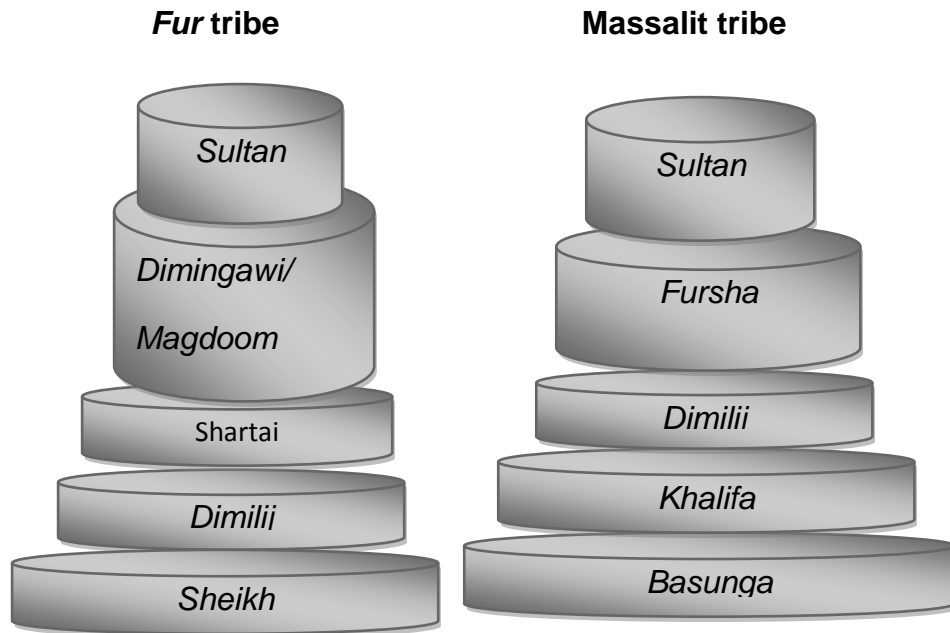
example, the *Fur Magdomate* in South Darfur and the *Fur Dimingawiyya* in Zalingei (see figure 4 below). Another point is that within the tribes of Arab origin in South Darfur *nazir* is the top tribal leader and the *Sheikh* comes at the end of the ladder. For the camel herders the top tribal leader labelled the *Sheikh* and then there is another *sheikh* at the lower level.

Figure 2: Tribal leadership system during the *Fur* Sultanates

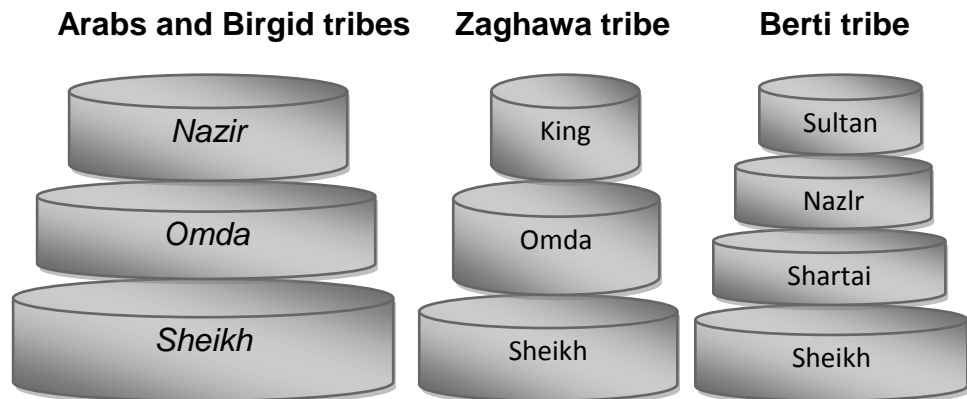


Source: I have developed this figure for the purpose of this research; however the source of information is (Abdul-Jalil *et al*, 2007:47).

Figure 3: Tribal leadership structure of main tribes in Darfur up to present.

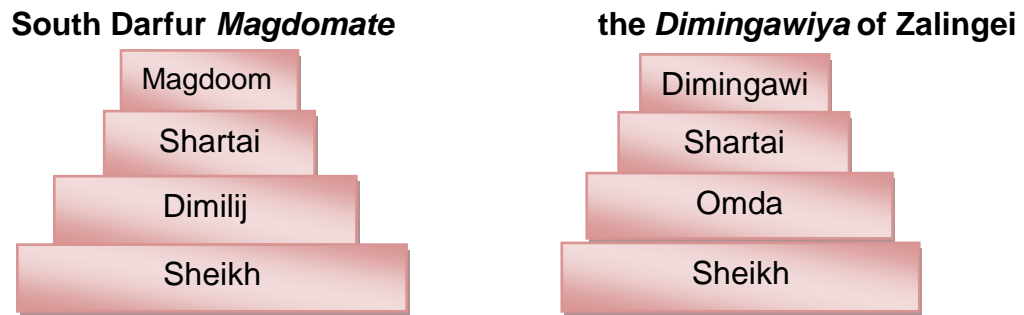


I have developed these diagrams for the purpose of this research, however the source of information is (Ali, 2002).



I have developed these diagrams for the purpose of this research. Source of information: (Abdul-Jalil *et al*, 2007:47).

Figure 4: Structure of the *Fur Magdomate* in Nyala and the *Dimingawiya* in Zalingei



I have developed this figure for the purpose of this research. Source of information: (Abdul-Jalil *et al*, 2007:47).

It was during the *Fur* Sultan, Musa the son of Suleiman (1670-1682), that a comprehensive policy with regard to land was put in place (Abu saleem, 1975:56). Based on this policy the entire land of the *Fur* sultanate became solely owned by the sultan who could use it the way he wanted, a practice which was continued by his successors. Accordingly, a land tenure system was developed by the *Fur* Sultanates, land used to be distributed by the Sultan to the notables and leaders of his own tribe (Tubiana, 2007). Leaders from other tribal groups and notable figures such as religious men (Muslim scholars locally known as *Fugara*; plural of *Faqi* or *Fageer*) also received land as a gift from the Sultan. The *Fur* land tenure system was based on *hakura*; tribal homeland (Young, 2009:42). In Darfur; *Hakura* means a piece of land strictly allocated to an individual or group of people. This includes a *hakura* provided to a given tribal leader, which he could use to locate his group or to use as grazing land, but this entails no right of ownership (Abu saleem, 1975:59).

Sometimes later based on this tradition, some tribal leaders were able to make up their people's own *dar*, an Arabic word that means homeland (Tubiana, 2007:73), and this continues up to today.

Colonial rule in Darfur, 1916-1955

Despite the fact that Sudan came under colonial authority in 1821, the first time Darfur came under the control of a colonial power was in 1874 (O'Fahey, 2008). The control of the Turkish/ Egyptian colonial power over Darfur, however, did not last long (the Turkish/ Egyptians ruled Darfur from 1874 to 1883). It was only nine years before the *Mahdiyya* revolution broke out. Consequently, Darfur came under the *Mahdiyya* rule from 1883 to 1898. What is worth mentioning in this regard is that during the period 1874 to 1898, there was no central authority able to exercise full control over the region (O'Fahey, 2008). Darfur (*Fur* and *Massalit* Sultanates), thus remained independent territories and were only annexed to Sudan in 1916 and 1922 respectively (de Waal, 2009:8; Daly, 2007:120). The Turkish/ Egyptian period of colonial rule (1874-1884) did not change the administrative system they found in Darfur (O'Fahey, 2008). In spite of the *Mahdiyya's* attempt (1885-1898) to create a system of their own in Darfur when they took over, these attempts also did not materialize as the *Mahdiyya* rule over Darfur did not last long and the time-tested system of administration adopted by the *Fur* sultanate was too deeply rooted to be affected by the newly created system (Morton, 1992).

Native Administration and the Indirect Rule policy

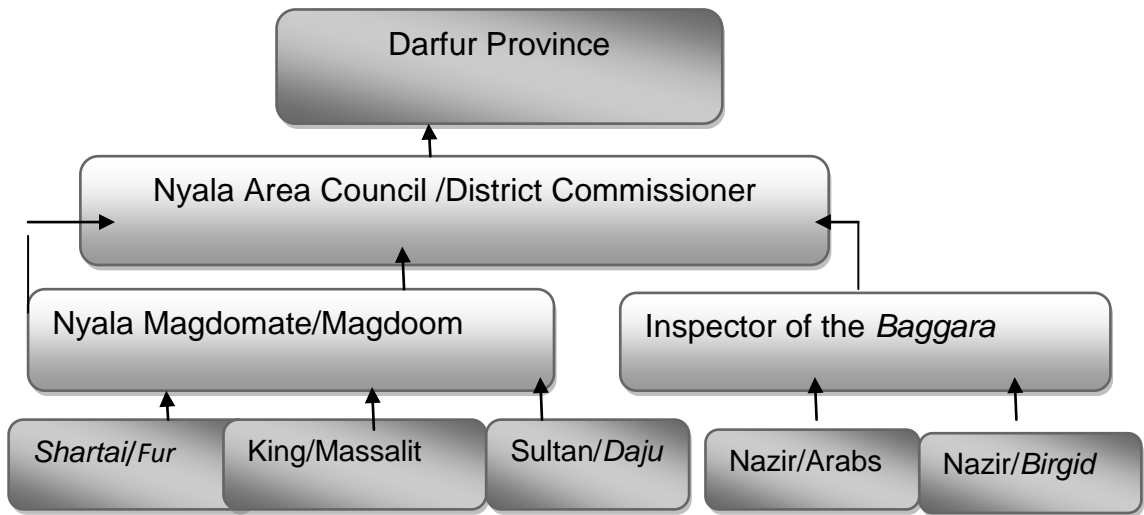
The *Mahdiyya* rule was ended by the British took control of Khartoum in 1899. In the same year Ali Dinar, descendant of the *Fur* sultans, took power in Darfur (O'Fahey, 2008:285). Less than two decades later; in 1916 Darfur became part of the Condominium Sudan. The *Mahdiyya* represented a real challenge for British rule in Sudan not only because they fought them fiercely before being defeated, but more importantly because they had the potential capability of motivating and mobilizing a national movement against the new rulers. For the first time in the history of modern Sudan, the *Mahdiyya* had created a state that joined northern and central territories together with the western regions that had previously been organized as two separate sultanates; *Funj* and Darfur (El-Tom, 2009:3).

Thus, in order to consolidate their control, and to avoid any possibility of resistance, the main objective of Condominium rule became that of eradicating the *Mahdiyya* influence in the Sudan in general and Darfur in particular. Accordingly, British administrative policy seemed to be shaped by this overall supreme goal. The idea was to focus eyes and attack what was alleged to be the source of the threat, which was Darfur, as the base of the 'trans-ethnic mobilization' for the *Mahdiyya* revolution (Daly, 2007:125). This fear was further cemented by a series of pro-*Mahdiyya* uprisings that took place in many areas of the country, especially in Darfur from 1914-1920 (O'Fahey, 2008:299). As it was further explained by the Governor General of the Sudan at the time, Sir John Maffery "... the policy of indirect rule would have the advantage of splitting the country into so many units, each safely quarantined

from political agitators” (Mamdani, 2009: 160). These ‘political agitators’ were more likely meant to be the educated elites, especially in Darfur. There are good reasons to claim that the British policy persistently favoured tribal leaders at the expense of other elites, as is explained below, by the practical implementation of the indirect rule policy. Within these units collaborative trustworthy allies were needed to provide support against such resistance. The British found such allies in Darfur among tribal leaders, particularly “the largest tribes and those who joined the pro-British coalition during the *Mahdiyya*” (Mamdani, 2009: 167), such as the *Rezeigat*, *Massalit*, and *Birgid* (Daly, 2007:127).

In this regard, it seems that the main feature of colonial rule in Darfur was a policy that aimed to maintain stability at minimal cost, with dependency on inherited administrative structures in which power at the local level was left to local people and their indigenous administrative structures and institutions (Young et al, 2009: 41). Young, (2009) asserted that “the British maintained the core of the *Fur* land tenure system based on pre-existing *hakura*, but also established the present-day tribal boundaries which have institutionalized inequitable land rights” (Young, 2009:42).The tribal leadership system therefore prevailed after the annexation of Darfur to Sudan in 1916 (see figure 5 below which shows NA structures continued from 1922-1970)

Figure 5: Structure of NA in South Darfur, 1922-1970



Source: I developed this figure for the purpose of this study and the source of information is: (Musa, 2005)

The British administration relied on tribal leaders for three main reasons:

“1/ It would be cheap, 2/ it would keep out the Egyptian personnel, the despised “*effendis* class” [educated people]; it would thereby insulate the population from disturbing foreign trends-nationalism, 3/ it would combat home-grown Mahdism, which most Darfur tribal chiefs considered a threat to their own authority” (Daly, 2007: 122).

In 1922 the colonial government changed the name of the tribal leadership system of administration and named it the ‘Native Administration’ (Abdul-Jalil *et al*, 2007:39). Typical of several other African colonies at this time, the British did not change the key structures, institutions or staff, as the main objective

was simply to maintain peace and stability in Darfur at minimal cost (Collins, 2008:276). This could best be illustrated by the following two quotes:

“ Most of the native civil servants who had served the Sultanate went on to work with the new authority , which in any case was not very keen to do anything that would represent any form of change or break with the past..... During condominium rule, the immense territory was divided into ‘Dar’ (tribal homelands)...and handed over to a variety of nazir, sheikh, maqdam [magdoom], mandub and umda [omda]” (Prunier, 2007: 25-29).

Collins, (2008) indicated that “During the forty years of British rule in Darfur there were never more than a dozen British political officers in any year to oversee the administration of the traditional leaders in a region the size of France” (Collins, 2008:277).

In order for the old system to cope with the aims of the colonial administration however some modifications were introduced. These changes were related to the new role assigned to the NA, which became more focused on maintaining law and order (Abdul-Jalil et al, 2007:44). Tribal leaders were entrusted to maintain law and order within their own tribes, and between them and other communities. Furthermore, they were also assigned responsibility for the protection of the environment, tax assessment, and tax collection. Hence in order to do their job properly, they were supported by a system of “native courts” with guards that governed in accordance with local customs and traditions. These modifications were introduced gradually through series of ordinances in 1922, 1925, 1927, 1928, and 1932 (Abdul-Jalil *et al*, 2007:45).

According to “Arab *Sheikhs* ordinance of 1922”, tribal boundaries were officially institutionalized and tribal leaders were authorized powers of judges of the third class to look into local disputes and to maintain order and stability. Furthermore the 1927 ordinance attached small tribal units to larger tribes (Young, 2009:42). Nevertheless, the British administration was very keen on the need for some checks on the NA. For example, they introduced *omda* as a middle rank and a modified measure to check on the *nazirs*’ power. “We have made one vital change by introducing *omdas*. The previous scheme was a *Nazir*, supported by his relatives as *mandubs*, forming an executive entirely under his control. The *omdas* provided a class better able to control a head strong *Nazir*” (Morton, 2004:6). An *omda* was to be selected from among the members of each sub tribe or minority tribes to stand as their representative before the *nazir*, a practice which continued up to the present. Additional to all these measures, the most crucial factor was that arms were monopolized by government, security and justice implementation institutions during colonial period maintained neutrality; hence the government institutions were perceived by different tribal groups as being neutral and capable of serving as guarantor for these arrangements and for agreements reached between conflicting parties through ITRC (Mohammed, 2009:175). These were part of the most important measures that were applied by the colonial authorities and made the ITRC to be more effective in dealing with tribal conflicts during this period, as is reflected in the next chapter (chapter 4).

The “Native Courts Ordinance of 1932” established four types of local courts with clear hierarchy started by the Multi-member Court of *sheikh* at the lower level, then the *sheikh’s* Council Court, followed by the Village Court, and finally came the Special Court at the top with all of them relied on customs and traditions as reference point for adjudication (Rabah, 1998:53). In coincidence with this new colonial policy, land rights were associated with communities, such as tribe, sub-tribe or village, and accordingly distinction was made between “native” and “settler” tribes (Mamdani, 2009: 166). Through this measure the status of some indigenous native tribes was shifted to “settler tribes” and accordingly two new functions were assigned to land: “land became tribe’s asset and the exclusive marker of the tribe’s political identity” (Mamdani, 2009: 168-69). These new arrangements of Native Administration officially distinguished between inhabitants who were members of “native” tribe and those who were not. Accordingly, two “customary” rights were restricted to the native tribe. These were the ownership of land and appointment to key positions in the tribal leadership (Tubiana, 2007:79).

The colonial authorities introduced some alteration with regard to the tribal leadership system in order to cope with their policy of indirect rule. They renamed it as Native Administration to distinguish it from the civil administration, which coexisted at the same time. The former was applied to rural areas whereas the latter was applied to urban areas. The most significant change in this respect was the effort made by the colonial authorities to change the antagonistic relationship of the tribes, which was based on raiding and aggression, into a peaceful one that was based on mutual respect and

shared interests. This meant government became involved directly and positively to encourage the trend towards building peaceful relations amongst tribes at the local level (Mohammed, 2009: 21). In line with this policy ITRC was adopted as a measure of conflict containment. It was during this period of British colonial rule in Darfur that the government started to sponsor *judiyya*. *Judiyya* means the process of intervention by a third party to mediate a conflict situation (Ali, 2002:39). The aim was to mediate major tribal incidents which occurred between or amongst tribes. The colonial administration introduced some modifications to the *judiyya* such as to be held under the auspices of the government, so that it became government-sponsored mechanisms called 'reconciliation conferences' (*Mu'tamarat alsulh*), a practice which continues up to the present. The first government-sponsored conference was held in 1924 (Naeim, 1978). Collins argued that from the colonial period up to the end of 1960s different ethnic groups usually settled their disputes, including conflicts over natural resources, by using tribal conferences or '*Mu'tamarat al-sulh*' (Collins, 2006:6). As such, *judiyya* has subjected to modification (Bradbury et al, 2006:3).

In connection to ITRCs, tribal annual conferences (which locally known as *al-maarid al-qabaliya*) were also introduced by the colonial authorities. These used to be organized in a form of ceremonies and cultural events; "some of these were annual affairs, at which, building on tribal traditions, outstanding issues could be resolved" (Daly, 2007:130-132). In order to help build and maintain good ties and relations among tribal leaders and consequently the communities, these tribal annual conferences and festivals were attended by

tribal leaders and representatives of their communities (Mohammed, 2009:175). An informant indicated that:

“Some issues of conflict between tribes and allegations of aggression were looked at during the annual gatherings of tribes and tribal leaders; locally we call it “*al-maarid al-gabaliya*” (tribal carnivals), which used to take place twice a year during the colonial period” (KI/8: 5/6/10).

Neighbouring tribes and that of similar common characteristics and shared interests used to be brought together in one place to perform their folklore and discuss issues such as seasonal migration routes, pending complaints and allegations as well as review of the implementation of decisions taken in previous meetings (Mohammed, 2009:175). Standard *diyya* (blood money) and compensations amongst these groups of tribes used to be agreed in these annual meetings. It was during these events for the first time standard *diyya* and compensations were set up and agreed amongst tribes, some of these agreements in this regard continue up to the present day (Takana, 1997:36).

In 1937 Local Government Ordinance was passed and accordingly rural councils, townships and municipalities were established (Abdul-Jalil *et al*, 2007:45). According to this ordinance, tribal leaders were guaranteed administrative and tax collection responsibilities however they remained unhappy about this development on the basis that their powers might be reduced due to the establishment of these new institutions (Rabah, 1998:53). The source of the raised concern perhaps was the British administration itself. They perceived these developments as a reformation of the NA system and

that administration had been shifted from tribe to territory which would allow incorporating the educated elites in the new system (Mamdani, 2009: 162-63). This was also provoked by fears that Egyptians were supposed to be in charge of these newly created positions. During the early years of British colonial period administrators at the lower level who used to get in touch with people on the ground were Egyptians. Tribal leaders had no trust of Egyptians due to the previous experience of Turkish/Egyptian Rule. In spite of these developments, as asserted by Abdul-Jalil, 2007, “traditional tribal leaders with their executive, financial, and legislative powers remained an integral part of the reformed system” (Abdul-Jalil *et al*, 2007:45). Further, to make tribal leaders more comfortable the British administration passed “The Municipalities Ordinance of 1941” which put all authorities and powers of local government in the hands of British directors (Abdullah, 1986:115). Thus, in the end, the positions of tribal leaders remained the same, and the claim that a shift towards local government system would allow educated elites to take part in administration was pre-empted.

In 1951 Local Government Act was passed. This was based on what came to be known as the “Marshall Report”, and refers to a British Local Government expert called Marshall. He was commissioned by the British administration to conduct a survey and make recommendations with regard to the local government in the Sudan (Abdullah, 1986:115). The report made a definition of the local area, identified these areas, and classified them into groups according to the geographical, demographical and relative development

characteristics of each local area (Abdullah, 1986:115). According to this Local Government Act, local councils took over the executive and financial powers previously allocated to tribal leaders (Abdul-Jalil *et al*, 2007:45). In practice and for some areas like Darfur the situation did not change much because the local council as defined in this Act can be “one person- a government employee, local community leader or tribal leader or corporation who could assume the powers of the council and act in the full capacity of the council” (Rabah, 1998:118). The Act identified five stages in order for the local government system to be developed to full capacity (Abdullah, 1986:115). In the first stage local government powers granted to a person (for example, a staff of the central government or a local tribal leader) who exercises the powers of the local council and depends on funds allocated by the government. The second stage: the local government authorities remain in the hands of one person, but the area should be given an independent local government budget, after the central government is convinced by the person's performance in the first stage. At this stage the government allows the person/council to use funds collected from the area to provide services in their area. The person/council should appoint an advisory council from the people of the area to provide them advice with regard to their job. The third stage the government should assigned responsibility to one person to form a local council, members of which are half elected and half appointed, however decisions made by the council still need to be endorsed by that person. The fourth stage indicates that local government authorities assigned to a council with two-thirds of its members to be elected and one third including the chairman to be appointed. In the final

stage, local government authorities should be assigned to a council in which two-third of its members were to be elected and one-third appointed with the council's right to elect the president from among its members.

As most of the areas in Darfur came under the first and second stages, many of them assumed the powers of the council, and consequently tribal leaders in Darfur continued to play the same role as before, just four years prior to Sudan's independence.

Following the 1951 Local Government Act, the role of the NA was summarised as follows (Abdul-Jalil *et al*, (2007:45) :

1. Assure good management of tribal community affairs;
2. Allocate land for agriculture and grazing;
3. Maintain security;
4. Communicate with the local council, and the province-and state-level governments;
5. Collect taxes and other levies;
6. Settle conflicts related to land tenure;
7. Mobilize communities; and
8. Chair tribal and sub tribal courts.

This indicates that during the British colonial period, tribal leaders enjoyed the responsibilities of local government as well as the role of official agents for the provincial and central authorities in their respective areas (Prunier, 2007:25).

The hope that the shift from NA towards local government would allow participation of educated elite did not materialise. Instead, the role of native administrators expanded. It was this expanded role of the NA that brought tribal leaders into formal politics at the end of the colonial period and led to their confrontation with the educated elites who led the nationalist movement. This confrontation opened the door widely for political manipulation of the NA to continue following Sudan's independence, as is explained below.

Involvement of tribal leaders in politics

By the end of the colonial era and during the debate over Sudan's independence, tribal leaders were directly involved in politics. This manifested itself in their remarkable presence in the first Advisory Council² of Northern Sudan which was established by the British administration in Khartoum in 1944. In the same year, it happened that twelve out of the eighteen representing the councils in this institution were tribal leaders, with Darfur representatives as mainly tribal leaders (Prunier, 2005:34). These representatives were "chosen by hastily convened Province Councils assembled by British officials from leading local personalities who duly

² The Advisory Council of Northern Sudan was established by the colonial authority as a purely advisory body and "the Governor General of the Sudan, who was British, determined its convening, schedule, rules and regulations"(Prunier, 2005:34).

produced a majority of leading native administrators” (Woodward, 1990: 74). Also tribal leaders backed by the British authorities, formed the Socialist Republican Party (SRP) to provide support to British policies with regard to the future of Sudan and more importantly to weakening the influence of the Umma party in particular because of their call for speed up the process towards independence, which did not match with the colonial plan at that time (Woodward, 1990:69-70).

This direct involvement of tribal leaders in politics during the colonial era, and particularly during the key political debates which took place in the build-up to independence period (1942-1955), caused many problems. Firstly; the leaders of the nationalist movement, particularly the graduate Congress, considered tribal leaders as colonial agents (Abdul-Jalil et al, 2007:49). The ‘Graduate Congress’ was an organization emerged in 1938 which consisted of social groups such as graduates of Gordon College, high and intermediate schools and government employees. They organized themselves in what came to be known in Sudan the “Graduate Congress” (Woodward, 1990: 58). Secondly; and following the emergence of national political parties in 1940s, the radical parties-especially the leftists and later on the *Islamists*- such as Muslim brothers-considered the tribal leaders as the supporters of what they call the ‘traditional sectarian parties’. They referred particularly to the Umma Party (UP) and the Democratic Unionist Party (DUP), which were mainly supported by the two major religious sects in Sudan; *Ansar* and *Khatmia* respectively (Woodward, 1990: 66-69), and were to remain crucial in Sudanese politics for many years to come. Thirdly, the criticisms of the NA system by the elite in

Khartoum coupled with the exclusion of the political parties, due to the intervention of military regimes, gave rise to resistance to NA and competition over leadership at the local and grass-root levels by newly emerging educated elites of local communities such as school teachers and students of higher education. This further undermined the leadership position of the tribal leaders and created a gap of mistrust between the newly educated people in Darfur and the tribal leaders (Abdul-Jalil et al, 2007:50), especially recently, at least in the last two decades, as will be explained later in this chapter.

Due to the selective nature of indirect rule with regard to the recruitment of staff at local levels, which favours tribal leaders at the expense of other elites, new social groups such as graduates and government employees started in 1938 to organize themselves in what came to be known the Graduate Congress, which claimed representation of the Sudanese people as a national liberation movement (Woodward, 1990: 58). The colonial authority were by then aware of the negative consequences of their policies, in particular that of indirect rule. They had even anticipated such consequence as reflected in the following quotation made by De La Warr, Commissioner to Sudan in 1937, who warned that:

“continued pursuit of indirect rule would lead to a danger of the bifurcation of the Sudan, at this early stage of its growth, into Native Administration in the countryside and the relatively small but influential groups of effendia {intelligentsia} in the towns and the government departments” (Mamdani, 2009: 161).

For the sake of pursuing their own interests, the colonial authorities had paid attention much earlier to the importance of not widening the gap between the educated class and the tribal leaders. The aim was to provide stability and to avoid unnecessary struggle between an educated class and tribal leaders, as both of their support was crucial for the continuity of the colonial rule. The way to achieve such an objective was to incorporate the educated classes into the colonial administrative system; nevertheless they should not be allowed to assume leadership. In fact, it seems that this was among the strongest motives behind what was perceived by the colonials as administrative reform on the side of the NA system; mainly the shift towards local government which was reflected in the legislation, ordinances and associated regulations that followed from 1932 onwards up to 1951 (Abdul-Jalil et al, 2007: 45). From a theoretical point of view, the aim of this change was to indicate that the base of administration had been shifted from tribe to territory and consequently to incorporate the educated elites in the new system. This aim was not achieved in the country at large or Darfur in particular. In fact it turned out to be superficial. Mamdani argued that in Darfur, this policy had barely resulted in a cosmetic effect as the educated elites incorporated into the state bureaucracy were not from Darfur; they were brought from outside the region (Mamdani, 2009: 162-63). This was an inevitable result of the colonial educational policy which, to large extent, excluded Darfur from the secular formal system of education they had introduced in the north and central areas of Sudan. Such

policy was intentionally adopted to keep the allies of the colonial power, i.e. the tribal leaders, at the top of the ladder (Daly, 1986:107).

In Sudan, Darfur became the model of indirect rule. However the overall framework of tribal governance and administration was not limited to Darfur alone. It seems that what had been implemented in Darfur was part of the colonial rulers' broader agenda. This agenda aimed to keep regional blocks apart from each other; the north from the south and the west from the centre (de Waal, 2009:9). By adopting this policy colonial authorities aimed to achieve two objectives at one time. First, to maintain control over peripheries through the divide and rule policy through using tribe as an administrative unit for organizing NA .Second, to keep the regions at a distance from each other through implementing restriction measures embodied in the 'closed district ordinance', which aimed to put further constraints on any possibility of a sense of nation developing across the country. In reality, this was obviously reflected in the series of legislations during the 1920s; namely native administration ordinances, the closed district ordinance, and the southern policy.

The above described arrangements in Darfur were actually what came to be known as the indirect rule which was adopted by the British administration.

“[Indirect rule] is a practical form of administration and control that would leave the local population free to manage their own affairs through their own rulers, but under the guidance of the British staff and subject to the law and policy of the administration” (Abdul-Jalil et al, 2007: 44).

The Lugardian model (refers to Frederick Lugard, who used to be the British high commissioner in Nigeria) of indirect rule was fundamentally based on the following (Abdul-Jalil et al, 2007:44-45):

- 1) A political hierarchy of local chiefs that would derive their power from the central government and be in charge of the maintenance of law and order, organization of labour, and collection of local taxes.
- 2) A parallel hierarchy of native courts, which would deal with minor criminal, civil, and personal cases in terms of customary law and general principles of justice.
- 3) A native treasury that would manage local revenues and pay out the necessary expenses of local authorities and social services.
- 4) A team of local staff, which would carry out its duties under the guidance of British field officers and remain subject to the laws and policy of administration.

In spite of the claim that indirect rule was based on customary law and traditions, and that it implied no interference in people's own affairs, the British colonial administration introduced some key modifications as explained above. The people in Darfur ended up with conflicting perceptions with regard to NA and the indirect rule policy. For example, the *Fur* saw the development as a demotion for their status in terms of political and economic influence and that they lost political power and became no more than a tribe similar to many other tribes in the region (Abdul-Jalil et al, 2007:46). The ultimate result of this is that

they lost their power and most importantly their economic and administrative privileges. Other ethnic groups, such as tribes of Arab origin, however, saw the changes introduced by the NA system as something positive. The perception of this group is that these changes resulted in increasing their power and status (Abdul-Jalil et al, 2007:46). This might be a reflection of “ the decision made by the British colonial administration which anointed the paramount chiefs[nazirs] of the leading Arab groups with titles that put them on a par with the sultan, malik, and shartai of the non-Arabs” (Tubiana, 2007:81).

Punier, (2005:29-30) argued that during the colonial period, the NA benefited both from having a ‘traditional’ legitimacy and from the support of the colonial administration, which made it most capable in dealing with disputes’ settlement. This success was associated with the mechanisms of conflict resolution and conflict management, and the ability of tribal leaders to use their native courts to deal effectively with the settlement of land-related disputes. In the last two decades (1989-2009) they have been denied this role as the current ruling military regime prefer to place pro-government persons “with minor knowledge of local customs and traditional institutions” to lead mediation committees in Darfur (Collins, 2008:284). Furthermore, the provisions of the “2004 Act for Town and Rural Courts” exclude land ownership disputes from the jurisdiction of the native courts” (Abdul-Jalil et al, 2007:65).

The Native Administration system, however was criticized on the ground that although described as an administration, the basis for the NA system was in fact judiciary (Prunier, 2007), with exception of focusing on issues such as disputes settlement, all aspects of development were completely neglected.

Regarding provision of services such as education, health, transport, and livelihood related issues, people were left more or less to their own indigenous strategies of survival (Prunier, 2007); a matter which, I would say, has led to the dilemma of sustaining a subsistence economy of dichotomised livelihoods and identities; sedentary farmers of African origin versus pastoralists tribes of Arab origin.

The division of tribes into native and settlers was another problematic issue. Without consideration for the number of years or generations they had lived in an area, those believed to have immigrated into others' homeland at one time in the past (which was and is still decided by the native tribe) or attached to largest tribes according to the 1927 ordinance, were considered settlers and accordingly deprived from the above mentioned rights; the ownership of land and appointment to key positions in the tribal leadership (Mamdani, 2009: 167). Right to access land was conditional on permission from leaders of 'native tribe' and submission to traditions and customs of the native tribe as described earlier. One might have expected the definition of "settler tribe" in this case to be limited to the newcomers who immigrated very recently, or was only meant to be applied to those who might move later on to another *dar* following the official demarcation of the *dars* by the colonial authorities. On the contrary, the label of settler was allocated to those classified as minority groups within the newly institutionalized tribal homelands including those who had already been living in these places long before this arrangement.

Regarding NA, colonialism had introduced two important changes, the consequences of which are still on-going in Darfur. These were the source of

power of the tribal leaders and the definition of *dar*. The tribal leaders' source of power was shifted away from that related to kinship within the leader's own group, to that associated with colonial official power (Mamdani, 2009: 168). During the *Fur* sultanates the term *dar* was associated with 'home', but not identified with a single place (de Waal, 2009:10). In this sense *dar* could mean: an administrative unit, the specific territory of a tribe or a group of people, a location which might be the whole sultanate or part of it. It has been argued that it was only during the colonial period in Darfur that the term *dar* became identified with a single place related to territory of an ethnic or a tribal group, named after that group who then claimed supremacy over the land and local governance (de Waal, 2009:10). This policy of political interference in the tribal administrative structures and the demarcation of tribal homelands, was in later decades to result in two types of conflicts: conflict over land and over local power (Abdul-Jalil *et al*, 2007:57), as I shall show in chapter 4 and 5. Also, in spite of its success at that time, such policy opened the door for the political manipulation of the NA system in the long run, which was to result in gradual erosion and malfunctioning of its role. This has in turn over time affected negatively the role of tribal leaders, and the mechanism of the Inter-tribal Reconciliation Conferences (ITRCs), as I shall show in chapter 7.

NA and Local Governments in independent Sudan, 1956-2009

The manipulation of the NA by central governments is not something new. As described earlier, manipulation for tribal leadership existed long before the British rule in Darfur. However, the systematic institutionalized approach is

associated with British colonial rule (1916-1956). Based on their potential for providing political support to the new colonial authorities, tribes were treated differently, with officially recognized homelands being allocated for the first time with specific boundaries. Smaller tribes were annexed to the biggest and so lost their independent status and rights over land. As the smaller tribes were not content, this arrangement generated disputes; however, due to the oppressive nature and strong security control of the colonial regime, these groups were unable to protest violently against such decisions (Mohammed, 2009:27).

The Local Government Act of 1951 continued to be in effect after independence and even following the enactment of the Provincial Government Act of 1960, the former Act was only replaced in 1971 (Abdullah, 1986:123). However immediately after independence, the debate over NA surfaced and a committee was formed to look into the issue and make specific recommendations in this regard (Bakhiet, 1969:56). Two positions emerged in this respect which were: reformation of the system and complete abolition of the NA. The committee came up with a report summarised the situation as follows (Bakhiet, 1969:56):

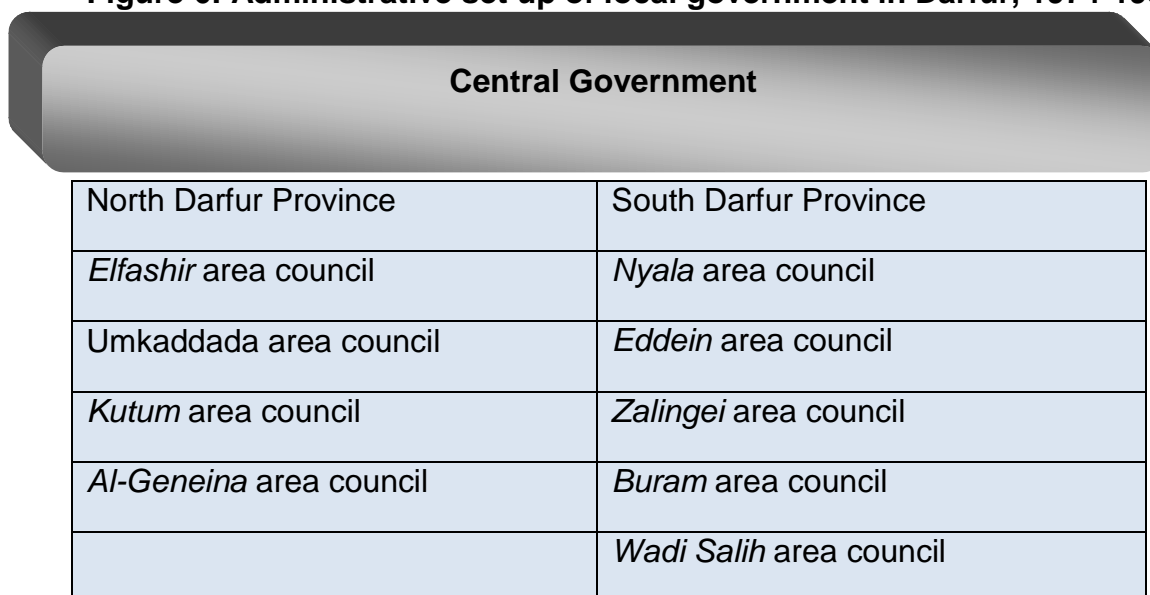
Based on the socio-economic and cultural situations, areas in Sudan could be divided into three groups: 1/ Areas inhabited by sedentary people where in terms of cultural and economic development people were better off; 2/ Areas inhabited by pastoralists who were less developed; 3/ Areas which could be located in between the above mentioned two groups. Accordingly, the

committee recommended that NA should be abolished with regard to the first group of the area and reformed in relation to group 2 and 3.

The report was produced shortly before the military coup of 1958 and it was not taken into consideration by that government (Bakhiet, 1969:56). However the most dramatic attempt to change the NA and local government system was in 1960s and 1970s. Following the collapse of the first military regime (1958-1964), the transitional government, which was leftists-dominated, legally abolished the NA system in 1965 (Abdul-Jalil *et al*, 2007:50). The decision made was not implemented as the government was short-lived, but the consequences of that decision lived long (Mohammed, 2009:27). Also, the fact that the two major conservative parties; the UP and the DUP, who were allies of tribal leaders, won the elections in 1965 was another reason why this resolution had not been implemented. The above mentioned decision, together with other developments such as small tribes in Darfur starting to demand the restoration of their perceived loss of rights over land and leadership positions, made the situation tense. One of the striking examples with regard to the latter situation was the devastating conflict between the *Maaliya* and the *Rezeigat* tribes over land in South Darfur in 1965. At this stage most of top tribal leaders from all over the country were gathered together in *Khartoum* and announced what they came to call "*Itihad zu'ama al-gaba'ii*" (Union of Tribal Leaders). In a memo to the Council of Ministers issued by the Union on 19/1/1969, tribal leaders expressed their dissatisfaction and that "they fed up with intimidations made by central government, from time to time, to dissolve the NA, which has made them feel frustrated and confused in doing their job" (Rabah, 1998:56).

In spite of these developments, tribal leaders continued to enjoy legal and administrative authorities until 1970. They only lost their powers when the People's Local Government Act of 1971 was passed; accordingly the region was divided into two districts (provinces) and area councils which formally replaced the old system of NA (Abdul-Jalil *et al*, 2007:50). The following diagram (figure 6 below) shows districts and area councils after the above Act was in place.

Figure 6: Administrative set up of local government in Darfur, 1974-1980



Source: (Abdul-Jalil *et al*, 2007)

The 1971 Act, combined with the Provincial Government Act of 1960, allowed no possibility for genuine grassroots local governments to emerge, as both came under an umbrella of military regimes; the Abood regime (1958-1964) and Numeiri regime (1969-1985). Both regimes had banned freedom of association and those who selected as members of local governments were

either to be appointed, as was the case during Abood regime (Musa, 2005:66), or elected from within the circles of the single ruling party “*al-itihad al-ishtraki*” (Socialist Union Party-SUP) as was the case during the Numeiri regime (Mohammed, 2009:95). Unlike the Provincial Government Act of 1960 which allowed for the 1951 Act to continue with exception of members of local councils to be elected, the People’s Local Government Act of 1971 dismantled the NA and replaced the former Act as well, thus ending the hope of a gradual development of local government system towards a democratic form of governance. Such hope was explicitly included in the last three phases of the five stages’ system of local government included in the 1951 Act, as I described earlier.

Only one year before the dismantling of the NA, the central government enacted the Unregistered Land Act (ULA) of 1970 which required that land should be formally registered. The British administration had done the same when it passed the Land Settlement and Registration Act of 1925 when it was seeking to ensure its control over land (Tubiana, 2007:81). Nonetheless they only implemented the Act in areas where their control had economic significance and where large scale government-owned irrigation schemes were set up, such as the Gezira (located in central Sudan between the Blue and the White Nile) and Tokar (a seasonal river in eastern Sudan) (Tubiana, 2007:78). The same thing repeated itself after independence, as the ULA was again selectively implemented; in some cases tribes were deprived of the right to claim landownership and at the same time other tribes continued to exercise

supremacy over land because they were powerful and the government avoided confrontation with them for security and political reasons (Mohammed, 2009:27-28). This situation provided justification for some tribes to take the law into their hands and to change reality on the ground in an attempt to make the authorities to accept the new arrangement of their choosing (Mohammed, 2009:27-28). What made the situation worse in Darfur was that during the course of 1970s and 1980s, there was an emergence of armed militias due to the repercussions of civil war in Southern Sudan and the Civil war in Chad (de Waal, 1993:142).

The abolition of the NA and the enactment of the ULA did not change the reality of tribes' supremacy over land and leadership in their respective areas in Darfur. For example, in 1980s the *Banihalba* and the *Habaniyya* tribes of Arab origin (known as *Baggara* in South Darfur) prohibited other pastoralist tribes – even those of an Arab origin - to enter their homelands. Particularly, the announcement prohibited camel herders (known as *Aballa*) migrating from the northern part of the region to come into *Banihalba* and the *Habaniyya* homelands in the south, although this would normally be acceptable. This was because of the shortage of grazing land and because of what had been described by the latter group as the unacceptable behaviour of the former group (KI/9: 6/6/10). In this way competition over natural resources-with the land taking a paramount importance- has obviously become one of the important factors of tribal conflicts in Darfur from the mid-1980s up to date (Mark *et al*, 2006:8). During the colonial period a clear arrangement was made

to avoid clashes between pastoralists and sedentary farmers. In 1936 seasonal migration routes for nomads and pastoralists were identified with places for temporary residence during their journey and agreed specific times of coming into the areas of sedentary farmers (Takana, 2009:39). Of course these measures were implemented in order to avoid damage of crops and conflict between pastoralists and farmers over water source and grazing land. With the profound environmental and demographic changes, started early 1970s, these arrangements were no longer in place or suitable to resolve the problem, as is further discussed in chapter 5.

This situation was further provoked by the waves of internal migrations from the north to the south of the region due to drought and famine which took place mid-1980s. The argument of these new immigrants was that they are Sudanese and the land is belonging to state, therefore they have the right to stay and use the unoccupied land. Perhaps, the ULA paved the way for such understanding to prevail among this segment of population. The ULA states that “all land that is not registered before the enactment of this law becomes the property of the government by default” (Abdul-Jalil, 2006:18). In reality, however, this was and is still not the case. In Darfur land was in general not registered and the system of tribal homeland that prevailed all over the region proved to be deeply rooted. It should be noted that the abolition of the NA coincided with the Unregistered Land Act of 1970, which shows the very close association between land and power in Darfur. Someone might ask why newcomers did not know this. The answer is they certainly knew, but did not

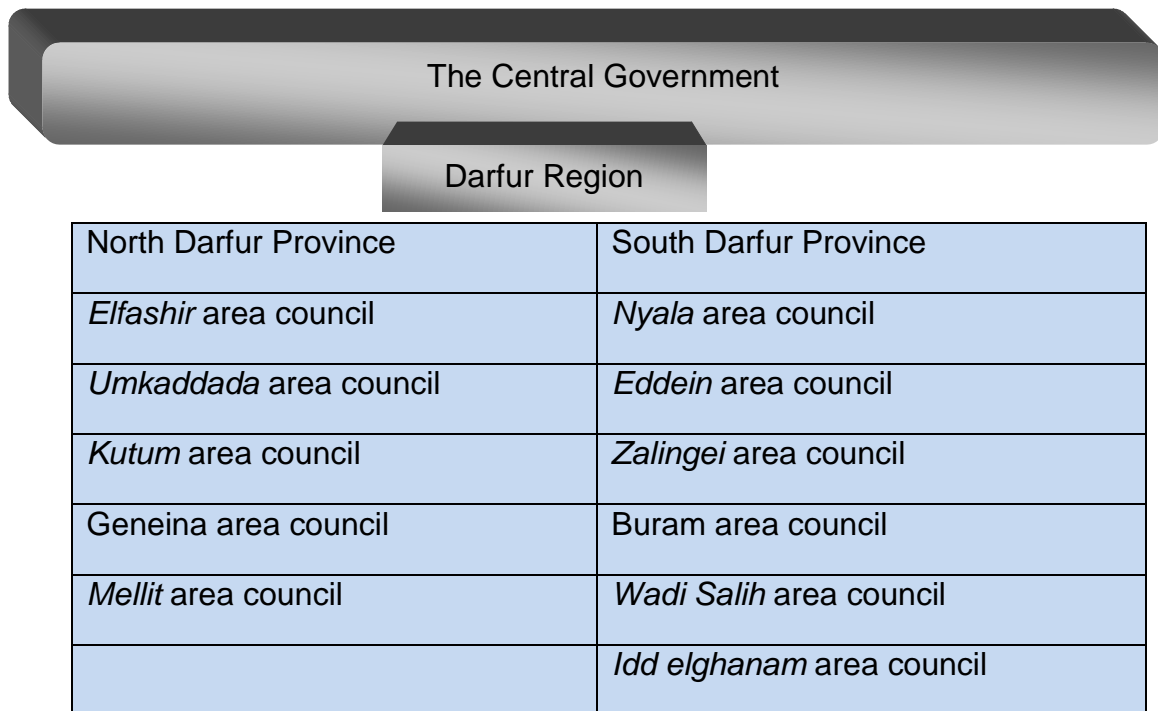
want to admit it. For example³, the *Zaghawa* in north Darfur refused to accept the demand of the *Erigat* (sub tribe of *Rezeigat* camel herders) for *hakura* in *Jineik* area in the *Zaghawa* homeland (*Dar Siwaini*) on the basis that this contradicts their historical right over land. Meanwhile the *Zaghawa*, who have been hosted by the *Birgid* in *Sherriya* area, following their migration towards the south, demanded for the *hakura* system to be abandoned because it contradicts the right of citizenship, as will further be elaborated in chapter 7. This example, I would argue, is applicable to all tribes in Darfur. When it comes to their own homeland, they refused to refer to the right of citizenship as stipulated in the constitution and the ULA. On the other hand when it relates to others' homeland they made the constitution and the ULA the reference point of their argument. In terms of rule of law the state is very weak and what made the situation even worse is the proliferation of arms in the hands of the individuals and the fact that governments depended on tribes to secure power, as is explained below.

In 1974 Darfur was divided into two separate provinces; North Darfur and South Darfur (see figure 6 above) and the area councils remained the same (Abdul-Jalil *et al*, 2007:55). However the Regional Government Act of 1980 resumed the status of Darfur as one region with two provinces; North and South Darfur (see figure 7 below) (Mohamed, 2009:28). One year later, "People's Local Government Act of 1981 was passed which superseded the

³ This was the reason behind the conflict between the *Erigat* and the *Zaghawa* in 1996 (for more details see Tubiana, (2007:76).

“People’s Local Government Act of 1971 (Musa, 2005:71). The only new thing with regard to this Act was that the Regional Executive Authority (the regional government) became responsible of making decisions with regard to creation of new area councils (see figure 7 below, which indicates additional area councils were created) and allocating them budgets and powers as appropriate as they saw fit (Musa, 2005:71).

Figure 7: Administrative set up in Darfur, 1981-1994



Source: (Abdul-Jalil, 2007).

Since then regional politics have become increasingly based on ethnic polarization. This was made possible because of the restrictions put on freedom of political association and formation of civil society. As mentioned

before during the Numeiri regime people were only permitted to exercise politics through the dominant ruling party; Socialist Union Party (SUP). As all candidates belonged to the SUP, they used their ethnicity to identify difference and mobilize voters. This made people in Darfur tended to divide along ethnic lines into three groups *Fur*, Arabs and *Zaghawa* with each group supporting a candidate for the position of Regional Governor from their own ethnicity (Mohammed, 2009:28029). This situation contributed to the emergence of “the Arab Gathering”, where about thirteen tribes of Arab origin met in 1987 with the intention of removing what were described as “grievances; political and social marginalization” that Arab tribes face in Darfur (Ateem, 2007:37-38). Prior to this event, The Darfur Development Front (DDF) was formed in 1965. Although led by a *Fur* leader, the DDF enjoyed the support of many Darfur intellectuals from different ethnicities as the main aim was to lobby for the interests of the people of Darfur in their struggle over power with the central government (Mark *et al*, 2006:12). The DDF contributed significantly in mobilization for the uprising in Darfur that forced Numeiri regime to appoint its leader Ahmed Ibrahim Diraige as governor for Darfur in 1981. When the DDF’s leaders assumed power, some intellectuals belonging to tribes of an Arab in Darfur complained that ‘Arabs’ were marginalized and the DDF became *Fur* dominated organization (Mark *et al*, 2006:12).

In 1987-88 a war broke out between the *Fur* and a broad coalition of Arab tribes (Tubiana, 2007:70). Again land was central issue in this conflict (El Amin, 1992:82). Arab tribes used all means including destruction of farms and

burning of villages to force the *Fur* to leave their land and described territories that they took over by force as “liberated land” (Mohammed, 2000: 358). “By 1988, law and order was breaking down, especially in the north and west of Darfur due to the negative impacts of the war in Chad and the presence of Libyan troops in Darfur” (Woodward, 1990:219).

In this time (1987) a new arrangement was made whereby the NA system was reinstated (Ateem, 2007:33). The restoration of the NA was welcomed by tribal leaders; nevertheless they were not completely content with the new arrangements because their powers were reduced significantly. “The [reinstated] NA system was not empowered to play its traditional role effectively; numerous reasons contributed to this, including the limited powers granted to tribal chiefs and unclear legislative frameworks” (Ateem, 2007:33). The new arrangements provided limitations to the jurisdictional authority of tribal leaders and election of tribal leaders at all levels was- for the first time- officially recognized (Musa, 2005:50). It should be noted that there was an allegation that the NA system was re-established in 1987 by government as a ‘reward’ for its political supporters, as political power had been retained by the two conservative parties; UP and the DUP. However, the elected government was shortly overthrown in 1989 and the damage was too huge to be reformed in such a short time. Furthermore, the government was criticized for allowing the Libyan-supported Chadian armed opposition in Darfur, which was alleged to be behind the escalated conflict situation in the region (Tubiana, 2007:70), as will be explained in the following chapters.

The colonial policy with regard to NA and local government seemed to be consistent with the overall government strategy applied to Darfur, unlike the policies applied by the successive governments after Sudan's independence which lacked clear strategy and characterised by inconsistency. The following quotation by Morton describes best the difference between the colonial policies and the national governments:

"The critical difference, in my view, between the 1940s and the 1980s lies in the fact that in those earlier years the administration put considerable if not first importance on strengthening the mechanisms necessary to deal with disputes: the police, the tribal administration and the judiciary. In the 1980s by contrast, various governments have looked upon the maintenance of law and order as a residual: something to be dealt with only when it forces itself on their attention as a result of major clashes" (Morton, 2004:4). Chapter 7 presents detailed account with regard to the experience of the ITRCs in South Darfur and to what extent the absence or weakness of these mechanisms, and check and balance measures have negatively affected their performance in resolving tribal conflicts.

In connection with the above policy of the central authorities, and in an attempt to get people's support in Darfur (from 1990s onwards), the new military regime which took over power in June 1989 has divided the region into three states, divided each state into numbers of Localities/provinces and administrative units. By 2006 there were three states, 24 localities and 70

administrative units (Ateem, 2007:33). This division was mostly done along tribal lines, especially in south Darfur (see figure 8 below).

Figure 8: Structural relationships between NA and local government

No	Locality	Tribe
1	Nyala	<i>Multi</i>
2	Eddein	<i>Rezeigat</i>
3	Bahr Al-Arab	<i>Rezeigat</i>
4	Sherriya	<i>Birgid</i>
5	Belail	<i>Daju</i>
6	Adyla	<i>Maaliya</i>
7	Tulus	<i>Falata</i>
8	Buram	<i>Habaniyya</i>
9	Rehaidelburdi	<i>Taaisha</i>
10	Idd elfursan	<i>Banihalba</i>
11	Kass	<i>Fur/Arab</i>
12	<i>Sharg</i> Jabal Mara	<i>Fur</i>
13	Assalam (Abu Ajura)	<i>Tarjam</i>

I have developed this diagram for the purpose of this study. The information is based on my observations on the ground following my visit to South Darfur for field work in 2010.

This coincided with the intensive mobilization for war in the South. Accordingly, in 1995 following the *Naeema* Conference (took place in *Naeema* village in Al-Gazira-central Sudan) for tribal leaders, “the role of the native administrator

was redefined to be one of religious leader for each identity group, not only leading them in prayer but more importantly to prepare the youth to go to jihad (holy war) in the south” (Abdul-Jalil *et al*, 2007:51). Implementation of such policy, which was done through formation of ‘People defence Forces’, provided additional opportunity for people to obtain weapons. Access to weaponry and training was exploited by some tribes to grasp land, and therefore this policy has directly and indirectly enticed tribal conflict over land and power. It therefore appears as though a tribal homeland (*hakura*) has become a political constituency. The more territories a tribe acquires the more political representation and resources it can get both at state and federal level, as is further explained in chapter 7.

Following the adoption of what came to be known the “Federal System of Governance” in 1994, the central government started to make unprecedented changes in the administration of Darfur, as will shortly be explained. This most likely came as a reaction against an armed resistance in Darfur alleged to be led by *Fur* and *Massalit* against the regime. In December 1991, an armed movement led by Daud Yahiya Bulad and Abdel-Aziz Al-Hilu, from the *Fur* and the *Massalit* tribes respectively started operations in Darfur with the assistance of SPLM of the Southern Sudan (Daly, 2007:261). The government used Arab tribal militias to fight the rebels and was able to defeat their forces instantly (Daly, 2007:261). Since then the government in Khartoum has become more suspicious of the *Fur* and the *Massalit*.

According to the “Federal System of Governance” Darfur was divided into

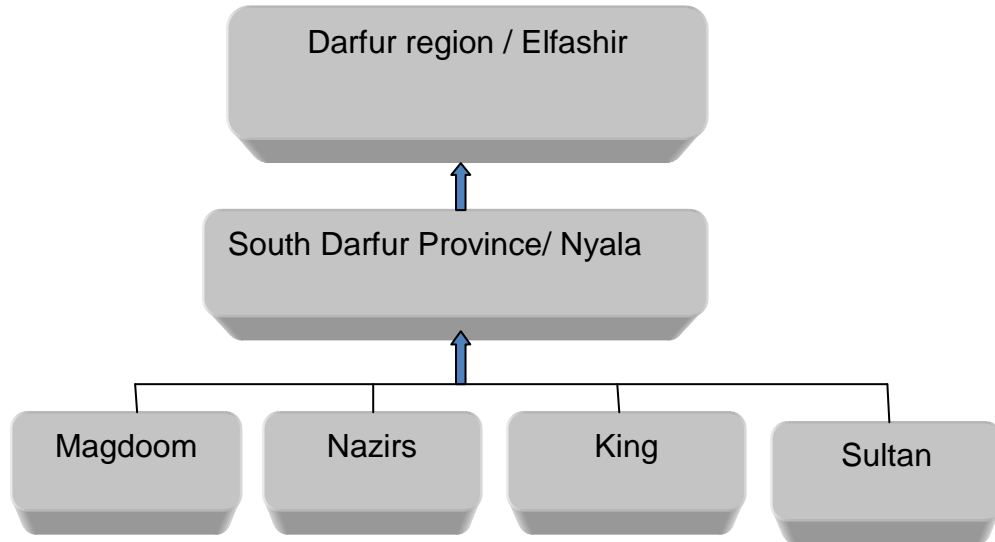
three states; North, South and West Darfur with the *Fur* tribe's core homeland being divided into three parts each one belonging to the separate newly created States (Ateem, 2007:33-34). Tribal tenancies (*emirates*) for pastoralists of Arab origin were created for the first time within the traditional homelands of other tribes; mainly *Fur* and *Massalit*, thus creating new forms of political tension (Abdul-Jalil *et al*, 2007:56-57). It was in connection with these developments that another major war broke between the *Massalit* and a coalition of tribes of an Arab origin in west Darfur in 1996 onwards. The *Zaghawa* and camel herders of Arab origin have long been in competition over water resources in the northern part of *Zaghawa* homeland (De Waal, 2005:77). Following their alliance with the regime in *Khartoum* from the late 1990s, the camel herders engaged in fierce war with the *Zaghawa* (Tubiana, 2007:76).

The common cause among the three victimized tribes, *Fur*, *Massalit* and *Zaghawa* came from the fact that they were all subjected to increasing violence by some tribes of Arab origin allied to *Khartoum* (Daly, 2007:268-69). These major developments; Arab/*Fur* conflict, Arab/*Massalit* conflict and *Zaghawa*/ Arab conflict, served as a triggering factor and paved the way for the eruption of the *Darfurian* armed movements in 2003. This has also contributed to the "Arab-African" dichotomy; as most tribes of the Arab origin in Darfur are pastoralists who are perceived to side with the government, whereby most tribes of the African origin are sedentary farmers most of whom are perceived to side with the rebel groups (Prunier, 2007:47). The eruption of armed

movements in Darfur has also negatively affected the position of tribal leaders. These movements' leaders, who are mostly young and highly motivated, perceive tribal leaders to be allies of the government who pursue their own interests at the expense of Darfur people's common interest (Flint, 2007:143-144). This perception has further undermined the already distorted system of the NA, as will further be explained in chapter 7.

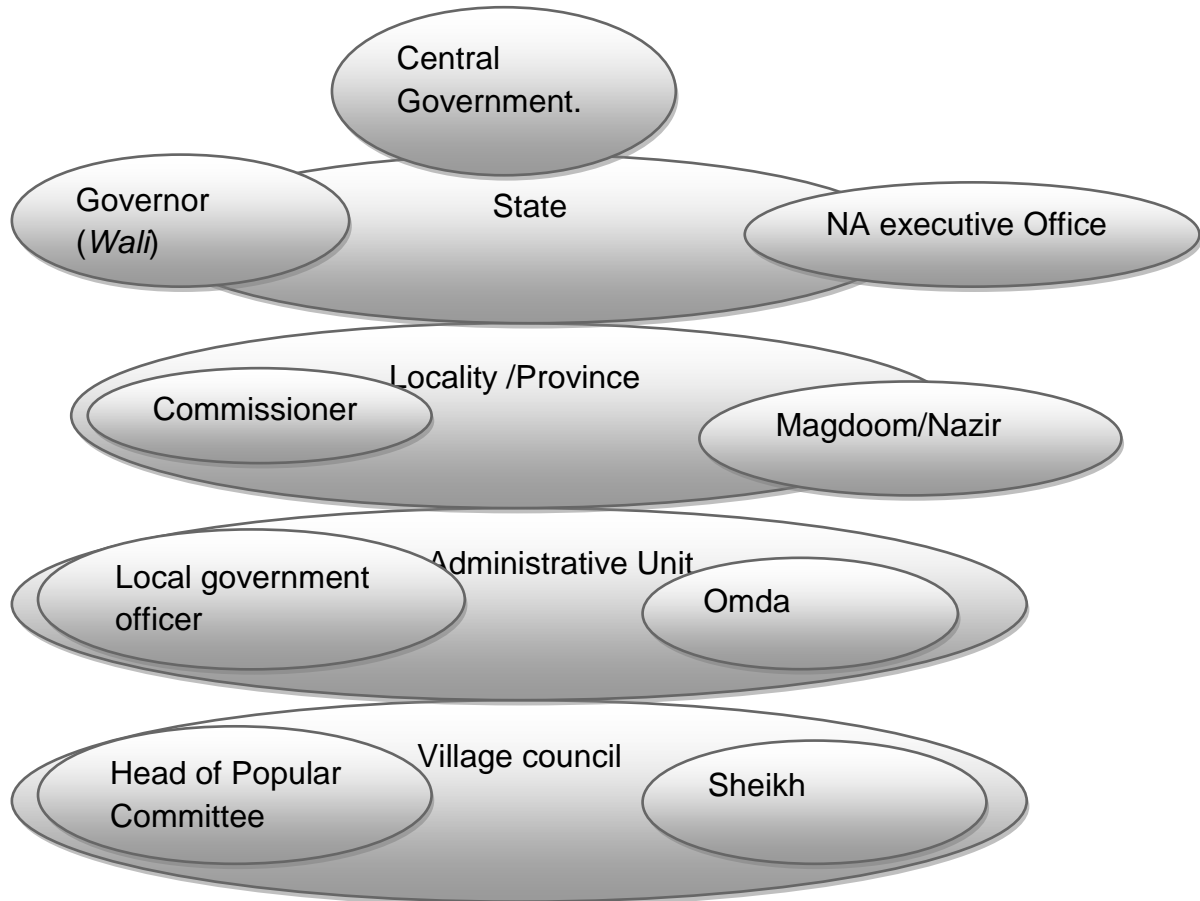
South Darfur, particularly the southern part of this area, was known as the homeland of the cattle herders-*Baggara*-(Warburg, 1997:142). The rest of the area came under the *Fur Magdomate* which included *Daju, Marrarit, Baigo, Birgid, Miseirriya, Tarjam, and Zaghawa-umkamalti* tribes (Takana, 1997). From 1990s onward the situation has changed significantly (see figures 9 & 10 below). All the above tribes that used to be under the administration of the *Fur Magdomate* have been officially granted a separate native administration status (Takana, 2007:70-72). In Kass area which used to be *Fur* dominated land, tribes of Arab origin were also guaranteed emirates; "in *Banjadidi* area native administration for *Jalol* Arabs was established in 1990s. This new native administration consists of *Awlad Zaid, Awlad Rashid, Nawaiba, Erigat, Saada, Mahadi, Beni Hesein* and *Miseirriya*" (Takana, 2007:29). This is a fundamental change in the NA system of land tenure and has changed the political landscape considerably.

Figure 9: NA Structure in South Darfur, 1987-1994



I have developed this diagram for the purpose of this study. Source of information is: (KI/15: 8/6/10).

Figure 10: Structural relationships between the NA and local government in South Darfur after 1994



Source: The information is based on the deliberations of the key informants together with my own observation on the ground following my visit to South Darfur for field work in June 2010.

As was correctly observed, “Sudan, more than most other African countries, has witnessed proclamation of multiple acts of local government” (Abdul-Jalil *et al*, 2007:52). These were the acts of 1932, 1937, 1951, 1960, 1971, 1981, 1994, 2003 and 2004. The main objective of these acts was to manipulate the system to serve governments’ political ends set in advance rather than

genuinely aiding local communities to achieve their interests. With the one exception of the local Government Act of 1951, which provided some elements of popular and freely elected councils at the end of a five stage process, the rest of the legislature throughout the history of Darfur since colonial period up to 2009, has denied this right.

Following Sudan's independence several Acts were passed with regard to the development of local government which coincided with what came to be known a shift towards decentralization. The shared factor in these attempts is that they were largely made by totalitarian governments therefore no genuine local government institutions were allowed to materialise. Abdul-Jalil *et al*, (2007) asserted that two reasons were behind the failure of "local government institutions": they remained merely tools in the hands of central governments and that they constantly lacked adequate financial resources (Abdul-Jalil et al, 2007:54). Ateem, 2007 identified "marginalization, eroded capacity, low credibility of local governments- as a result of being poorly funded and under-resourced- as key governance constraints that have severely limited the capabilities of local governance structures to undertake development activities" (Ateem, 2007:31).

The Marginalization of Darfur

The colonial indirect rule policy not only affected the NA, land tenure and the local government structures, but the negative consequence of such policy has resulted in significant neglect and marginalization of Darfur. In terms of power

sharing and allocated financial and economic resources to the region, the successive central governments made no change in this respect. In relation to the country at large, and especially in comparison to the north and central Sudan in particular Darfur remains neglected (O'Fahey, 2008:300-301). This is beyond the scope of this research, even though I am highlighting some general aspects of this neglect and marginalization to give a holistic picture about the overall context in which this study has taken place. It has been suggested that it was the crucial role of the people of Darfur in the *Mahdiyya* revolution, and their consequent potential threat to colonial authority, that pushed the British to annex Darfur to Sudan (Collins, 2008:35, O'Fahey, 2008:278-279). As suggested by Khalid, the decision made by the Darfur Sultanate to side with the Sultan of Turkey during World War1 further encouraged the British to conquer Darfur and consequently annex it to Sudan (Khalid, 2009:1). Therefore it seems likely that the overall political objective of the colonial policy in Darfur was to keep Darfur quiet, at minimal cost (Collins, 2008:276). The focus was that of pacification and maintaining stability in Darfur in order not to allow Darfur to get out of hand and to be a haven for political agitators.

As a backbone of the *Mahdiyya* revolution, therefore, the decision was that Darfur should remain marginalized (Mamdani, 2009: 164). This was reflected in the colonial government's economic policy, which concentrated development projects in the northern and central Sudan; mainly Khartoum and the Gezira area between the Blue Nile and White Nile (Woodward, 1990: 126). In this area considerable efforts were exerted with regard to the provision of

health and educational services, as well as the construction of basic infrastructure such as bridges, roads and irrigated agricultural schemes. By contrast, Darfur was neglected and left to be ruled by tribal leaders under the supervision of a few colonial officials. Following the leading role it played in shaping political development in Sudan, Darfur's role was reduced to a reservoir of cheap manpower (O'Fahey, 2008:300, Mamdani, 2009: 164). It became common for young men to migrate eastward to look for work. They were usually employed as seasonal workers during the cotton harvest in the Gezira irrigated scheme and other areas. They also often worked as soldiers in the military or as police officers. In numbers they represent the backbone of these institutions, however due to neglect and marginalization policy their enrolment in the Military and Police Academy for the years 1990-2000 was only 7% and 6% respectively (El-Tom, 2011:338).

The above consequences were the direct result of the social policy adopted by the colonial authorities in Darfur, which might be described as one of enforced neglect. As colonial authorities deliberately refused to expand the system of state-run schools, Darfur people only had access to Islamic religious schools (*Khalawi*) which were provided and funded by the local community (Young, 2009:43). In 1930 the number of religious schools (*Khalawi*) was 768 and up to 1944 there were only two primary schools in the entire region (Mamdani, 2009: 165). Out of 23 intermediate schools operating in the Sudan in 1952, only one was in Darfur (Prunier, 2007:32-33). By the end of colonial rule in Sudan in 1956, the number of primary schools was 20 with two intermediate schools

(One of these two intermediate schools was built by self-help effort) for a population of 1,329,000 (Mamdani, 2009: 165).

Lack of educational services and inequitable access to formal education was one of the major characteristics of the colonial period in Darfur. The following quotation attributed to the governor of Darfur (1934-41), provides more explanation in this respect:

“We have been able to limit education to the sons of chiefs and native administration personnel and can confidently look forward to keeping the ruling classes at the top of the education tree for many years to come” (Daly, 1986:107).

It could be argued that the colonial educational policy and the role of tribal leaders in accepting such policy were at the core of reasons responsible for the legacy of underdevelopment in Darfur. It seems that tribal leaders were incapable of implementing any form of technical or administrative progress or of dealing with problems of education. Furthermore, benefitting from the support of the colonial power as they did, they tended to be selfish. With the exception of being active and successful in resolving local disputes, the NA hardly did anything else for the people of Darfur. It was this legacy of economic and social underdevelopment that brought about future conflicts that faced Sudan at large and Darfur in particular (Prunier, 2007: 31-32).

There were no developments of transport or other links between Darfur and central Sudan during the colonial era. The railway which was introduced to

northern Sudan in 1899-the beginning of the Condominium rule-was only partially extended to Darfur in 1959- after independence-to reach Nyala in the south of the region (Mamdani, 2009: 166).

“Sudanization” (the replacement of higher ranking colonial officials by locally recruited Sudanese was what came to be known in literature as Sudanization), could best explain how colonial rule contributed to the persistence of Darfur’s marginal position. The British Governor General of Sudan appointed a committee (Sudanization Committee) in 1946 to look into the criteria for the replacement of higher ranking colonial officials with Sudanese. The committee, which consisted of three British officials and three Sudanese from the colonial civil service, put the criteria of selection as follows: “three factors were necessary to the make-up of a good official: firstly, character and background, secondly, academic qualification, and thirdly acquired experience” (Mamdani, 2009: 178). By giving priority to experience and academic qualifications, a merit nobody in Darfur had acquired at that time, all senior posts were allocated to people coming from northern and central Sudan. Only six out of 800 posts went to southern Sudanese and none to Darfur (Mamdani, 2009: 179).

Following independence, Darfur was practically excluded from the circles of decision making. Thus, socio-economic and political marginalization continued. The elite in Darfur were quite aware of their marginal status with regard to entire Sudan. Immediately after independence, the Darfur people had started to call for equal right of political representation. The Darfur Development Front (DDF) was formed in 1964 with main objective being to lobby for the interests

of the people of Darfur in their struggle over power with the central government (Bradbury *et al*, 2006:12).

From an economic point of view, and compared to Northern provinces, by the end of the Condominium rule, only 5-6% of the investment for the entire country reached Darfur (Prunier, 2007: 33). From 1999 -2000, Darfur was the poorest region in the Northern part of the Sudan; the poverty rates in South Darfur, North Darfur, and west Darfur were 41%, 50%, and 51% respectively (Mamdani, 2009: 166). This inequality is still seen today in that more than nine thousand students from Darfur have graduated from universities in 1996-2006, yet less than six hundreds of these were formally recruited by government in ten years (Mamdani, 2009:: 166). In my own opinion, since independence and long before the higher level ranks in the civil service and other governmental apparatus, including military and police establishments, have continued to be occupied by people from central and northern Sudan, , thus perpetuating the colonial legacy of marginalization in Darfur.

The following quotation from D-JAM report, 2007⁴ describes at best the situations in Darfur up to date (at least up to the time this study was concluded in 2009):

⁴ This refers to a report prepared by the Darfur Joint Assessment Mission (D-JAM) commissioned by the UN to undertake general assessment of the Darfur's need with regard to reconstruction and development in terms of services and capacity building. This assessment took place following the signing of the Darfur Peace agreement in 2006 between the government of Sudan and Sudan Liberation Movement led by Mini Minawi.

“The accountability and responsiveness of the Sudanese state to Darfur, and the capability, accountability and responsiveness of the state and local governments in Darfur to Darfurian citizens are both severely limited. Institutional checks and balances have failed, public sector management is ineffective and biased, political accountability is non-existent, the private sector struggles to operate in a non-transparent, monopolistic environment dominated by political interest. Decentralization has shifted responsibility but not improved service, civil society and the media are heavily constrained, traditional leadership has been eroded and is in crisis, and citizen participation is limited to pockets and disenfranchised by existing bureaucratic elements” (D-JAM, 2007:5).

Conclusion

The Turkish/Egyptian rule and the *Mahdiyya* regime did not last long; and their effects on Darfur were minimal. During British rule in Darfur (1916-1956) primarily through indirect rule, the administrative and legal systems of the old sultanate regimes persisted mostly with no fundamental change in structures and hierarchy, however there was highly significant political interference.

The policy of indirect rule served the purpose of the colonialists in running the region and providing stability at minimal cost. Meanwhile, the period of the Condominium in Darfur was characterized by that of a very minimal of development; if not a policy of neglect, which resulted into huge legacy for Darfur. A part of this legacy is the creation of two different forms of power: the modern state machinery at the central level and the indigenous Native

Administration Authority at the local level. Those who live under the modern state, in the capital and the associated urban centres, were perceived by colonial authorities as civilized citizens. Civil law was adopted to this group. On the other hand, at the local level customary law was applied to those who were classified as natives. Customary law was dispensed by tribal leaders through the NA system. Tribes were enjoying a sort of self-rule whereby each tribal group was administered through their own leaders; as such this situation has resulted in many sets of customary laws and tribal constituencies.

Following the independence of Sudan, the competing legal systems led to a clash between a formal statutory land tenure system and the customary land tenure system. The former was endorsed by the government and officially adopted in state-related circles which is also theoretically applicable to Darfur, but has never been enforced, and the customary system was officially abolished, yet remained in practice in Darfur. This is one of the major challenges that face Darfur today. As convincingly stated by Tubiana, “the acquisition of Sudanese citizenship has become a way to escape allegiance to other groups; in most cases African indigenous tribes- even if this allegiance is rather more symbolic, also calling into question the traditional tenure system carries a powerful message of emancipation for the Arab origin tribes in Darfur” (Tubiana, 2007:80). This indicates that, with regard to the on-going conflict in Darfur, land has become central issue. Many authors agree that, in Darfur of today, land issues need to be addressed as a prerequisite for any future attempt towards reconciliation among communities.

Opposite to the claim that colonial authority did not intervene in tribal affairs and their local structures, there proved to be highly significant political interference which resulted in significant changes on some of these structures and their roles. Although there were significant changes after independence in the various official approaches to land and political / administrative authority, these were not always fully implemented in Darfur; i.e. none of this happened in a straightforward manner that led to promotion of local government institutions. On the contrary, these interventions have led to distortion of the existing NA and local government structures and failed to bring about capable new institutions to replace them, a matter which further fuelled tribal conflicts, as I shall demonstrate over the next chapters, where I shall focus on these issues through the lens of the causes of violent conflicts and indigenous attempts to settle and/or resolve them.

CHAPTER 4: ANATOMY OF CONFLICTS IN DARFUR: HISTORICAL OVERVIEW, 1916-2000

Introduction

This chapter mainly uses ITRC documents as a source of information to; 1) explore and analyse the causes of tribal conflicts in Darfur during the colonial period (1916-1955) and after independence (1956 up to 2000, and 2) to evaluate the performance of the ITRC in comparison to these two different periods. The focus is on major tribal incidents that took place in the region, those which required intervention through Inter-Tribal Reconciliation Conferences (ITRC). Through this period, tribes experienced different types of disputes: between individuals, between sub tribes, and disputes between two or amongst more than two tribes. With the exception of the latter, these 'minor' disputes were considered resolvable through *judiyya*, as will be explained in chapter 6. It was only immense tribal incidents that encountered high rates of human loss which necessitated such a response, the table below gives some idea of such losses. In the recent history of Darfur (1916-2009) there were many minor incidents that also took place and continue, without being settled in a conference. This could still include deaths, but not expected to pose a big challenge of expanding into a wide scale conflict.

Table 1: Shows examples of human and property losses in connection to tribal conflicts in South Darfur

Name of conference	Tribes involved	Human losses	Injured persons	People affected and Property losses
Reconciliation conference between the <i>Birgid, Miseirriya and Zaghawa</i> , 2006	<i>Birgid, Miseirriya and Zaghawa</i>	1112(all together)	-	110 villages destroyed
Reconciliation conference between the <i>Zaghawa and Zaghawa-Umkamalti</i> , 2007	<i>Zaghawa and Zaghawa-Umkamalti</i>	164 196	181 124	53 villages destroyed
Reconciliation conference between the <i>Falata and Gimir</i> , 2008	<i>Falata and Gimir</i>	25 37	06 65	186 huts burnt 252 cattle looted
Reconciliation conference between the <i>Maaliya and the Rezeigat</i> , 2004	<i>Maaliya</i> <i>Rezeigat</i>	87 49	22 -	One village burnt/243 persons claimed lost properties. 100 people claimed lost properties.
Reconciliation conference between <i>Daju, Fur, Zaghawa, Tarjam, Huttiya and Taalba</i> , 2004	<i>Daju, Fur and Zaghawa</i> on one side and <i>Tarjam, huttiya and Taalba.</i>	159	44	2,399 families displaced. 4008 cattle, 6491 sheep, 4188 goats, 96 horses and 544 donkeys claimed looted.
Reconciliation conference between the <i>Salamat and the Awlad Saadan</i> (sub tribe of	<i>Salamat and Awlad Saadan</i> (sub tribe of	11	20	185 cattle, 313 goats and 185 sheep looted.

<i>Habaniyya, 2007</i>	the <i>Habaniyya</i>)	27	25	
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Source: *Al-musalahat al-ahliya alati tamat fi wilayat Janub Dar fur fi alfatra min 2003-2008* ” (in Arabic), which I have translated as “ Tribal Reconciliations in South Darfur, 2003-2008” and referred to it in the text of this thesis as TRSD, 2003-8 (Vol. 1 & Vol. 2).

The following sections examine the experience of the ITRCs in Darfur region as a whole during the colonial period (1916-1955) and following Sudan’s independence (1956- 2000). These conferences will be presented in chronological order to identify whether there were any changes with regard to the factors which contributed to tribal conflicts over time. The analysis will also shed light on the parties involved in these conflicts and how tribal conflicts developed and changed over time, which will make it possible later (in chapter 7) to explore whether ITRCs adapted to change in the way they dealt with the new factors. This chapter is therefore fundamental for the rest of the study especially chapters 6, and 7 which will look into the functioning of the *judiyya* and the ITRCs respectively, the way they worked and the issues addressed with regard to resolving tribal conflicts.

Tribe: Concept and Context

The number of tribes in Darfur is estimated to be between forty - ninety depending on how groups identify themselves; as “Arabs” or “Africans” (Flint and de Waal, 2008:6). However other estimates refer to more than one hundred tribes (Musa, 211:126). The alleged dissimilarity of ‘Africans’ versus ‘Arabs’ in Darfur is not accurate or very helpful distinction that would be understood by outsiders. It seems to be rather connected to perceptions.

Baldo, (2006:1) asserted that “All people in Darfur are black, Muslim, followers of Sunni Islam, and they for centuries lived in relative peace”. *Darfurians* were divided to ‘Africans’ ‘and Arabs’ by politicians due to political manipulation and polarization, as explained earlier in chapter 3 and will be explained later in this chapter and the chapters follow. Porto (2004:9) stated that “the risk of civil war arises when the society is polarised into two groups, because polarised societies have around a 50% higher probability of civil war than either homogeneous or highly fractionalised societies”. On the other hand tribal affiliations remain strong in Darfur due to socio-economic and political factors. In Darfur, “tribe constitutes the main source of solidarity and also the main socio-economic unit... the absence of reliable state institutions that can respond to people’s needs, made these people maintain their own tribal autonomy, tribal territory and tribal defence system” (Musa, 2011:147).

Throughout the Sultanate period in Darfur (1650-1916) tribe was recognized as a social and a political entity and tribal leaders were guaranteed autonomy with regard to ruling over their tribes according to the communities’ own traditions and customs, a situation which continued unchanged in the period of Turkish/Egyptian rule (1874-1882) and the *Mahdiyya* (1883-1898) in Darfur; as both regimes were short lived (O’Fahey, 2008:275-281). During the Condominium rule (1916-1956), the role of the tribal leaders in the management of the affairs of their tribes in accordance with local customs and traditions was further enforced (Abdul-Jalil et al, 2007: 45; Prunier, 2007: 25-29; Young, 2009:42). In spite of the fact that the authorities of the Condominium rule had introduced new institutions of modern policing and law

enforcement such as courts, police and prisons, they allowed tribal leaders, especially in Darfur, to use indigenous mechanisms, such as *judiyya* and tribal conferences, derived from the local practices and experience in resolving problems in their societies (Abdul-Jalil et al, 2007: 44; Prunier, 2007: 25-29).

In this study these conferences are referred to as the Inter-Tribal Reconciliation Conferences (ITRCs). ITRC refers to a meeting that is specially organized for mediating a conflict between or amongst tribal groups. The main role of the ITRCs, as reflected in the archive (TRSD, 2003-08: Vol. 1 & Vol. 2) was to bring tribes involved in fighting together to the negotiating table with the aim to engage in a peaceful settlement for the conflict. This practice was taking place in a form of a big meeting sponsored by the government. The attendees of such meetings were representatives of tribes, tribal leaders and elders as mediators, and government officials; the attendance of whom might be limited to the opening and closing sessions only. My observation is that in most cases the meetings held in an urban centre rather in the peripheries where the fighting had taken place (see table 2 below which refers to the places where ITRCs took place). Detailed accounts of the ITRC practice are presented in chapter 7.

The information provided in table 2 below presents the wider context within which the ITRCs in South Darfur took place and how these events were related to the situation of the inter-tribal conflicts and other conflicts in the region at large. The table includes the major and best known ITRCs held in the entire Darfur region from 1916 up to 2000. This is divided into two eras;

Colonial era in Darfur (1916-1955) and independence era in Sudan (1956-2000).

With regard to the entire region I have limited the analysis to the period from 1916 until the year 2000, due to the availability of reliable information on the ITRCs. Meanwhile the region was divided into separate three states in 1994 (North, South, and West Darfur), which made it more difficult to follow up on the ITRCs at the level of the region as a whole. Furthermore, this study confines itself to the South Darfur State as a case study particularly with the aim of covering the period from 1989 to 2009.

Table 2: ITRCs in Darfur, 1916-2000

Conferences			tribes involved		causes of conflict	
No.	Name	Date and Place	Insider	Outsider	Triggering factors	Root causes
ITRCs during colonial period(1916-1955)						
1	<i>Rezeigat and Dinka Conference</i>	1924 / <i>Safaha/SD</i>	1. <i>Rezeigat</i>	2. <i>Dinka</i>	1. Dispute between individuals 2. Animal theft	Competition over pasture and water sources
2	<i>Umgozain conference</i>	1932/ <i>Umgozain /ND</i>	1. <i>Midob</i> 2. <i>Berti</i> 3. <i>Zayadiyya</i>	4. <i>Kawahlla</i> 5. <i>Kababish</i>	1. Dispute between individuals. 2. Animal theft	Competition over pasture and water sources
3	<i>Almalha Conference</i>	1943/ <i>Almalha/ ND</i>	1. <i>Zayadiya</i>	2. <i>Kawahlla</i> 3. <i>Kababish</i>	1. Dispute between individuals 2. Animal theft	Competition over pasture and water sources
ITRCs Following Independence, (1956-2000)						
4	<i>Almalha Conference/2</i>	1957/ <i>Almalha/ ND</i>	1. <i>Midob</i> 2. <i>Zayadiyya</i>	3. <i>Kababish</i>	1. Dispute between individuals 2. Animal theft	Competition over pasture and water sources

5	<i>Maaliya and Rezeigat Conference</i>	1968/ Elfashir/ND	1. <i>Maaliya</i> 2. <i>Rezeigat</i>	–	1. Dispute between individuals 2. Competition over power	1. Land dispute 2. quest for Independent nazirate
6	<i>Zaghawa and Birgid</i>	1974/ Elfashir/ND	1. <i>Zaghawa</i> 2. <i>Birgid</i>	–	1. Dispute between individuals 2. Animal theft 3. Competition over power	Land dispute.
7	<i>Rezeigat and Dinka</i>	1975/Safaha/SD	1. <i>Rezeigat</i>	2. <i>Dinka</i>	1. Dispute between individuals 2. Animal theft.	Competition over pasture and water sources
8	<i>Zayyadiya and Midob</i>	1976/Elfashir/ ND	1. <i>Zayadiyya</i> 2. <i>Midob</i>	–	1. Dispute between individuals 2. Animal theft.	Competition over pasture and water sources
9	<i>Mahriya and Banihalba</i>	1976/Nyala/SD	1. <i>Mahriya</i> 2. <i>Banihalba</i>		Dispute between individuals	
10	<i>Mahriya and Banihalba</i>	1980/Nyala/SD	1. <i>Mahriya</i> 2. <i>Banihalba</i>	–	Dispute between individuals	
11	<i>Taaisha and Salamat</i>	1980/ Nyala/SD	1. <i>Taaisha</i> 2. <i>Salamat</i>	–	1. Dispute between individuals 2. Competition over power	1. Land 2. Quest for Independent <i>Nazirate</i>
12	<i>Rezeigat and Miseirriya</i>	1980/Eldalanj/ South Kordofan	1. <i>Rezeigat</i>	2. <i>Miseiriya</i> (kordofan)	1. Dispute between	Competition over pasture and water

					individuals 2. Animal theft.	sources
13	<i>Rezeigat and Dinka</i>	1981/Babanosa/South Kordofan	1. <i>Rezeigat</i>	2. <i>Dinka</i>	1. Dispute between individuals 2. Animal theft.	Competition over pasture and water sources
14	<i>Mahriya and Banihalba</i>	1982/Nyala/SD	1. <i>Mahriya</i> 2. <i>Banihalba</i>	–	Dispute between individuals	Competition over pasture and water sources
15	<i>Mellit</i>	1982/Mellit/ND	1. <i>Midob</i> 2. <i>Zayadiyya</i> 3. <i>Berti</i>	1. <i>Kababish</i> 2. <i>Kawahlla</i>	1. Dispute between individuals 2. Animals' theft	Competition over pasture and water sources
16	<i>Rezeigat and Miseirriya</i>	1984/Nyala/SD	1. <i>Rezeigat</i>	2. <i>Miseiriya</i> (kordofan)	Dispute between individuals	Competition over pasture and water sources
17	<i>Umkaddada</i>	1984/ <i>Umkaddada</i> /ND.	1. <i>Zayyadiya</i> 2. <i>Berti</i>	3. <i>Kababish</i>	1. Dispute between individuals 2. Animals' theft.	Competition over pasture and water sources
18	<i>Milit2</i>	1987/ <i>Mellit</i> /ND	1. <i>Midob</i> 2. <i>Zayadiyya</i> 3. <i>Berti</i>	4. <i>Kababish</i> 5. <i>Kawahla</i>	1. Dispute between individuals 2. Animal theft.	Competition over pasture and water sources
19	<i>Falata/ Gimir and Marrarit</i>	1987/Nyala/SD	1. <i>Falata</i> 2. <i>Mararit</i> 3. <i>Gimir</i>	–	1. Dispute between individuals 2. Animal theft.	Boundaries of tribal home lands (<i>hakura</i>)
20	<i>Kabkabiyya</i>	1989/ <i>Kabkabiyya</i> /ND	1. <i>Fur</i> 2. <i>Zaghawa</i>	–	1. Dispute between	Competition over pasture and water

					individuals 2. armed robbery	sources
21	<i>Fur and Arabs</i>	1989/ Elfashir/ND	1. <i>Fur</i> 2. <i>Arabs</i>	–	1. Dispute between individuals 2. armed robbery 3. Damage of crops 4. closure of livestock migration routes	1. lands (<i>hakura</i>) 2. Competition over pasture and water sources
22	<i>Kabkabiyya</i>	1989/ Kabkabiyya/ND	1. <i>Zaghawa</i> 2. <i>Bidaiyat</i>	–	1. armed robbery 2. Dispute between individuals	Competition over pasture and water sources
23	<i>Gimir and Zaghawa</i>	1990/Elfashir/ND	1. <i>Gimir</i> 2. <i>Zaghawa</i>	–	1. Dispute between individuals 2. armed robbery.	Land dispute
24	<i>Gimir and Zaghawa</i>	1990/ El-Geneina/WD	1. <i>Gimir</i> 2. <i>Zaghawa</i>	–	1. Dispute between individuals 2. armed robbery.	Land dispute
25	<i>Rezeigat and Bargo</i>	1990/Nyala/SD	1. <i>Rezeigat</i> 2. <i>Bargo</i>	–	1. Dispute between individuals	Land dispute

					2. Damage of crops 3. Closure of livestock migration routes.	
26	<i>Gimir and Taaisha</i>	1991/Nyala/SD	1. <i>Gimir</i> 2. <i>Taaisha</i>	–	1. Dispute between individuals 2. Damage of crops 3. Closure of livestock migration routes.	Boundaries of tribal home lands (<i>hakura</i>)
27	<i>Zaghawa and Maaliya</i>	1991/Eddein/SD	1. <i>Zaghawa</i> 2. <i>Maaliya</i>	–	1. Dispute between individuals 2. Competition over power	Land dispute
28	<i>Zaghawa, Mima and Birgid</i>	1991/Elfashir/ND	1. <i>Zaghawa</i> 2. <i>Mima</i> 3. <i>Birgid</i>	–	1. Dispute between individuals 2. armed robbery 3. Competition over power.	Land dispute
29	<i>Zaghawa and Bani-Hussein</i>	1991/ Kabkabiyya/ N. Darfur	1. <i>Zaghawa</i> 2. <i>Bani-Hussein</i>	–	1. Dispute between individuals 2. armed robbery	Competition over pasture and water sources

30	<i>Zaghawa and Birgid</i>	1991/Nyala/SD	1. <i>Zaghawa</i> 2. <i>Birgid</i>	–	1. Dispute between individuals 2. armed robbery 3. Competition Over power.	Land dispute
31	<i>Fur and Tarjam</i>	1991/Nyala/SD	1. <i>Fur</i> 2. <i>Tarjam</i>	–	1. Dispute between individuals 2. Competition over power 3. Damage of crops 4. closure of livestock migration routes	1. Land dispute 2. Quest for independent tribe administration(<i>Nazirate</i>)
32	<i>Zaghawa and Rezeigat</i> (camel herders)	1994/Kutum/ND	1. <i>Zaghawa</i> 2. <i>Rezeigat</i> (camel herders)	–	1. Dispute between individuals 2. armed robbery.	Land dispute
33	<i>Massalit and Arabs</i>	1996/ Al-Geneina/WD	1. <i>Massalit</i> 2. Arabs	–	1. Dispute between individuals 2. armed robbery 3. competition over power 4. Damage of crops 5. Closure of livestock	Land dispute

					migration routes.	
34	<i>Massalit</i> and Arabs	1999/ Al-Geneina/WD	1. <i>Massalit</i> 2. Arabs	–	1. Dispute between individuals 2. armed robbery 3.competition over power 4. Damage of crops 5. Closure of livestock migration routes.	Land dispute
35	<i>Midob</i> and <i>Berti</i>	2000/Elfashir/ND	1. <i>Midob</i> 2. <i>Berti</i>	–	1. Dispute between individuals 2.Local Power	Land Dispute (Boundaries)

I have developed this table exclusively for the purpose of this study; however source of information is (Mohammed, 2009; and (Takana, 2007). ND, SD, and WD stand for North Darfur, South Darfur and West Darfur respectively.

ITRCs during the British colonial Rule in Darfur, 1916-1955

This period will be dealt with as if it was the initial period of colonialism in Darfur as the earlier rule of the Turkish Egyptian, 1874-1882 made no substantial change with regard to administrative structures and the role of tribal leaders and at the same time the Turkish Egyptian period was characterized by administrative and political instability (O'Fahey, 2008:275-282), as described earlier in chapter three.

During the entire period of the British rule in Darfur which was almost forty years, only three conferences of a kind were held; two to mediate tribal disputes in the north of the region and only one in South Darfur. The average rate of the conferences was about one conference every 13 years. Also the information in table 2 suggests that the number of conferences was diminishing over time. The final decade showed no conference had been reported.

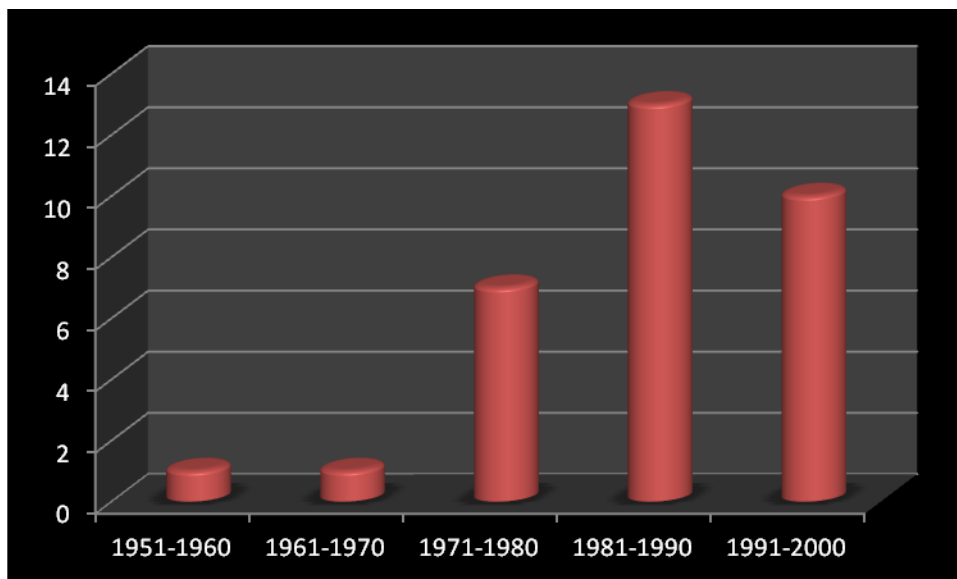
Scrutinizing the period 1916-1955, one can observe (see Table 2), that the triggering factors of these tribal conflicts were limited to animal theft and disputes between individuals. In the meantime the root causes were seen to be limited to the competition over natural resources (water sources and grazing land). With the exception of one tribe (the *Berti* of north Darfur), the parties to the conflict during this period were solely pastoralist tribes. This most likely indicates that the conflict was the result of friction amongst pastoralists in

their grazing areas, but was probably not due to an absolute lack of resources. During that time the northern parts of the regions of Kordofan and Darfur were not affected by droughts and desertification, while Bahr el-Ghazal and South Darfur as yet are still considered to be among the richest areas in terms of water and grazing lands in the Sudan today, let alone in the 1920s. Another observation is that none of these conferences was exclusively between or amongst the tribes of Darfur; the parties to the conflict were seven in total; namely the *Dinka*, the *Kababish* and the *Kawahlla*, the *Midob*, the *Berti*, and the *Zayyadiya* and the *Rezeigat*. The involvement of the tribes in conflicts was always equally divided between one party from Darfur and another party from outside the region (e.g. the *Dinka* belong to the neighbouring region of Bahr el Ghazal in Southern Sudan. Meanwhile, the *Kawahlla* and the *Kababish* were from the neighbouring region of Kordofan).

ITRCs in Darfur following Sudan's independence (1956- 2000):

The independence era will be divided into three successive periods: (1956-1968, 1969-1985, and 1986-2000) with the aim of identifying changes over time in relation to the factors (triggering and root causes) which contributed to the tribal conflicts, the stakeholders involved, and the frequency of the events. Another part of the rationale behind this division is that these periods were characterised by different regimes and different policies/strategies. In this regard such classification might help to draw attention to the effects of such policies on the intensification of tribal conflicts and the change in the way of dealing with them or the lack thereof.

Figure 11: ITRCs in Darfur, 1956-2000



Source: I have developed this diagram for the purpose of this study and the source of information is table 2 above.

The first period (1956-1968)

Two conferences were held during this period (over twelve years). These conferences were distributed in the north of the region and the south equally. Regarding the frequency of the occurrence of tribal conflicts during this period, compared to the colonial period, records suggest there was a remarkable increase; an average of one conference each six years instead of an average of one conference per 13 years as in the previous period, although perhaps not all tribal conflicts were recorded during the colonial period.

Tribes involved in conflict during this period were the *Kababish* on the one hand and the *Zayyadiya* and the *Midob* on the other, and the *Maaliya* against the *Rezeigat*. With regard to the first conference, compared to the previous period, the main features of the tribal conflicts remained unchanged. For example, triggering factors were animal theft and disputes between individuals. While the root causes were identified as competition over water sources and grazing land, the parties involved were pastoralists from inside and outside the region. However the second conference shows that new elements with regard to the triggering factors and root causes came to the surface. These were rivalry over local power and conflict over land ownership respectively. Another important point to be mentioned in this respect is that it was the first time in the documented history of this kind of conferences that parties involved (the *Maaliya* and the *Rezeigat*) were both from inside the region; south Darfur in particular.

The emergence of competition over local power and land as triggering factor and root cause respectively took place in the context of the slogans of 'liberty

and democracy' raised by the 1964 uprising in Sudan. Following the first military coup in 1958, the debate over NA calmed down for a while. However, the 1964 uprising, which came to be known in Sudan as the 'October Revolution', brought the issue to the surface again and a decision was made by the leftist-dominated transitional government to abolish the NA system in 1965 though has not been implemented (Abdul-Jalil *et al*, 2007:50), as discussed in Chapter 3. Ateem argued that "*since 1960s competition between local elites has been detrimental to the social harmony of the region* (Ateem, 2007:39). The *Maaliya*, inspired by these developments and slogans, took this issue further to call for freedom and rights of citizenship. They claimed that their freedom had been restricted due to certain arrangements made by the colonial power which abolished their independent separate *Nazirate* and amalgamated their tribe into the *Rezeiga's* administration (Morton, 2004:7; Naeim, 1978:76).

These situations in Darfur should not be isolated from the political developments that followed Sudan's independence. Attempts were made by central governments such as the decision of the transitional government of 1965 and May regime in 1970, which aimed to reduce powers and the role of tribal leaders. However, to a large extent, tribal leaders managed to preserve their powers and roles during this period due to their alliance with the conservative parties; the UP and the DUP that took over power following Sudan's independence, as has already been explained in chapter 3 of this study. It seems that the direct involvement of tribal leaders in politics during the

colonial era, and particularly during the key political debates which took place in the momentum prior independence period (1942-1955), put these leaders in confrontation with the new emerging educated elites.

Tribal leaders were considered by leaders of the nationalist movement as colonial agents. Following Sudan's independence they were perceived by radical political parties (both Communists and Islamists) as supporters of 'sectarian reactionary' political parties, specifically the *Umma* Party and Democratic Unionist party led by Al-Sadig Al-Mahadi and Mohammed Osman Al-Mirghani respectively. It should be noted that the government that made the decision to abolish the Native administration in 1965 was described as leftist-dominated government. Again the government that abolished the NA system in 1970 was supported by the leftists at the time, whereas the one that made profound changes with regard to NA structures and role following 1989 coup was an Islamist (Muslim brothers/Islamic National Front) led government (Abdul-Jalil *et al*, 2007:56-57). As convincingly described "Both nationalists and radicals acted relentlessly to attack the native administrators and undermine their leadership position....This gave rise to resistance to native administration at the local level by the newly emerging educated and politically conscious segments of local communities" (Abdul-Jalil *et al*, 2007: 49-50).

The Second period 1969-1985

In this period and as shown in table 2 above, a total of 12 ITRCs took place, particularly during the period of 1970s to mid-1980s. With only two incidents

reported in the northern part of the region, the rest of the incidents (ten) were in South Darfur.

It looks that the number of the conferences increased during this period from two conferences in the previous period (12 years), to 12 conferences during this period (15 years). Six conferences were for parties inclusively from inside Darfur and the remaining six conferences were equally divided; one party from Darfur and another party to the conflict from the neighbouring regions (Kordofan and Bahr el-Ghazal). Tribes involved were 14 in total; ten from Darfur and only four from the neighbouring regions. The tribes involved in these conflicts were the *Zaghawa*, the *Birgid*, *Rezeigat*, *Zayyadiya*, *Midob*, *Mahriya*, *Banihalba*, *Taaisha*, *Salamat*, *Berti* (all from Darfur), *Dinka* (from *Bahr el-Ghazal*), *Kababish*, *Kawahlla*, and *Miseirriya* (all from *Kordofan*).

There was a repetition of the occurrence of conferences between the same parties to the conflict; for example, the *Dinka* against the *Rezeigat* (1975&1981), the *Mahriya* against the *Banihalba* (1976, 1980 and 1882), and the *Miseirriya* against the *Rezeigat* (1980 and 1984). In comparison with the previous decade, where competition over land ownership was reported only once as a root cause for tribal conflict, competition over land during this period was reported in two events as a root cause, which raised cases of this kind to three (all in South Darfur). However the competition over natural resources (water sources and pasture) remained the major root cause of tribal disputes in this period (reported in ten cases out of 12). In connection to the triggering

factors, competition over local power continued to be reported and has been reported twice, whereas it was only once in the previous period.

Regarding the parties to the conflict, with exception of the *Berti* and *Birgid* tribes, who are sedentary farmers, the rest (12 tribes from inside and outside the region) were pastoralists; both camel and cattle herders. Compared to the previous periods, conflicts among tribes exclusively from within the region had increased from one case in 1968 (in south Darfur) to six cases by 1984 (also, all in South Darfur). Perhaps the internal migration of considerable segments of population from the north into the south of the region due to drought had contributed to the intensification of the disputes amongst tribes in south Darfur. As explained below in this chapter, these waves of internal migration were prompted and pushed by the drought and desertification of the early 1970s in the northern parts of the region, which culminated in the famine of 1984. Tribes such as the *Mahriya*, the *Zaghawa*, and others were forced to move from the north towards the southern part of Darfur in search of pasture and water (Takana, 2009:15-19; Osman, 1990). Other factors include repercussions of war and political instability in Chad on Darfur such as banditry activities (Woodward, 1990:219; Oxfam Report, 1984). Also the proliferation of small arms in the hands of the local people, especially the pastoralists, due to the war in Chad, and the activities of the Sudanese armed opposition coming from Libya across Darfur, was likely to have contributed significantly to the increase of tribal conflicts (Hagar, 2007:113-114).

These developments coincided with other policies and decisions made by the Numeiri military regime/May regime (1969-1985) in connection to the NA and local government systems. The Numeiri regime took over power in a military coup in 1969. One to two years later, the new regime announced the dissolution of the NA (1970) and the establishment of a local government system instead (1971). This came to be known as 'People's Local Governance Act' of 1970 (Abdul-Jalil *et al*, 2007:50-51). This development was described as one of the most crucial actions that negatively affected the long lasting indigenous system of tribal conflict management and resolution in Darfur (de Waal, 1993:142-143). This situation has been elaborated by one of the informants interviewed by this study as follows:

"The Peoples' Local Governance Act was introduced in early 1970s, whereby most of the powers were given to the newly created institutions called 'people's local governance institutions'. These were balloon institutions with no experience in governance and were mainly dominated by figures from the Socialist Union party (the ruling party at the time) which lacked popular support. Civil servants were left with little role to play in the administration. At this stage the government monopolized business in basic commodities such as sugar and wheat. Commercial activities went into the hands of those supportive to the ruling party. As a result there was a competition over how to exert control over these newly created institutions. The competition was based on tribal affiliation which resulted in damaging the social fabric" (KI/23:11/06/10).

One example in this respect was the case of the *Salamat* and the *Taaisha* tribes in South Darfur. As explained by Morton, (2004:10), the triggering factor of the 1982 dispute between these two tribes was dispute between individuals. However, the root cause of the dispute was claimed to be related to land. The dispute between individuals was provoked by competition over the control of the local councils. It was reported that the *Salamat* won the elections in one of the local councils in the area of *Rehaid elburdi*. Morton, (2004:10) concluded that “as controllers of the local council, the *Salamat* control the sugar allocation”. Maybe such fears were the real reasons behind the violent reaction of the *Taaisha* to a greater degree than the incidents of individual quarrels.

Another example was the dispute between the *Gimir* and the *Falata* tribes in 1984. It was also related to the local council’s elections and allocation of sugar quota. The *Gimir* claimed that *Majabi* area belonged to their *dar* though it was inhabited by *Falata*. Following the establishment of the rural councils each tribe demanded that the area should be considered part of their constituency; “Probably more important, which council was going to get their sugar ration: the *Gimir* council at *Katila* or the *Falata* at *Tulus*” (Morton, 2004:11). These separate incidents of political manipulation culminated in what came to be known the *Fur* versus *Arabs* conflict in 1987/88 due to wider political polarization along tribal and ethnic lines, as will be explained later in this chapter.

The third period 1986-2000

Following the collapse of May regime (1985), in 1986 a new civil democratic government was elected. In connection to Darfur, the Native Administration was re-established in 1987. The political power had been assumed by the major conservative parties: the UP and the DUP, therefore, this was considered as a 'reward' made by the two conservative parties for its political supporters (tribesmen and native administration leaders). However, the elected government was shortly overthrown in 1989. Furthermore, that government was criticized for allowing the Libyan-supported Chadian armed opposition in Darfur, which was alleged to be behind the escalated conflict situation in the region (Tubiana, 2007:70). During 1986-1989, there was no significant change with regard to the security and escalation of conflicts; hence the situation on the ground in Darfur continued to go from bad to worse.

As could be observed from table 2 above, during this period 18 conferences were held to mediate conflicts amongst tribal groups in the entire region. The distribution of these incidents was four in West Darfur, six in North Darfur, and eight in South Darfur.

Referring to conferences during this period the following observations could be made: firstly, regarding triggering factors, disputes between individuals came at the top of the list; it has been reported in every single incident. Based on close scrutiny one may argue that this might be attributed to the proliferation of arms and the use of automatic weapons in disputes between individuals, which

often resulted in death and serious injury, which provoked kin to retaliate in a violent way and consequently the circle of violence expanded. Disputes between individuals appear to be more likely to have happened when an argument took place between individuals at market centres or between farmers and herders at water points, and during the seasonal migration of the herders, due to crop damage or closure of migration routes, etc. Armed robbery also appears to have been a new additional factor and was repeatedly reported in ten incidents out of the sixteen. The damage of crops and the closure of livestock migration routes were playing an increasing role in triggering tribal conflicts, and were reported six times. Also competition over local power has been reported six times; jumping from two times in the previous period.

Secondly; the involvement of parties from outside Darfur reduced from six incidents in the previous period to only one during this period (see table 2 above). With the exception of one dispute (in 1987 between the *Midob*, *Zayyadiya*, and *Berti* (all from Darfur) on one hand and the *Kababish* and the *Kawahlla* (from *Kordofan*) on the other), tribes involved in the rest of the incidents during this period were exclusively from within Darfur. This might explain the shift in the trend of tribal disputes from competition over water and pasture as the main reason to the focus on land ownership and demarcation of boundaries within the tribal homeland as a central issue. Even though the competition over water sources and grazing land continued to be amongst the root causes of tribal conflicts, disputes over tribal homelands (*hawakeer* and its boundaries) have become increasingly the more important issue.

Thirdly; during the above mentioned period, land related issues were reported to be the main cause behind tribal disputes in 14 incidents out of the 18. Unlike the previous periods, whereby the phenomenon was described as one that was mostly dominated by pastoralist tribes as main parties to the conflict, this period looks to have witnessed a shift in the trend of tribal conflict to one that mainly involves sedentary farmers against pastoralist groups. 14 out of the 18 above reported ITRCs were amongst farmers versus pastoralists. This fact supports the argument that from the mid-1980s up to the end of 1990s, competition over natural resources-with the land taking a paramount importance- has obviously become one of the important factors of tribal conflicts in Darfur (Mark *et al*, 2006:8). Perhaps, it was this situation of antagonism between sedentary farmers and herders which contributed to the growing perceived tendency of the “Arab-African” dichotomy; as most of the Arab origin tribes in Darfur are pastoralists whereby most of the African origin tribes are sedentary farmers. In this respect reference should be made to the conflict over land between a broad coalition of Arab tribes (alleged to be about 13 or 27 tribes as referred to by the two authors below respectively) and the *Fur* tribe which broke out in the period of 1987-1988 (Ateem, 2007:38; Tubiana, 2007:70).

Another important point related to the development of the tribal disputes during this period was that for the first time in the recent history of the region (1916-2000), tribal conflicts spilled over to the western parts of Darfur; to cover the

entire region at the same time (West Darfur, North Darfur, and South Darfur). The first incident of this kind in Western Darfur was reported between the *Gimir* and *Zaghawa* in 1990, which was followed by other major devastating incidents in 1996 and 1999 between the *Massalit* and coalition of tribes of Arab origin in and around *Al-Geneina* (the capital of Western Darfur State).

This period therefore saw a new dynamic of tribal conflicts: in terms of the parties involved (mostly from inside the region); the issues of conflict shifted from interest-based conflicts to one that came to be perceived as identity-based one with land as central issue; and the expansion of area covered by disputes to include the entire region. These new dynamics need to be considered in the light of the government policies adopted during this period; especially with regard to the local government and NA.

In 1989 a new military regime took power and established what they called a 'federal system' of governance. Consequently Native Administration was subjected to profound change in terms of role, institutions, structures, and jurisdictions (Abdul-Jalil *et al*, 2007:56-57). In 1994 the region was divided into three states, with the *Fur* core homeland being allocated along these newly created states, and the *Fur* people becoming minority in each of these states. This was probably a reaction to armed resistance allegedly led by the *Fur* and *Massalit* against the regime in 1991, as previously mentioned in chapter 3. Tribal tenancies (*emirates*) for pastoralists of Arab origin were created for the first time within the traditional homelands of *Fur* and *Massalit*, thus creating

new forms of political tension (Abdul-Jalil *et al*, 2007:56-57). It was in connection with these developments that another major war broke between the *Massalit* and a coalition of tribes of an Arab origin in west Darfur in 1996 onwards. The *Zaghawa* and camel herders of Arab origin have long been in competition over water resources in the northern part of the region (De Waal, 2005:77; Tubiana, 2007:76). The common cause among the three tribes; *Fur*, *Massalit* and *Zaghawa* came from the fact that they all subjected to an increasing violence alleged to be perpetrated by militias of an Arab origin allied to Khartoum (Daly, 2007:268-69). These major developments; Arab/*Fur* conflict, 1987/88, Arab/*Massalit* conflict, 1996/99 and *Zaghawa*/ Arab conflict, late 1990s, served as a triggering factor and paved the way for the eruption of the *Darfurian* armed movements in 2002/3. This eruption of insurgency further fuelled and escalated tribal conflicts in the entire region, especially in South Darfur as is explained in chapter 5 and 7.

Conclusion

This chapter shows that tribal conflicts in Darfur persisted throughout the recent history of the region (1916-2000). During the colonial period the conflicts were amongst pastoralists equally divided from inside and outside the region and the triggering factors were limited to animal theft and disputes between individuals. Meanwhile the root causes were related to competition over water source and grazing land. These causes developed over time, especially after Sudan's independence, to include competition over local power and land ownership as triggering factor and root causes respectively. Parties

involved increasingly becoming insiders. The drought and desertification and famine that hit the northern parts of the region at the beginning of the 1970s and mid-1984 respectively, which coincided with the dissolution of the NA, further aggravated the situation especially due to internal migration and activities of the armed robbery that surfaced in this context, the latter was further motivated by repercussions of conflicts in Chad.

Another factor was the manipulation of the structures of the NA, which has been a persistent factor since the colonial period and throughout the independent era. It appears that the political instability which resulted from changing regimes at the centre, coupled with changing policies regarding NA and local governance, were to a large extent responsible for the declining role of the NA in the conflict resolution/management and – perhaps consequently - the reduced success of the ITRC in resolving these conflicts over time. The overall analysis in this chapter stands as an account of the success of such approaches, at least during the colonial period and early years of independence, in spite of the political interference by the British and independent governments.

CHAPTER 5: ANATOMY OF CONFLICTS IN SOUTH DARFUR, 1989-2009

Introduction

The main argument of this chapter is that analysis of recent tribal conflicts (1989-2009) in South Darfur should not be separated from the wider political conflicts in the region. Also without overlooking other factors, it seems that during this particular period, tribal conflicts were further fuelled and escalated due to government political intervention. These conflicts were enticed by political manipulation of the NA and local government to enact the agenda of the central government, rather than being based solely on resources or identity. Successive national governments focused on development efforts in the centre, whereas peripheries, including Darfur, were excluded from an equivalent delivery of socio-economic and security services (see chapter 3- Section of marginalization of Darfur). Accordingly exercise of effective control over conflict or the imposition of law and order by the government over peripheries has not been achieved. Instead tribes were used as agents for governments to perform the job; a process started by the *Fur* sultanates, recognized and legitimized by colonial rule (the Indirect Rule) and it has continued in one way or another up to the present day. In contrast to chapter 4, this chapter indicates that after independence and particularly in the last two decades (1989-2009), ITRCs have become less successful in dealing with tribal conflicts in Darfur. Perhaps, a part of the reasons behind this is political

manipulation of NA and local government structures and lack of check and balances that used to be in place during the colonial period, as is further explained in the next chapter.

Data generated from the archive and the deliberations of the key informants suggests that there were root and proximate causes as well as triggering factors for the phenomenon of tribal conflicts. This chapter focuses on the ITRCs in South Darfur in particular for the period 1989-2009. ITRCs held during this period will be thoroughly described. Triggering factors, proximate causes, and root causes of the tribal conflicts and parties involved will be identified and analysed. This analysis has not been undertaken in such a comprehensive manner previously and I am here relying on the archival sources described in Chapter 1 as well as interviews with key informants. Table 3 below, shows the sequences of the ITRCs, where they took place, tribes' involvement and the related factors which contributed to these conflicts in connection to South Darfur.

Table 3: ITRCs in South Darfur, 1989-2009

No.	Year	Conference Place	Parties to the conflict	Ethnic labels of the conflict parties	Triggering factors	Root causes
1	1989	Elfashir/ND	<i>Fur/Arabs</i>	<i>Af/o vs. Ar/o</i>	4. Armed robbery 5. Closure of livestock migration routes. 6. Damage of crops	Land dispute
2	1990	Nyala/SD	<i>Gimir/Bargo</i>	<i>Af/o vs. Af/o</i>	Competition over land use for grazing and cultivation.	Land dispute
3	1991	Nyala/SD	<i>Gimir/ Taaisha</i>	<i>Af/o vs. Ar/o</i>	Dispute over boundaries of tribal homelands	Land dispute
4	1991	Eddein/SD	<i>Zaghawa/ Maaliya</i>	<i>Af/o vs. Ar/o</i>	Dispute over local power	Land dispute
5	1991	Nyala/SD	<i>Zaghawa/Birgid</i>	<i>Af/o vs. Af/o</i>	local power	Land dispute

6	1991	Nyala/SD	<i>Fur/Tarjam</i>	Af/o vs. Ar/o	<ol style="list-style-type: none"> 1. Damaging of crops 2. Closure of migration routes 3. Armed robbery. 	Land dispute
7	1997	Eddein/SD	<i>Zaghawa/ Rezeigat</i>	Af/o vs. Ar/o	Competition over Local power	Land dispute
8	Jan. 2003	Kass/SD	<i>Fur/Arabs</i>	Af/o vs. Ar/o	<ol style="list-style-type: none"> 1. Armed robbery 2. Competition over water sources and pasture (allegations and counter allegations of closure of migration routes and damage of crops and farms) 3. Burning huts and looting properties. 4. Political manipulation and polarization (Rebels vs. Government). 	Land dispute

9	April, 2003	Kass/SD	<i>Fur/Arabs</i>	Af/o vs. Ar/o	<p>1. Armed robbery</p> <p>2. Competition over water sources and pasture (allegations and counter allegations of closure of migration routes and damage of crops and farms)</p> <p>3. Burning huts and looting properties.</p> <p>4. Political manipulation and polarization (Rebels vs. Government).</p>	Land dispute
10	2003	Shataya/SD	<i>Fur/Arabs</i>	Af/o vs. Ar/o	<p>1. Armed robbery</p> <p>2. Competition over water</p>	Land dispute

					<p>sources and pasture (allegations and counter allegations of closure of migration routes and damage of crops and farms)</p> <p>3. Burning huts and looting properties.</p> <p>4. Political manipulation and polarization (Rebels vs. Government).</p>	
11	2003	Nyala/SD	<i>Maaliya/Rezeigat</i>	Ar/o vs. Ar/o	<p>1. Disputes between individuals</p> <p>2. Struggle over local power</p>	Land dispute
12	2004	Nyala/SD	<i>Maaliya/Rezeigat</i>	Ar/o vs. Ar/o	<p>3. Disputes between individuals</p>	Land dispute

					4.Struggle over local power	
13	2005	Kas/SD	<i>Fur/Arabs</i>	Af/o vs. Ar/o	<p>1.Armed robbery</p> <p>2. Competition over water sources and pasture (allegations and counter allegations of closure of migration routes and damage of crops and farms)</p> <p>3. Burning huts and looting properties.</p> <p>4. Political manipulation and polarization (Rebels vs. Government).</p>	Land dispute
14	2005	Singida/SD	<i>Fur/Arabs</i>	Af/o vs. Ar/o	<p>1 Armed robbery</p> <p>2. Competition over water sources and pastures</p>	Land dispute

					(allegations and counter allegations of closure of migration routes and damage of crops and farms). 3. Burning huts and looting properties. 4. Political manipulation and polarization (Rebels vs. Government).	
15	2005	Umdafog/SD	<i>Taaisha, Falata, and Banihalba</i> tribes (Sudan)/ <i>Kara, Ronga, and Gilla</i> tribes(CAR)	N/A	1.Armed robbery 2.animal theft 3. Damage of crops and looting properties.	Competition over water sources and pasture
16	2005	Al-Malam/SD	<i>Fur</i> /Arabs	Af/o vs. Ar/o	1 Armed robbery 2. Competition over water	Land dispute

					<p>sources and pastures (allegations and counter allegations of closure of migration routes and damage of crops and farms).</p> <p>3. Burning huts and looting properties.</p> <p>4. Political manipulation and polarization (Rebels vs. Government).</p>	
17	2005	Sani-Dalaiba/SD	<i>Fur, Daju, Zaghawa/Tarjam, Huttiya, and Taalba</i>	Af/o vs. /Af/o	<p>1 Armed robbery</p> <p>2. Competition over water sources and pastures (allegations and counter allegations of closure of migration routes and damage of</p>	Land dispute

					<p>crops and farms).</p> <p>3. Burning huts and looting properties.</p> <p>4. Political manipulation and polarization (Rebels vs. Government).</p>	
18	2005	Nyala/SD	<i>Zaghawa/ Zaghawa- Umkamalti</i>	Af/o vs. Af/o	<p>1. Armed robbery</p> <p>2. Competition over local power.</p> <p>3. Political manipulation and polarization (Rebels vs. Government).</p> <p>3. Attack on villages burning huts and looting properties.</p> <p>4. Abduction and torture to death.</p>	Land dispute.
19	2005	Nyala/SD	<i>Tarjam/ Rezeigat</i>	Ar/o vs. Ar/o	<p>1. Armed robbery/</p> <p>2. Disputes between individuals</p>	Land dispute

20	2006	Buram/SD	<i>Falata/Habaniyya</i>	Ar/o vs. Ar/o	1.Armed robbery and 2. Disputes between individuals 3. Rape allegations	Land dispute- homeland boundaries
21	2006	Al-sunta/SD	<i>Habaniyya/ Rezeigat</i>	Ar/o vs. Ar/o	1.Armed robbery 2.Disputes between individuals	Land dispute –homeland boundaries.
22	2006	Safiya/SD	<i>Fur, Miseirriya Jabal, Banihalba and the Rezeigat</i>	Af/o vs. Ar/o	1.Rape allegations 2. Armed robbery 3. animal theft 4. Political manipulation and polarization (Rebels vs. Government). 5. Competition over water sources and pastures (allegations and counter allegations of closure of migration routes and damage of crops and farms).	Land dispute

23	2006	Ditto/SD	<i>Falata, Habaniyya Mahadi, Rezeigat vs. Massalit</i>	Af/o vs. Ar/o	1.Armed robbery, 2.animal theft/ 3. Political manipulation and polarization (Rebels vs. Government). 4. Competition over water sources and pastures (allegations and counter allegations of closure of migration routes and damage of crops and farms).	Land dispute
24	2006	Nyala/SD	Nyala locality(<i>Fur</i>)/Idd elfursan locality(<i>Banihalba</i>)	Af/o vs. Ar/o	1.Armed robbery 2.Animal theft 3.Damage of crops	Land dispute-homeland boundaries
25	2006	Buram/SD	<i>Banga/ Kara</i>	Af/o vs. Af/o	Disputes between individuals	Land dispute
26	2006	Bulbul-Abjazu/SD	<i>Tarjam/Tarjam</i>	Ar/o vs. Ar/o	1.Competition over leadership between the <i>Nazir</i> and his deputy	Competition over Local power

27	2006	Nyala/SD	<i>Fur and Kinana (Hijair Tunu)/Zaghawa-umkamalti(Marla)</i>	Af/o vs. Af/o	<p>1.Armed robbery</p> <p>2. Animal theft</p> <p>3. Competition over water sources and pastures (allegations and counter allegations of closure of migration routes and damage of crops and farms)</p> <p>4. Political manipulation and polarization (Rebels vs. Government).</p>	1.Land dispute
28	2006	Nyala//SD	<i>Shatiyia/ Umahmed(Rezei gat sub tribes)</i>	Ar/o vs. Ar/o	Disputes between individuals	Competition over Local power
29	2006	Nyala/SD	<i>Etifat/Sudan</i>	N/A	1.An attack on nomads'	Unknown

			Armed Forces(SAF)		settlement by SAF	
30	2006	Tiwal/SD	<i>The Fur, Marrarit, Banihalba, Falata, Sharafa, Bargo, Tama, Massalit, Gimir, Daju, Birgid, and Barnu</i>	Af/o vs. Ar/o	<ul style="list-style-type: none"> 1. Armed robbery 2. Animal theft 3. Competition over water sources and pastures (allegations and counter allegations of closure of migration routes and damage of crops and farms) 4. Political manipulation and polarization (Rebels vs. Government). 	Land dispute
31	2006	Nyala/SD	<i>Birgid, Miseiriya and Zaghawa</i>	Af/o& Ar/o vs. Af/o	<ul style="list-style-type: none"> 1. Armed robbery 2. Animal theft 3. Allegations of closure of migration routes. 	Land dispute

					<p>3. Burning huts and looting properties.</p> <p>4. Political manipulation and polarization (Rebels vs. Government).</p> <p>5. Allegations of abduction, torture, and assassination.</p>	
32	2006	Juruf/SD	<i>Daju and Birgid/ Rezeigat</i> camel herders	Af/o vs. Ar/o	<p>1. Allegations and counter allegations of closure of migration routes and damage of crops and farms.</p> <p>2. Allegations of attack on settled farmers burning their huts and looting properties.</p> <p>3. Political manipulation and polarization (Rebels vs. Government).</p>	Land dispute
33	2006	Nyala/SD	<i>Birgid/ Tarjam and Rezeigat</i>	Af/o vs. Ar/o	<p>1. Allegations and counter allegations of closure of migration routes and damage of</p>	Land dispute

					<p>crops and farms.</p> <p>2. Allegations of attack on settled farmers burning their huts and looting properties.</p> <p>3. Political manipulation and polarization (Rebels vs. Government).</p> <p>.</p>	
34	2006	Nyala/SD	<i>Gimir/ Falata</i>	N/A	<p>1.Disputes between individuals</p> <p>2.Attack on villages, damage on farms and looting of properties</p>	Land-boundaries of tribal homelands
35	2007	<i>Umziaifa/SD</i>	<i>Tarjam/Rezeigat</i> camel herder	<i>Ar/o vs. Ar/o</i>	<p>1.Armed robbery</p> <p>2.abduction</p>	Land dispute
36	2007	Nyala/SD	<i>Zaghawa/ Zaghawa- Umkamalti</i>	<i>Af/o vs. Af/o</i>	<p>1 Armed robbery</p> <p>2. Competition over local power.</p> <p>3. Political manipulation and polarization (Rebels vs. Government).</p> <p>3. Attack on villages burning</p>	Land dispute

					huts and looting properties. 4. Abduction and torture to death.	
37	2007	Nyala/SD	<i>The Rezeigat/ Birgid</i>	Af/o vs. Ar/o	1. Armed robbery 2. Allegations and counter allegations of closure of migration routes and damage of crops and farms. 2. Allegations of attack on settled farmers burning their huts and looting properties. 3. Political manipulation and polarization (Rebels vs. Government).	Land dispute-boundaries of tribal homelands
38	2008	Nyala/SD	<i>Falata/ Gimir</i>	Af/o vs. Af/o	1.Attack on villages, 2.damage of crops, 3.looting of properties	1.Land dispute-boundaries of tribal homeland
39	2008	Alfardos/SD	<i>Rezeigat/ Habaniyya</i>	Ar/o vs. Ar/o	1.Disputes between individuals 2.Animal thefts	Land dispute-boundaries

						of tribal homeland
40	2008	Al-obeiyed (Kordofan)	<i>Rezeigat/ Miseirriya(Kordofan)</i>	Ar/o vs. Ar/o	1.Disputes between individuals 2.Animal theft 3. competition over water sources and pasture	Land dispute-boundaries of tribal homeland
41	2009	Katila/SD	<i>Gimir/Gimir</i>	Af/o vs. Af/o	1. Competition over leadership within the tribe. 2. Political manipulation and polarization (Rebels vs. Government).	Competition over local power
42	2009	Nyala/SD	<i>Habaniyya/ Salamat</i>	Ar/o vs. Ar/o	1.Disputes between individuals 2.Local power	Land dispute
43	2009	<i>Abu Ajura/SD</i>	<i>Miseirriya, Zaghawa, Massalit, Marrarit, Tunjur, Musabaat, and Birgid</i>	N/A	1.Armed robbery 2.damage on farms and properties/ 3.local power	Land dispute
44	2009	Asalaya/SD	<i>Birgid and Baigo vs. Rezeigat</i>	Af/o vs. Ar/o	1.Armed robbery, 2. Allegations and counter allegations of closure of migration routes and damage of crops and farms. 3. Allegations of attack on	Land dispute-boundaries of tribal homeland

					settled and looting properties.	
					4. Political manipulation and polarization (Rebels vs. Government).	
					.	

Source: I have developed this table solely for the purpose of this research. However the information is generated from: TRSD, 2003-08: Vol.1 & 2; and other documents collected separately for each conference and made available from the informants). SD: refers to South Darfur. Af/o: refers to tribes of African origin, Ar/o: refers to tribes of Arab origin.

Trends and Dynamics of Conflicts

Based on table 2 in chapter 4, one could make the following analysis with regard to South Darfur in particular. There was only one ITRC held in this area during the entire colonial period (1916-1955), which was the *Rezeigat/Dinka* conference of 1924. The tribes involved were solely pastoralists from inside (Rezeigat) and outside (*Dinka*) the area-equally represented and the triggering factors were principally disputes between individuals and animal theft, whereby the root causes were attributed merely to competition over grazing land and water sources.

Following independence, the first period (1956-1968) also witnessed only one conference in South Darfur which was between tribes exclusively from the area, one pastoralist (*Rezeigat*) and the other semi-pastoralist (*Maaliya*). At the end of this period, struggles over local power and land ownership appeared as new additional triggering factors and the root causes respectively, as the case of the *Maaliya* and the *Rezeigat*. The second period (1969-1985) showed that ten ITRCs were held in this area. Tribes involved were nine (two outsiders and seven insiders), and were all pastoralists except one. Triggers were: dispute between individuals, animal theft and competition over local power. Root causes were: competition over landownership as well as land use (water source and pasture).

In the third period (1986-2000) eight ITRCs were reported. 14 tribes were involved, mainly pastoralists and sedentary farmers, and were exclusively from

inside the area, which considered shift in the dynamics of conflicts with regard to the parties involved and issues. New triggering factors were: armed robbery and closure of livestock migration routes. Land became increasingly the main root cause, however, with a shifting of focus from competition over water and pasture to competition over land ownership, with a perceived ethnic dimension of the conflicts in the region at large.

From 1989-2009 (see table 3 above), 44 ITRCs were held in South Darfur, and only two events out of this number involved outsiders; *Umdafog* conference in 2005 which involved tribes from Central Africa Republic (CAR), and Al-Obeyed conference in 2008 which involved the *Miseirriya* of Kordofan. The total number of the tribes involved was 36 (some events were repeated amongst the same groups); only four tribes were from outside the area. Triggers were: armed robbery which counted for 22, disputes instigated by competition over pastures and grazing land were reported 17 times. Meanwhile, animal theft and rivalry over local power were reported nine times and seven times respectively. Disputes between individuals as a triggering factor shows a remarkable decrease during this period; it has been reported only ten times.

From 1990s onwards there were new triggers such as political manipulation and polarization due to conflict between government and rebel forces. This political polarization actually started earlier in 1987/88 with the *Fur/Arab* conflicts (as explained in chapter 3 & 4), however it became a more dominant perpetual factor after the eruption of the rebel armed movements, first in 1991,

which was suppressed immediately, and again from 2002 up to the present. These include allegations that government forces committed acts related to abduction, rape, burning of huts and looting of properties/or animals against alleged rebels or their sympathizers. These same actions were reportedly committed by rebels and their supporters against other groups on the grounds of their being *janjaweed* or sympathizing with the government which all together were reported thirty nine times. Such allegations were expressed in different ways such as accusation of engaging in banditry activities and provision of spy services to either of the conflicting parties. Sometimes allegations were about provision of any kind of support in forms of logistics, supplies, shelter and exchange of information. Connections or perceived contact in different forms with either rebels or government could provide the justification for provoking enmity and thus triggering conflict (TRSD, 2003-08: Vol. 1, 6, vii: 2). In this regard abduction and rape were reported three times and two times respectively. With regard to the root causes, competition over land has been the most dominant in South Darfur during this particular period; 1989-2009 (see figure 11 below). Tribal homeland has become political constituency; therefore local power struggle has been inveigled also by land related issues, as will be explained later.

Disputes over land ownership took two dimensions: firstly, minority groups demanding for separate *Nazirates*, or more autonomy within the homelands of dominant tribes, and secondly, demarcation of boundaries for the recognized tribal homelands. Besides this the use of land as a reward for some groups to

take part in fighting beside the government was another factor, as will be explained in more detail later in this chapter and the following chapters. Competition over water sources and grazing land is no longer among the main root causes, but a triggering factor, as the ultimate aim shifted from accessibility to water source and grazing land to control over land (see root causes of tribal conflicts as reflected in table 3 above). Even though the crucial observation here was that there is no clear evidence either from the archival documents or from the statements made by informants that indicates there is an ethnic dimension for tribal conflicts in South Darfur, something contradicts the recent growing literature on Darfur that portrayed the conflicts in the region as ethnic-based conflicts.

The disputes in South Darfur seem to indicate that the ethnic-based dispute in Darfur is an exception rather than a rule. The apparent shift in tribal conflicts towards ethnic polarization and confrontation that characterized the period of the late 1980s upwards in Darfur at large seemed to be diminishing in this area. Tribal disputes in South Darfur suggest that conflicts in this area involved all against all, i.e. tribes of Arab origin (Ar/o) fought against tribes of African origin (Af/o) as well as with others claimed to be Arabs. Also tribes claiming to be of an African origin fought with those of an Arab background and with others from their own ethnic group as well. Out of 44 conferences held in South Darfur in the specified period above, 19 were amongst tribes of Af/o vs. Ar/o, 11 were amongst Ar/o vs. Ar/o, and nine were amongst Af/o vs. Af/o (see

table 3 above). The other five conferences do not fit into these categories as they include mixed tribes on either side.

Causes of Tribal conflicts

From the many factors that were behind tribal conflicts in Darfur at large and South Darfur in particular, I have identified the most common and important ones in connection to proximate, root causes and triggering factors. I have also made a distinction between 'conflict-as-start-up conditions' (Sandole, 1999) and 'conflict- as- processes' (Porto, 2002:19). The former term is associated with the triggering factors whereby the latter is connected to the proximate and structural factors or root causes of the conflict.

Proximate causes

By proximate causes is meant the factors that make situations conducive for tribal conflicts to erupt and escalate. These are "Factors likely to contribute to a climate conducive to violent conflict or its further escalation, sometimes symptomatic of deeper problems, for example, uncontrolled security sector, light weapons proliferation, human rights abuses, destabilising role of neighbouring countries, war economy, refugee flows, massive population movements, etc." (Framework for conflict analysis-UNDP, 2004:5). Here the focus is on the negative role played by of the neighbouring countries; mainly Libya and Chad, tribal militias and the rebel groups in the escalation and expansion of the tribal conflicts in Darfur.

As described by Woodward (1990:219), by the end of 1980s “law and order was breaking down” in most of the region. This was especially due to the influx of armed groups into Darfur as a result of the civil war in Chad (1962-1991) and the Chadian-Libyan war (Haggar, 2007:113). Libya provided haven for the opposition forces against the Numeiri regime in the 1970s and 1980s and the Numeiri regime had adopted the same policy towards Chadian opposition groups (Lesch, 1991:59). During the same period Gaddafi (Libyan president at the time) provided support to other Chadian rebels who operated from Darfur, thus Darfur became an increasingly open battleground between Khartoum, Tripoli and Ndjamen. Further explanation is provided below.

During the 1970s and 1980s, Libya, which borders Sudan in the north-west, was interested in annexing the Aouzzou region in northern Chad, which was an area of dispute between the two countries. Prunier (2007:46) argued that Gaddafi’s increasing influence in the Sahel region had led to ethnic polarization, enhancing a sense of Arab supremacy among the tribes of Arab origin in Darfur. Hence, this tendency resulted in negative consequences with regard to the relationship between Arab and non-Arab tribes of the region (Rolandsen, 2007:155). One of the consequences of such polarization in Darfur was the conflict between the allied tribes of Arab origin and the *Fur* in 1987–1989 as described earlier in chapter 4. Since the early 1990s Libya revised its policy with regard to its influence in the Sahel, or at least, “adopted a lower regional profile” (Marchal, 2007:174-175). This was made possible due to two factors: the sanctions imposed on them by the UN in 1992 and the

settlement of their dispute with Chad on Aouzzou region, which was achieved in 1994 (Marchal, 2007:174-175).

The boundaries between Chad and Darfur region could be described as fluid, with an overlap and interaction between communities living either side of the official boundary. It therefore became easier for armed conflicts to spill over rapidly from Chad into Darfur and vice versa (Prunier, 2007). The existence and interaction among these tribal and ethnic groups between Sudan and Chad provided cover and facilitated freedom of movement of bandits to hide across the borders (Woodward, 1990:219). Immigrants have come from West Africa across Darfur on their way to Mecca in the Arab peninsula since the seventeenth century and some of them peacefully settled either in Darfur or other parts of the Sudan (Prunier, 2007:6). The migration of Chadians into Sudan and Darfur during this more recent period has been very different in that it has been associated with armed groups, involved in the power struggle in their own country, using Darfur as a base to launch their attacks (Daly, 2007:246). Thus, Chadian rebels with their small arms, as well as refugees, found their way to Darfur. This was the case in early 1980s when the Numeiri regime provided support to Chadian rebels led by Hussein Hebre (Prunier, 2007:46). Hebre was able to launch his war from Darfur and to take over power in Chad. Later when they opposed his government, Hebre provided arms and logistical support to some ethnic groups to engage in war against the *Zaghawa* in Chad and in Darfur as well. "He [refers to Hebre] allowed his troops to cross the border at different times to wage the only form of war they

knew, which included burning of villages, raping, looting, and mass killing” (Marchal, 2007: 181).

In the mid-1980s the Libyan regime provided support to Jakoni and Ibn Omer (Chadian opposition leaders at that time), and both used Darfur as a base to fight Hebre’s regime (Hagar, 2007). Ibn Omer’s base was nearby at Kutum in north Darfur. He made alliance relationships with the *Mahameed*, a camel herder tribe of an Arab origin in Darfur, and when he went back his supporters handed over weapons to the *Mahameed* tribe (Hagar, 2007:127). “It was Ibn Omer’s abandonment of the armed struggle at the beginning of 1989 that made possible the peace agreement reached in Darfur between the Arabs and Fur in July that year”(Hagar, 2007:127).

Sudan and Libya provided support to Deby (the current Chadian president) who was able to take power at the end of the 1990 (Marchal, 2007: 178). However from 2005, following the appearance of armed movements in Darfur, there was an exchange of hostilities between Khartoum and N’djamena and by the end of the same year a proxy war started between Sudan and Chad (Marchal, 2007: 174). The Sudanese government provided support to the Chadian opposition to prevent the increasing threat caused by the *Darfurian* rebel groups (Marchal, 2007: 174). The Chadian government in retaliation used the Darfur rebel movements; Sudan Liberation Army and Justice and Equality Movement (SLA and JEM) to restrict the advancement of their opponents across the borders (International Crisis Group, 2006: 6).

Tribal Militias and Arms Proliferation

In South Darfur, tribes are claimed to have their own inherited military system, which is the “*Ageed*” institution (Masajid, 1995). Musa indicated that this institution “represents the military wing of the *Baggara* Arab tribes. The ‘*Ageed*’ -pl. *Augada*- is a supreme or chief commander of a group of *Augada* and their horsemen. Each *Ageed* represents a clan and commands one hundred horsemen.... A group of the *Augada* is chaired by ‘*Ageed al-shoosha*’, also called *Ageed al-Augada*” (Musa, 2011:306-307).

Tribal militias were further encouraged and legitimized by the enactment of the Popular Defence Forces (PDF) Act of 1989 (Ateem, 2007:35), whereby civilians were militarily trained, and provided with small arms such as Kalashnikovs and G3s. Tribes allied to the government took the opportunity to train their community members, maintained weapons and further consolidated their institution of *ageed*. De Waal (1993:143) argued that this practice of organized militia formation in Darfur started in the mid-1980s, and successive governments have adopted a deliberate military strategy in which tribal militias in Darfur have been armed in order to fight the Sudan Peoples’ Liberation Movement (SPLM) in Southern Sudan. As mentioned earlier, in the course of 1970s and 1980s, there was an increasing insecurity in Darfur, as the region became battle ground for proxy wars in the neighbouring countries. Also the *Fur/Arab* conflict in 1987-89 and the *Massalit/Arab* conflict in 1996-1999 over land, took a devastating dimension. The government used Arab horsemen to eliminate the armed resistance movement that erupted in 1991. Also the government used the same strategy to deal with the rebel movements which

emerged in 2003. These activities have ended up with the formation of organized armed militias in Darfur under the auspices and full support of the government (Hagar, 2007:113), as will be explained below.

The rebel movements were dominated by tribes of African origin, and so the government built on the tensions and mistrust between some tribes of Arab origin and the *Fur*, *Massalit*, and *Zaghawa*, and created tribal militias mostly from the former group. The most notorious of these militias were those which came to be known as the *Janjaweed* (Hagar, 2007:113). *Janjaweed*, refers to horsemen (*fursan*- knights), and are militias recruited by the government to support Sudan Armed Forces (SAF) in their operations in Darfur. Although the government denies this relationship, it has been confirmed that “the *Janjaweed* not only received weapons and logistics from the government, but they also have close ties with government officials” (International Commission of Inquiry Report, 2005: 34). So, under the pretext of fighting the rebels, tribes with access to arms exploited the opportunity to achieve their own agenda such as taking land and resolving their disputes with others by force rather than by conciliation (Abdul-Jalil *et al*, 2007:51-52).

Rebel groups

The eruption of rebel activities came at time when ethnic polarization was at its peak. It was unfortunate that this development followed the biggest violent confrontation between some tribes of Arab origin and the *Fur* in one hand and the former and the *Massalit* on the other hand, as previously explained.

Furthermore, the unrest in Darfur and the emergence of armed resistance (1991 and 2003) corresponded with the intensification of the civil war in southern Sudan. Also, in 1999 the National Congress Party (NCP) was split into two; the NCP led by the president Omer Al-Bashir and the People's Congress Party led by Hassan Al-Turabi (the patron of the regime), which put the very existence of the regime at risk (Prunier, 2007:81). Additionally, there was an accusation made by the government that the Justice and Equality Movement (JEM), one of the *Darfurian* armed movements, was the military wing of Al-Turabi's party (Marchal, 2007:191). All these factors together perhaps go some way to explaining why the regime reacted in such a dramatic way, as will be elaborated below.

When the armed movements surfaced, they were dominated by *Fur*, *Massalit* and *Zaghawa*-in terms of leadership and supporters (Daly, 2007:278). This was understandable due to past grievances and the attack made by the government on these tribes. But the first problem faced by these movements was that the government started to describe them as military wings for the above mentioned tribes. The government led a huge propaganda campaign through different media including television, radio and newspapers (TRSD, 2003-8:vol.1, 6, v: 48-59). The message was that the emergence of the armed movements is no more than a new phase of the tribal conflicts between Arabs and non-Arabs in the region. They added that the fundamental nature of the problem in Darfur is a tribal conflict over natural resources between settled farmers, mostly of African origin, and the pastoralists, mostly of Arab origin.

The rebels have denied this view saying that their movements are political organizations and that what was on-going in Darfur is a political problem related to the marginalization of the entire region in terms of wealth and power sharing. Unfortunately, “the first field study carried out in Darfur during September and October, 2004 showed that the prevailing opinion among both non-Arabs and Arabs was that the war was primarily a broad struggle for land that had grown out of earlier, more localized conflicts” (Tubiana, 2007:71).

The source of the conception that this conflict was a continuity of the “Arab” pastoralist tribes against the “African” sedentary tribes over land was not only the government and ordinary people, but also the rebels themselves (Flint, 2007). Following the failed attempt of rebellion in 1991 and the catastrophic consequences for the people at the grass root levels, the *Fur* in particular were very reluctant to repeat the same experience. Therefore during the early stage of the preparations and in order to convince the *Fur* and others to take part, rebel leaders intentionally announced that the arrangements were of a defensive nature and were only targeting the Arab militias/*Janjaweed* (Flint, 2007:144).

On the other hand, and faced with such a difficult moment, the regime adopted the theory that the ‘end justifies the means’. Daly, (2007: 276) asserted that from January, 2000 heavy weapons were provided strictly to Arab militias. He added that non-Arabs were not only excluded from this process but efforts were exerted to disarm those who had already been able to obtain arms. “The

government began a massive and indiscriminate program of arming the Popular Defence Forces. In the first months, they armed Arabs and non-Arabs alike. Most non-Arabs lost no time in defecting to the SLA and JEM with their weapons” (Flint, 2007:153).

It was quite possible that the government took such behaviour as an excuse to change tactics. With an ideal atmosphere and fertile ground for ethnic division in Darfur, tribes of Arab origin were selected by the regime as strategic allies (TRSD, 2003-8,). Those who were already involved in conflict with the *Fur*, *Massalit* and the *Zaghawa*, were convinced by the position taken by the government. The government made them believe that these movements were receiving support from outside, especially the *Zaghawa*-dominated Chadian regime (Marchal, 2007:191). The government was of the opinion that if Arab tribes in Darfur did not move quickly to launch counter attacks they would very soon be removed from Darfur. These fears were consolidated by the practical alliance between the three tribes (*Fur*, *Massalit* and *Zaghawa*) on one hand and the name they first gave to their movement, which was “Darfur Liberation Movement” (Daly, 2007:278) on the other. This name was later on changed to “Sudan Liberation Movement”/ Army (SLM/A). Furthermore, fears were fuelled by a letter which was widely circulated by the Sudanese authorities claiming that the *Zaghawa* were seeking to create a ‘Greater *Zaghawa* State’ in a territory that extended from Darfur into Chad (Flint, 2007:158). The ill-treatment by some rebels towards civilians, especially those of Arab origin, provided an ideal opportunity for the government to convince these groups to side with them seeking protection for themselves.

The rebels relied heavily on ethnicity as a dominant force for mobilization (Suliman, 2006) and the government stopped taking responsibility for protecting civilians. Instead they distributed arms to their allied tribes on the grounds that they needed weapons to defend themselves from the rebels. In this situation those who were accused of being rebels or sympathizing with them have become a target for raiding; subject to murder, looting of properties, their huts burnt and women raped. Also the cruelty by some rebels towards civilians, including “Arabized non-Arab tribes such as *Falata*, *Tama*, *Gimir*, and *Kineen*”, has made these groups seek protection from the government side (Tubiana, 2007:69). Non- Arab ethnicities such a *Birgid* in Sherriya and *Massalit* in Gereida, who sympathized with the rebels at first, received the same ill-treatment from some rebels (SLA/Minawi faction), which also pushed them to seek alliance with the government in order to receive weapons, create their own militias and protect themselves from rebels and outlaws (KI/10:6/6/10). The division of rebels along tribal lines has provided further fertile ground for the government to manipulate the Darfurian armed movements (Tanner and Tubiana, 2007), and more importantly to cement its alliance with the ‘Arabs’ and to gain support of some non-Arab tribes in their war against rebel movements.

Some of the rebels gave the impression that they were aware of the government strategy. For example Abdulwahid Nour, the SLA leader, stressed that a long time before the fighting started, if non- Arabs in Darfur were to start armed resistance against the regime without Arabs being involved, the

government will mobilize the Arabs to fight them (Flint, 2007:143). However, those who were quite aware of this strategy did not seem to be taking serious measures to counter it; either they were unable to undertake genuine precautions to anticipate the catastrophic consequences, or it was beyond their capacity to stop such plans from being materialized. Some rebel leaders, encouraged by their rapid victory over government forces, have become dictators, unwilling to listen to the alerts made by reasonable figures among them and the aim of each group was to achieve a quick triumph over rival colleagues and assume the leadership (Flint, 2007:153-61). Such ambitions, I would say, perhaps were motivated by three factors: rapid victory over government, pressures exerted on the government by the international community due to the devastating situation on the ground, and the incentives provided by the government for those who defect from the rebels to join negotiations.

Flint, (2007:163) emphasized that, for example, “Abdulwahid has gained political assets by default: people supported him due to lack of alternative, and the international community sympathized with him due to the humanitarian crisis and atrocities committed in Darfur”. These factors, coupled with the lack of coherence regarding the ethnic composition of the armed movements, made it possible for the internal competition over leadership to emerge. The armed resistance started in Darfur in 2003 with only two groups: the Sudan Liberation Army led by Abdulwahid Nour from *Fur*, which was a broad alliance of *Fur*, *Zaghawa* and *Massalit*, and the Justice and Equality Movement led by Khalil

Ibrahim (*Zaghawa*) (Daly, 2007: 278-281). In six years the two movements both split along tribal lines and the number of movements jumped to 27 factions (Birech, 2009:27).

The emergence of armed movements in Darfur has also come at the expense of the NA. The leaders of the movements, who are mostly young and politically motivated, perceive tribal leaders to be allies of the government who pursue their own interests at the expense of Darfur people's common interest (Flint, 2007:143-144). This perception, together with the actions undertaken by the rebels, such as the execution or removal of some tribal leaders from their positions (Abdul-Jalil *et al*, 2007:49; Tubiana, 2007:72), has further undermined the already distorted system of the NA. Such behaviour has practically excluded traditional mechanisms of conflict resolution from operating, with no alternative system being put in place.

Root causes

This is a common term in the literature of conflict analysis. Some scholars refer to them as structural factors/causes or 'underlying causes' (Brown, 1996:1-33). Others term them 'structural dimensions or sources of latent/open conflict' (Goodhand *et al*, 2001:11). King, (1997:43) calls them 'structural components'. In this study 'root causes' is defined as those factors, which "form the pre-conditions of crisis situations, such as systemic political exclusion, shifts in demographic balance, entrenched economic inequities, economic decline and ecological deterioration" (*Porto*, 2000:19). The main factors selected in this

respect are competition over grazing land and water sources, competition over land ownership, and political manipulation of the Native Administration as an example of the political manipulation of local governance.

Land

In Darfur, competition between pastoralists and farmers, and among the pastoralist themselves over pasture and water sources, used to take place from time to time and is still the case up to the present. Sometimes such disputes may not necessarily be associated with scarcity of resources, but somehow related to cultural differences and perceptions related to supremacy over tribal homelands and its boundaries. Throughout the history of *Fur* Sultanates, throughout the colonial period and up to 1960s, agreements based on customary law were claimed to be capable of settling such disputes and to allow the smooth movement of pastoralists and their animals during seasonal migration (Collins, 2006:6).

It was only from early 1970s and the mid of 1980s that new factors came into being, as will be explained below. The climate change of 1970s and mid 1980s resulted in drought and expansion of the desertification in the northern part of the region, with severe consequences for the population and their livelihoods (Takana, 2009:15-19; Osman, 1990). This situation forced part of the population, including pastoralist camel herders of Arab origin, to migrate towards the south of the region in search of water and grazing lands (Suliman,

2006). Environmental consequences became more severe and traditional agreements were no longer capable to address them (Takana, 2009:22).

The new phenomenon is that the facilitation of the pastoralists' movements from one ecological zone to another is no longer sufficient, as pastoralists began to settle in some areas (the Jabal Mara range of mountains, for instance) for longer than in the past (Government report, 1988). Other immigrants of an African origin such as *Zaghawa*, who had lost their animals as a consequence of drought and desertification, were forced to move southwards looking for permanent habitation (Takana, 2009: 19). In 1984/85 alone a total of 384,010 people were forced to leave their areas in the north and moved to the southern part of the region (Oxfam report, 1984).The following table below (table 4) shows the registered number of the Internally Displaced Persons (IDPs) from the north into the south of the region during 1984/85.

Table 4: IDPs moved from North Darfur to South Darfur in 1984

Area where the IDPs moved to	Number of Internally Displaced Persons(IDPs)
Nyala	108976
Buram	95240
Eddein	72849
Idd elfursan	42352
Zalingei	64593
Total	384010

Source: (Oxfam Report, 1984).

The pressure on land due to over-grazing and farming resulted in shorter fallow and less fertility, a consequence of which was a decline in crop production and a persistent cycle of land degradation. Such practices led to more tensions and conflicts among communities, especially between pastoralists and farmers (Al-Mangouri, 2004: 46). Areas that received greater numbers of displaced persons were the most likely to witness tribal conflicts and tensions, as has already been explained and will further be explained later.

The challenges of drought and desertification were compounded by population growth. An increase in population numbers was not only because of the normal rate of growth, but due to migration from Chad into the region as a result of civil war (Jalaleldin, 2009:109; Abdul-Jalil, 2006:16). In this regard some reports showed that in the year 1984 alone about 10, 000 people arrived into Darfur from Chad (Oxfam Report, 1984). The number of livestock also increased for the same reason, especially in the south and south west of the region. In addition to the pastoralists who were forced by drought and desertification to move with their animals from the north of the region, Chadian migrants also came with their animals to these areas (Tubiana, 2007:69-70). The result was severe pressure on the land. The width of the livestock migration route before 1980s was only 2-4 miles, by the end of 1980s and early 1990s, in order for a livestock migration route to cope with the crowd of animals, pastoralists expanded the size of their seasonal migration routes to 20 miles (Salih, 1999:89). Between the 1970s and the mid-1980s, there was a

relative increase in selling prices of agricultural and animal products due to the growth of urban centres in Darfur and Sudan at large; which increased the demand for land by farmers (Johnson, 2003: 139).

Also war around and inside the region resulted in the proliferation of small arms, which became widely available. Thus, damage became greater and tensions started to emerge among the communities. This period coincided with the time whereby the May regime (1969-1985) abolished the NA in 1970 (see chapter 3). The “People’s Local Governance”, which adopted in the same year, was ineffective, in the sense that no competent institutions were established on the ground to replace the NA and take over the responsibilities instead (de Waal, 1993:142-143). The consequence of this situation was an administrative vacuum at the grass root level. There was no coordination between the leadership of the immigrants and the hosting communities on the one hand or between them and the government officials on the other. Such coordination would have made it possible to avoid the sensitivity related to land ownership and usage. It seems that new immigrants were considering that land was owned by the state and every individual or group had the right to move freely and to locate him/her where they found it suitable. Possibly, it was the Unregistered Land Act of 1970 (ULA) that paved the way for such understanding to prevail among this segment of population, as it entails that land that was not registered before the enactment of the ULA becomes government property by default.

In terms of ethnic background, the distribution of the population in Darfur corresponds with the ecological zones (Suliman, 2006), as already described. Camel herders, mostly from tribes of Arab origin, live in the further northern part of the region which is characterised by desert and semi desert. *Fur* and other smaller tribes of African origin, all settled farmers, live in the Jebel Mara zone which is range of mountains located in the middle of Darfur. This area is the richest in terms of water, fertile land and other natural resources. The cattle herders (referred to as *Baggara*) of Arab origin tribes dominate the southern part of the region. This ecological zone is characterized by relatively high rate of rainfall, but it can fluctuate considerably. The association of ecological zones with a population of certain ethnic background in Darfur made it easier for some disputes/ or competition over land and natural resources (water and pasture) between an allied group from one ecological zone against another group to take on the dimension of an ethnic conflict, even though the underlying reasons were essentially environmental and resource issues.

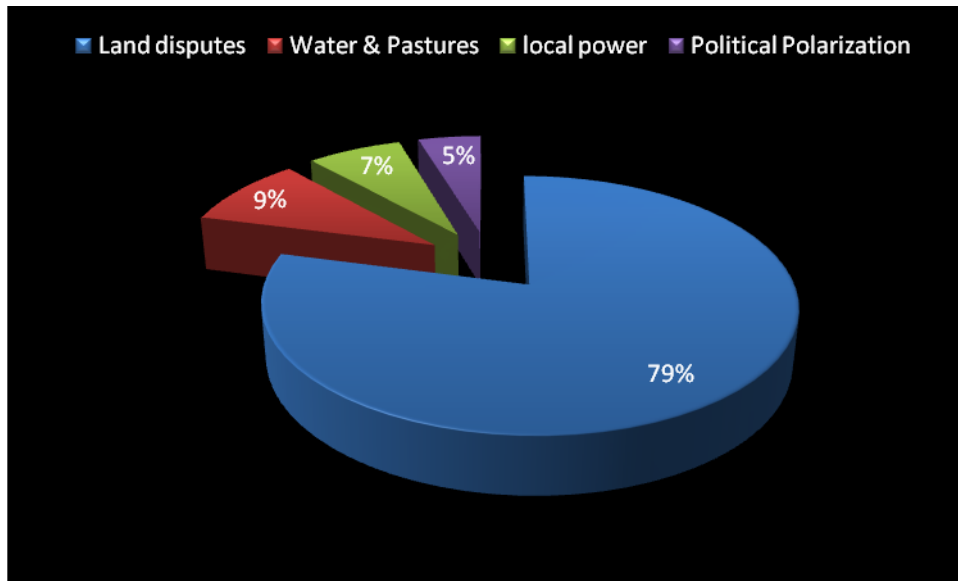
Furthermore, regardless of ethnic background, tribes and individuals in Darfur are strongly socially and psychologically connected to land. A striking example occurred following the drought in mid 1980s. The *Banihalba* and the *Habaniyya* tribes of Arab origin (known as *Baggara*) prohibited other tribes, particularly camel herders of an Arab origin to enter their homelands. This was because of the shortage of grazing land and because of what had been described by the latter group as the unacceptable behaviour of the former group (as previously mentioned). Surprisingly, the same groups of the

Habaniyya (Boram area) and *Banihalba* (Idd elfursan) accepted other immigrants from North Darfur, as reflected in table 4 above. This time may be because they were farmers and expected to cause less harm to the land and maybe easy to control. However there are also examples which show that some people were flexible with regard to access to land .even after conflict situation, as is explained below.

My own family and some relatives were granted land to farm in an area belongs to the *Rezeigat* tribe. Following the first conflict between the *Maaliya* and the *Rezeigat* in 1965 and for security reasons, the government adopted a relocation policy for families from both sides that were directly involved in the conflict and used to live across the borders of the homelands of the two tribes. A reconciliation agreement was reached between the two tribes in 1968. Since then such families were allowed to access their land again in the same area.

However these examples show that the issue of land in South Darfur is much more complicated and the conclusion is that from the mid-1980s up to 2009 competition over land has obviously become one of the important factors of tribal conflicts in South Darfur (see figure 12 below)

Figure 12: Distribution of root causes of tribal conflicts in South Darfur



I developed this chart myself and the source of information is: Table 3 above.

Political Manipulation

In connection with the above policy of the central authorities, and in an attempt to get people's support in Darfur, from 1990s onwards the ruling regime started dividing the districts (*localities/provinces*) along tribal lines, a policy which has directly and indirectly enticed tribal conflict over land and power (Abdul-Jalil *et al*, 2007:57). It therefore appears as though a tribal homeland (*hakura*) has become a political constituency. The more territories a tribe acquires the more political representation and resources it can get both at state and federal level.

The manipulation of the NA by the central governments is not something new. As described in chapter 3, manipulation of the NA existed long before British rule in Darfur. However, the systematic institutionalized approach associated

with British colonial rule (1916-1956) was distinctive. Based on their potential for providing political support to the new colonial authorities, tribes were treated differently with officially recognized homelands being allocated for the first time with specific boundaries. Smaller tribes were annexed to the biggest and so lost their independent status. As the smaller tribes were not content, this arrangement generated disputes; however, due to the strong security control of the colonial regime, these groups were unable to protest violently or effectively against such decisions (Mohammed, 2009:27).

These situations were aggravated by developments following independence in 1956. Central government planned the abolition of the NA in 1965, abolished it and enacted the Unregistered Land Act (ULA) in 1970. What made the situation worse was that the ULA was selectively implemented (Mohammed, 2009:27-28). In some cases tribes were deprived of the right to claim landownership. But, at the same time other tribes continued to exercise supremacy over land because they were powerful and the government avoided confrontation with them. This situation provided justification for some tribes to take the law into their hands and to change reality on the ground in an attempt to make the authorities to accept the new arrangement of their choosing (Mohammed, 2009:27-28). Also as described in chapter 3, until 1970, tribal leaders enjoyed legal authority, which was only abolished by the passing of the People's Local Government Act which divided the region into district and area councils in 1971 (Abdul-Jalil *et al*, 2007:56-50).

In 1987 a new arrangement was made whereby the NA system was reinstated (Ateem, 2007:33). The restoration of the NA was welcomed by tribal leaders; nevertheless they were not completely content with the new arrangements because their NA powers were reduced significantly. The executive decree provided limitations to the jurisdictional authority of tribal leaders, although the election of top tribal leaders and middle ranks (*omda*) was officially recognized. "The NA system was not empowered to play its traditional role effectively; numerous reasons contributed to this, including the limited powers granted to tribal chiefs and unclear legislative frameworks" (Ateem, 2007:33).

By 1995 the central government started to make unprecedented changes in the administration of Darfur. Tribal tenancies (*emirates*) for pastoralists of an Arab origin were created for the first time within the traditional homelands of other tribes; mainly *Fur* and *Massalit*, thus creating new forms of political tension (Abdul-Jalil *et al*, 2007:56-57). It was in connection with these developments that another major war broke out between the *Massalit* and a coalition of tribes of an Arab origin in west Darfur in 1996 onwards. The *Zaghawa* and camel herders of Arab origin have long been in competition over water resources in the northern part of *Zaghawa* homeland (De Waal, 2005:77). Following their alliance with the regime in Khartoum from the late 1990s, the camel herders engaged in fierce war with the *Zaghawa* (Tubiana, 2007:76).

South Darfur, particularly the southern part of this area, was known as the homeland of the cattle herders-*Baggara*-(Warburg, 1997:142). The rest of the

area came under the South Darfur *Magdomate*. According to the administrative divisions of the *Fur* Sultanate there were four *Magdomates* in the whole region, each one administered by a *Magdoom* appointed by the Sultan (Morton, 2011:15-16). The South Darfur *Magdomate* had included a wide range of tribes, both of African and Arab origin such as *Daju, Marrarit, Baigo, Miseirriya, Tarjam, Awlad mansour and Zaghawa-Umkamalti* tribes (Takana, 1997). From 1990s onward the situation has changed significantly. All the above tribes that used to be under the administration of the *Fur Magdomate* have been officially granted a separate native administration status (Takana, 2007:70-72). In Kass area which used to be *Fur* dominated land, tribes of Arab origin were also guaranteed *emirates*; “in *Banjadidi* area native administration for Jalol Arabs was established in 1990s. This new native administration consists of *Awlad Zaid, Awlad Rashid, Nawaiba, Erigat, Saada, Mahadi, Beni Hesein and Miseirriya*” (Takana, 2007:29). This is a fundamental change in the NA system of land tenure and has changed the political landscape considerably.

Triggering Factors

Triggering factors, in this study, are considered as single act or events that directly contribute to the break out of war between and amongst tribal groups in Darfur.

Competition over local power

As mentioned in chapter three, the marginalization of Darfur in terms of wealth and power sharing started with British colonial rule. Lack of social services and infrastructure was one of the major characteristics of the colonial period in Darfur. Following independence the central government and higher rank positions (in civil service, military establishment and other security organs) were predominantly occupied by people from northern and central Sudan (Ali *et al*, 1990). Darfur was practically excluded from the circles of decision making. Thus, socio-economic and political marginalization continued.

Following the announcement of the Regional Government Act in 1979, governors for all regions were appointed by central government from among the local population except for Darfur (Prunier, 2007:48). As a result demonstrations broke out with participation from hundred thousands of *Darfurians* in Darfur and across Sudan condemning their neglect and demanding a governor for Darfur to be selected from among the population of the region. The uprising, in which three students were killed, forced Numeiri regime to appoint the leader of the DDF; Ahmed Diraige as governor for Darfur in 1980 (Prunier, 2007:48). It was the first time in 64 years (since Darfur annexed to Sudan in 1916) that a figure from Darfur assumed the top leading position in the region. When the DDF's leaders assumed power, some politicians from tribes of Arab origin in Darfur complained that Arabs were marginalized and the DDF had become a *Fur* dominated organization (Mark *et al*, 2006:12).

Prunier, (2007:46-47) observes that since the adoption of regional governance in Sudan in the 1980s, local politics in Darfur has become increasingly based on ethnic polarization. In 1987 'The Arab Gathering' or the Arab Alliance surfaced, which aimed to remove "the grievances, political and social marginalization that Arab tribes face in Darfur" (Ateem, 2008:37-38). With regard to competition over the position of the governor and ministerial positions in the region, people were divided along ethnic lines. Three main groups came into being, which were the *Fur*, the *Zaghawa* and the Arabs.

This politics of ethnic polarization, coupled with the consequences of environmental changes, in addition to other externally-driven factors such as the Libyan- Chadian conflict and the Chadian civil war (which are discussed below) led to conflict between the *Fur* and a coalition of tribes of Arab origin, both camel and cattle herders (Tubiana, 2007:70). War broke out between the two groups in 1987/88 with land as a central issue, to the extent that tribes which claimed Arab origin used all means possible, including the destruction of farms and burning of villages, to push the *Fur* off the land, and described territories that they took over by force as "liberated land" (Mohammed,2000:358).

In December 1991, with the assistance of the SPLM, an armed resistance led by Daud Yahiya Bulad and Abdel-Aziz Al-Hilu, from the *Fur* and the *Massalit* tribes respectively was carried out against the central government (Daly, 2007:261). It did not take long for the government to suppress the rebels. Using Arab-based tribal militias, the government was able to defeat the newly emerged armed movement straight away (Daly, 2007:261). Since then

Khartoum has become more suspicious of the *Fur* and the *Massalit* tribes. The division of the region, and changes that made by the government with regard to the NA structures, as mentioned earlier should not be read in isolation of these developments. By 1995 the *Fur* tribe's homeland being distributed among the newly emerging three states (Abdul-Jalil *et al*, 2007:56). The reaction against the *Massalit*, as will be explained later, was directed at their land and structures of their NA, to attack its core value and symbol of their unity.

Armed robbery

The key negative consequences of the Libyan- Chadian conflict and the Chadian civil war in Darfur, from the end of 1960s up to 2009, were demographic changes, influx of refugees and internal displacement, arms proliferation, and rapid increasing rates of crime and violence (Haggar, 2007:113-114). This situation overlapped the drought and the famine that hit the north of the region in 1984. As a result the phenomenon of armed robbery came into surface around the same period of time (see table 3 above).

According to the police records, as an example, reported incidents of armed robbery in Darfur during 1990-1997 were 2824 with 58% of these incidents committed by elements from Chad (Mohammed, 2009:57). In a case study on "the armed robbery in Darfur", however, within a sample of 32 persons, only three men admitted they were Chadian (Ibrahim, 2001:121-124). The analysis shows that poverty was one of the strongest reasons for the group to engage

in armed robbery. Proliferation of arms is another important factor that encouraged this phenomenon.

One could argue that these wars (civil war in Chad and the Libyan/Chadian war) have enabled the proliferation of arms, making them available either free or at very low cost. The different military forces and militias also provided cover for armed robbery, especially as the presence of the Chadian opposition was permitted by the government of Sudan. Some of these militias were alleged to have been directly involved in banditry activities in order to secure food and resources, as they did not receive regular payments (KI/16: 8/6/10). This is also true of some of the *Darfurian* rebel groups, who were accused by their own colleagues of abusing civilians and looting their properties (Flint, 2007:145).

It could be possible that the overlapping of communities with open borders between Sudan and Chad has also contributed to armed robbery and consequently tribal conflicts in Darfur. The existence of some tribes in Sudan and Chad expands beyond the borders into the other country as is the case for most of the tribes, both of Arab and African origin, in Darfur, such as *Massalit*, *Zaghawa*, *Rezeigat*, *Salamat*, *Tama*, and *Taaisha*. In such a situation individuals or groups might be able to commit a crime in Sudan and hide themselves or the looted property or animals in Chad. If such speculation proves to be true, this causes further violence where an individual or a group from Chad commits a crime against a member of another tribe, and because of

the common features between the alleged group or individual and a local tribe, this makes the attacked people accuse the local tribe of being behind the incident even though they were not. Local communities are aware of these social links and interaction between the tribal local groups and their relatives in Chad and Sudan. In such cases the attacked group retains the perception that they were either attacked by their neighbours or, at least, their neighbours had provided cover for the attackers.

Conclusion

The ITRC record from 1989 to 2009, suggests that patterns and issues of tribal conflicts in South Darfur were of a dynamic nature meanwhile these conflicts increased with the passing of time. Proximate causes were related to factors such as environmental degradation, internal displacement, insurgency, and more importantly the negative role of the wars in the neighbouring countries such as Libya and Chad which has led to influx of refugees and proliferation of arms. This negative impact of the situations in the neighbouring countries together with the civil war in southern Sudan encouraged militia formation in the region at large and South Darfur in particular respectively. On the other hand the most important triggering factors behind the eruption of tribal conflicts were armed robbery and competition over local power.

During this period, government political manipulation of administrative and tribal structures became an additional factor of the underlying causes of these conflicts. Therefore there was shift in the dynamic of tribal conflicts; issues and parties involved as well. Parties involved became predominately from inside

the area, both sedentary farmers and pastoralists, land has become central issue of conflict, and area covered by disputes expanded to include the entire state.

The systematic erosion of the NA, especially following Sudan's independence, has led to the ineffectiveness of the system of NA in providing security, with no properly functioning alternating system put in place. The successive regimes, regardless of their nature, ideologies and declared policies, have remained heavily reliant on the political manipulation of tribes, with some amendments to tribal structures to suit their agendas. It appears that the ITRCs were more effective in resolving tribal conflicts during British period because they used to have well established mechanisms as well as check and balance measures were applied, which they began to lose following Sudan's independence.

CHAPTER 6: BEYOND THE ITRC: INDIGENOUS MECHANISMS OF CONFLICT RESOLUTION/MANAGEMENT IN DARFUR

Introduction

This chapter argues that although it could be described as the backbone of the tribal system of adjudication, *judiyya* represents only one form of the many other mechanisms and methods that have been in place to deal with conflict resolution and management within and amongst tribes in Darfur since the *Fur* sultanates (1650 to 1873) up to the 1960s. It seems that these mechanisms and means have not worked in isolation neither of one another nor of the overall socio-economic and political context of the tribal leadership system, including institutions and structures, as will be explained later. Rather, the *judiyya* has been used to work in a complementary manner within an inclusive system of tribal institutions and structures derived from communities' own values (customary law). Perhaps this factor, which the ITRCs seem to be lacking, had contributed in the past (during the *Fur* Sultanates and the British colonial period in particular) to make this mechanism appear more capable of maintaining peaceful coexistence within tribes, and with the outside surrounding world, as claimed by some people in Darfur; the key informants, tribal leaders and academics included (Mohammed, 2009:128).

In Darfur, as chapter 3 describes, the tribal leadership system of administration has a long history and has been based on family and tribe structures, with

tribes being administered by their own leaders (Iyob and Khadiagala, 2006:134). As a result tribes develop their own system of governance that is informed by a specific set of values, traditions and customs. As a part of the socio-economic and political systems, tribes have their own customary based mechanisms of conflict management and resolution for settling disputes within their communities, or between them and other communities. Among these mechanisms, the most important and widely recognized one is the *judiyya*.

As the tribal leadership system continues to be adopted in Darfur during British colonial rule, the *judiyya* continues to play the same fundamental role as before. Even after the establishment of the modern system of judiciary following Sudan's independence, it appears that local communities use *judiyya* and perhaps deliberately avoid courts' adjudication with regard to the emerging disputes. Mohammed, (2002:182) argues that this may be because they believe that there are only two outcomes from legal action either winning or losing, and such action leaves a feeling of bitterness to the loser. For them this means a continuing situation of sense of injustice, especially if the convicted person or group is not satisfied with the adjudication or the sentence passed against them.

Before proceeding further, a couple of points need to be made clear regarding this chapter. The chapter is complementary to chapter 7, which focuses on ITRCs, and the aim here is to show that these indigenous conflict management/ resolution processes go further than the one-off, government-sponsored events of ITRCs, which claim to follow the same principles. Another important point regarding this chapter is that the key informants often talk

about the past as though it has always been the same (hence the use of 'traditions and customs'). Maybe informants were not clear about the period they were describing or/ do not have a clear sense of the historical moments, or transitional periods, at which things changed. Based on my personal observation, a part of the reasons behind this problematic is that *judiyya* is a practice that is deeply rooted in the history of these communities and is still widely used in Darfur as the main indigenous mechanism of adjudication between individuals and between communities, even though in a modified form and with less success than before. Perhaps this is why informants refer to events in the past by using present tense/or mixed between the present and past tenses in their deliberations. This made me confused about how to present their discussions and which tense should I use. I have chosen to present the details in the present tense, unless referring to a specific historical event or period, and later in the thesis I will explore the extent to which current practice still follows along these lines.

The Judiyya

This title will be divided into subtitles, which will provide further elaboration of the *judiyya* as concept and practice. *Judiyya* is "an Arabic term meaning the process of intervention by a third party to mediate a conflict situation" (Ali, 2002:39). Throughout the long history of Darfur (at least from 1650-2009) the *judiyya* is known for dealing with the settlement of tribal disputes, though with some alteration with regard to form, issues and efficiency. *Judiyya* could be described as a type of open meeting for conflict settlement. It is a well-known

practice for conflict management and resolution among the different communities of the region of Darfur. However, as will be explained below, *judiyya* is not a one-step action. It is a process that implies a series of steps prior to and following the open meeting that it refers to as *judiyya*, although there is no documentation for the *judiyya* procedures and outcome, as I have personally observed. In most cases there has been no record of the meetings or decisions undertaken; people rely completely on their memories. Also these communities develop some social practices which help to enhance social interaction, coherence and peaceful coexistence, such as intermarriage, exchange of gifts and others (Mohammed, 2009:172), as explained later in this chapter.

The Role of the Judiyya

Mohammed (2009:182) suggests that the modern state's institutions such as police, courts and prisons have never covered the entire region of Darfur in a sufficient and effective manner which may be in part because *judiyya* is still seen as having reasonable acceptability, especially at the local levels, and even in the shanty towns in urban centres where internally displaced people are located. In a survey conducted by the UN in the IDPs' camps in South Darfur (UN, report, 2007), new leaders (called camp *sheikhs*) were found to have emerged in these camps. In the areas controlled by government or rebel groups, these new leaders are directly connected either to government or to the rebel movements and are taking responsibility for everything in the camp, including disputes settlement. In the camps where there is no direct control by

either of the fighting groups, there are two parallel leaderships of a kind; camp *sheikhs* and tribal leaders each represents their own tribal group in the camp. Those who belong to the NA and move with their people to the camps continue to assume their old roles, while new leaders are selected for the groups which their leaders have left behind. The tribal leaders form a council which is responsible for dispute settlement among groups and between individuals. Meanwhile the camp *sheikhs* remain responsible for the provision of social services and contact with AU, relief and UN agencies. Also in a survey conducted by an NGO in relation to Darfurians living in refugee camps in Chad, “The majority of respondents believed that *judiyya*, *ahleeya*, and *suluh* [87 %] and *diyya* [85 %] are very important for enabling the people of Darfur to live in peace. However nearly no one [6 %] believes that these methods alone would be sufficient for dealing with the crimes that occur during the current conflict” (Darfurian Voices, 2010:28).

All these examples indicate that situations have changed. Even though *judiyya* still plays a role in conflict settlement, it is not the same institution as before. The lack of other options is clearly a factor in its continued popularity, particularly in the case of the displaced people and refugees in the camps, where modern institutions of justice implementation are located far from the reach of the communities. Nonetheless *judiyya* is no longer playing the same role as before; its involvement appears to have become limited to certain areas and issues.

Historically, the principal role of the *judiyya* is to resolve problems or disputes that arise amidst communities according to the prevailing customary law, but

cover a very wide range of issues. Based on the issue of contention, *judiyya* take different forms and involve various aspects of social structures and a wide range of people. Take the example of a woman who is divorced. The people involved would be individuals (the couple and their relatives), and the level of the relevant social structure would be the family. Family in this context means the social unit consisting of two adults; man and woman and their children as well as the extended family which includes close relatives of both couples (father, mother, grandmother, grandfather, sisters, brothers, aunts, uncles and cousins), although only adults attend *judiyya*. If the dispute is between two individuals over land boundaries, then the people involved would be the *sheikh* and some mediators from elders who are knowledgeable of the history of the area and land related issues, and the level of the relevant social structure would be the *sheikhdom*. If the conflict is between two individuals over the leadership of their sub tribe, the people involved would be *omdas* from the tribe as well as elders from inside and outside the group involved in the dispute, and close relatives of the two rivals. The level of the relevant social structure would be the *omodiyya* (sub tribe level of tribal administration usually headed by omda). This indicates that *judiyya* dealt with problems that relate to different issues and various aspects of life, including socio-economic and political matters.

Principles of the Judiyya

Judiyya is a locally driven method of justice and reconciliation, based on customary law and informed by a community's own values. It has developed

slowly over time and as communities abide by traditions and customs, usually when decisions are made by *judiyya*, everyone accepts and respects the outcomes. As one of the informants says, “*This submission for the Judiyya is associated with the belief in society’s values, therefore it would not be socially acceptable from anyone, an individual, a group of people or a tribe to refuse attend a judiyya or reject its decisions*” (KI/8: 5/6/10). Commitment towards the decisions of the *judiyya* is also reflected and shown in the respectfulness towards those who are involved in the process such as the mediators and the parties to the conflict. To refuse to sit for *judiyya*, or to disobey decisions made by it, would put the individual/s or the group/s who do so in a position of confrontation with their own community and other communities, as is explained below by one of my informants:

“Anyone (individual, group or tribe) who disobeys decisions made by *judiyya* would be boycotted by the concerned party to the conflict, the mediators and the neighbours (individuals, families, groups or tribes). Which means such people (individual/ group or tribe) bring shame for their family, group or tribe, as they would be described as ‘*kasar khawatir*’ ” (KI/21: 10/6/10). “*Kasar khawatir*”, is an Arabic expression, refers to someone who refuses a request made by mediators in relation to the settlement of dispute. There was a common belief that such person will lose at the end; therefore this expression has become connected to the sense of pessimism (Mohammed, 2009: 177; Birech, 2009).

Based on my interviews in June 2010 with 26 key informants from South Darfur state, they separately agree on the following as common principles of the *judiyya*.

1. Mediators are volunteers.
2. Mediators must be voluntarily accepted by all parties to the conflict before their involvement in the arbitration process.
3. Parties to the conflict must voluntarily accept to participate in the *judiyya*.
4. Customary law constituted the reference for adjudication.
5. The parties to the conflict participate voluntarily in the *judiyya*, but this also implies an obligation to accept its outcome.
6. The implementation of the agreement reached in the *judiyya* is a shared responsibility of the parties to the conflict and the mediators.
7. Higher level tribal leaders serve as guarantor for the implementation of the agreement in good faith with the mediators serve as witness in case of dispute over interpretation of the outcome.
8. A mediator is expected to be a knowledgeable person with regard to the customary law and issues of dispute.
9. The parties to the conflict decide on the agenda to be discussed without intervention from any other party.

However, some of these points seem to be relevant only from a historical point of view. Currently, these criteria are contested on the basis of changing of

circumstances, issues and people. Mohammed (2009:180-181) argues that as of today these principles are not all pursued. This is because the communities are no longer 'traditional' but have moved to 'transitional' stage, whereby customary law is not fully adopted and respected as before, the NA has been subjected to government interference and is no longer enjoying full support from the government, nor does it have full respect from all spectrums of the communities. The proliferation of arms has also resulted in shift of power from tribal leaders to the militia leaders.

Some informants also stress that situations have changed. One indicates that "Unlike these days, up to the 1970s, in the case of murder perpetrators used to be arrested and prosecuted even following reconciliation" (KI/7: 5/6/10). Other informant pointed out that:

"Currently the compensation for murder in the civil court is SDG: 30,000(\$10,000). Meanwhile according to the customary law it was only SDG: 15,000(\$5,000) which encouraged some people to go to the courts and not to submit to the customary law" (KI/8: 5/6/10). This same source emphasizes that:

"As of today customary law is not fully respected and obeyed by young generation. For example, the *Alawna*- sub tribe of the *Banihalba*-resides in *Umjanah* area, members of this group increasingly become interested in going to courts rather than to submit to judiyya. This is because their young generation have access to education and many of them have been employed by the police".

Mediators and Mediation Process

In the past (during colonial period and up to the 1970s) and to a lesser extent up to the present, when a misunderstanding or a tension occurred between two individuals, groups, or tribes, notable persons from elders and/or tribal leaders (at lower or higher levels, depending on the type of dispute) intervened to provide their service as mediators to contain the misunderstanding or the tension before it evolves or escalate into a full-scale dispute or conflict.

Mediation here refers to a process of intervention by a third party. This potential conflict situation might be demonstrated where a misunderstanding between two individuals, or groups, is seen to have negative impacts on the normal communication and relations between the two. Mediators are locally known as *Ajaweed*; Plural of *Ajwad*, which is an Arabic term meaning good faith mediator (Ali, 2002:39). The mediator might be one person or group of individuals (tribal leader-of lower or higher rank, leader of an extended family, Muslim scholar-*sheikh/faqeer or faqi*-, etc.) who enjoy respect and acceptance by both parties to the conflict/ potential conflict. Usually, the mediators are individuals or a group of people from the local community who are respectful, experienced and with a wide range of knowledge of customary law. Furthermore, to serve as a mediator such a person or group of people has to be accepted by parties to the conflict. A mediator may take the initiative on his own or he/ they may be requested by one of the two parties of the dispute to intervene.

“When no direct confrontation happens, in most cases, mediators succeed to restore the relationship between the two individuals or groups with no need for

judiyya to be organized in a formal way” (KI/15: 8/6/10). If such efforts fail to stop the tension, then higher level leaders/elders will be notified about it (KI/21: 10/6/10). In the case of individual disputes those who are notified may be the eldest in the family or an extended family and in case of groups, when sub tribes and tribes are involved the notification may be submitted to the *sheikh* or the *omda* of the group and top tribe’s leader. In all these cases the notified person may either try to discuss the issue again with the concerned party/parties, alone or with the assistance of a new group of mediators (KI/21: 10/6/10). Also, they may decide to submit the issue to the immediate highest level in the hierarchy of leadership. If the dispute involves tribes, the top tribal leaders of the respective tribes will be informed about the development.

Usually mediators are men. The tribal community in Darfur has been patriarchal and this remains the case. Consequently, the tribal leadership system is pre-dominated by men with no room for women with regard to assuming leadership status of any kind, even at the lowest levels of the family and households. In this respect a female key informant says that “in spite of the education and changing situation, still men are reluctant to accept women representation in tribes’ delegations involve in judiyya or what comes to be known the Intertribal Reconciliation Conferences” (KI/22:11/6/10). Therefore, women are not selected as mediators and do not participate in the mediation process. However, if they are party to the conflict, women do participate in the *judiyya*. They may be involved in a dispute as opponents or witnesses only. In both cases and during the mediation process women are contacted through their male guardians (father, husband, brother or any other closer male

relative).

Initiative for mediating *judiyya*

If confrontation takes place, or if an initial effort of restoration of normal relations fails and the situation becomes more complicated, efforts are directed towards preparation for a proper *judiyya*. One of the informants (KI/15: 8/6/10) reflects on his own experience during the British colonial period by saying that:

“Sometimes, when there is an accusation that an action or behaviour is done repeatedly, the tribe or group that has a grievance submits a complaint to the formal or native authorities to explain what the substance of the grievance is. In this case the authorities start immediately gathering more information about the allegation in order to find out whether the situation is serious and if it requires immediate intervention. If they considered that immediate action is required, which means it is too urgent to wait for *judiyya*, the police intervene to contain the situation. The first thing they do is to identify the alleged perpetrators and detain them. Also they identify the place where the incident happens, and who is alleged to be the attacker” (KI/15: 8/6/10).

This measure usually applies when violent disputes erupts between tribes or groups or in the case of a murder whereby a dispute between individuals or groups is expected to escalate into a full-scale conflict. If the authorities reach a conclusion that the issue is not urgent and there is no possibility that it may result in a conflict between tribes, such allegations are looked at during the annual gatherings (cultural ceremonies) of tribal leaders; locally referred to as

maarid or *hikrat*, which takes place twice a year during the colonial period (KI/8: 5/6/10). Based on my own observation, these procedures also apply to the more recent times except the referral of cases to the *Maarid* ceremonies, as *Maarid* no longer take place and also the response of the authorities of today is not as quick and efficient as before.

Stakeholder involvement

Stakeholders' involvement in *judiyya* varies according to the level of dispute or conflict. However, the main stakeholders in a *judiyya* usually are individuals, groups and tribes that are concerned with the issue of dispute. Tribal leaders, elders and notable community personalities usually take part in *judiyya* on behalf of their tribes or respective groups. Also, local Muslim scholars (locally known as *Fugara*, plural of *Fageer*), such as those who lead prayers (*imam*) or teach Quran in the traditional religious school (*Khalwa*), are involved in *judiyya* as well. In *judiyya*, government direct involvement is not necessary; however involvement of government officials in ITRCs play crucial role.

Key issues addressed by the judiyya

Key issues normally include social, economic and political dimensions, rather than just one of these. Underlying these issues, as described by an informant (KI/15: 8/6/10), family related issues such as marriage disputes (refusal of a request or a dispute between couples) are commonly resolved in *judiyya*. Economic related issues such as damage of crops, debt settlement, dispute over business and compensations related to injury of individuals or animals, etc. are also settled in *judiyya*. Other issues that are resolved in *judiyya*

include:

“dispute over power in case of rivalry among groups or individuals with regard to leadership, competition between farmers and pastoralists over natural resources (water and grazing land) , and disputes over land boundaries (farms) between individuals or groups or between tribes over tribal homelands” (KI/12: 7/6/10).

The most important in this respect is that the parties to the conflict are the only ones to decide on the agenda of the *judiyya*; they preserve the full right to raise any issue that they consider as something of concern to them (KI/24: 13/6/10). This is not the case in the ITRCs, where the government can intervene on the agenda, as will see in chapter 7.

Representation and Participation

The priority for participation in the *judiyya* is for the most important people, such as elders and tribal leaders (KI/1: 3/6/10; KI/6: 5/6/10; KI/15: 8/6/10; KI/21: 10/6/10). These informants emphasized that the belief within these local communities is that knowledge and wisdom most likely result from long life experience. More crucially, they add that elders are believed to be more knowledgeable in customary law. Also, unlike the youth, who are perceived as being mostly emotional and unable to control their reactions, elders are believed to be wiser, more reasonable and patient. However, parties to the conflict are free to select their participants in these meetings without interference from the top tribal leadership or government authorities (KI/5:

4/6/10). In a *judiyya* between tribes or sub tribes, usually the representatives included higher rank (*Sultan, Malik, Nazir, and Magdoom*), middle (*Shartai, Fursha, Omda*) and lower rank leaders such as *sheikhs*. The top leadership of the tribe leads his delegation to attend the opening ceremony, but never leads the negotiating team. Top rank tribal leaders distanced themselves from the direct involvement in the negotiation in order to serve as reference for their negotiating teams. Relatives of the victims and those who are directly involved in the dispute are represented in the *judiyya*. "The participation of the victims or their relatives is a must. They are involved in every detail with regard to the discussions during the *judiyya*, when they agreed to reconcile that means they are quite satisfied" (KI/9: 6/6/10).

Preparatory procedures for *judiyya*

When direct confrontation between individuals, groups or tribes takes place, mediators intervene to separate the two parties to the conflict. One of the informants (KI/21: 10/6/10) explains that if both of the parties are pastoralists, mediators identify grazing area, water points and market place for each party separately with the aim of not allowing direct contact between the two groups. He indicates that this process is locally known as "*al-suf*" (literally means 'line') which means physically separating people along a line by creating a buffer zone. Such a preventive measure is intended to reduce tension; helps to contain violence, maintain cessation of hostility, and consequently prohibit further escalation of the conflict. Also, if the conflict is over land, the two parties usually deny access to the disputed land until a *judiyya* is carried out to

address the issue. The way to guarantee that such a measure is mutually respected is by making both parties to the conflict perform *halifa/Qasam* (take an oath). An equal numbers of persons (notable community leaders) from both parties to the conflict are selected and invited to take the oath. Having their hands put on a holy book (e.g. Quran) or any other means, they are requested to declare loudly the following (KI/15: 8/6/10):

“Neither I nor any person from my part will involve in any act or behaviour that might provoke the other party and by no means violate the restricted measures made by the mediators to contain the situation. Unless a *judiyya* is carried out to decide otherwise, I will respect these commitments and will make my group respect it too”.

Proceedings of the meetings

After the mediators are accepted by all parties to the conflict, the place, date and the time of the *judiyya* is usually decided by the mediators in consultation with the different parties. In most cases date and time for the meetings are connected to the days of the week, meal and prayer times respectively (KI/1:3/6/10). For example, the announcement would be that “the meeting is to take place next Friday after *Dahur* (midday) prayers or after breakfast at the *omda*’s home. Family related disputes’ meetings are usually held during the night time, shortly after sun set, whilst *judiyya* for disputes between groups or tribes may start during the day. The duration of the meetings depends on the nature of the dispute and the issues to be addressed. Family related disputes

may be settled in one session. In this case following the ceremonial procedures of the opening session, the meeting continues to listen to the parties to the conflict and a solution may be reached within few hours, after which the meeting ends. If the dispute is a complex one (e.g. between two tribes), the *judiyya* may take a whole day or many days. In this case many sessions are scheduled with breaks for food and prayers, as is explained below.

The sessions

The first session begins with the mediators selecting one of them to chair the meeting, who is most likely the eldest person or the most experienced and respected figure. Normally, *judiyya* is not confined to a fixed schedule of sessions; a session might continue for hours or even days (KI/24:13/6/10). Once everyone is seated and the chairperson announces himself as being selected by his colleague mediators, the session habitually starts with a ceremonial performance, which is generally a recitation of selected verses of the Quran. These are normally the verses that call for tolerance, forgiveness, reconciliation, and enhancement of social ties. Reciting of the Quran is followed by a statement made by the chairperson including popular proverbs that call for values of tolerance, forgiveness and peaceful coexistence. Also he encourages the parties to the conflict to cooperate with him and the mediators and to work in good faith towards the peaceful settlement of the dispute concerned.

Before starting their work in the meeting, sometimes the mediators perform an oath on the Quran declaring that they are committed to work honestly and in a

good faith to reach fair settlement for the problem concerned. They usually emphasize the need and their commitment to remain impartial, just and fair in their proceedings during the meeting and in their final decisions and recommendations regarding resolution of the dispute under discussion.

Following taking the oath, usually the mediators request full authorization as arbitrators and that the decisions they make is to be respected and accepted by the parties without any revision or rejection, in total or part. Then the mediators start their work, which takes hours or days.

If women are involved, as a party to the conflict or witnesses, they join the meeting but usually sit in the back seats (on floor mats) and separately from men. Women always sit behind the men and are sometimes located a special place behind a screen to separate them from men, so only their voices could be heard. When a woman is a part of the *judiyya* as a witness, sometimes, she is not allowed to attend the whole discussion. In such a case, she is only invited to provide her testimony when such point is reached in the discussions and then she will be asked to leave.

In terms of procedures and principles, *judiyya* does not have standard criteria; it relies on the trust amongst the parties to the conflict or their leaders, and the competencies of the mediators. In this respect one of the informants reports the following example:

“In 1964 a member of the *Maaliya* tribe killed a member from the *Birgid* tribe. The omda Ahmed Ajab of the *Maaliya* whose group the guilty person belonged

to, took the initiative and travelled to the residence of the *shartai* Mohammed Ahmed Yaqoub of the Birgid tribe in *Sherriya* village with the aim of resolving the problem. When the session started *Shartai* Yaqoub requested omda Ajab to chair the *judiyya*. Furthermore, when it came to the decisions the *shartai* intervened again and decided that only half of the amount of the *diyya* should be paid by the *Maaliya*; because of the good neighbourhood between the two tribes” (KI/6:5/6/10).

This behaviour of the *Shartai* and the *omda* could be explained in the light of how friendly relations, mutual reliability and respect amongst tribal leaders could play crucial role in the success of the *judiyya*. Even though one of the fundamental principles of the *judiyya* (mediators) is not present in this case, yet the *judiyya* succeeds because of the good relationship between the two leaders and because of their personal qualities. Also it seems that the *shartai* wanted to reward the *omda* for his initiative and to make him feel that it is very much appreciated and well received.

***Fadfada* session (pouring out your heart)**

Following the opening ceremony the floor usually opens for the representatives of the parties to the conflict to raise their concerns and grievances (KI/24: 13/6/10). The process has been locally known as “*fadfada*”; an Arabic word, which literally means pouring out your heart, or expressing your feelings. Each party is given sufficient time to narrate their story, express grievances and raise concerns the way they want. Most of the time parties to the conflict express themselves openly, honestly, and -sometimes- use tough language

and make allegations against one another, to the extent that members of delegations or an entire delegation of one party threaten to leave the meeting. The above mentioned informant indicates that he personally attends a *fadfada* session includes two tribes, which starts at 08:00 o'clock in the morning and ends at 05: 00 o'clock in the evening.

The same source adds that when the dispute is more complicated and could not be resolved in one session, the tradition is that by the end of the *fadfada* exercise there is a break. However, when "*Fadfada*" results in raising tensions between the two parties the break is only announced after everyone calms down and all parties reassured that they will continue the meeting.

Second session

If more than one session is required, breaks are to be taken for food and prayers. In this case both parties to the conflict are invited to make presentations on their cases with as much time as needed and they are expected to point out the following (KI/9: 6/6/10):

1. Their claims and complaint against the other party.
2. Human and property losses and damages (if applicable) with submission of evidence/witness related to these claims (if available).
3. Any other grievances.

Submission of presentations in most cases is made verbally and in the presence of the other party to the conflict (KI/8: 5/6/10; KI/11: 6/6/10). The same informants add that usually the presentations are made by more than one person from each group and these people do not necessarily coordinate in advance with regard to who says what. Sometimes, individuals within the same

party disagree with each other on the account of events presented and also regarding which issues should be raised in the meeting at all. In this case the mediators request that the group should have a separate meeting on their own to come up with a unified position (KI/4: 4/6/10). In this respect judiyya differs from the ITRCs, in the latter a written presentation is prepared in advance and only one person assigned to deliver it during the meeting, as will be explained in chapter 7.

The presentations of grievances and claims by the two parties to the conflict usually take one session or more (KI/1: 3/6/10). Then the meeting continues to discuss the issues raised. Occasionally, mediators find it necessary to suspend the sessions in order to take time to look into the submissions made and to make their own judgements (KI/6:5/6/10). To conclude the final proposal for settlement, separate meetings between the mediators and each party may be needed to discuss details with an aim to bridge the gap between the two parties to the conflict (KI/1: 3/6/10).

Sometimes, mediators found it necessary and helpful to divide themselves into sub committees such as loss estimation and compensations committees, and boundaries identification and demarcation committee. The primary responsibility of these committees is to study the documents provided by the parties, to carry out site visits to see the situation on the ground, and to provide their findings and remarks to the team of the mediators. The findings are to be discussed by the mediators jointly and decisions are collectively made as well (KI/8: 5/6/10; KI/11: 6/6/10).

Outcome of the judiyya

The outcome of the *judiyya*, whether decisions or recommendations, has to be compliant with customary law (KI/8: 5/6/10). This respondent further adds that in the beginning of the outcome session, mediators first start with an introduction which includes the background of the relationship of the two parties prior to the conflict, reflecting on the good sides of it. Then they give a brief account of the conflict: reasons and consequences from the deliberation of the discussions of the parties to the conflict and the judgement delivered by the mediators themselves. The mediators' judgement includes the identification of the individual, group or tribe found guilty and individual perpetrators from both parties (KI/15: 8/6/10). This same informant indicates that the individuals, group or tribe found guilty are usually penalized in kind or cash, as there is no imprisonment penalty in *judiyya*. The same source concludes that sometimes punishment for the tribe that is found guilty will only be moral punishment (blame put on them by mediators for their bad behaviour/action). Usually the outcome of the *judiyya* is divided as follows (KI/9: 6/6/10):

Decisions

In most cases the decisions of the *judiyya* relates to an estimation of *diyya*, compensation, and the individual perpetrators, whose names are to be specified and punishment identified. Procedures of implementation are also agreed, including clear deadlines for payments of *diyya*, compensations and steps towards normalization of future relationship between the parties to the

conflict. The latter start immediately by requesting the opponents shake hands and publicly announce restoration of the relationship.

Recommendations

Advice to the parties to the conflict in order to maintain good future relationships usually included in the *judiyya*'s recommendations. For example, from the historical background of the conflict, mediators pick up certain issues, such as boundaries and livestock seasonal migration routes, which they consider as triggering factors. In this particular case, recommendations may include proposals on the amendment of boundaries or direction of livestock migration routes, which should be decided by the two parties unanimously. Also, as a sign of forgiveness mediators may recommend one party or both to offer a reduction of the compensation (except the *d'iyya*) they are entitled to receive.

Mechanism for implementation of agreements reached

The mediators, in coordination with the leaders of the parties to the conflict, are collectively responsible for the implementation of the outcome of the *judiyya* (KI/9: 6/6/10). In complex disputes the mediators divide themselves into subcommittees. The same informant gave the following example:

“Let us say the conflict is related to dispute over land boundaries between two groups and results in human losses and crop damage. In this case, mediators should divide themselves into two subcommittees: 1/ Losses estimation and compensation committee, 2/Boundaries identification and demarcation

committee. Each committee include representatives from each party to the conflict. The role of these committees is to follow up on the implementation of the decisions made by the *judiyya*".

Usually there is a time frame for the implementation which should be fully respected. This work is carried out in coordination with the leaders of the parties to the conflict. Sometimes, joint delegations form from the parties to the conflict (tribes) together with the mediators to tour different areas to disseminate the agreement and facilitate its implementation on the ground (KI/7:5/6/10). The same source further explains that:

"If the implementation is lagging behind the deadlines, mediators look into the matter to identify who is responsible for it. If any or both of the parties to the conflict are found responsible for the delay, the direct leader/leaders of the concerned group/groups will be notified by the mediators to explain their position. In case the mediators are not satisfied with the explanations provided, they submit the issue to the highest level of the tribe's leadership".

Council of *Dimilij*s

Dimilij is a middle rank position within the hierarchy of the leadership of the *Fur tribe* (see chapter 3). For some tribes *Dimilij* is usually a knowledgeable person who stands out as a reference point for customary law related issues (KI/8: 5/6/10).

"Mostly, tribe's hierarchy including a *dimilij* who is supposed to serve as resource person with regard to the customary law, collection of *diyya* and

compensations, and the tribe's Council of *Dimilijs* is the body that brings all these dimilijs together. The primary responsibility of this council, among other tasks, is the review of customary law. For some tribes the council organizes annual meetings to look into issues related to *diyya* and compensations among groups within the tribe or between their tribe and other tribes, especially the neighbouring ones" (KI/15: 8/6/10).

This council is responsible for the records, review and interpretation of the customary law. The *Dimilijs'* council also looks into precedents and decides whether to endorse these precedents (locally referred to as *sawalif*) as part of the customary law or not (KI/15: 8/6/10; KI/8: 5/6/10). In effect then this means they could decide whatever they think is right. This shows the flexibility of customary law and the division of labour within the system of the NA; which means this institution is the legitimate body to decide what constitutes customary law rather than the top tribal leaders. They also review the due amounts of *diyya* and compensations to make sure that these amounts are collected and received by the people concerned (KI/9: 6/6/10). Moreover, one of the main tasks of the council is to coordinate with neighbouring communities with regard to the customary law system such as to the amount of *diyya* and compensations agree on certain issues and cases (KI/6: 5/6/10; KI/8: 5/6/10) .

Advantages and disadvantages of the judiyya

Indigenous mechanisms of conflict resolution and management are described as being successful in resolving conflicts, and in maintaining peaceful

coexistence within and amongst local communities (e.g. Birech, 2009; Mohamed, 2002). However, this success is not cost free to all and had some limitations / disadvantages, as reflected in the following paragraphs. The perceived strengths and weaknesses are actually in the same thing; the degree of expertise of the local leaders and communities.

Unlike more formal adjudication systems, *judiyya* is locally owned, copes very well with locally driven legitimacy, and responds quickly to the conflict situation as it depends on people who live among the community (Birech, 2009:47-48). Mohamed, (2002:182) argues that *judiyya* is known for ending disputes in a way that is accepted by both parties and hence contributes to a culture of tolerance and forgiveness among and within communities. I personally have observed that most informants indicate that one of the merits of the *judiyya* is the fact that it effectively uses local structures and elders who have sufficient knowledge and experience, which put them in a good position to understand the psychological background of the parties to the conflict as well as their concerns.

However, one of the limitations of the *judiyya* is that it lacks standard criteria and relies profoundly on the competencies of the mediators and tribal leaders (Birech, 2009:46). I also observe that my informants emphasized that *judiyya* mainly depends on elders and the customary law. This could lead to another limitation of the *judiyya* because as time passes (especially from 1970s onward) the number of elders who are fully aware of customary law has been

diminishing and at the same time new generations are influenced by education and become reluctant to obey traditions and customs. Also, most informants mentioned that the enforcement of the *judiyya*'s outcome relies, to large extent, on the system of social control derived from the community's beliefs and values. Over the same period of time -as mentioned above- younger educated people may not care as much about values such as 'shame' and "*kasar khawatir*", which leaves the efficacy of the *judiyya* undermined. This applies to the overall social environment and indigenous knowledge and methods that support *judiyya*, as is explained below.

Methods supportive to the *judiyya*

These are the kinds of measures, procedures, actions and behaviour that contributes to consolidate peaceful coexistence and mutual respect within and amongst communities in the past (at least during the colonial period and following independence up to 1970s) as indicated in the following statement:

"These means are served to make the society live in harmony and maintain friendly relationships. Also, they are the kind of actions and behaviour that had made communities realize the mutual benefits of social interaction and peaceful coexistence. Therefore such measures are found to reduce tensions within and among communities. Only when the situation goes beyond the control or is considered a threat to the safety of individuals or the community *judiyya* is opted to as a last resort of adjudication" (KI/8: 5/6/10).

***Farsh al-khalag* (laying down a cloth)**

Farsh al-khalag is an Arabic phrase which literally means laying down cloth. It was a way of expressing readiness to make concessions in order to resolve the concerned dispute. An informant explains it as follows:

“*Farsh al-khalag* is a form of a *judiyya*, [though not an ideal one], in which one of the parties to the conflict takes the initiative to contact the other party with the aim to resolve an on-going conflict or potential dispute situation. This contact could be done either by the party to the conflict or by a mediator encouraged by the party to a conflict/potential conflict situation. In local communities and on many occasions individuals and groups opt to this process as a way to contain potential disputes among individuals or groups due to a misunderstanding, which may evolve into full-scale dispute if not earlier addressed” (KI/6:5/6/10).

Usually this happens when an individual or a party observes that their relationship with a specific person or other party is not as it is supposed to be. Hoping to restore good relations with the individual or the group concerned, they request a third party whom they respect, trust, and believed to be enjoying respect and acceptance by the other party as well, to intervene. Such a person will be requested to go and make a clarification about the misunderstanding and what goes wrong. The initiator often provides the mediator with an offer that they are pleased to sit with the other party to listen and discuss any concern they want to raise. In most cases if the offer is accepted the meeting will be held at the premises of those who accept the offer or at the residence of the mediator. The following example explains the

process in more detail.

In an interview I conducted with key informant in 1999 at a village call *Hillal* in Adyla locality, this person claimed that one day he was contacted by an *omda* who asked him to intervene to mediate a potential dispute between a certain family and the *omda*. Furthermore, the *omda* explained that as he was in good terms with the family concerned, they may accept his mediation. The informant added that he had accepted the request, contacted the concerned family and they all agreed on a specific date to meet. On the specified date the *omda* arrived at the mediator's home first and they both set off to see the family at their home. Upon their arrival, the family warmly welcomed them. The mediator explained to the group why they were there. He began by saying that the *omda* wanted to listen to them and if they do not mind he would address them in few words to explain the purpose behind his mission. The *omda* confirmed that he came because he does care about his people, he has special respect for this family in particular, and that he wanted the relationship to be as good as it usually was. A representative of the family spoke next and thanked the *omda* and the mediator for their initiative, made some remarks on the historical relationship between the family and the *omda*, and concluded by pointing to the *omda* and saying that for the sake of your visit and the presence of your companion (i.e. The mediator), we agreed to dismiss our grievance. The informant concluded that the family changed their mind because of the recognition they had received from the *omda*. From this example, it seems that in these communities recognition and appreciation play a decisive role in resolving conflicts and the opposite (the lack thereof) also

appears to be true.

The *halifa of qasam* (Taking an oath)

This measure is used as a method for conflict resolution among individuals and groups, but is only referred to as last resort when no evidence is provided to support one's claim, but the person or the group insist on going ahead with that claim (KI/15: 8/6/010). The same source indicates that taking an oath is a tradition which is associated with local beliefs. It takes different forms and in practice- sometimes- it is performed in a ritual way. Individuals or a group are asked to mention a name of a person who they consider as gifted with spiritual powers or to put their hands on something such as spear, piece of wood or the Holy book (the Quran, the universal print) or a version of Quran that is in handwriting, which belongs to someone (*Sheikh/fageer* or *faqī*) who is believed to be a blessed person, or someone with spiritual powers. A Muslim scholar (*sheikh/fageer* or *faqī*) for instance, is believed to be of spiritual powers. Consequently after his death people may come to believe that this holy spiritual power is transmitted to his belongings such as his prayer mat, his stick or his handwritten version of the Quran, etc.

Taking an oath is usually required in the case where an individual or group of people accuses another individual or group of perpetrating certain actions or behaviour against them (damage of farm, animal theft, murder of person, insulting or harassment, etc.) without providing sufficient evidence to support their allegation. Meanwhile the alleged perpetrators deny that they were guilty. In this case the alleged perpetrator will be requested to take the oath in order

for the allegation to be dismissed by his opponents and the community at large. An informant (KI/21: 10/6/010) describes such process as follows:

“When such an allegation is made publicly and the denial also is publicised, individuals who are closely related to the parties in conflict intervene to clarify the situation. They first contact the person or the group who makes the allegations in order to request for evidence. If no evidence is submitted or the mediators are not satisfied with the evidence, they try to convince those who make the accusation to withdraw their allegations on the grounds of no reasonable or sufficient evidence being provided. If the individual or the group concerned refused to withdraw their claim the opponent will be contacted. The mediators inform the other party that although no sufficient evidence is provided, their opponent refuses to withdraw their allegations. Consequently, the mediators propose taking the oath as the only possible way out of the disagreement. Upon the agreement of both parties, place, date and time are identified for a meeting in which taking an oath would be performed”. Another informant (KI/15: 8/6/010) elaborated the following:

“When both parties are present, the mediators usually request those who make the claim to choose the means they prefer in order for the other group to take the oath. It is worth mentioning here that the individual or the group who make the allegations preserve the right to choose the way that they prefer taking the oath to be performed. However, regardless of the method of taking the oath, the accused person or group are required to say the following: ‘I did not commit the action/behaviour so and so. I have never been part of conspiracy that was related to this action/behaviour in any way; direct or

indirect'. If the individual or the group took the oath the way their opponent requested, the problem would be resolved and the two groups would shake hands as a sign of conciliation and forgiveness”.

Intermarriage

Individuals from a sub tribe or tribe may undertake a reciprocal marriage relationship with individuals from another group within the tribe or outside their tribe. These arrangements are usually made by men, as these communities are patriarchal, and usually women/wives get swapped and move between the groups. Unfortunately, I do not know about the degree of the acceptance of this practice by women. This is another area that researchers know little about. In practice, intermarriage relationships are common amongst both tribal leaders as well as other members of the communities. For example, a tribal leader or a member of his family can get married to a member of a family which belongs to another sub tribe or neighbouring tribe.

In Darfur intermarriage has a long history which is well-known. For example, *the Sultan* Suleiman Ahmed Almaagour, who is believed to be the founder of the *Fur* Sultanate (1650 to 1873) was given the nick-name ‘*Solungdungo*’ which means in the *Fur* language “the Arab” and was believed to be a product of an intermarriage relationship of an Arab and *Fur* origin parents (O’Fahey, 2008:36). Morton, (2004:6) indicates that Ali Senusi, *Nazir* of the *Taaisha* tribe (Ar/o) was brother-in-law to the *Fur* Sultan Ali Dinar and was a *Malik* (top tribal leader) of the *Fur* shortly before Darfur became under the British rule in 1916. Mohammed, (2009:185) indicates that talking about descendants of

outsiders who came to live with the community was not allowed because the tradition was to encourage mixing and intermarriage rather than segregation between communities. A good example of the intermarriage could be seen in the case of some tribes such as *Birgid* and *Berti* tribes (Af/o) whose original language has vanished as they have adopted Arabic as their only language of communication, even though this might be encouraged much further as they embrace Islam. Islam encourages the use of Arabic language; for example, the Holy book (Quran) is written in Arabic language, worshipping practices such as prayers are preferred to be performed in Arabic language. One of the informants (KI/6:5/6/10) mentioned that in *Sherriya* area, the homeland of the *Birgid*, more than 27 tribes had lived together and had intermarriage relationships. The same thing applies to some tribes which are referred to by some authors as being arabized, such as *Gimir* and *Tama* (Tubiana, 2007: 69). Furthermore, it is reported that in Al-Geneina area of West Darfur, tribes of Arab origin such as *Huttiya*, *Shattiya*, *Mahadi* and *Tarjam* (all Ar/o) used not to accept *diyya* from one another nor from the *Massalit* tribe because they consider themselves as becoming one community due to intermarriage relationships (Takana: 1997:6). Another example, in *Wadi Salih* area of West Darfur, the *Fatafru* tribe had been incorporated into the *Fur* tribe due to intermarriage. "Up to the year 1938, this group used to have their own homeland and tribal leadership; *shartai* Abdulmawla Jaboar. When *shartai* Jaboar died [around the date specified above] the entire area was annexed to the *Fur shartai* of *dar kubra* and the *Fatafru* tribe voluntarily integrated into the

Fur community without any sign of complaint, at least, up to 1990s” (Takana , 1997:10).

An informant indicates that it has become a tradition, especially within the *Fur* community to use this intermarriage strategy to consolidate power relationships. He gives the following example, the mother of Dabaka, the then *Nazir* of *Banihalba* tribe (Ar/o) was from the *Fur* tribe, and she was the sister of Adam Rijal, the then *Magdoom* of *Fur* in South Darfur (KI/24: 13/6/10). Another informant (KI/15: 8/6/10) indicates that Bushara Sayed was the first *Nazir* of the *Falata* in South Darfur and he was from *Awlad Aish* sub tribe of the *Falata*. This whole sub tribe was descendant of a *Fur* mother, who was sister of Sultan Mohammed Al-Fadul (grandfather of the Sultan Ali Dinar).

Intermarriage is being used as a means to facilitate communications and encourage peaceful relations with neighbouring groups or tribes. Intermarriage serves to reduce conflicts among groups and tribes, in the sense that when disputes occur, these relations can positively contribute to contain it. Mohammed (2009:177) shows an example of a ‘half-caste’ woman who was able to stop fighting between two tribes. She stood in the middle between the two opponent groups and told them that she belongs to both of them as her father was from the group on her right hand and her mother from the group on the left side. She added that “anyone wanted to start shooting, please shoot me first because I cannot see you killing each other and I am still alive” (Mohammed, 2009:177).

Intermarriage continues to happen at all levels of societies within and across communities. However, to what degree this has been affected by the political manipulation and polarization along tribal lines encouraged by government policies for the last two decades is something that needs to be further investigated. One thing this study could confirm from the recent ITRCs' reports is that some tribes such as *Huttiya*, *Shattiya*, and *Mahadi* on one hand and the *Massalit* on the other, who for a long time did not accept *diyya* from one another, because they considered themselves as becoming one community due to intermarriage relationships, were reported to be accepting the *Diyya* at least from 1996 onwards. This is due to fighting and deterioration in relations in the last two decades between *Massalit* and the tribes of Arab origin in West Darfur (reference is made to ITRCs in 1996 and 1999 between the two groups as shown in table 2).

Tabadul al-hadaya (exchange of Gifts)

Chiefs of different tribes as well as leaders of subgroups and normal people within tribes exchange gifts as a way of maintaining and building good relations amongst themselves and consequently amongst their communities. A gift could be a horse, a camel, a cow or a sheep and sometimes they offer their daughters as a gift in marriage (KI/21: 10/6/10). Similar to the practice of intermarriage, these arrangements are usually made by men. The information with regard to this study indicates that women do not have agency in this.

Maniha (lend):

Maniha is an Arabic expression which literally means giving, donating or lending (a sense of making a grant or donating something to someone else). It is a local expression widely used among communities, especially the pastoralists, to mean providing food free of charge during the difficult times. In most cases it refers to a situation when somebody lends someone else a cow, a sheep or a goat to milk or farmers lend food such as sorghum and millet to their neighbours or to the pastoralists (KI/21: 10/6/010). Leaders of the community are taking the lead in this respect. In the case of wealthy people who become reluctant to provide *maniha* to others, the customary law makes it obligatory for such persons to take care of their close relatives and tribal leaders intervene to enforce the customary law (KI/15: 8/6/10).

The original of the *maniha* such as animals is usually returned after the situation improves and the targeted persons became better off (KI/21: 10/6/010). Such practice is not expected to generate profit or compensation and only if the lent animal reproduces would the original of the *Maniha* be returned together with the reproduced generations (KI/21: 10/6/010). As such *Maniha* is considered to contribute to the feeling amongst people that their leaders knew their needs and was taking care of them, which consolidated leaders' legitimacy and made them more respected among their communities. Also, *maniha* is believed to have encouraged friendly relations and peaceful coexistence within and amongst different communities at large.

***Tadeer* (to stay temporarily):**

Tadeer (this term originated from *dar* in Arabic language, which means home) is a local expression which refers to bringing animals to stay temporarily in the farm place with the aim of increasing soil fertility. Following the harvest season, farmers request pastoralists to bring their animals to stay for some time in an already harvested land to graze on the remains of the crops. While doing so, animals leave behind their waste. When it rains the animal dung mixes with the soil, and enhances the fertility of the land (KI/21: 10/6/010). This is also thought to reinforce good relationships between the two communities; farmers and pastoralists.

***Al-wadiaa* (Deposit):**

Al-wadiaa literally means a deposit. However in this context it means a situation whereby farmers send their animals with pastoralists during their seasonal migration and the pastoralists leave behind sick, weak or disable animals with farmers to look after them until they come back (KI/8: 5/6/10). This same source elaborates that usually, this exchange of animals takes place on a voluntarily basis without any group being paid in turn. It is a type of 'gentlemen's agreement' without a third party involves as a witness. They honestly take care of one another's animals. When pastoralists come back they may find their animals, some or all of them, become well and fit. If that is the case, as an expression of gratitude they give one of these animals to the farmer or to his son or daughter who is involved directly in looking after the animals. The same thing applies to the farmers who send their animals with

pastoralists. Again this practice reinforces the co-operative relationships between communities which could be drawn on in times of dispute.

***Tahalufat* (alliance):**

Tahalufat means an agreement or understanding between groups or tribes not to attack one another (KI/6: 5/6/10).

“*Tahalufat* amongst tribes or groups means that the groups commit themselves not to launch direct attack, conspire against or betray one another, including revealing of information to the authorities -in most cases this refers to the revelation of actual numbers of animals for taxation purposes and possession of unauthorised weapons” (KI/8:5/6/10).

At the same time the two groups commit to stand beside one another against any opponent and/or enemy attack. Normally, the leaders of the allied groups will be invited to take the oath on the Quran or any other appropriate method. They are expected to state the following oath (KI/11: 6/6/10):

“We commit ourselves not to launch direct attack, involve in conspiracy or betray one another; by revealing information to the authorities or enemy. We will be one hand during the difficult times and during times of prosperity as well”.

The alliance is often among pastoralists, however one of the good examples of an interest-based alliance was between *Berti* (a settler tribe of an African origin), *Midob* (camel herder tribe of an African origin) and *Zayyadiya* (camel

herder tribe of an Arab origin) of north Darfur in their war against the *Kababish* and the *Kawahlla* (both camel herder tribes of an Arab origin) of Kordofan in 1932 and 1943⁵. There were two types of alliance; brotherhood alliance and assimilation alliance as is explained below.

***Almu'akha* (Brotherhood alliance)**

Brotherhood alliance is a situation whereby groups or individuals take the oath (on Quran or any other revered object) to ally to one another (locally referred to as becoming brothers), yet they remain two autonomous entities (KI/8:5/6/10). This informant indicates that:

“If one party is not Muslim, it does not matter; they take the oath according to their own belief system. Sometimes people use ritual signs to show that they agree to be allied. For example, one of the methods of establishing alliance was mixing of blood. One man is selected from each group. Then blood is taken from the two men and mixed together. This is a sign of unity and that the two men become brothers and consequently their respective groups become allies to one another” (KI/8:5/6/10).

This ritual of alliance perhaps is associated with an ancient local belief in Darfur prior to Islam. Another method of forming alliance is when individuals or people from two groups sit together with intention of becoming allies. They raise their hands up and cite selected verses of Quran (usually '*Surat Elfatihah*'; the first chapter in the holy *Quran*). In this case they call it brotherhood on

⁵ CIVSEC2 Darfur-3 Kutum, A. 41/2/6, pp.282, Sudan National Records Office, Khartoum.

Elfatiha (which means swearing by God) (KI/8:5/6/10). Living in remote areas and distant from the direct control of the government authorities, both pastoralists and settler communities use brotherhood alliances as a means of protection.

“Having strong alliance made other tribes think twice before attacking you. If the attack took place and they discovered that the attacked group maintained an alliance with another powerful tribe, the attackers would quickly opt for reconciliation” (KI/21: 10/6/010). Also, alliance formation is believed to have facilitated the movement and the temporarily residence of the pastoralists during their seasonal migration across settlers’ homelands.

Ahlaf al-diyya wa’ al-waliyya (Assimilation alliance)

Assimilation alliance is similar to the brotherhood alliance, however it differs in a sense that it refers to a kind of a voluntary incorporation of one smaller group into a bigger one.

“This is the case whereby a group of people (individuals, extended family or sub tribe) decide to leave their original tribe, for one reason or another, and to attach themselves to another tribe and became an integral part of it. This is locally known as (ahlaf al-diyya wa al-waliyya)” (KI/8:5/6/10). ‘*Ahlaf al-diyya wa al-waliyya*’ is an Arabic local expression which refers to the unity of the parties in difficult times and happy occasions as well; *al-diyya* (*diyya*-blood money) refers to difficult times while *al-waliyya*, which means woman, refers to a marriage relationship and time of happiness. According to the customary law

such groups enjoy all rights that any original member of the tribe would enjoy. This practice is widely known in Darfur as I personally observed that most of the respondents claim that the majority of the tribes in Darfur, in one way or another, are a product of an amalgamation of groups of different ethnic backgrounds. However they assert that such information should be kept confidential due to the sensitivity of the issue of tribal affiliation in Darfur, especially nowadays.

***Diyya* (Blood money):**

Diyya is an Arabic term with religious indication, which means compensation in money or in kind. In Islamic law and the *Shari'a*, if someone is killed by mistake the amount of money paid in cash or in kind to his family as compensation is called *diyya*. The same thing applies if someone is intentionally killed but his/her family chooses to withdraw the petition and receive compensation instead (KI/21: 10/6/010).

According to the customary law, *diyya* has a similar meaning as the case in Islamic law and the *Shari'a*. However, in practical terms, *diyya* in customary law differs from that of *Shari'a* in the following regards:

1. In addition to the human beings, animals are also included. If animals are killed deliberately or by mistake their owners are entitled to receive a compensation, which locally refers to as *diyya* (KI/15: 8/6/10).
2. The estimated amount of *diyya* for human losses does not match with the amount identified by the *Shari'a* law (100 camels). Regardless of ethnic

divisions, according to the customary law in Darfur, the estimated amount of *diyya* is much less than 100 camels. The *diyya* for male-adult or child is the same, but it is not the same for women. A female's *diyya* is considered half of the amount of compensation paid for a male (see table 5 below). Also, based on their own unique system of customary law, tribes differ with regard to the estimated amount of *diyya*. In South Darfur, for example the *diyya* for one person ranges between 70 cattle, 66 cattle, and 30 cattle (Ali, 1999:108). The estimation usually is made in kind; nonetheless it could be converted into cash. Even though the market price does not necessarily apply. Neighbouring tribes usually agree on a certain fixed estimated amount of *diyya* for human losses (see table 5 below).

Table 5: Examples of *diyya* arrangement between *Fur* and some tribes

Fur vs. Other Tribes	Man		Woman	
	Murder	Manslaughter	Murder	Manslaughter
Banihalba	30 cattle	12 cattle	15 cattle	6 cattle
Taaisha	30 cattle	12 cattle	15 cattle	6 cattle
Rezeigat	30 cattle	12 cattle	15 cattle	6 cattle
Habaniyya	30 cattle	12 cattle	15 cattle	6 cattle

Falata	30 cattle	12 cattle	15 cattle	6 cattle
Miseirriya	30 cattle	12 cattle	15 cattle	6 cattle
Tarjam	35 cattle	12 cattle	17.5 cattle	6 cattle
Gimir	24 cattle	24 cattle	12 cattle	12 cattle
Massalit	30 cattle	12 cattle	15 cattle	6 cattle

Source: interview with key informant (KI/15:8/6/10).

Conclusion

In Darfur *judiyya* has been one of the most famous and widely used mechanisms for conflict resolution and management between individuals, groups, tribes and among different communities throughout the history and up to recent years. *Judiyya* is described as a form of an open meeting for conflict settlement. However, it is a process that implies a series of steps prior to, and following, the open meeting that is referred to it as *judiyya*. As a method of justice and conciliation, the primary role of the *judiyya* was to implement customary law with the aim of maintaining law and order within and among local communities. Anticipated by many methods and measures to maintain peaceful coexistence within and among communities, *judiyya* seems to be dealt with as a last resort of adjudication.

Historically perhaps the most important factors that contribute to the success of

the *judiyya* are the uncomplicated nature of disputes and the existence of well-established, time tested system of tribal leadership, in terms of structures, values, powers recognized for tribal leaders and the legitimacy of these leaders. In terms of economy, local communities in Darfur are dependent on a largely subsistence economy, the backbone of which is farming and herding animals. The social structures are also not complicated ones, and include family, extended family, sub-tribes and tribes. The political system within tribes is based mostly on inheritance of leadership. As such people in these communities-individuals and groups- knew each other very well. Also, it seems that the hierarchical system of power and social relationships made it easier to exert control over individuals and groups. For example, the top tribal leader is responsible for his tribe. However, the tribe is divided into sub tribes, lineages, extended families, and households. Each of these levels has a leader who was responsible of his own group and held accountable to the highest level in the ladder of leadership.

Customary law which constituted the reference point for adjudication is well accepted and respected by the entire community. The acceptability of the *judiyya* and its outcome is primarily driven from the fact that communities consider that they owned the process and it is coping very well with their values, traditions and customs. However, *judiyya* has its own limitations. For example, there are no standard criteria for the *judiyya*; it is heavily reliant on the competencies of the mediators and tribal leaders involved. The alteration in form and substance due to many factors, including but are not limited to, colonialism, modernization and civil wars in the region, have made the *judiyya*

less effective in resolving conflicts. Furthermore, there has been a shift with respect to the issues over which conflict arises. Disputes that are usually addressed by *judiyya* are short-term disagreements that involve interests and needs such as individual quarrels, competition over grazing land and water points. These issues are relatively negotiable and easy to resolve. While long-term, deep-rooted problems, such as the issues behind the on-going conflicts in Darfur including identity, wealth and power imbalances, and gross violations of human rights, apparently involve challenging issues of different dimensions. Such issues are not easy to compromise on or be tackled the same way *judiyya* did in the past.

CHAPTER 7: CASE STUDIES OF ITRCS IN SOUTH DARFUR STATE: 1989 TO 2009:

Introduction

Chapters 4 and 5 considered first Darfur and then South Darfur at a general level, focussing on the anatomy of conflicts, meanwhile chapter 6 focussed on *judiyya* as an example of indigenous approaches to resolve these conflicts. This chapter looks at very detailed case studies of ITRCs in order to investigate the extent to which the general picture that I have formulated for Darfur is reflected on the ground in South Darfur.

This chapter argues that the ITRCs have long historical roots with a track-record of success at mediating conflict. Similar to the NA and local government situation, they have always been subjected to political manipulation by the key actors to some extent, but the checks and balances on this have become less since 1989. By subjecting this written record to a thorough analysis we can 1) uncover a detailed account of the major conflicts and their causes in South Darfur; 2) identify the different patterns that emerged with regard to identities of protagonists and the perceived causes; 3) assess the feasibility of the decisions and recommendations of the conferences and consider these within the context described in previous chapters. The written evidence is also complemented by the testimony of key informants, some of whom have participated directly in these conferences (see appendix for list). Furthermore, I have also observed some of these conferences directly.

The focus was on the ITRCs in South Darfur State during the period of 1989 to 2009. The objective was to make an in-depth analysis of how the ITRCs addressed what have been identified in chapter 5 as proximate, root causes and triggering factors of the tribal conflicts in South Darfur. Furthermore these sub-sections include reflections and analysis on: principles of the ITRCs, the role and the way they were functioning; how the initiative for mediation between conflicting parties started, who was involved in such initiatives and how? Who were the mediators, their criteria, who selected them and how? Which tribes were involved, who represented them in the ITRCs and how? Did they select their representatives? Furthermore, the proceedings of the meetings will also be looked at; how did the meetings start, how were the discussions carried out? And how were the final outcomes reached? Political ambitions attributed to ITRCs will also be highlighted and examined. Key issues addressed by these conferences will be exposed, and how the decisions and the recommendations made by these conferences came to be implemented will also be analysed.

Principles/Guidelines of the ITRCs

ITRCs are generally thought to refer to 'customary law' for adjudication to resolve those problems through NA and to be under only a minimal level of political interference from the government. The archival records did not show that customary law was documented in written codes. Also, the informants did

not mention anything about such written documentation. In their discussions, and as reflected in the archives as well, informants referred to what they called “precedents” and “customary law”, however what constitutes customary law and how it was done, they did not confirm an existence of written account in this regard. It seems that such issues remained debatable and relied on oral accounts and key people to decide what they were. Informants only referred to the *dimilij* council as an indigenous institution responsible for reviewing customary law in a sense that they look into the newly emerging issues and endorse “precedents” to become part of the recognized customary law (see section on *dimilij* council in chapter 6). Mohammed, (2009) mentioned that historians did not find any copy of “Dally’s code of law”. This was claimed to be an account of customary law written by one of the *Fur* Sultanates named Dally, and it is believed to have been the reference point for adjudication during the *Fur* Sultanates, and hence it is also believed to be the source of customary law in Darfur (Mohammed, 2009:124). Some scholars such as Mamdani argued that during colonial period elsewhere in Africa, it was the “tribal Chiefs backed by colonial administration possessed the arbitrary power to decide the content of the customary law” (Mamdani, 1996:12).

As far as Darfur was concerned, the intervention of British colonial authority included modification of tribal institutions as well as customary law, as will be discussed later in this chapter. For example, the practice of setting up agreements amongst tribes in relation to *diyya* and compensation in cases of human and property losses was encouraged by the colonials and since then it

became part of the customary law up to present (Takana, 1997:36). They also introduced the demarcation of boundaries of tribal homeland and established fixed corridors for pastoralists to come through with their animals in their seasonal migration. British colonials also introduced imprisonment as punishment in the local courts, something has not been known before because tribal indigenous institutions did not include police and prisons (Mohammed, 2009). In such cases troublemakers used to be exiled from their areas to live in other areas beyond the boundaries of the tribe's homeland and allowed to come back only after spending certain period of time, which extended to years (KI/15: 8/6/10). Customary law in Darfur therefore fits the common African pattern of being a changing set of codes which operated differently at different times and settings-both without the interference of the colonial state and also with incorporating aspects that came from that era (see literature review section in chapter 2)

Similar to the situation of customary law, this study has not found in the ITRCs' archive or the available literature about the ITRCs any formal or concrete document stating principles for the ITRCs, even though it is clear that this was originally an innovation that occurred under colonial rule, with direct government support. However, there were general guidelines that ITRCs were expected to follow, which resemble- in many ways- those of the *judiyya*, which is perhaps why they have entered the folk-memory of many Darfurians as being 'traditional'. Such general principles were often embodied in the speech of the tribal representatives (TRSD, 2003-08: vol.1, 6, v: 1-5 & vii: 2),

government officials (TRSD, 2003-08: Vol.1, 7, iii: 54) and the mediators (TRSD, 2003-08: Vol.1, 6, iv: 2). Further to that informants also reinforced this information (KI/1:3/6/10; KI/9: 6/6/10; KI/11: 6/6/10; KI/17: 8/6/10; KI/21: 10/6/10; KI/25: 13/6/10). Accordingly, the informants claimed that the guiding principles of the ITRC were exactly the same as for the *judiyya*. The only exception was that unlike the *judiyya*, the government served as guarantor for the implementation of the outcome of the ITRCs and an implementation mechanism was to be established or endorsed by the authorities to follow up on the agreement implementation process.

In this regard, some of the informants (KI/1: 3/6/10; KI/9: 6/6/10; KI/10: 6/6/10; KI/11: 6/6/10; KI/17: 8/6/10) referred to mediators, tribes' representatives, the proceedings of the meetings, and conclusion of agreements which were customary law related. Conventions and cultural values claimed to be remarkably influential in the two types of indigenous methods (*judiyya* and ITRC). However in practice the guidelines of ITRCs that were agreed to, expected to be followed and abided by-as generally referred to in these documents- were always similar to those of *judiyya* (see Principles of *judiyya* section in chapter 6). However, there were no written rules or law to prevent deviations from occurring. For example, in contrast to the claim that ITRCs worked "under a minimal level of political interference from the government" the records show an increasing level of government political intervention has occurred, as is explained below. Consequently, this study is restricted to analysing these general guidelines which have been implicitly reflected in the

written available documents of the ITRCs. The key documents concerned are the TRSD, 2003-08: Vol.1 & 2, which were compiled by the office of the *Walī's* advisor for Reconciliation and Tribal Affairs in South Darfur. These reports stand as the official archive of these meetings, and were held at the same office. Though other sources were referred to, the rest of this chapter relies mainly on these official sources and the informants for data. The statements and references have been translated from the Arabic by the author.

Also, ITRCs are generally thought to tackle the major tribal incidents rather than minor disputes among sub tribes or individuals. In contrast to this claim, ITRC reports show at least three events where the dispute was between sub tribes and even between a tribe and the Sudan Armed Forces (SAF), but were addressed through ITRC such as the *Tarjam/Tarjam*, *Shattiyal Umahmed*, and *Etifat/SAF* conferences (see table 3 in chapter 5). In this regard the ITRCs became more like *judiyya* in a sense that the *judiyya* took different forms and involved various aspects of social structures and a wide range of people and issues. People involved could be individuals, family, extended family, clan, sub tribe and tribes and issues were socio-economic and political, but within tribe's domain. In terms of procedures and principles, ITRC was similar to *judiyya*; *both* did not have standard criteria; they used to rely heavily on the competencies of the mediators, and trust amongst the parties to the conflict or their leaders.

Initiative, Mediators and Mediation Process

"In most cases the neighbouring tribes started the initiative. Such efforts first started by formation of a committee called "*Lajnat al-masa'i al-hameeda*"

(Goodwill Committee), which consists of group of elders and tribal leaders who volunteered to mitigate the conflict. The aim of this committee was to assure the cessation of fighting and the complete separation between the two parties to the conflict” (KI/15: 8/6/10).

After an agreement between the parties to the conflict was reached in this regard, the government had to be approached to facilitate the process towards a concrete reconciliation initiative. In response to the issue of who used to take the initiative for reconciliatory meetings, another informant provided that:

“Sometimes the initiative might come from either of the parties to the conflict themselves. For example; *Al-sunta* conference between the *Habaniyya* and the *Rezeigat* tribes (5/8/06) started by an initiative from the *Rezeigat*'s [tribal] administration. The *Nazir* of the *Rezeigat* paid visit to the *Nazir* of the *Habaniyya* requesting for reconciliation. The *Habaniyya* tribe responded positively and visited the *Rezeigat* in return. They agreed to sit together for reconciliation in *Al-sunta* area in *Habaniyya* homeland. When the government heard about the initiative, they have sponsored it. The *Wali* made an executive decree that a conference had to take place in *Al-sunta* on the 5th of August, 2006 under the auspices of the *Wali*'s Advisor for Reconciliation and Tribal Affairs (WARTA)” (KI/9: 6/6/10).

A third key informant in this regard provided the following:

“The selection of the mediators and tribes’ representatives in the ITRCs was somehow dictated by the government. The *Wali* (The Governor) has a standby committee, called ‘the *al-shartai*'s committee’. The role of this committee was

to mediate conflict/dispute when erupted. However this committee intervened only after the conflict had reached the peak and a war had already taken place” (KI/2: 3/6/10).

Another key informant made further explanation by adding that:

“The *Wali* [the Governor] in consultation with *al-shartai* [the *Wali*'s advisor] used to select the *ajaweed* (mediators). After that he asked *al-shartai* to show the list of the names of the selected mediators to the parties to the conflict to get their approval. The parties involved usually have the right to reject all the list or part of it. After the list was approved, the names of the mediators were announced on the radio and the television. Also official letters of invitation used to be sent to the mediators so as to come and take the oath” (KI/17: 6/6/10).

With regard to initiatives, it should be noted that in many of these ITRCs documents, efforts made by different people -tribes or individuals- have been mentioned and acknowledged (TRSD, 2003-08: Vol. 2, 10,iv:1-2; TRSD, 2003-08: Vol.1,8,ii:4; TRSD, 2003-08: Vol. 2,1,iii:1-3). However the process of mediators' selection was not clearly elaborated in these documents.

The key informants all separately identified three varied scenarios with regard to the initiatives to conduct an ITRC. One scenario was where neighbouring tribes started the process. The second scenario was where one of the parties took the initiative towards sitting down for peaceful negotiations. The third scenario was where the authorities pro-actively called together the parties to sit

together to resolve their differences peacefully. ITRC documents showed that the three scenarios all took place. In the last two decades, however these documents reflected that in most of the cases, it was the authorities who took the initiative. Even in the cases where the initiative came from a party other than the government, the authorities immediately grabbed the initiative, adopted it and took over (KI/9:6/6/10, TRSD, 2003-08: Vol.1, 3, ii: 1-2, vol. 2, ii: 1-2). This was also evident in the fact that the government of South Darfur had already created a bureaucratic permanent body to be responsible for the conduct and follow-up on what they came to call "*Al-musalaha al-gabaliya*" (tribal reconciliations). This was called "*Mustashar al-wali lil musalaha wa alshu'oon al-gabaliya*" (the *Wali's* Advisor for Reconciliation and Tribal Affairs (WARTA) together with what came to be known as "*sandog daam al-musalaha*" (a Reconciliations' Support Fund -RSF) which were established in 2003 (Takana, 2007:76).

Another lower level office was also established in 2006 which came to be known as "*al-maktab al-tanfeezi lil idara al-ahliya*" (Native Administration Executive Office -NAEO); as indicated by one of the founders, this office was established with a main objective to assist in resolving tribal conflicts (KI/11: 6/6/10). WARTA and NAEO were referred to by most of the respondents (KI/1/2: 3/6/10; KI/3/5: 4/6/10; KI/6/7: 5/6/10; KI/9/11: 6/6/10; KI/12/13/14: 7/6/10; KI/15/16/17: 8/6/10; KI/21/22: 10/6/10) as the bodies where the names of the mediators were came to be listed and sorted out. Perhaps this was why some of the informants pointed out that the selection of the mediators and

tribes' representatives was somehow dictated by the authorities through these two bodies, which contrasted with *judiyya* procedures as is explained below. The same informants called attention to the fact that WARTA assumed the chairmanship of the mediators in the ITRCs with the head of the RSF as reporter. The role of the reporter was to take the minutes of the meetings and to supervise the secretariat of the conference to make sure that all the facilities for the conference were made available and that the documentation for the conference was also taken care of. This format was certainly indicated in the ITRCs' documents, as reflected in table 6 below. In relation to the above mentioned bodies, informants argued that these new institutions (WARTA, NAEO, and RSF) started to play coordination roles with regard to the ITRCs, however they denied that the government imposed their agenda with regard to the initiative and the selection of the ITRCs' mediators (KI/1:3/6/110; KI9/11: 6/6/10; KI/17:8/6/10).

The above stated procedures of the ITRC were quite different from that of the *judiyya*. In *judiyya* there were neither bureaucratic institutions nor direct or indirect involvement of government officials in the selection of the mediators and the whole process. The "Goodwill Committee" used to take a coordination role with regard to the selection of the mediators (KI/15: 8/6/10). This committee proposed names, submitted them to the parties to the conflict, and the latter decided on them. They proposed alternative names for those rejected by either side or by both sides and the process continued till all parties were satisfied (KI/15: 8/6/10; KI/17: 6/6/10). Another point where *judiyya*

differed from ITRC was that in *judiyya* meetings there was no room for a government official in his full capacity to chair the meeting or to serve as a reporter. My observation was that *judiyya* from the starting point up to the end entailed no direct government involvement whereas; by contrast, ITRC mostly depended on government support. However in the last two decades the situations have changed and it seems unlikely to apply *judiyya* criteria in mediating current tribal conflicts, as explained below by the informants.

It is noteworthy that all the key informants, separately interviewed by this study, agreed that whether the initiative was made by the government or other parties, currently (refers to the situation in Darfur up to 2009/10) the role of the government in supporting the process remained crucial for the following reasons:

1. To provide security and protection in a situation where tribes used heavy weapons in their fighting and presented a problem much greater than the ability of the NA to control.
2. To provide logistical support for the mediators and participants.
3. To serve as guarantor for the implementation of any agreement reached.

Based on the interview discussions with the informants together with the information in the ITRC documents, it was evident that WARTA in coordination with NAEO was directly involved in selecting ITRCs mediators. Both sources indicated that the process of mediator selection was as

follows: WARTA consulted the *Wali* to get his approval to start the process (KI/11: 6/6/10). Following a green light, WARTA became involved in coordination with NAEO, which was assumed to be closer to the tribal leaders, to gauge views on the proposed mediators in terms of their suitability to do the job and their acceptability amongst the parties involved (KI/1: 3/6/10). Following this step, NAEO made submission of initial list to the WARTA (KI/11: 6/6/10). WARTA from their side submitted the list they had received to the *Wali* (KI/17: 8/6/10). Following the initial approval by the *Wali*, the list sent to the parties to the conflict through WARTA again to seek their consent (KI/1: 3/6/10; KI/11: 6/6/10). Whether fully agreed or amended the final list ought to be sent back to the *Wali's* office for endorsement (KI/17: 8/6/10), as was clearly indicated in the ITRCs' documents.

Most of the ITRC documents showed a list of mediators endorsed by an executive decree issued by the *wali's* office (see Table 6 below). This table shows, at least twenty one of the investigated ITRCs in south Darfur have referred to such decrees with copies of the decrees attached (as the documents seemed not to be well organized, it was possible that additional decrees were issued but omitted from the record) . The decree was signed by the *Wali* himself identifying the names of the mediators, their Terms of Reference, name of the chairperson, deputy chairperson, reporter and other members in the mediation team. Moreover, the same decree established a committee to work as supporting staff for the mediators (sometimes referred to as steering committee and their members mainly

selected from the Ministry of Local Governance); specific names and Terms of Reference for this committee were also included in the decree as well (TRSD, 2003-08: Vol. 2, 4, ii:1-2; Vol.1,8,ii:1-2). The supporting staff served as secretariat for the conference; doing paper work started by sending invitations to the participants, preparing the conference room and stationery, providing logistic support, accommodation, and refreshments for the participants. In most of these conferences, at least from 2003 onwards, the chairperson of the mediators was appointed by the *Wali* at the state level or by the Commissioner at the locality level. Again table 6 below shows WARTA, RSF and politicians from the ruling party; National Congress Party (NCP) took the responsibility of the chairmanship of the mediators in relation to ITRCs.

Table 6: ITRCs in which mediators and chairpersons were endorsed by the *Wali* (governor) of South Darfur State

No.	Tribes involved	Place	Date	Chairperson for the mediators	Title
1	<i>Birgid vs. Zaghawa</i>	Nyala	2006	Ibrahim Abdullah Mohammed	WARTA
2	<i>Zaghawa vs. Zaghawa-umkamalti</i>	Marla	2007	Ibrahim Abdullah Mohammed	WARTA
3	<i>Birgid vs. Rezeigat</i>	Sillai'a	2007	Ibrahim Adam Mahmood Alrihaid	Member of NCP and State Legislative Council
4	<i>Birgid and Daju vs. Arab camel herders</i>	Juruf	2006	Ibrahim Abdullah Mohammed	WARTA
5	<i>Falata vs. Gimir</i>	Nyala	2008	Ibrahim Abdullah Mohammed	WARTA
6	<i>Maaliya vs. Rezeigat</i>	Nyala	2004	Ibrahim Abdullah Mohammed	WARTA
7	<i>Falata vs. Habaniyya</i>	Nyala	2006	Ibrahim Abdullah Mohammed	WARTA
8	<i>Daju, Fur and Zaghawa vs. Tarjam, Huttiya and Taalba</i>	Nyala	2005	Fadul Mukhtar Ibrahim	Member of State Legislative Council.

9	<i>Falata, Habaniyya, Mahadi and Rezeigat vs. Massalit</i>	<i>Ditto</i>	2006	Ibrahim Adam Mahmood Alrihaid	Member of the State Legislative Council
10	<i>Idd al-Fursan(Banihalba) vs. Nyala(Fur)</i>	Nyala	2006	Musa Jalis	Nazir of Birgid tribe
11	<i>Tribes North of Nyala(Fur and Birgid vs. Saada and Rezeigat camel herders)</i>	<i>Mershing</i>	2007	Osman Al-tom Adam	Head of RSF
12	<i>Banga vs. Kara</i>	<i>Al-Radoam</i>	2006	Abaker kmoon	Member of NCP
13	<i>Tarjam vs. Tarjam</i>	<i>Bulbul-Abujazu</i>	2006	Abdullah Abusakeen	Member of NCP
14	<i>Habaniyya vs. Salamat</i>	<i>Buram</i>	2007	Mohammed Sati	Member of NCP
15	<i>Fur and Kinana vs. Zaghawa-Umkamalti</i>	Nyala	2006	Abdelrahman Ahmed Abdelrahman	Member of NCP

16	<i>Etifat tribe vs. Sudan Armed Forces(SAF)</i>	Nyala	2006	Musa Mohammed Ali Madibo	Member of NCP and Nomads' Commissioner
17	<i>Birgid and Daju vs. Miseirriya</i>	Nyala	2004	Osman Al-tom Adam	Head of RSF
18	<i>Fur vs. Al-Malam tribes</i>	Nyala	2004	Yosif Dawalbeit Abdelgadeem	Member of NCP
19	<i>Habaniyya vs. Salamat</i>	Nyala	2009	Ibrahim Abdullah Mohammed	WARTA
20	<i>Gimir vs. Gimir</i>	Nyala	2009	Ibrahim Abdullah Mohammed	WARTA
21	<i>Habaniyya vs. Rezeigat</i>	<i>Alfardos</i>	2008	Ibrahim Abdullah Mohammed	WARTA

Source: I have developed this table for the purpose of this study, and the source of the information is: TRSD, 2003-2008, Vol. 1 & 2.

Representation and participation

The tribes' representatives in ITRCs were usually selected by the top leader of the tribe in consultation with the *omdas*, however practice in the last two decades (1989-2009) indicated that this process took place in consultation with tribe *Shura* (consultation) Council (KI/9: 6/6/10, KI/25:13/6/10). The tribe *Shura* council is a tribal institution body that was established in early 1980s on initiative of Darfurian educated elites (KI/9: 6/6/10) to work as a consultation body for the tribes. The top tribal leader and all the *omdas* were members of this body. Furthermore, it included some educated tribe members from the urban centres, especially the capital Khartoum. In most cases it was chaired by one of the educated members of the tribe, not necessarily from the staff of the NA.

In relation to representation and participation, informants (KI/1: 3/6/10; KI/6/8:5/6/10; KI/9: 6/6/10; KI/15: 8/6/10; KI/21:10/6/10; KI/24/25: 13/6/10) who have been involved in ITRCs, as tribal representatives and mediators, for thirty-four years and more, reported that the following criteria were the most important in this regard:

1. The delegation was reflecting a wide range of representation within the tribe.
2. Participation of the *omdas* was given special importance, as they represented different sub tribes.
3. Representation of the group who were directly affected by the conflict was to be given special consideration, including representation for the direct relatives of victims.

4. Negotiation skills and knowledge in customary law.
5. Experience in previous similar conferences or *judiyya*.
6. The delegation ought to include representatives from the educated people who lived among the community, aware of the events and developments in the area (mostly school teachers). These were the people who write letters and prepare speeches presented at the conference on behalf of the tribe. This group also used to prepare documents to support claims and grievances raised by their tribe.
7. The NA's clerk was by virtue a member in the delegation, an office which was responsible of documents and documentation within the concerned tribal NA.
8. Tribal delegations, in most cases, were headed by the deputy leader of the tribe or an old experienced *omda*.

Proceeding of the meetings

Judging from the ITRCs' documents and the deliberations made by some respondents (KI/1:3/6/10; KI/4:4/6/10; KI/9&11:6/6/10; KI/15&17:8/6/10; KI/21:10/6/10), the meetings were usually divided into phases and each phase was divided into sessions with a specific purpose, even though this was not always clearly indicated in the documents and there was no confirmation from the informants that this was always the case. This was also different from the *judiyya* process. *Judiyya* has not been confined to a fixed schedule of sessions; a session could continue for hours or even days (KI/24:13/6/10). The

duration of the meetings was dependent on the nature of the dispute and the issues addressed. Family related disputes were usually settled in one session. . If the dispute was a complex one (say between two tribes), sometimes the *judiyya* took a whole day or many days, but without a concrete fixed schedule of date, time or sessions.

Phase one of an ITRC included opening and hearing sessions. The former was devoted to speeches by the chairperson of the meeting representing the mediators, government representative, and representatives of the parties to the conflict. Meanwhile, the latter was usually allocated for written submissions of parties' positions with regard to their claims and grievances. Conference started with an opening session in which a government official made an opening speech. Often the government representative in this session was the *Wali* or a minister who could have addressed the conference on behalf of the *Wali*. Sometimes the government representative was a higher rank official from the central government- a federal minister or representative of the president - depending on the importance of the case from the government viewpoint, as will be explained later. In his speech, the government's representative advised and encouraged the parties to negotiate in good faith in order to settle the conflict. Also he (I noted that the concerned ITRCs' documents have never referred to a female government official assigned such responsibility) made commitments to adopt and implement decisions and recommendations made by the conference. Representatives from the parties to the conflict (in most cases the head of each delegation) then addressed the conference. They focused on expressing their claims and grievances, giving historical

background of their presence in the area and previous relations with the other party (TRSD, 2003-08: Vol.1, 7, vii: 1). Representatives of parties to the conflict usually ended their speeches by indicating their willingness and readiness to negotiate in good faith with the aim of reaching genuine reconciliation that would make the conference successful. Some of them used that moment to make demands, for example insisting that new things should be added to the agenda (TRSD, 2003-08: Vol.1, 6, v: 1-7). Also, the conference was addressed by the chairperson of the mediators expressing the impartiality of the mediators and called on both parties to cooperate with the mediators in a good faith. He usually explained the guidance and rules (though rarely detailed in the ITRCs documents) that were supposed to govern the conference (TRSD, 2003-08: Vol. 2, 8, ii: 3). In this regard the mediators took the oath before making further steps and calling for the representatives of the parties to the conflict to submit to them a signed written commitment that accepted the mediators as arbitrators to the concerned dispute. This entailed that in the event that the parties failed to reach a consensus they committed themselves to the final compromise to be made by the mediators/ arbitrators (TRSD, 2003-08: Vol. 2, 8, ii: 3), and this session usually ended with break.

The Second session was a hearing session, in which only one party to the conflict was listened to, while everyone was still present but no comment allowed to be made. Some informants argued that up to 1980s and early 1990s this was not the case, as instead both parties to the conflict were invited in one session to present their cases. During that time presentations were made verbally with the right of each part to make comment on the submission

made by their opponent; sometimes the parties to the conflict exchanged accusation in a very tough manner (KI/9:6/6/10; KI/12:7/6/10; KI/15:8/6/10). In this session the invited party was expected to submit a written document, which was presented to the conference to point out the following (TRSD, 2003-08: Vol.1, 6, v: 1-7&vii: 1-4; TRSD, 2003-08: Vol.1, 7, IV: 1-9 & vii: 1-5):

1. Their claim and complaint against the other party.
2. Human and property losses and damages with proof such as documentation by police (summons).
3. Any other grievances.

The letter was usually presented by a representative from the tribe's delegation. However, the members of the same delegation were to be given chance to add or clarify issues. The third session used to be devoted to listening to the other party to the conflict to do the same as explained above in the Second Session.

In the second phase, following all parties to the conflict having been heard, the mediators suspended the sessions for one to two days to study the claims, complaints and grievances made by each party, as well as the supportive documents submitted by each party. At this stage, based on the issues of dispute, the mediators usually divided into subcommittees; for example, 1/ Human and property losses committee, 2/ Land and boundaries committee (land-related issues).

In the third phase, having studied the claims and grievances officially presented by both parties, the mediators resumed the sessions by calling back the two parties separately to show them a summary of their presentations and to have a thorough discussion of all issues presented (TRSD, 2003-08: Vol.1, 6, vii: 1-4; TRSD, 2003-08: Vol.1, 7, viii: 1-7). This intended to ensure that the mediators understood the issues to the satisfaction of the parties. This phase started by the fourth session. In this session the mediators invited one party to provide them with summary of their case. The mediators discussed the summary with the delegation to see to what extent it has reflected the issues and concerns raised by their tribe. The summary might lead to amendment or exclusion of some issues or points raised by the original presentation. The mediators continued discussion with the party concerned until they reached an agreement on all issues related to the summary of their case. The fifth session was devoted to discussion with another party to the conflict; to do the same as explained above in the fourth session.

In phase four parties exchanged a case summary. At this stage and in one session, the mediators called on the heads of delegations and exchange the agreed summary of the cases. They gave each party a copy of the case summary of the other party. Each party took his time to discuss the other party's viewpoint as summarized and agreed between them and the mediators. The time frame was usually proposed by the mediators and agreed by parties to the conflict however both parties were to be given sufficient time to study these summaries and make their comments.

Phase five was related to reply and submission of proposals. At this stage sessions held in the presence of all parties to the conflict to listen to the reply and comments made by each party with regard to other party's claims. Also during these sessions the parties requested to submit their proposals for solutions; if everything went well a final closing session was to be held, in which the final outcome of the conference was to be presented by the mediators, signed by the parties to the conflict and the witnesses. The latter was commonly represented by the chairman of the conference and a government official. In this session the parties listened to one another comment on the submissions they had exchanged earlier. Also the parties were expected to provide their proposals for conflict resolution and reconciliation based on their own viewpoint. In most cases significant differences emerged with regard to claims and the proposed solutions made by parties to the conflict. If the two parties failed to narrow their differences (which often happened), normally subcommittees formed by the mediators (which ought to be fully authorised to decide on behalf of the delegation as a whole) from the parties to carry on further discussions on the issues of disagreement together with the mediators until they reached common understanding, as will be explained further in relation to agreements on the temporary closure of livestock migration routes.

Following the subcommittees reaching agreement on the issues of differences, another session took place which was supposed to be devoted for proposed solutions and outcome. All proposed solutions, suggestions and recommendations were to be summarised by the mediators in one document.

This document was to be presented in this session in the presence of both parties to the conflict. When agreed by the two parties, it named decisions and recommendations made by the conference. Such a document was regularly structured as follows (TRSD, 2003-08: Vol. 1 & 2):

1. The impacts of the conflict(file a/decisions):

-Human losses.

-Injuries, partial disability and permanent disability.

- Property losses; huts and shops burnt or looted as well as damages on farms and crops, looted animals and money.

2. Recommendations, mostly related to triggering factors as reflected by the parties and identified by the mediators (file b/recommendations).

3. End of conference declaration: This included brief account on the efforts exerted by different groups, organizations, and individuals to convince the two groups to sit together, thanks to those who have been involved in such efforts. This also included the conference secretariat, tribal and community leaders, politicians, government officials, mediators- especially the chairman-, the representatives of the parties to the conflict and their leaders. Also the statement represented an official announcement by the conference that it has successfully ended up with accomplishing an agreement agreed by the parties concerned (TRSD, 2003-08: Vol.1, 8, ii: 1).

Finally at the end of the conference there was the closing session. This session was similar to the opening session in a sense that all those who have addressed the opening session invited again to make closing speech they expressed and confirmed their satisfaction with the outcome of the conference. Decisions and recommendations of the conference were to be presented by the chairman of the mediators in the presence of both parties. This session was regularly attended by a government official to whom the mediators handed over the conference documents (mainly the decisions and recommendations). In some cases federal ministers, Ministers from foreign countries, representatives of regional and international organizations such as Arab League (AL), African Union (AU) and United Nations (UN) were invited and attended such closing sessions, as will be explained below.

Stakeholders' involvement and Political ambitions attributed to ITRCs

With the exception of four cases, the documents suggest that parties involved in ITRCs in South Darfur were tribes belonging to variety of ethnicities; both of African and Arab origin. Tribes involved were belonging to South Darfur or Darfur region at large (only in two events were tribes involved from outside the region - a neighbouring region and a neighbouring country). The main interest of tribes belonging to the neighbouring regions inside Sudan was to maintain access to grazing lands and water sources. The main stakeholders other than tribes were the government, rebel groups and local politicians.

Government involvement

After 1989 government involvement, especially in the Darfur states, increased in the ITRCs; starting by initiative, selection of the mediators-as previously mentioned-and agenda setting, as will be explained later. This involvement seems to have been further encouraged by the first insurgency in Darfur in 1991, whereby the government used tribal militias mainly recruited from tribes of Ar/o to suppress the rebels (Daly, 2007:261).

The situation has been further aggravated by the eruption of a wide range of new rebel movements in the region in 2002/3, which were mostly dominated by tribes of an African origin. The government had provided weapons to some tribes, mostly of Arab origin, in order to launch counterattack on the rebel groups (Abdul-Jalil et al, 2007:52). As has already been discussed in chapter 4 and 5 of this study, most of these groups did not own recognized *dars*.

Therefore instead of focusing on fighting the rebels, they have used these arms also to settle local disputes, mostly over land, with other tribes. The large scale destruction caused by these groups has resulted in an increasing death toll and huge numbers of displaced persons and refugees (Takana, 2008:48).

These actions have received a wide range of condemnation inside Sudan and worldwide. The government has been accused of fostering mobilization along ethnic and tribal lines (Collins, 2006:8). An alternative hypothesis was that internal and external pressures put on the government made them decided to adopt a strategy based on ITRCs to serve two different and potentially contradictory agendas. On the one hand they wanted to send dual messages to the inside and the outside world to say that they do care about their people, especially the tribes that fought one another. On the other hand they wanted to use the umbrella of the ITRCs to consolidate the alliance of the tribes that sided with them and to bring more tribes to their side to fight the rebel groups. As explained by one of the commentators “Many of the cases of ‘intertribal reconciliation’ in South Darfur are examples of how the government is organizing the native administration for military purposes” (Hagar, 2007:129). There was some evidence to support the above views in the detailed documents of the ITRCs conducted in South Darfur from 2003-2009. The following were very brief examples clearly indicated that there was a message to the outside world (see figure 13 below):

Figure 13: Examples of ITRCs used by the government for propaganda

Example 1:

On 12/12/ 2004 ITRC was held in Nyala. The gathering included *Fur*, *Daju*, and *Zaghawa* against tribes of an Arab origin which were *Tarjam*, *Huttiya* and *Taalba*. The closing session of this conference, which has witnessed intensive media coverage, was attended by the *Wali* of South Darfur, the Sudanese federal Minister of Defence, and the Norwegian Minister for International Cooperation; Hilde Jonson. The latter also addressed the gathering (TRSD, 2003-08: Vol. 2, 2, ii: 1-4).

Example 2:

In 2007 another conference was conducted for *Tarjam* and the *Rezeigat* camel herders (*Aballa*). This conference was attended by a representative of the President of the Sudan, the General Secretary of the Arab League, the UN Secretary General Special Representative in Sudan (TRSD, 2003-08: Vol.1,4,ii:1-2).

Source: (TRSD, 2003-08: Vol.1&2)

Example 3:

In December, 2006 ITRC was held in Nyala to mediate conflict amongst the *Zaghawa*, *Miseirriya* and the *Birgid*, which was attended by the Sudanese Minister of Justice. The front page of the conference's recommendations included the following: *"Our message to the world is that as Darfurians we are capable of resolving our problems through our reconciliation committees and according to our historical heritage. Furthermore we condemn the foreign intervention and the "Resolution 1706" which threaten the safety of Darfur and Sudan"* (TRSD, 2003-08: Vol.1, 6, ix: 1-2).

Source: TRSD, 2003-08: Vol.1

It appears that there was an attempt to convince the Darfurians and International Community to support the strategy of the ITRCs. This was done through inviting UN, AU and AL representatives to attend ITRCs gatherings and made them listen to speeches seemed to be prepared in advance and delivered by government officials and tribal leaders. The presence of UN, AU and AL representatives was covered by government's owned television and radio and portrayed by this media as if this presence is a support for the government strategy in Darfur. Such an attempt was clearly reflected in the ITRC carried out in December, 2006 in Nyala to mediate conflict amongst the

Zaghawa, Miseirriya and the *Birgid*. The front page of the conference's recommendations included the following:

“Our message to the world is that as Darfurians we are capable of resolving our problems through our reconciliation committees and according to our historical heritage. Furthermore we condemn the foreign intervention and the “Resolution 1706”⁶ which threaten the safety of Darfur and Sudan” (TRSD, 2003-08: Vol.1, 6, ix: 1-2).

Among the recommendations made by the same conference was the following:

“The conference appeals for the UN and the international community to advocate and support the reconciliations amongst tribes politically, socially, and financially as well as through media coverage” (TRSD, 2003-08: Vol.1, 6, ix: 2).

One could conclude that this was about presenting a different image to the international community from that portrayed via the International Criminal Court (ICC)⁷.

⁶ This refers to UNSC resolution 1706 (31/8/2006), which proposed sending UN troops to Darfur, which was strongly rejected by the Sudanese government at that time (see: <http://www.scribd.com/doc/15970244/UN-Security-Council-Resolutions-on-Darfur-Sudan>)

⁷ According to the UNSC resolution 1593(31/3/2005), the Security Council of the United Nations decided to refer “the situation prevails in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court”. This resolution was strongly rejected by the Sudanese government and they launched huge

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Involvement of rebel groups

As previously mentioned, the rebel activities in Darfur surfaced at a time when ethnic polarization was at its peak. This was reflected in two of the biggest violent incidents to date, which were the *Fur* against Arab coalition in 1987/88 in and around Jabal Mara, and the *Massalit* against another Arab coalition in and around Al-Geneina from mid 1990s onwards (Ateem, 2007:38; Tubiana, 2007:70). The *Zaghawa* and *Rezeigat* camel herders (*Aballa*) conflict in the same period in North Darfur has made the already contested situation even worse (see chapter 5, Rebel groups' section).

The emergence of armed movements and more importantly with the domination of the above three biggest tribes of African origin in terms of leadership and support (Daly, 2007:278) has made the situation still worse. In this respect one could argue that three factors might have made the eruption of the rebellions have a negative influence on the relationship among tribes in Darfur. First, government campaigns described these movements as military wings for the above mentioned tribes and consequently used tribal militias (mostly from tribes of Ar/o) to launch counter attacks on the rebels. Secondly, some rebel leaders announced that their activities were of defensive nature

campaign internally and externally to oppose it. Based on this resolution the ICC carried out an investigation on crimes against humanity including genocide allegations. The investigations led to indictment of some Sudanese officials including the President Omar Al-Bashir, for more information see

(<http://www.scribd.com/doc/15970244/UN-Security-Council-Resolutions-on-Darfur-Sudan>).

and only were targeting the “Arab militias/*janjaweed*” (Flint, 2007:144). Thirdly, the rebels were divided along tribal lines. The latter issue has provided further fertile ground for the government to manipulate people in Darfur on a tribal basis, including the armed movements (Tubiana, 2007).

More importantly such a situation has provided the government with a good opportunity to cement its alliance with some tribes of Ar/o and to seek the support of some tribes of Af/o in their war against rebel movements. A further point is that some rebel leaders have gained a negative impression of tribal leaders. They perceived most tribal leaders to be allies of the government, who did not care anymore about the common interest of their people (Flint, 2007:143-144). This perception informed action undertaken by the rebels towards some tribal leaders in areas which came under their control, including execution or removal of some from their positions (Abdul-Jalil *et al*, 2007:49, Tubiana, 2007:72). This kind of behaviour has hampered indigenous mechanisms of conflict resolution from operating, as they largely depended on efforts exerted by tribal leaders.

The following two examples from *Sherriya* and *Marla* areas perhaps explain how far the government/rebels struggle has negatively affected tribal relationships. *Sherriya* and *Marla* were located north east and south east of Nyala respectively.

An Example from *Sherriya*

Sherriya area was the homeland of the *Birgid*, which lies in the north east of Nyala the capital of South Darfur State and mainly inhabited by *Birgid* tribe, *Miseirriya*, *Daju* and *Zaghawa*. During 2003-2005, it was believed that Sudan Liberation Movement/Army (SLM/A), led by Abdulwahid Nour (*Fur*), was able to control about 90% of its land; including important towns such as *Muhajiriya*, *Labado*, *Khor Abache* and others with the government controlling its capital; *Sherriya* (UN report, 2005). The *Birgid* tribe at first (during the period 2003-2005) supported the SLM/A under the chairmanship of Abdul Wahid, and was perhaps behind the control of vast areas in *Sherriya* by the SLM/A. It seemed that this was made possible because the *Birgid* were unhappy with the arrangements related to local government in their area; *Sherriya*. *Birgid* claimed that since 1991 the key political and administrative positions went to the *Zaghawa* rather than allocated to personalities originally from *Birgid* (TRSD, 2003-08: Vol.1, 6, v: 2-3). Furthermore the *Birgid* explained that the reason why the government favoured the *Zaghawa* was due to their full support to the new regime took the power in 1989, as a result they not only occupied key political positions in *Sherriya* and other areas on behalf of the people of *Sherriya*, but the government appointed *omdas* for the *Zaghawa* within the *Birgid's* homeland without consultation with the *Birgid's* native administration (TRSD, 2003-08: vol.1, 6, v: 3).

In November, 2005 the SLM/A split into two factions led by Abdulwahid Nour (*Fur*) and Arku Mini Minawi (*Zaghawa*) separately; these factions later on came

to be known as SLM -Abdulwahid and SLM –Minawi (Flint, 2007: 155-57). As a result the *Sherriya* area has become controlled by the faction dominated by the *Zaghawa* and led by Minawi. The *Birgid* and the *Zaghawa* fought over land at least twice between 1970s and 1990s (TRSD, 2003-08: Vol.1, 6, v: 1-3). The *Birgid* began to fear that *Zaghawa* might use rebellion as cover to gain control over their land; as realistically expressed “*the abusive behaviour of Minawi’s forces awakened old fears that the tribe had a hidden agenda- the creation of a greater Zaghawa State*” (Flint, 2007: 158). The government took this opportunity to manipulate the *Birgid* community and use them to weaken this faction by targeting the *Zaghawa* in the area (TRSD, 2003-08: Vol.1, 6, vii: 1-4). The new arrangement, as asserted by the *Zaghawa*, was that the government have manipulated the *Birgid* and convinced them to fight the rebels on behalf, however they have targeted the *Zaghawa* instead (TRSD, 2003-08: Vol.1, 6, vii: 2-3). The *Zaghawa* claimed that reward was that a new Commissioner for *Sherriya* was appointed from the *Birgid* and his first decision was the dismissal of the *omdas* from the *Zaghawa* and the *Zaghawa* were denied from taking part in the *Sherriya* Locality Steering Committee (TRSD, 2003-08: Vol.1, 6, vii: 2).

The official report of the ITRC participated in by the *Zaghawa* and the *Birgid* in Nyala on 11-19/12/2006 showed how the government and rebels’ involvement affected negatively the relationship between the two tribes. Both parties expressed deep concerns about the negative consequences of the struggle between the government and the rebels on the civilians and the relations between the two tribes, as is explained below, the main points presented by

each party with regard to their grievances, the reasons behind the conflict and the political ambitions attributed to the above ITRC:

A summary of the main points made by the *Birgid* tribe (TRSD, 2003-08: Vol.1, 6, v: 1-7) were:

1. The rebellions led by the *Zaghawa* have resulted in execution of *Birgid's* leaders and forced others to leave their *dar* in a predesigned plan to occupy the land and use it as a base to build what so called “Greater *Zaghawa* State” as provided in their maps and statements that have already been published in the newspapers.
2. Based on the above points and in order to proceed in a negotiation with the *Zaghawa*, the following conditions were to be met first:
 - i. Withdrawal of the military forces of the SLM/A (Minawi faction) from all areas belong to the *Birgid* tribe (*Muhajiriya, Labado, Khor Abache, and Al-laloab*). Rebel forces were to be replaced by government forces and police centres were to be reopened in the area. The security arrangements were to be implemented as agreed in the Darfur Peace Agreement (DPA) which had been signed in Abuja in 2006.
 - ii. The *Zaghawa* were to admit the supremacy of the *Birgid* over their *dar*, including the right to exercise power in their

hakuras, towns and villages. The *Zaghawa* remained with no right except the right of 'citizenship'.

- iii. Native administration was to be empowered and *Birgid* tribal administrators were to be allowed to go back to their areas to exercise their duties without any conditions or restrictions.
- iv. Government was to pay blood money (*diyya*) and compensation related to the previous reconciliation agreements between the *Birgid* and other tribes (cases of *Hamada* and *Yaseen*).
- v. Rehabilitation of the war affected areas in *Birgid's dar* was to be accomplished.
- vi. Provision of necessary facilities to enable the return of the displaced persons to their areas and provide them with sufficient compensation was to be delivered.
- vii. *Birgid* Native administrators were to be allowed and enabled to select their participants to the negotiations from the areas where incidents took place.

The last point means *Birgid* were seeking access to areas controlled by the rebels in their homeland. The *Birgid's* position, as reflected in the above points, indicated clearly their main concern was land and it appeared to be that they were quite convinced that the *Zaghawa* were using rebel activities as a cover

to control over the land by force (which was typical of the propaganda publicised by the government). Also this shows that *Birgid* were closer to the government position, which called for withdrawal of the military forces of the SLM/A from the area and their forces were to be replaced by government armed forces and police. However, *Birgid* seemed to request a reward for taking this position by demanding that the government was expected to take the responsibility for providing them compensation and rehabilitation of their areas. The *Zaghawa* from their side (see the summary below) had a similar concern which was also land. However, they appeared to be supportive to the rebel groups (Mini Minawi faction). It seemed that they wanted to use the opportunity of the reconciliation process to legitimize the gains that they had achieved by force, especially by referring to “the rights of citizenship as stipulated in law and constitution” and that they were ready to collaborate with the government in regard to the implementation of the DPA. Though they appreciated the efforts exerted by the *Wali* of South Darfur state and his staff, in opposition to the *Birgid* they showed no confidence on the government. On the contrary, they held the government responsible for the outbreak and the instigation of the tribal conflicts. This explained why they suggested that a combined force from the AU, SLM/Minawi, and the government all together was to take the responsibility for security in the area, as is explained below.

The *Zaghawa* tribe from their side raised the following main points (TRSD, 2003-08: Vol.1, 6, vii: 1-4):

1. *Zaghawa* assured their support to the DPA. They intended to work together with the government and the SLM/A-Minawi- towards the

implementation of the agreement on the ground in order to eradicate all phenomena of chaos and insecurity in *Sherriya* area. The aim was to overcome tribal fighting and realize peace, security and development.

2. The *Zaghawa* wanted to give assurance to the international audience that the people of Darfur were capable of resolving their problems, no matter how big they were, on their own.
3. They appreciated the efforts exerted by the *Wali*, his government, and his Advisor (Mr Ibrahim Abdullah Mohammed-the chairman of the mediators), for their kind understanding of the problem in *Sherriya* and that they were working to resolve it.
4. They assured that SLM/A-Minawi in collaboration with the government was leading political and social efforts in order to restore good ties amongst tribes in *Sherriya* locality.
5. They gave assurance that the main reason behind this conflict was the competition over power between the government and the rebels.
6. They asserted that the government strategy of political polarisation and mobilization along tribal lines to fight the rebel groups was responsible for the outbreak of tribal fighting amongst the tribes in Darfur.
7. They proposed that a combined force from the SLM/A-Minawi, the government, and the African Union (AU) was to take responsibility for the security in the area.

8. The *Zaghawa* asserted that the concept of landownership and *hakura* as interpreted by the *Birgid* tribe continued to be a problematic for the tribes which have migrated from north Darfur due to geographical and climatic transformation that took place in that area. *Birgid* did not accept that others have a right to live with them. The system of Native Administration needed to be re-established and based on clans and tribes, but not on the basis of *hakura* and *dar*. *Hakura* and *dar* were only be maintained as historical nomenclature with no legal implications on the ground. When *Omdas* from the *Zaghawa* were appointed by the Commissioner, *Birgid* strongly opposed the decision on the grounds that it was against their wish and will. However, the decision adequately allows for the rights of citizenship as stipulated in law and constitution.

The above summary of the positions of the two parties to the conflict; the *Zaghawa* and *Birgid* indicated that the key issues of contest were local power and NA and these issues were integrally interconnected with land. It also further pointed to the fact that the competition over power between the government and the rebels has made the situation even worse due to political manipulation and polarization of the tribes by these two competed parties.

An example from *Marla* area

Marla was located south east of Nyala. It was claimed to be the *hakura* for *Zaghawa-Umkamalti* within *Daju's dar* (TRSD, 2003-08: Vol.1, 7, vii: 1-3). It is mainly inhabited by *Zaghawa-Umkamalti* and *Zaghawa*. Sometimes in order to differentiate between the two tribes, which allegedly share the same historical

ethnic origin, the latter was referred to as '*Zaghawa-Rattana*'. During the Darfur wider conflict, *Zaghawa-Umkamalti* was alleged to be claiming Arab origin and sided with the government, whereby the *Zaghawa-Rattana* claimed to have sided with the rebel groups. As a result a parallel conflict has erupted between the two groups; *Zaghawa* and *Zaghawa-Umkamalti*.

In this regard the *Zaghawa* have presented what they had described as clear evidence of government favouring the other group (the *Zaghawa-Umkamalti*) on the following points: (TRSD, 2003-08: vol.1, 7, iii: 1-8).

1. The government has supported the *janjaweed* militias, which killed the *Zaghawa*, burnt their huts, looted their properties and forced them to leave their land on the grounds that they were supporting the rebels.
2. The police and security organs refused to protect or accept the reporting of alleged perpetrators whom they themselves had witnessed harassing people and looting their properties.
3. The government has provided *omdas* of *Zaghawa-Umkamalti* with vehicles and security status while they refused to treat the *omda* of the *Zaghawa* in the same way.
4. The Commissioner of Nyala locality (who belongs to *Zaghawa-Umkamalti*) has prohibited the *Zaghawa* from participation in the membership of Nyala locality's council, the membership of the Council of *Belail* administrative unit, and the membership of Peace Committees that were established at the local levels following the signing of Darfur

Peace Agreement (DPA) in 2006.

Accordingly, the *Zaghawa* stated the following demands (TRSD, 2003-08: Vol.1, 7, iii: 6-8):

1. The area and the surrounding roads were to be secured by joint force from SPLA/M-led by Minawi, the government of Sudan and the African Union (AU).

2. *Janjaweed* militias were to be disarmed and rule of law was to be enforced.

3. The implementation of the DPA was to be fostered, especially with regard to the security arrangements.

4. IDPs were to be assisted, compensated, and guaranteed peaceful return to their land.

On the other hand the *Zaghawa-Umkamalti* has a different perception as to why the conflict erupted between them and the *Zaghawa* (TRSD, 2003-08: Vol.1, 7, vii: 1-16). They claimed the following:

1. The conflict started prior to the emergence of the rebel groups, and was mainly over the participation in the villages' councils and committees.

2. There were repeated incidents of armed robbery by the *Zaghawa* against members of *Zaghawa-Umkamalti*.

3. When the rebels started their activities in the area, the *Zaghawa* welcomed them, encouraged their sons to join them and provided them with

intelligence as they were speaking the same language (*Zaghawa* language), which *Zaghawa-Umkamalti* did not know.

4. Rebels led by *Zaghawa* from the area treated *Zaghawa-Umkamalti* as government spies and labelled all members of *Zaghawa-Umkamalti* as *janjaweed*; as a result our leaders lost dignity and were humiliated. Thus, the *Zaghawa-Umkamalti* primary demand was that the area has to be secured by the Sudanese Armed Forces (SAF) and the police.

The case summary made by the *Zaghawa* and *Zaghawa-Umkamalti* again showed that issues of local power and land were central. *Zaghawa-Umkamalti* considered the *hakura* belongs to them, perceived *Zaghawa* as settlers and hence denied them power sharing. As assured by the *Zaghawa-Umkamalti* “the conflict started prior to the emergence of the rebel groups, and was mainly over the participation in the village councils and committees”. This probably explained why *Zaghawa* have supported rebels. It seemed that they were dissatisfied with the power sharing at the local level; exclusion from participation in village councils and that their *omda* did not receive equal treatment from the government as other *omdas* in the area. These were clearly issues of local governance related to local government and NA. It seemed that the struggle over local power paved the way for the government and rebels to polarize the two tribes and further manipulate them for political and military purposes which led to the escalation of conflict between the two tribes.

These two cases of *Sherriya* and *Marla*, served as an illustration of how tribal conflicts have been connected, and negatively affected by the

government/rebel struggle. Similar to the previous example of *Sherriya* and even worse (as the *Zaghawa* and *Zaghawa-Umkamalti* in *Marla* were sharing the same name and ethnic origin), it appeared that each group actually sided, or was perceived to have sided either with the government or the rebels. Though they differed with regard to the root causes of the conflict, both parties agreed that political manipulation and polarization was behind the escalation of the conflict between the two groups. The *Zaghawa-Umkamalti* has no confidence in the rebels, which explained why they had demanded that the area was to be secured by SAF and the government police (a similar statement was made by the *Birgid* in *Sherriya*). Meanwhile, the *Zaghawa* called for disarmament of the *janjaweed* militias and were to be replaced by a combined force from the AU, the SLM/Minawi faction and the government to provide security in the area (similar to the position taken by the *Zaghawa* in *Sherriya*). Competition over local power (participation in the village councils and committees) seemed to be the main issue of concern for both parties here again which was used by the government and the rebels as a point of intervention for further manipulation and polarization of the two groups.

Key Issues addressed by the ITRCs

As reflected in the ITRCs' documents, factors contributed to tribal conflicts in South Darfur could be considered according to the following three groups:

1. Proximate causes,
2. Root causes

3. Triggering factors.

The most influential approximate causes were identified as arms proliferation, eruption of the insurgency and the influence of the neighbouring countries. The root causes however, were summarized as three factors: competition over land (ownership of tribal homeland and demarcation of boundaries of these homelands), competition over pasture and water source and political manipulation of NA and local government. The third group of causes; the triggering factors, described the immediate reasons that made the situation escalate into violence. This included; dispute between individuals, animal thefts, competition over local power seats, armed robbery, damage of crops, and closure of livestock migration routes, allegations of land occupation, rape, and attack on specific groups-including killing, burning huts, rape and looting animals as well as properties. Attack on specific groups included all acts committed on the grounds of providing shelter and support either to the rebels or the government. Those who alleged to have been sympathized with the government were referred to as *janjaweed* and those supposed to have been sympathized with the rebels were referred to as *turabora* (a nickname locally used by groups of Arab origin in Darfur to refer to members of rebel groups).

The proximate causes

The proximate factors were those which make the environment conducive and suitable for the conflict to emerge. In south Darfur in particular, the small arms proliferation, eruption of the insurgency and rebel movements and the

influence of the neighbouring countries had prepared the ground for the tribal conflicts to grow. Below is a detailed account on the former two factors as an example.

Eruption of the insurgency

In the *Kass* conference between the *Fur* and some tribes of Arab origin in January 2003, the conference made two recommendations in relation to the issues of rebel movements' influence which were (TRSD, 2003-08: Vol.1,1,iii:1-4):

- 1) The conference recommended that both parties (*Fur* and Arabs) were to dissolve their military wings (the militias and the *janjaweed* respectively).
- 2) In response to the claim made by the *Fur* that some Arabs migrated from Chad and occupied their land, the conference recommended that the authorities should directly intervene in *Kargo* area to fight criminals there and to investigate the identity of the inhabitants in the area. If non-Sudanese were proved to exist in the area they were to be removed. Also physical presence of state authorities in *Kargo* Mountains was recommended in order to provide security and social services for the people.

Nevertheless, in the absence of confidence in government security organs, as expressed by the *Fur*, and the lack of confidence between the parties to the conflict as identified by the mediators (TRSD, 2003-08: Vol.1, 1, ii: 1-2), the expectation that the two parties may dissolve their militias on their own was

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unrealistic. Also the *Fur* had made it clear that the government was part of the conflict by supporting the Arabs and providing them with weapons and logistics, and so it was not surprising that the same government could not be trusted to investigate and identify what the *Fur* described as Arab migrants and newcomers from Chad who took over their land by force, let alone to remove them from the land. These two recommendations needed a third party and a comprehensive mechanism in order to be implemented to the satisfaction of all parties, which did not happen.

The failure of that conference was evident in April, 2003; only after three months, when the same parties came to sit for another conference to discuss the same issues. Among the points made by the *Fur*, and confirmed by the mediators in the outcome of the second conference, was that no progress has been made with regard to the implementation of the decisions and recommendations submitted by the first conference. The same and similar recommendations were submitted again, but the achievement of the two conferences remained non-existent.

Another example was the ITRC between the *Zaghawa*, *Birgid* and the *Miseirriya* in Nyala, In December 2006, with regard to issues related to armed movements' influence; the conference had made the following recommendations (TRSD, 2003-08: Vol.1,6,ix:1-2):

1. The conference made an appeal to all parties concerned in *Sherriya* locality (armed movements and tribes) to cease hostilities in order to pave the way for the implementation of the outcome of this conference.

2. The government was to organize and control the unauthorized arms.
3. The conference recommended that the security arrangements as stipulated by the DPA were to be implemented no later than one month from the signing of the outcome of this conference.
4. In relation to their contact with the citizens, the behaviour of the government security organs and the signatories to the DPA from the armed movements was to be controlled.

The parties in the above mentioned conflict were three: the government, the rebels and the tribes. However, in the first point of the recommendations, the government has not been mentioned, which gave an impression that it has nothing to do with the cessation of hostilities. Contrary to such a conclusion, it was the government's responsibility to assure cessation of fire and hostilities; as the DPA was signed by some of the armed movements and the government and not by tribes.

More importantly, as reflected in the speech of the parties to the conflict, it was the struggle between the government and the rebels that provoked the current conflict amongst tribes in this area. Three months later in another conference between *Zaghawa* and *Zaghawa-Umkamalti* concluded in Nyala in March, 2007, the recommendations number 2&3 above were repeated again but in a different expression which stated that; "the conference recommended the speeding up of the implementation of the DPA, especially the security arrangement part, and that armed militias were to be disarmed and any unauthorized arms were to be confiscated except for those who were part of

the DPA” (TRSD, 2003-08: Vol.1,7,xi:1-2).

In the former conference of December 2006 above, the recommendations indicated that “security arrangements were to be implemented no later than one month from the signing of the outcome of the conference”. The outcome document of the conference concerned was produced and signed on 19th of December, 2006 which means by 19 January, 2007 security arrangements would have been already accomplished. However as late as March, 2007 nothing had been achieved and the same recommendation came to be repeated again.

In a conference between the *Birgid* and the *Rezeigat* in October, 2007, the issue of the armed movements was raised again “insecurity caused by the armed movements, especially by the SLM-Peace wing which was located in an area call “*Kamal's* borehole” was to be controlled. The government was to push the armed movements to get out completely from areas of “*Kamal's* borehole”, *Kasib* and *Akoay*” (TRSD, 2003-08: Vol.1, 8, iii: 1-2). This meant seven months after the latter conference above, no security arrangements were made. In fact, after almost four years nothing has been achieved, as will be seen shortly.

As the DPA implementation was lagging behind, the above mentioned decisions and recommendations were not implemented either. On 10/05/2010, WARTA made the following comment before the members of the Reconciliation Commission which was established sometime later following the signing of the DPA “The problem in *Sherriya* between *Zaghawa* and *Birgid*

remained pending. A reconciliation conference was carried out between the two tribes in 2006, and again in 2009. Now, the two parties have agreed to sit down again, however the renewal of confrontations in '*Nigaiaa*' area, north of *Sherriya*, has hampered the movement of the mediators" (RC, 2010:5-7). He further explained that with regard to the conflict between *Zaghawa* and *Zaghawa-Umkamalti* in *Marla* area, the situation was very complex due to the repercussions of the struggle between the government and the rebels. The government and the rebels stopped fighting and reconciled, yet according to him, the two tribes of *Zaghawa* in *Marla* have not reconciled; " the situation was very tense in a sense that every person from each party was carrying his weapon while going to his farm" (RC, 2010:7).

Arms proliferation

Out of more than forty ITRCs investigated through archival evidence, only seven had addressed the issue of arms proliferation. Among these seven ITRCs, only two called for the confiscation of the 'unlawful arms' (*Sherriya and Marla* conferences). However recommendations related to these two conferences were made in connection to the DPA.

In Darfur obtaining weapons through "lawful terms" was easy to the extent that the numbers of the weapons obtained and carried 'legally' from government sources were much greater than 'unauthorized' weapons. More importantly, the deliberations of the key informants interviewed by this study suggest that it was 'lawful arms' that were responsible for the destruction in Darfur much more than unauthorized weapons. This was based on the exchanged

allegations amongst tribes (KI/7:6/6/2010) which indicated that government associated militias were much more involved in the tribal conflicts than ordinary tribesmen. By government associated militias they meant People's Defence Forces (PDF) including People's Police Forces, Border Guards Forces (BGF), Central Reserve Forces, and Mobile Police Forces (UN report, 2007). The recruitment for these forces used to take place locally in Darfur with some tribes representing the backbone of these bodies. For example the *Rezeigat* camel herders were accused of having dominated the BGF (KI/7: 5/6/10).

The *Rezeigat* and *Birgid* conference in 2007 had addressed the issue of unlawful arms; however, this time the recommendation was not to call for confiscation, but advice for tribes not to use them against one another. It stated that; "The *Rezeigat* and the *Birgid* were advised to refrain from using arms against one another or carrying arms when they were in their farms or at the grazing areas or at water sources and markets" (TRSD, 2003-08: Vol.1,8,iii:1-2).

In the *Habaniyya* and *Falata* conference in *Buram* town in April, 2006, the recommendation in this regard was as follows: "Without a good reason no public gathering with arms was to be allowed" (TRSD, 2003-08: Vol.2, 5, ix: 1-2).

In the *Safia* conference in May 2006 which brought together the *Fur*, *Rezeigat* camel herders, *Banihalba*, and the *Miseirriya Jabal* tribes, among the decisions made by the conference was "arms were prohibited to be carried in markets and public places except for organized forces and the guards of Native

Administration”. The same conference recommended that “shooting in the open air during celebrations was prohibited; anyone not abiding by this recommendation was to be charged 200,000 Sudanese pounds-[about \$66 at the time]” (TRSD, 2003-08: Vol.2, 7, i: 1-3).

Furthermore, the conference for border tribes in Sudan and CAR, in March, 2005 stated that the two parties agreed on the following: “Both parties were to be committed not to carry weapons across the borders of the other country” (TRSD, 2003-08: Vol.2, 3, v: 1-3).

However, in the Reconciliation conference between the two localities of Nyala (*Fur*) and *Idd elfursan (Banihalba)* in 2006, a recommendation in this regard stated: “Both parties were advised to stop ‘military manifestation’, cease hostility and work towards the reopening of markets, livestock migration routes and start exchange mutual interests” (TRSD, 2003-08: Vol.2, 8, ii: 1-4).

A remarkable observation in this regard was that with exception of the two recommendations made in relation to the DPA, it seemed that the rest of the ITRCs had tolerated the ‘unlawful’ possession of weapons. The concern was about their use but not their existence; ‘not to be used by tribes against one another and/or not to be carried in public places and not to be used in shooting during celebrations’. It appeared the explanation for these recommendations was that they came after repeated calls and appeals made in previous meetings (during late 1980s and 1990s) for the confiscation of these weapons but these had been ineffective. The most striking example was the *Fur/Arab* reconciliation conference in 1989 which “called for liquidation and disarmament

of all militias” (Daly, 2007:247). As these recommendations have not been implemented; people perhaps became convinced that the government was not in a position to collect ‘unauthorized’ arms from individuals and groups. As suggested in chapter four this was because the government was not willing to do so and also because it became beyond the government capacity to do the job even had the willingness existed, as is explained below.

The unwillingness of the government to collect arms was evident in the fact that the government itself was the biggest provider of arms; they provided it to their allied tribes officially to enable them to fight rebels. The government of Sudan “ reaffirmed through their foreign Minister Mustafa Ismail in May 2008, that disarming the *Janjawiid [janjaweed]* is conditioned by the rebels laying down their weapons” (Musa, 2011:172). This means as long as the rebels were still active in the region, arms would have remained in the hands of the government’s allied tribal militias. Another reason might be the fact that these tribes and individuals who have been involved in fighting rebels were reluctant to give up their arms unless they felt safe and more importantly did get sufficient assurance for their safety in future, a requirement which seemed not likely to be fulfilled soon within the prevailing situation.

Recommendations related to the rebel groups and their involvement in tribal conflicts could only present evidence to show the extent to which the government/ rebel struggle had adversely affected tribes’ relations. But there was no realistic proof to make someone argue that such recommendations might have assisted in mitigating or reducing such negative influences, as is further explained below.

One of the recommendations in the “Conference for Peaceful Co-existence, Crimes Control, Restoration of Social fabric and Security” held in *Safia*, South west of Nyala on 9/5/2006 was: “People ought to refrain from calling one another *turabora* or *janjaweed*” (TRSD, 2003-08: Vol.2, 7, i: 1-3). This was not a typical ITRC; in a sense that no parties to the conflict were identified. As described on the front page of the outcome, the conference was attended by all tribes in the area; namely *Rezeigat*, *Banihalba*, *Fur*, and *Miseirriya Jabal*. About 200 persons attended the conference representing the NA, *amirs*, *augada*, and notable persons in the area. All these details together with the decisions and recommendations made by the conference were reflected in a letter addressed to the *Wali* of south Darfur state through the Commissioner of Nyala locality (TRSD, Vol.2,7,i:1).

Another similar gathering included the tribes of *Falata*, *Habaniyya*, *Mahadi*, *Rezeigat* camel herders, and *Massalit*. It was held in Ditto, south of *Nyala* and no date was recorded, although it was probably 2006, as it mentioned the DPA which was signed in 2006. In relation to the rebels, the conference announced that *all* these tribes rejected the presence of armed movements in the areas of *Gereida*, *Joghana*, *Alladoab*, *Doanki dirasa*, *Labado* and *Muhajiriya*; “We appeal for the AU who pushed the SAF and the police out of these places and have taken over ‘authority’ in these areas, to push out the armed movements as well immediately” (TRSD, 2003-08: Vol.2, 9, i: 1-4). A similar appeal was made in another similar gathering in *Mershing*, north of *Nyala*, which took place on 3/6/2007. Tribes attended this meeting were *Fur*, *Saada*, *Birgid*, and *Rezeigat* camel herders. No opponents were identified and the conference

was named “Peaceful Co-existence Conference for the tribes north of *Nyala* and the surrounding areas”. In this conference the tribes concerned also made an appeal to the government and rebel groups to respect their choice in leaving them to live peacefully. The *Habaniyya/Falata* conference in April, 2006 has made an appeal to what they called “arms carriers” to sign the peace agreement (TRSD, 2003-08: Vol.2, 5, ix: 1-2). These calls and appeals then complemented the recommendations made in this regard by the *Sherriya* and *Marla* ITRCs, as discussed above, such as the need to speed up the implementation of the security arrangements in collaboration with the signatories from the armed movements as stipulated in the DPA etc.

These recommendations were vague and idealistic; vague in a sense that most of the time the issue was addressed through making an appeal or calling upon the government and the rebels to stop their involvement without identification of specific responsibilities assigned to each part and without agreed mechanisms of implementation and schedules related to deadlines.

In the case of the DPA, modalities of implementation were set up with clear deadlines and with a third party to monitor and provide technical assistance, yet nothing much has been achieved. It seems unrealistic to expect that the rebels or the government can respond -on their own- to such appeals and recommendations made by the tribes. In two of the examples above, it was the government that called for others to push out rebels from certain areas, which they surely would have undertaken themselves had they been able to, rather

than calling on tribal leaders. In one case an appeal was made to the AU to make the rebels abide by their commitment. These kinds of recommendations and appeals only went to reinforce the view that the current tribal conflicts in Darfur were provoked by factors that were beyond the capacity of tribes themselves to address.

The Root causes

The root causes, as has already been identified, were related to three factors: competition over land (ownership of tribal homeland and demarcation of boundaries of these homelands), competition over natural resources (pasture and water sources) and political manipulation/polarization of NA and local government.

Land dispute

Land related disputes; competition over land ownership (*hakura*), boundaries of tribal homelands, and grazing lands seemed to have been the major underlying cause of conflict in Darfur in general and in South Darfur in particular where it counted for almost 90% of the conflicts (see table 2 and figure 11 in chapter 5). This competition over land has nothing to do with pressure on land linked to expansion of large scale commercial farms. Some proposals of agricultural projects were rejected by the locals on the basis that they refused to give up their land; the good example was *Abufama* and *Wadi Salih* projects in South and west Darfur respectively (Al-tiraifi, 1990:64-65). As tribes refused to cooperate in this regard such proposals did not materialize

and the ULA of 1970, as already mentioned in chapter 3, had not been implemented in relation to Darfur. Land dispute here was related to three interlinked aspects of land issues that this part of the study explains through several examples: firstly land ownership (*dar/hakura*), secondly land frontiers and border demarcation, and thirdly accessibility to natural resources (water sources and pasture).

Based on their interests, tribes involved in conflicts within South Darfur were divided into two categories. The first was those who own recognized homelands, whether sedentary or pastoralists, who wished to preserve the status quo. They insisted that historical rights over land must be honoured, in that those who owned homeland (*dar*) should continue to have supremacy over land and leadership in their areas. Their reference for adjudication was the customary law and the traditions adopted by the dominant tribe. This position has been expressed by these tribes and was documented in the letters of position submitted to ITRCs by these tribes, as has already been explained.

Tribes in the second category, who did not own a recognized homeland, argued that land use ought to be based on the constitutional general rule of citizenship. Every tribe would have a right to have its own leadership in the place where they lived without permission from another tribe, and original settlers of the *dar* would not have the right to maintain special rights over land and leadership. The following examples could make it clearer.

In the conference between *Birgid*, *Miseirriya* and the *Zaghawa* conducted in

Nyala on 19/12/2006, the *Birgid* agreed to proceed with the reconciliation only if the *Zaghawa* accepted these conditions:

“The *Zaghawa* was to admit the supremacy of the *Birgid* over their *dar*, including the right to exercise power in their *hakuras*, towns and villages. The *Zaghawa* remained with no right except the right of citizenship” (TRSD, 2003-08: Vol.1, 6, v: 7-8), a thing which the *Zaghawa* strongly rejected on the ground that as Sudanese citizens their right to access and own land was preserved by law and constitution (TRSD, 2003-08: Vol.1, 6, vii: 1-4): A similar scenario was repeated in the conflict between *Fur* and *Tarjam* in 1991. *Tarjam* position was as follows:

“*Fur* tribe should recognize the *Targum* [*Tarjam*] as Sudanese citizens who were entitled to every right on these lands which belong only to God Almighty. The *Fur* ought to drop the claim that *Targum* [*Tarjam*] was to follow them and agree that *Targum* [*Tarjam*] would have a “*Nazirate*” independent administration of their own” (Morton, 2011:22).

The third example was the conflict between the *Maaliya* and the *Rezeigat*, in 1965 and again in 2002 and 2004, which was over land and independent “*Nazirate*”. The *Rezeigat* claimed historical right over land and further claimed that *Maaliya* did not own *dar*, and as a result they did not qualify for a separate independent “*Nazirate*” (Naeim, 1978:76). The *Maaliya*, in return, claimed that they used to have their own *dar* (Naeim, 1978:76). This claim was confirmed by Morton, (2004) who indicated that the *Maaliya* did own *dar* and an independent separate “*Nazirate*” and that the British colonial administration

abolished their “*Nazirate*” and brought them under the *Rezeigat* (Morton, 2004:7).

Another type of dispute over land was related to the demarcation of tribal homeland boundaries. There has been an overlap between the demarcation of the boundaries of the newly created localities, especially during the last two decades, and the boundaries of the already existing historical tribal homelands. Policies adopted by the current regime in regard to administrative boundaries were described as “directed towards disintegration of the established bigger ethnic and tribal groups (especially non-Arabs). Tribal minorities which used to be part of the old tribal structures were separated in new native administration as a reward for their political allegiance” (Takana, 2007:70). Nonetheless, in order to please bigger tribes which were not happy with such a policy, another arrangement was made. Most of the historical tribal homelands have been promoted to locality status with recognition of administrative borders that match tribal homelands’ boundaries. However, to cope with the policy of securing the political allegiance of minority tribes, further sub divisions (officially called administrative units) were created within each locality. Again this was a clear indication of to what extent NA and local government became merely an issue of political manipulation exercised by government to control over tribes and buy their allegiance. The result was further fuelling of tribal conflicts instead of managing or resolving them.

This argument was reconfirmed by an informant who asserted that current tribal conflicts were to be understood in the light of the creation of new localities and administrative units (KI/17: 8/6/10). He added that about five

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conflicts took place in the period 2006 to 2008 which were instigated by the demarcation of boundaries of localities and administrative units that have been established recently. These were *Falata* and *Habaniyya* disputes which was related to demarcation of boundaries between *Tulus* locality and *Buram* locality. *Falata* vs. *Massalit* was related to the demarcation of boundaries in *Saadoon* area, *Gimir* vs. *Falata* was connected to demarcation of the boundaries in *Majabi* area, *Salamat* vs. *Habaniyya* was connected to creation of new administrative unit in *Alnadif* area, and *Abudarag* vs. *Habaniyya* was related to creation of new administrative unit in *Wadhajam* area.

In all of the above mentioned cases land was an issue. The *Falata* wanted control over the area south of *Tulus*-north of *Gereida*'s valley, which used to be part of *Buram* locality (KI/10:6/6/10, KI/15: 8/6/10). The *Salamat* were able to create their own administrative unit within *Buram* locality in *Alnadif* area (KI/17:8/6/10). The *Rezeigat* camel herders were able to get settled in *Umdawanban* and *Rahad elshahab* areas close to *Gereida* (KI/10:6/6/10, KI/17:8/6/10) . *Abudarag* tribe also gained their own administrative unit within *Buram* locality which was in *Wadhajam* (KI/17:8/6/10). Based on these elaborations made by the informants, it was quite obvious that the common agenda for the *Falata*, *Salamat*, *Habaniyya*, *Massalit* and the *Rezeigat* camel herders was land. Furthermore and in the same regard another informant made the following comment:

“The problem was that when a locality was proposed to be established, people’s first concern would have been the boundaries of that locality and whether it coped with boundaries of tribal homeland. The government usually

requested the inhabitants of the area to submit a draft for the proposed boundaries. For example the *Saadoon* area and its surrounding villages, which were areas of dispute between the *Habaniyya* and *Falata*, have been included in the proposals of *Buram* and *Tulus* localities that inhabited by the two tribes respectively” (KI/14: 7/6/10).

In the ITRC between *Falata* and the *Habaniyya* in April 2006, the recommendation in this regard came as follows: “The concerned authorities will sort out the demarcation of the boundaries between the localities of *Tulus* and *Buram*” (TRSD, 2003-08: Vol.2, 5, ix: 1-2). This was because the government refused to allow the issue of land to be part of the agenda of the above concerned conference; thus following more than three conferences between the two tribes during the course of 2006-2009, the issue remained unresolved (KI/9: 6/6/10).

In the instance of the conflict between *Tarjam* and *Banihalba* the demarcation of boundaries of the localities of *Assalam* (inhabited by *Tarjam*) and *Idd elfursan* (inhabited by *Banihalba*) was a fuelling factor. One of the informants (from *Tarjam* tribe) explained that: “Land was among the reasons behind our conflicts with the *Banihalba* and with the *Rezeigat* camel herders; namely the overlapping between the tribal homelands boundaries and the administrative boundaries of the localities” (KI/4:4/6/10).

Another informant added that; “Our problem with the *Rezeigat-Aballa* [camel herders] was over land. They wanted to push the *Tarjam* out of their land by force in order to use it for settlement and grazing purposes. They have even

made a proposal to the government to annex the *Tarjam* to the *Banihalba*. In the ITRC in Nyala in 2008 between us (refers to *Tarjam*) and the *Banihalba*, we have agreed on the *diyya*, but the issue of the boundaries was transferred to specialized governmental committee to look at it on the ground that land boundaries were a sovereignty issue that was referring utterly to State” (KI/7:5/6/10). This example again confirmed government intervention in the agenda of the ITRCs.

The ITRC in *Sillai’a* in 2007, between the *Rezeigat* who inhabited *Eddein* and *Asalaya* localities and *Birgid*, who reside in *Sherriya* locality, was another example of the overlap between the tribal homelands boundaries and the administrative boundaries. “This dispute was perceived as an administrative boundaries dispute between *Yaseen* area and *Asalaya* area. However, in reality it was a dispute over tribal homeland boundaries between the *Birgid* and the *Rezeigat* who inhabited the above mentioned two areas respectively” (KI/17:8/6/10).

The previous cases were but a few among many others, where demarcation of tribal homeland (*dar/hakura*) boundaries was the main issue. However none of the ITRCs covered was able to provide a clear resolution to any of these cases. The only recommendation which seemed that these conferences were able to make was to refer the land boundaries issues to what came to be called governmental specialized committees, which were supposed to be established by the government on its own. These committees were either never established or their recommendations were ignored (KI/14: 7/6/10).

Most of the participants in this study gave the same testimony in this regard. One participant (KI/17: 8/6/10) further claimed that; most of the time the government preferred to refer boundary disputes to special official committees. This was sometimes within the civil service bureaucracy such as the Livestock Migration Routes' Committee. The informant added that this committee was a permanent body in the Nomads' Commission, mandated to look into disputes between pastoralists and farmers with regard to access to grazing lands and water sources, and headed by the Secretary General of the above concerned Commission. He further explained that sometimes special committees were established by an executive decree made by the *Wali* to look into such issues. The same source continued:

“It happened I was a member of a committee established by the *Wali* to look into the boundaries dispute between *Idd elfursan* locality (*Banihalba*) and *Assalam* locality (*Tarjam*). At the end of the mission, I came up with the conclusion that the prevailing understanding among the people at the grassroots was very clear that the administrative boundary of the localities was to cope with the tribal homeland boundaries. Unfortunately, the government at local, state, and central levels remained officially indecisive whether to accept tribal homelands as administrative units or to set up administrative units that do not necessarily match with old tribal homeland boundaries” (KI/17: 8/6/10).

Even though the government officially denied recognizing tribal homelands as official boundaries for the localities and administrative units, in reality the absolute majority of the localities and the administrative units divisions that have been established in the last two decades were divided along tribal lines

(see chapter 3, NA and local government section). This indicated that the colonial legacy with regard to demarcation of tribal homelands continued. However contrary to the colonial policy which used NA as an effective mechanism for pacification and maintaining stability, the NA and tribal leaders were exploited, especially in the last two decades, to serve opposite ends.

The ITRC between the *Rezeigat* (Darfur) and the *Miseirriya* (Kordofan), which was described as one that was purely over grazing land and water source, was actually related to tribal homelands dispute and demarcation of boundaries. In this regard one of the recommendations of the ITRC held to mediate the dispute between the above two tribes in *Al-Obeid* (capital of north Kordofan State) in September, 2008 stated the following:

“A proposal submitted by the two tribes with regard to the demarcation of the boundaries between South Darfur State (*Rezeigat*) and South Kordofan state (*Miseirriya*) was endorsed by the conference; accordingly a federal committee was agreed to be established in order to take care of this issue considering that five persons from each tribe were to be represented in the committee” (*Rezeigat and Miseirriya conference, 2008:2*).

Competition over grazing land and water sources:

In most cases, the root cause of the conflict might have shifted over time from pasture and water source to include demand for land, whether for permanent settlement or temporary. This was the case of *Fur* vs. some Arab tribes in *Kass* area and around *Jabal Mara*. Also, it was the case for the conflict between

Birgid and *Fur* in *Mershing* and *Almalam* areas respectively vs. *Rezeigat* camel herders. Another example is the conflict between the *Rezeigat* camel herders and the *Birgid* in the areas of *Hamada*, *Adwa*, and *Juruf*. In all these cases, the *Rezeigat* camel herders were looking for land to settle. As explained by one of the pastoralist “Arab nomads needed land so they could settle and send their children to school” (Tubiana, (2007:84) or at least to stay for a longer time than in the past when they used to move in their seasonal migration patterns. Further to this there was an allegation made by the *Fur* that some people were identified as coming from Chad who occupied land belonging to the *Fur* with the assistance of their relatives in Sudan (TRSD, 2003-08: Vol.1, 1, iii: 1-4 and 7, iv:1-8).

Nevertheless, the ITRCs continued to deal with these cases as a conflict between pastoralists, whose request was for accessibility to water and pasture, and farmers who denied them access to seasonal livestock migration routes. Let us put the above argument aside and assume that these conflicts were mainly caused by competition over water and pasture; as conceived by the ITRCs. The following were some of the decisions recommendations made to resolve disputes amongst tribes in this regard.

In ITRCs which were conducted in *Kass* in January and April, 2003 between *Fur* and some Arab tribes, the decision made in this respect stated the following: “The two parties (farmers and pastoralists) were to abide by the customary law that organizes land ownership and livestock migration routes. Those camel herders who migrated to these areas and remained without tribal administration were to be sent back to North Darfur in order to be reunited with

their tribal administration” (TRSD, 2003-08: Vol.1, 1,iii:1-4 and 7,iv:1-8).

The above decision made a distinction between two groups of migrating Arab pastoralists; those who came accompanied by their tribal leaders and other groups who left their leaders behind in the north of the region. For the former group they were welcomed to stay in the *Fur*'s land, however the condition was they were to 'abided by the customary law that organizes land ownership and livestock migration routes'. For the latter group 'they were to be sent back to North Darfur'.

The above mentioned condition was unrealistic and was not expected to be respected for the following reason: the customary law had identified specific seasonal livestock migration routes (locally known as *Maraheel*; plural of *Murhal*) for the pastoralists to follow with specified time for entry into cultivated areas and for the departure from those areas as well. Historically, in 1930s during the colonial period, camel and cattle herders recognized eleven *Murhal* going across the region from north to south (Takana, 2008:39). An official committee set up to investigate the conflict between the *Fur* and the Arabs in 1988 reached the conclusion that due to environmental changes which related to drought and desertification that hit the northern part of the region in 1970s and again in 1980s, it had become very difficult for the northern *Rezeigat* to abide by their traditional routes (Takana, 2008:23) because of the fluctuations in rainfall. Bear in mind that these historical seasonal livestock migration routes were established in 1936 based on availability of water sources and grazing lands at the time (Young, 2005). However in spite of the huge demographic and environmental changes, these routes remained unchanged in terms of

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length, width, direction, and time of access to pasture and water sources around cultivated land (entry and departure).

It was also unrealistic to send back the second group of nomads. They were unwilling to go back and the *Fur* did not have the required power to remove them by force as they were more powerful in terms of weapons and logistics such as camels and vehicles. The government proved to be unwilling to force them to leave and these pastoralists were also their allies in fighting rebel groups; something that has already been explained earlier in chapter 3, 4 and 5. In this situation the conference proved to be unrealistic by calling on the government to remove them.

The ITRC between *Taisha*, *Falata*, and *Banihalba* tribes (Sudan) on the one hand and the *Kara*, *Ronga*, and *Gilla* tribes (Central Africa Republic-CAR) on the other, which was held in 2005 in *Umdafog*, South Darfur, was the only conference -among the forty four conferences this study covers- that merely addressed disputes over grazing land and water source. The recommendations made by this conference addressed four issues (TRSD, 2003-08: Vol.1, 7, IV: 1-8; Vol.2, 3, v: 1-3) related to the border trade, security, grazing and provision of services. With regard to the border trade, the conference had not directed any recommendation to the tribes involved and all the recommendations were addressed to the governments in the two countries.

The second group of recommendations were related to security issues; from five recommendations announced by the conference only one directly

addressed the tribes concerned. It stated that individuals were prohibited from carrying weapons across the borders. The third group of recommendations included eight recommendations regarding grazing; however, only three recommendations addressed the concerned tribes; these were:

1. According to an Act issued in 1960, camel herders were not allowed to move across the borders from Sudan into CAR.
2. Pastoralists (cattle herders) were to abide by the livestock seasonal migration routes identified by CAR authorities.
3. Every tribe was to appoint a recognized person as their representative when crossing the borders and this person was to be responsible before the authorities in the concerned country.

The first two recommendations were clear indications that this conference was not an exception with regard to how ITRCs address issues of tribal disputes; by referring to arrangements that were almost out of date, such as calling tribes to abide by an Act that had been issued in 1960 or livestock migration routes that were set up in 1936 as previously explained, in practice meant these groups were left alone. The fourth set of recommendations was related to the provision of services for the pastoralists. This section included the digging of boreholes at the borders in Sudan and CAR, provision of education, health services, and construction of roads to link the two countries, which all remained merely false promises with no realistic possibility of being achieved in the near future.

Political manipulation and polarization

The documentary and interview data under review here all suggested that political manipulation and polarization was one of the most important factors behind tribal conflicts in Darfur in general and South Darfur in particular, even though there was evidence in the documents that this issue had not been tackled. The only exception in this regard was the statement made by the *Zaghawa* in the ITRC between them and the *Zaghawa-Umkamalti* held in Nyala in 2007. In relation to the causes of the conflict, the *Zaghawa* mentioned the following (TRSD, 2003-08: Vol.1, 7, IV: 1-8):

“The problem in *Marla* was not only an issue of tribal conflict amongst *Zaghawa* clans, it has a political dimension, whereby the government has become an integral part of the problem...The essence of the problem was a political one which related to the power struggle between the government and the opposition...The government was responsible for the conflict between us; through discrimination against us and polarization of our brothers *Zaghawa-Umkamalti*. This polarization -on grounds of fighting the rebels- has led to the war between us and our brothers; *Zaghawa-Umkamalti* who have been used by the government as tools of war against their own brothers (the *Zaghawa*). Few of *Zaghawa-Umkamalti* have responded to this kind of political polarization for economic reasons while more others were driven by political reasons; looking for power” (TRSD, 2003-08: Vol.1,7,iv:1-8).

Against the above background, the *Zaghawa* made the following demands (TRSD, 2003-08: Vol.1, 7, IV: 6-8):

1. *Omdas* of *Zaghawa-Umkamalti* were to be stopped from having the privilege of security status and special links with the authorities.
2. Mr Mohammed Alaagib, Commissioner of Nyala, who belonged to *Zaghawa-Umkamalti*, was to be removed from office; because of his bias.
3. A 'rural court' was to be established in *Marla*. According to the South Darfur State's NA Act of 2005, this was a third class level court which supposed to be headed by an *omda* (NA Act, 2005:8).
4. *Omda* Abdelkarim Abdalla of the *Zaghawa* was to be treated by the government in an equal manner to the way the government had treated the *omdas* from *Zaghawa-Umkamalti*; he was to be provided with vehicle to carry out his job.

On their side, the *Zaghawa-Umkamalti*, though they admitted that the rebellion had fuelled the conflict between them and the *Zaghawa*, referred the root causes behind the conflict to the following (TRSD, 2003-08: Vol.1, 7, vii: 1-14):

1. The conflict started earlier than the emergence of the rebel groups, and was mainly over the participation on the village councils and committees.
2. The incidents of armed robbery by the *Zaghawa* against members of

Zaghawa-Umkamalti in 1980s and 1990s had put the two groups in confrontation. Accordingly the demands made by the *Zaghawa- Umkamalti* were as follows:

1. Their area was to be developed and promoted to the status of administrative unit.
2. They wanted to be represented at the levels of locality councils and State Legislative Council.

The Conference had announced the following decisions with regard to the issues raised (TRSD, 2003-08: Vol.1, 7, x: 1-3):

1. The mediators have decided that all political related issues raised in this conference had already been addressed in the DPA.
2. The conference recommended that all *omdas* were to be empowered in order to be able to do their job properly; especially with regard to means of mobility and transport.

In their stories with regard to what were the reasons behind their conflict, the *Zaghawa* and the *Zaghawa-Umkamalti* seemed to be agreed on one point which was the representation and participation in village councils and committees (see the points with regard to the claims made by the *Zaghawa* and point No.1 with regard to the claims made by *Zaghawa-Umkamalti*). If all other claims made by both parties were ruled out the claim that the conflict was over local power remained undisputed. Yet, the conference addressed it by simply stating that “...*all political related issues raised in this conference had*

already been addressed in the DPA” (TRSD, 2003-08: Vol.1, 7, x: 1). It was true that the DPA has addressed the issue of power sharing but in a different context, which was the power sharing at the central and state levels, but it did not address it at the local level. All that was mentioned in the DPA with regard to local power was restricted to NA and came as follows: “Native administration shall have regard, where appropriate, to the established historical and community traditions, customs and practices. Where these are contrary to the provisions of the national or state constitution or law, the latter shall prevail” (DPA, 2006:12). To be more specific, according to the DPA, the issue of tribal relations and tribal homelands have been left to be addressed in what came to be known as Darfur/Darfur Dialogue and Consultation (DDDC).

“The Darfur-Darfur Dialogue and Consultation (DDDC) shall be a conference in which representatives of all Darfurian stakeholders can meet to discuss the challenges of restoring peace to their land, overcoming the divisions between communities, and resolving the existing problems to build a common future” (DPA, 2006:80).

However, as the DPA collapsed in 2011 such a conference has never been accomplished. Thus we can see that political related factors, though clearly responsible for the escalation of conflicts in South Darfur, and recognised as such by conflicting parties, were never addressed directly in any of the ITRCs covered by this study.

Triggering factors

Triggering factors for tribal conflicts in South Darfur, as mentioned in (chapter 5, table 3), were disputes between individuals, animal thefts and armed robbery, competition over local power, land occupation, rape and abduction. They also included, burning huts and looting properties of specific groups on the ground of providing shelter and support to rebels and bandits, targeting specific groups on the ground of being *janjaweed* or sympathizers with the government. Additional triggers were rape, damage of crops and closure of livestock migration routes. The following section provides some details about how these issues have been addressed by the ITRCs.

Dispute between individuals

In most of the ITRCs in south Darfur when perpetrators were prosecuted or alleged perpetrators were in jail, the decision was that those convicts or alleged perpetrators were to be released either immediately or following the payment of the first instalment of the *diyya* and compensation decided by the relevant conference (TRSD, 2003-08: Vol.2, 1,iv:1-2). For example, the documents of the *Fur/Arab* conference in *Kass* in January, 2003, indicated that the detained alleged perpetrators were to be released first and each group join their party before the conference started, a step which was described by the mediators as an essential requirement to pave the way for reconciliation (TRSD, 2003-08: Vol.1,1,ii:1-2).

The document of the reconciliation conference between the *Maaliya* and *Rezeigat* in October, 2004 stated that “The offenders from both sides were to

be released immediately following the payment of the first instalment of the *diyya*" (TRSD, 2003-08: Vol.2, 1, IV: 1-2). The *Falata/Gimir* conference in 2008 and the *Birgid/Rezeigat* conference in October, 2007 provided that "alleged perpetrators from both sides were to be released and would not have to be subjected to questioning in future in connection to this dispute" (TRSD, 2003-08: Vol.1,8,ii:1-3).

It seemed that perhaps one of the reasons that tribes joined these ITRCs was to get their alleged perpetrators released, although this would need further verification. However, there were indicators that this was an issue of concern for most of the tribes involved. One of these indicators was that a common shared outcome of these conferences was the guarantee of impunity for alleged perpetrators. Furthermore, once an alleged perpetrator's release was guaranteed, nothing happened to question it afterwards. Also, based on the ITRCs documentary I observed that in the many cases where the alleged perpetrators were supposed to be released following the conference, this was actually conditional on the payment of first instalment of *diyya* and compensation. In most of these conferences the first instalment was paid on time and sometimes the government paid the money on behalf of the tribes to ensure this (KI/7: 5/6/10), however once the alleged perpetrators were released, reports showed that all parties were reluctant to make further payments of *diyya* and compensations (TRSD, 2003-08: Vol.1, 6, v:1-7). Longer term and wider range solutions in relation to disputes between individuals that ITRCs repeatedly provided included the following (TRSD, 2003-08: Vol.2, 5, ix: 1-2):

1. Call upon the government to disseminate more military forces, establishing more police points with sufficient facilities and resources; this was to enforce the rule of law and assist in restoration of security and state authority.
2. Government was called upon to encourage and to introduce obligatory education plans to eradicate illiteracy and to fight ignorance.
3. Government subsidised education policy and free accommodation were to be adopted in order to encourage pastoralists to send their children to schools.
4. Racism and discrimination on a tribal basis were to be condemned and controlled and dissemination of spirit of brotherhood and love amongst individuals from both tribes were to be encouraged.

Further recommendations addressing social relations came up in various ITRCs as follows: when an individual was alleged to have committed a crime, the concerned individual was to be held responsible, not his tribe (TRSD, 2003-08: Vol.2, 7, i: 1-3). Some conferences recommended that when offenders were killed due to their own brutal criminal behaviour, nobody was to be held accountable for their death. This recommendation was made in *Safia* conference, 2006; more probably by 'brutal criminal behaviour' they meant rape crime. This was the only conference where rape allegations were dealt with seriously, at least by direct use of the word 'rape' (*Ightisab*, in Arabic) in the recommendations as will be explained later.

One can make a number of observations with regard to the ways in which the

ITRCs have dealt with disputes between individuals. First, some ITRCs decided to release offenders, and alleged perpetrators with the guarantee that they should not be pursued in future in connection to the events considered. Such a decision was seen as providing cover and secure immunity for perpetrators. Some informants made comments that due to this immunity conflicts repeated themselves again and again (KI/7: 5/6/10, KI/14:7/6/10). The same perpetrators involved in previous conflicts were caught committed the same crimes again as it became clear for them that they were not going to be prosecuted or condemned; on the contrary sometimes they were praised by their communities for being courageous in defending the tribe. The trend of leaving perpetrators free and unprosecuted contradicted the many other recommendations in these conferences that called for the enforcement of rule of law and the personal responsibility for crimes committed on individual basis.

The second observation was that law enforcement was recommended by most of these ITRCs, but had not been attained whilst the same conferences recommended immunity to offenders. The third observation was that recommendations about education and illiteracy eradication may be a good means to reduce and eliminate tribal conflicts in the long run, but not as an immediate action. As has already been discussed in chapter 3 of this study, the social services and projects allocated to Darfur, south Darfur included, suggested clearly that unless government policies changed fundamentally these were unachievable objectives in the near future.

Furthermore, the ITRCs called for “racism and discrimination on tribal bases were to be condemned and controlled”. Although they claimed to be unhappy

with the discrimination on tribal basis, in all these conferences it seemed that the ITRCs approved the same policy adopted by the regime which was alleged to be behind the strengthening of tribal affiliation and loyalty. These were policies that related to creating and dividing local government structures along tribal lines and expansion of NA's base to include more *omodiyyas*, as a remedy for competition over local power. Such policies represented the primary source for the spread and persistence of tribal spirit and affiliation and intensification of favouritism along tribal lines.

Animal thefts and armed robbery

In most of the ITRCs recommendations, factors related to animal theft and armed robbery have been associated with either the absence or lack of efficiency of government security organs. Therefore the following recommendations were repeated in all the above mentioned conferences:

1. Presence of government security organs with sufficient means and resources to enforce the rule of law was needed.
2. Government was to secure highways and provide protection for civilians.
3. Providing safe haven or protection for criminals was prohibited and suspected criminals were to be reported to the authorities.
4. Thieves were to be dealt with according to the law.
5. Establishment of mobile police to accompany pastoralists in their seasonal migration was required.

6. When going after thieves, customary law was to be followed. This meant when there was proof that the alleged thief has entered a village or nomad settlement, the inhabitants of the concerned place were requested either to locate the thief or they were to be held responsible of the consequences of the alleged incident.
7. Encouragement of "*fazaa*"; which meant a tradition where group of people going after stolen animals or properties, especially the joint one which included individuals from a variety of tribes.
8. *Fazaa* was not to be disrupted; those who disrupted *fazaa* were to be held responsible of the consequences if the disruption resulted in not achieving the specified aim.
9. Tribal leaders in villages and nomad's settlements were to be responsible for identifying the identities of strangers hosted by member of their communities.
10. Different parties were to commit themselves to cooperate with organized security organs (SAF, Police, Security and intelligence) in crime control and tracing criminals.
11. PDF was to be reorganized and controlled. Their roles and tasks were to be clearly identified by the headquarters and the commanders of these forces.

In this regard it should be noted that a considerable proportion of the population in South Darfur, especially the IDPs, have lost confidence in the

government security organs and justice institutions (TRSD, 2003-08: Vol.1, 7, iii: 1-8). These communities have been attacked by government forces and government associated militias on the grounds that they were either providing support to rebels or sympathizing with them (see chapter 5 section: Rebel groups/eruption of insurgency). These were mainly tribes of African origin. The majority of these communities were forced to leave their areas and joined IDPs camps. Those who were unable to leave their original areas had become under the mercy of the government associated militias. The tribes of Arab origin that allied with the government have also become more aware of the inability and incompetency of the government security organs to protect them. Receiving weapons from the government and other sources, this group has become increasingly dependent on their own militias to protect themselves and have taken the law into their own hands to retaliate against what they perceived to be their attackers (Mohammed, 2009:80).

Against this background one can make the following comments with regard to the above recommendations in relation to resolving the issue of animal theft and armed robbery. Establishing a presence of government security organs with sufficient means and resources to enforce the rule of law seemed to be an appropriate response, but the disarmament of government associated militias, as a first requirement to achieving the rule of law, has been made conditional on the disarmament of rebel combatants. Therefore it was very difficult to realize enforcement of rule of law unless there was first a peaceful political settlement for the government/ rebel struggle. The recommendation that suspected criminals were to be reported to authorities and would not have

been provided safe havens looked a reasonable response on the face of it, but it was not possible to implement. Based on informants' discussions, I concluded that there were two hypotheses why this was not possible which were either they feared to report these bandit elements or were unwilling to do so. Some people feared retaliation if they report any armed bandit while others were unwilling to uncover them as these bandits belonging to the same tribe and instead provided them with protection (KI/2:3/6/10; KI/3:4/6/10; KI/5:4/6/10; KI/7:5/6/10).

The other reason that this proposal was unrealistic was that the ineffectiveness of government security organs, and their lack of positive response to crimes, discouraged many people from taking such an initiative. A mobile police unit has been established to accompany pastoralists in their seasonal migration, however this has also proved to be impractical (UN report, 2007) as it was very costly to provide close police escort to every herd everywhere in the state.

The encouragement of *Fazaa*, and especially the joint one that included members of diversified tribes and should follow customary law, was another controversial arrangement. First of all in the current situations it was well known that bandits were well equipped with very sophisticated weapons such as AK47s, G3s and RPGs (Birech, 2009:48), therefore, going after animal thieves and bandits encountered very high risk. In this respect calling for those whom animals or property were stolen to conduct joint diversified *Fazaa* made little sense to local people. The obvious question was what happened if no one volunteered from other tribes to join, did this mean *Fazaa* was to be kept on hold? In reality and contrary to this recommendation, traditions suggested

that usually those from whom animals were looted would have to seek *Fazaa* first and then others join or follow them. Another problematic issue was how to get the *Fazaa* to follow customary law when all surrounding conditions were chaotic and exceptional. The ITRCs recommended that “When there was proof that the alleged thief has entered a village or nomad settlement, the inhabitants of the concerned place either locate the thief or they would have been held responsible for the consequences of the alleged incident”. Ironically, in most cases this was actually what made tribal conflicts erupt. The *Fazaa* sometimes made an allegation that the robbers have entered a village or nomad settlement, and they asked the inhabitants of that place to identify the thieves and hand them over to the *Fazaa*. When the inhabitants denied the accusation and refused to hand over the alleged perpetrators the fighting took place.

The recommendation that the PDF was to be reorganized and controlled was another controversial recommendation. In most of the cases, it was the PDF, Border Guards Forces and other government associated militias, and even the SAF, who were directly responsible for violations against civilians including killing and looting their properties. These allegations were made by *Fur* in *Kass*, 2003, *Zaghawa* in *Sherriya*, 2006 and in *Marla*, 2007, and again in the *Birgid* and *Rezeigat* conference, 2007. Also the ITRCs documents included a conference identified the SAF as part to a conflict with a pastoralist group and the former was agreed to pay compensation for killing members of the latter group. In this regard it seemed that it was not sufficient to appeal to the headquarters and the commanders of these forces to intervene, but rather the

overall policies that derive their interference and behaviour would need to be changed.

The above mentioned recommendations illustrate that although people on the ground were quite well aware of the problems they faced, these kinds of recommendations looked completely unrealistic to resolve these problems.

Competition over local power

Competition over local power seats has also been a prominent triggering factor of the conflict in South Darfur. Taking over local council seats, native administration positions or even local government positions were areas of contention and rivalry. In the cases of conflict over local power, some ITRCs recommended that “All tribes that live in this area were to be allowed to participate in political related public affairs, particularly the executive one so as to avoid a monopoly of political positions being held by certain groups to the exclusion of others” (TRSD, 2003-08: Vol.2, 2, ii: 1-2 and 5, ix: 1-2). However the problem which remained unclear was how such participation could be achieved peacefully. An informant, who was a local government practitioner commented in this regard by saying that he had worked in his position for more than thirty years and he had never witnessed elections for local governments took place (KI/17: 8/6/10).

Additionally, participation and representation in power at local levels has been constrained by the old traditions of the tribal leadership which gave the dominant tribe (that owns the *dar*) supremacy and leadership over other tribes

in the area. This issue has been further aggravated by the expansion of this supremacy to local government institutions. This has happened due to the overlapping of the boundaries of the newly created localities with the boundaries of the already existing historical tribal homelands (*Asalaya* Reconciliation Conference, 2009: 11; KI/17: 8/6/10). As the newly created localities were created along tribal lines, the appointed top government official (the commissioner) was chosen from the dominant tribe, which has a recognized historical claim over land, even where such a group might no longer constitute the majority. This gave an impression that the tradition that the dominant tribe has the supremacy over land and leadership also applied to the newly created government institutions as they fall within the tribe's *dar* boundaries. In order to buy allegiance, the government gave priority for recruitment in these institutions to members of the dominant tribe. The merits of professional qualifications were considered of low value here. This, in fact, coincided in the last two decades with the regime policy of restructuring of NA and local government institutions and appointments were used as rewards for establishing political allegiance, as has already been explained.

In some cases the marginalization in participation or exclusion from power sharing resulted from the perception that a group or individual was not supporting the regime. In this respect those who supported the regime were favoured by government officials and were recruited to political positions as well as civil service government paid jobs whereby the alleged supporters of the rebels were denied such rights. In this case the rule that the bigger tribe (owner of *dar*) has to control tended to be ignored; i.e. if the bigger tribe was

not a government supporter it could not claim the benefits that large tribes achieved elsewhere (TRSD, 2003-08: Vol.2,5,ix:1-2; TRSD, 2003-08: Vol.1,6,v:1-11).

Furthermore, the ITRCs addressed this issue of competition over local power by calling for expansion of the base of the NA structures and local government institutions through the creation of more *omodiyya*, administrative units and localities. In this regard the following ITRCs are illustrative examples: the case of the dispute between the *Rezeigat* and *Birgid* in 2009, *Salamat* and *Habaniyya* in *Buram*, 2009, the dispute between the two groups of *Gimir* tribe in *Katilla* in 2009, and the conflict between *Birgid* and *Zaghawa* in *Sherriya*, 2006. With regard to local government institutions these conferences called for the creation of new localities, or dividing the existing ones into smaller units (administrative units), to satisfy all parties' demand for political participation. This was the case in the conflict between the *Rezeigat* and *Birgid* in 2009 whereby a recommendation stated that "for security and administrative reasons, creation of more localities should be fostered" (*Asalaya* Reconciliation Conference, 2009: 11). A similar statement was made in the *Salamat* and *Habaniyya* conference in 2009 which recommended that for "security and administrative reasons" two more administrative units were to be established in *Alnadif* and *Abujaila* (these were the two areas that dominantly inhabited by the *Salamat* within *Buram* locality) (The *Habaniyya* and *Salamat* Reconciliation Conference, 2009:5).

It appeared that these attempts were far from reaching genuine solutions for the issue of representation and participation with regard to power sharing at

the local level. Simply expanding the base of the NA by creating more *omodiyyas* and the division of the localities into smaller units did not change the reality of the domination of bigger tribes; as all these arrangements were still under the umbrella of the old historical tribal boundaries. In other words more *omodiyyas* were created, but they were still under the leadership of the top tribal leader of the dominant tribe. The same thing applied to the administrative units; the dominant tribes agreed to the creation of these new units on condition that they remained part of the locality in which they dominated leadership positions. Regardless of the new administrative arrangements and names given to these newly created structures, the logic behind this was that these areas were inhabited by other minority tribes but still constituted part of the homeland of the dominant tribes.

This understanding was clearly reflected in some of the recommendations made by the ITRCs, for example the *Rezeigat* and *Birgid* conference in 2009 indicated that “administrative boundaries were believed to be a security threat. In order not to be exploited by tribes as a reason for dispute over land, the government was requested to speed up the demarcation of boundaries between the localities of *Eddein*, *Asalaya* and *Sherriya*” (*Asalaya* Reconciliation Conference, 2009: 10). As has already been elaborated previously in this study, this referred to the demarcation of tribal homelands between the *Birgid* and the *Rezeigat*. *Eddein* and *Asalaya* were two separate localities, yet both were part of the *Rezeigat’s* homeland. *Sherriya* was another separate locality, which was the *Birgid* homeland.

Furthermore, government intervention in the structures of NA and the

manipulation they have conducted to make the structures suit their strategy has resulted in weakening the structures of NA and leadership position of tribal leaders in South Darfur. Add to this situation the fact that tribes of African origin were divided by war into two groups: One group was those who remained in their original places or moved into urban centres, and the other group was the refugees and the IDPs. The direct result of this divisive situation was the emergence of two rival groups of leadership within the former group, one associated with the government and the other closer to the IDPs and the armed movements.

Damage of crops and closure of livestock migration routes

Damage of crops and closure of livestock migration routes have been playing an increasing role in provoking tribal conflicts between sedentary farmers and pastoralists. With the exception of one case where pastoralists were requested to retreat to where they have come from (*Kass Reconciliation Conference, 2003*), the rest of the decisions and recommendations in this regard were counting on customary law to organize the relationship between farmers and herders and was to be respected and abided by both parties. The above mentioned conference, for example, further recommended that “Native administration instructions with regard to livestock migration routes, access to water sources and temporal habitation areas was to be respected and abided by” (TRSD, 2003-08: Vol.1,1,iii:1-4).

Another decision in the same regard stated that “Aballa; camel herders, were

involved in this conflict in a sense that they did not respect prevailing customary law in this area and they never have abided by the scheduled time for seasonal migration. As such they were prohibited to come across the area before the time agreed for their movement” (TRSD, 2003-08: Vol.1, 3, ii: 1-2; TRSD, 2003-08: Vol.2, 2, ii: 1-2; TRSD, 2003-08: Vol.1, 1, iii: 1-4). A genuine question in this respect was who has the power to enforce such decisions or to make different parties abided by customary law? The answer was that the pastoralists’ tribal leaders were to urge members of their community/administration to comply with the specified and agreed livestock migration routes. Sedentary tribal leaders in return, were to urge farmers in their communities to avoid obstructing or cultivating near these routes. However, as asserted by informants, the problem was that even the NA and tribal leaders were no longer respectful of or have the powers to enforce customary law (KI/8:5/6/10; KI/14:7/6/10; KI/21:10/6/10). Tribal representatives in these conferences seemed to be aware of this fact, thus many recommendations have been made with regard to adoption and respect of customary law.

Another arrangement in this respect was a temporary suspension of certain seasonal migration routes as has happened between the *Maaliya* and the *Rezeigat*. The agreement prohibited the latter from using a migration route across the *Maaliya* homeland for three years (TRSD, 2003-08, Vol.2, 1, IV: 1-2). This proved unrealistic as no alternative option was made possible for this group; some of them ignored such agreement and continued to use the same route which led to continuous tensions between the two parties up to 2010.

Further arrangements in this regard included creation of buffer zone between the two disputing parties, as could be explained by the following example elaborated by one of the informants who used to be a participant in the conference (KI/9:6/6/10):

In the *Al-Sunta* reconciliation conference between the *Habaniyya* and *Rezeigat* in 2006, the *Habaniyya* proposed that there was to be a buffer zone (25 kilometres width) extended from the north to the south between their homeland and the *Rezeigat*'s homeland. This land was to remain non-grazing and non-cultivating land for either party for three years. From the *Habaniyya*'s point of view, the logic behind this arrangement was the following:

1. The whole proposed buffer zone land was belonging to the *Habaniyya*. This land was left for the *Rezeigat* as a grazing zone. The numbers of livestock owned by the *Rezeigat* in this area have become much greater than those owned by the *Habaniyya* in the same area. Yet, the area became a place of disputes and tensions within the *Habaniyya*'s homeland.
2. Due to the tensions and disputes in this area, the *Habaniyya* lost much more than the *Rezeigat* did. Therefore to prohibit the *Rezeigat* from coming to this area was a punishment for them.
3. It was a rainy season and the *Rezeigat* have other alternatives with regard to grazing land and water sources.

The *Rezeigat* from their side have rejected the proposal on the following grounds:

1. Separation between the two tribes would increase grievances and lead to lack of interaction.
2. The cattle had become familiar with the area; therefore it was impossible to control them not to come to the area again.
3. The buffer zone was to end up as fertile land for outlaws.

With the intervention of the mediators a compromise was reached. The proposal was agreed with some amendments. The period of prohibition was reduced from three years to six months. This indicated that compromise was possible through this mechanism, although it was rare.

Rape issue

Rape allegations as a triggering factor of tribal conflicts looked like a newly emerging factor. It was only reported twice in 2006 (see table 3 in Chapter 5). Although recently, at least from 2002-2009, rape crimes in Darfur have been repeatedly confirmed in UN and other Human Rights organizations' reports which described it as "widespread and systematic" (UNHCHR, 2005).

One of the fundamental findings with regard to the ITRCs was that women's representation and participation in these conferences was completely absent. This was connected to the fact that NA was predominantly a male domain. In

spite of the remarkable changes which have happened in Sudan in general and in Darfur in particular with regards to women's representation in public affairs and politics, the situation of women's representation and participation in the ITRCs has remained unchanged. However education has brought about a new generation of ambitious educated women who have already assumed political leading positions in government and other leading positions in the State bureaucracy, and so this situation may change. The emergence of civil society organizations that advocate for women's rights to participate in public affairs may also have an impact in time.

With regard to the on-going war in Darfur (government/rebels or tribal conflicts) women represented the majority of the victims in the IDPs' camps and the refugee camps. It appeared that either due to the death of the male head of the family and/or his forced or voluntary absence, women assumed more responsibility and sometimes this has included taking up the leading role in family representation (Musa, 2011:225). However, out of the forty four ITRCs examined by this study in south Darfur alone, the women's issues that were raised were restricted to rape allegations and even these have only been brought up twice in the ITRCs. The reports registered by the police in relation to *Habaniyya/Falata* conference in 2006 included one case of rape allegation, however no decision or recommendation was made with regard to this issue (TRSD, 2003-08: Vol.2,5,ii:1-6). Nothing in the documents showed that the issue has been discussed; it has not been referred to in the decisions and recommendations and so we must conclude that the rape allegation was

ignored by the conference. The second case was reflected in one of the decisions made by *Safia* conference, 2006 as follows, “the rape offender and those who chased others for the sake of provoking disputes, were to be charged 5,000,000 Sudanese pounds [\$1666.6 at the time]” (TRSD, 2003-08:Vol.2,7,i:1-3). The same conference decided that if such offenders were killed due to such criminal behaviour, nobody should be held accountable for their death (TRSD, 2003-08:Vol2I, 7, i: 1-3).

Rape cases occurred much more frequently than these two cases, as was seen by the United Nations High Commissioner for Human Rights’ reports (UNHCHR, 2005). However due to local traditions, tribesmen considered it shameful to talk about such issues publically (KI/16:8/6/10). The same female informant added that rape victims also found it hard to report, as it was believed to be a shame on them, as well as on their families and the whole tribe. Furthermore, legal obstacles hampering the reporting of rape have been highlighted by UN reports. This was described in their report (UNHCHR, 2005) which says that if rape was found not to be proved, then the reporter was to be convicted of “gross indecency” and also was to be convicted for spreading incorrect information. Further, if a pregnancy resulted from a rape that was not proved, then the alleged victim was to be accused of adultery, which according to prevailing laws in the Sudan, was a major crime. Therefore it was not surprising that most cases went unreported.

Two female informants stated that they were not aware of tribesmen who committed rape crime in the context of tribal conflicts (KI/16:8/6/10; KI/22:10/6/10). However, the former respondent added that other parties to the

conflict in Darfur, including the Sudanese armed forces, police and their associated militias as well as some of the rebels, were thought to have committed rape crimes, even though only two conferences addressed rape allegations. The ITRCs documents showed no evidence that a rape victim or a particular representative of a rape victim has attended any of these two conferences. Furthermore even in connection to these two conferences there was no evidence that testimony of the victims was considered. Also, no women's representation or participation in any of these conferences has been reported.

Another related issue with regard to women was that when it comes to the estimation of compensation for human losses, compensation received for a woman who lost her life in tribal dispute, or due to the consequences of a tribal dispute, was only half of that received for a man reported killed (KI/15:8/6/10). A female informant commented that the NA was and still predominantly a male domain (KI/22:10/6/10). She added that as long as these conferences claimed to be based on the heritage of NA, women also remained excluded. But she added that in the last five to ten years, some tribes began to include women in their *Shura* councils, although she knew only three tribes which have done this; one in west Darfur and the other two in South Darfur. The same respondent said that she and other female colleagues were selected to be members of their tribe's *Shura* council and she attributed the decision to the contribution they had made with regard to their participation in defending the position of their tribe. They spoke to the media, submitted petitions to the UN and AU and provided legal representation for the victims of tribal conflicts from

their tribe. Nonetheless these remained isolated examples.

Attack and counter attack by militias

The ITRCs that addressed issues of conflict arising from accusations of supporting the opponent, came up with recommendations similar to those related to armed robbery and animal theft, such as the importance of the presence of government security organs with sufficient means and resources to enforce the rule of law (TRSD, 2003-08: Vol.2,5,ix:1-2; TRSD, 2003-08: Vol.2,7,i:1-3; TRSD,2003-08:Vol.1,1,iii:1-4). Perhaps these recommendations indicated that ITRCs concluded that government security organs sided with one party against another during tribal disputes. This was on the basis of alleged support or sympathy with the rebels. Therefore one of the recommendations was to urge government security organs to remain impartial with regard to tribal disputes and in dealing with civilians (TRSD, 2003-08: Vol.1, 5, iii: 1). Another recommendation indicated that “top commanders of security organs were to put an end to the violations committed by their members of concerned organizations and also they have to make them abide by rules and law in their behaviour while doing their jobs” (TRSD, 2003-08: Vol.1,1,iii:1-4). Another important conclusion in this regard was that the government seemed to be held responsible for what has happened in some disputes, if not all of them. This was reflected in some recommendations as follows: “The government was to pay *diyya* and compensation for human and property losses to the victims and their relatives. However the reference for such compensations was to be the reports made and registered by the police”

(TRSD, 2003-08: Vol.2, 2, ii: 1-2; TRSD, 2003-08: Vol.1, 1, iii: 1-4).

Whether or not this was related to the security organs' involvement in tribal disputes, no clarification was made by the ITRCs and so it was difficult to reach a conclusion about the view of the ITRCs in this regard. But an informant who was involved in ITRCs arrangements stated that this was related to the situation where no evidence was provided to identify the perpetrators; in such cases the government was held responsible (KI/1: 3/6/10). The government was also requested to take responsibility with regard to the rehabilitation of the destroyed villages, and to assist IDPs to return to their lands following the provision of social services such as protection, water, education and health (TRSD, 2003-08: Vol.2, 2, ii: 1-2; TRSD, Vol.1, 1, iii: 1-4).

The involvement of tribal militias in tribal disputes was responded to with the recommendation that "tribal leaders were to organize the role and tasks of *Augada* (leaders of tribal militias) and *Fursan* (horsemen) in accordance with the objective of realizing security, peaceful-coexistence and good neighbouring relations amongst tribes" (TRSD, 2003-08: Vol.2, 2, ii: 1-2; TRSD, 2003-08: Vol.2,5,ix:1-2). Some informants made remarks in this regard by saying that several leaders of tribal militias were not under the control of their tribal leaders; they have direct links with security organs and government officials at state and federal levels from whom they took instructions (KI/7:5/6/10, KI/14:7/6/10). This situation made the above recommendations impossible to implement.

Land occupation

Allegations of land occupation had been an issue long ago; it was raised by the *Fur* in *Fur/Arab* reconciliation conference of 1989 (Daly, 2007:247). In response to the claim made by the *Fur* (*Kass* Conference in 2003) that some Arabs who have occupied their land came from Chad, the conference recommended that the authorities were to intervene directly in *Kargo* area to investigate crime there and to identify newcomers in the area; if non-Sudanese were found living there they were to be removed (TRSD, 2003-08: Vol.1, 1, iii: 1-4). In the absence of trust in government security organs as expressed by the *Fur* and the lack of trust between the parties to the conflict as identified by the mediators (all this in the same conference), the expectations that the two parties might dissolve their militias on their own was unlikely to happen. The *Fur* made it clear that the government was part of the conflict by supporting the Arabs and providing them with weapons and logistics. So, how could the same government is to be trusted to investigate and identify what the *Fur* described as Arab newcomers migrated from Chad and occupied their land? These two recommendations would have required a third party and a detailed mechanism in order to be implemented. In April, 2003 the same parties came to sit for another conference to discuss the same issues, which indicated that nothing with regard to the implementation of the decisions and recommendations made by the previous conference has been achieved. When the *Zaghawa* in *Marla* made claims that their farms and shops were occupied by others, the recommendation was “following the return of the IDPs, disputes over farming and commercial land were to be dealt with according to the customary law”

(TRSD, 2003-08: Vol.1, 7, xi: 1-2). There was no clarification as to which rules of customary law were to apply here although they were probably referring to the *hakura* traditions. I concluded that it seemed as though the mediators found it difficult to settle the issue of land and that was why they have postponed it in order to avoid the failure of the conference.

The third case of this kind was reported in the *Juruf* conference which included the *Rezeigat* camel herders versus *Fur* and *Birgid*. One of the recommendations requested the pastoralists to “give space” to others (*yafsahoo* in Arabic) in the deserted villages to allow IDPs to return (TRSD, 2003-08: Vol.1, 5, iii: 1). The first observation here was that they used very gentle soft language (the word ‘*yafsahoo*’ in the original Arabic language) for which I could not find the relevant equivalent meaning in English. Whether such language was used deliberately or not was not clear, however words such as move or to be removed were avoided, which might be interpreted as providing a green light for pastoralists to stay and share the same land they were alleged to have occupied by force with the original owners.

Mechanisms of implementation

With the exception of three conferences out of forty four ITRCs that took place in South Darfur, none has managed to establish or identify a mechanism of implementation for the decisions and recommendations they made. All that the majority of the ITRCs have done in this respect was to put a recommendation at the end of each conference to suggest that the government was urged to

establish a committee, including representatives of the parties to the conflict to take forward the implementation of the agreement reached (TRSD, 2003-08: Vol.2, 1, iv: 1-2; TRSD, 2003-08: Vol.1,7, xi: 1-2). Sometimes these recommendations were vague, without identification of who was to be responsible for the establishment of the mechanism; such as “a Mechanism of implementation was to be established from the two parties; to follow up on the implementation of this agreement” (TRSD,2003-08: Vol.2,5,ix: 1-2; TRSD, 2003-08: Vol.1,5,iii:1; TRSD, 2003-08: Vol.1,6,ix:1-2; TRSD, 2003-08: Vol.1, 1, iii:1-4). Others identified the *Wali* (the governor of the South Darfur State) as the one who supposed to form a mechanism of implementation and that the head of the mechanism was to be government official of higher level rank (TRSD, 2003-08: Vol.1,7, xi: 1-2). None of these conferences was able to identify financial resources for the proposed implementation mechanism.

There were three possibilities to explain the lack of seriousness and commitment with regard to the implementation of the ITRCs. One possibility is that the allegations made by the rebels, opposition parties and supported by some informants that most of these conferences were merely for political propaganda might be true. The government might just have intended to demonstrate that it was present and in command of situation. Another explanation was that these agreements might have been dictated by the government, a thing which discouraged the parties from implementation of the decisions and recommendations. The third possibility was that it was beyond the ability of the parties to the conflict to meet their commitment with regard to the payment of *dijyya* and compensation, something which hampered the rest

of the commitments from being met (KI/1:3/6/10; KI/7:5/6/10; KI/9:6/6/10,). It was not clear from the evidence available whether all or none of these were the case.

Conclusion

This chapter covered the major conflicts, their causes and the conferences (ITRCs) held to address these disputes, and thoroughly assessed the feasibility of the solutions made by these conferences within the context of the background that already described in previous chapters. Hence, it appeared that ITRCs were incapable of addressing tribal conflicts in South Darfur, perhaps because some of the issues in dispute were too far beyond the capacity of the ITRCs to deal with and most importantly maybe because situations have changed over time and the documents of these conferences show little evidence of changing their approach. On the other hand the influence of the government seemed to have put additional restrictions on the mandate of the ITRCs and subjected them to pursuing a political agenda rather than merely focusing on resolving tribal disputes.

I arrived at the conclusion that NA, local government and ITRCs have always been subjected to political manipulation by different governments, at least, since British colonial (1916) rule up to 2009, but the checks and balances, such as neutrality of government's institutions of justice and security organs, on this have become less since 1989. Further there appeared to be a greater degree of government interference on tribes' affairs by favouring some groups, allowed militia formation, and land has been used as an incentive to convince

these groups to side with the government and take part in fighting against rebels. Another negative sign was the interference in the ITRCs under the cover of encouraging conciliation amongst tribes. This was in part intended to ensure certain outcomes and also in part to present an image to the world that the government was taking the Darfur issues seriously by respecting local custom and traditions.

I have also shown how the ITRCs conducted in South Darfur in the period 1989-2009 were influenced by the government and the rebels. The government/rebel struggle in Darfur has severely and negatively affected tribes' relations. Political manipulation and polarization have resulted in weakening the structures of the NA and the leadership positions of the tribal leaders. This situation has been aggravated by enormous changes in people's behaviour, governance system and environment. However, ITRC reports show that there were examples of genuine attempts made by mediators to identify and address difficult issues, even to the point of identifying that government forces bear some responsibility. But, the above mentioned factors and many other procedural issues together served to limit their capability of finding meaningful and effective ways to resolve tribal conflicts. Also, there were additional challenges faced the ITRCs in South Darfur, the most important of which were the on-going insurgency in the region, and the exclusion of important segments of the communities in Darfur, such as women, IDPs and refugees, from representation and participation in the ITRCs. Furthermore parties to ITRCs, including the government, were unable to mobilize resources

and meet their commitments to implement the outcome of these conferences. Commitment to customary law and the implementation of justice was another imperative part of these challenges. Due to the above factors and many others elaborated by this chapter, the recommendations and decisions made by the ITRCs in South Darfur in the course of 1989-2009 seemed most unlikely to be able to address the underlying causes of tribal conflicts in this area.

CHAPTER 8: CONCLUSION

Introduction

This study, as mentioned in chapter one, aims to explore and critically examine the role of the indigenous mechanisms of conflict resolution, such as *judiyya* and Inter-Tribal Reconciliation Conferences (ITRCs) in resolving tribal conflicts in Darfur of Western Sudan. The study particularly focuses on the ITRCs in South Darfur State. Specifically: to investigate the ways these mechanisms work and their effectiveness in resolving conflicts among different tribes, reveal different factors that contribute to the success/or failure of these mechanisms and to look into the impact of changes on NA and local government on these mechanisms. Further, to investigate their origins and the current philosophy or political ambitions attributed to them by different parties and consider the extent to which ITRCs still have the ability to deal with these conflicts and if so what kind of solution they offer.

The study covered the major tribal conflicts in South Darfur, 1989-2009. Tribal conflicts, here, refer to those disputes which erupted between or amongst tribes over, for example, land-related issues or local power as underlying causes, even though they might be triggered by a single act such as dispute between individuals, animal theft or competition over grazing land and water source. The study uncovered how the ITRCs were conducted, the causes of the conflicts and how they addressed these disputes, and thoroughly assessed the feasibility of the solutions made by these conferences (chapter 7 offers

more insights and analysis in this regard). Methods used to obtain the data were review of documentation (Archive records and reports), literature review, semi-structured interviews and observation. However the study depends, to large extent, on archival data supplemented by interviews with key informants.

This study concludes that what came to be known as resource-based tribal conflicts in Darfur, have changed into something much more complicated in terms of causes, actors and dynamics. The tribal conflicts in South Darfur suggest that these conflicts link and overlap with the wider political conflicts in Darfur and Sudan at large, yet no sign that the approach of dealing with it has changed too. In the following lines I highlight briefly some basic points in this regard.

Approaches to conflict resolution: theory and practice

From a theoretical point of view this study focuses on three main approaches in dealing with conflicts, which are conflict settlement, conflict resolution, and conflict transformation. The conflict resolution approach focuses here on the issues of conflict and the concern is how to resolve these issues rather than looking for a frame of reference that focuses on the restoration and building of relationships (Lederach, 2006:24). Conflict transformation approach concerns itself with transforming the wider socio-economic and political structures that underlying a conflict, including changing patterns of relationships, interests, discourse and the very basic makeup of the society that supports the emerge and persistence of violent conflict (Miall et al. 1999:4). On the other hand conflict settlement aims to put an end to the different forms of apparent

violence, which does not necessarily imply that the underlying causes of the conflict are addressed (Zartman, 1989). It seems that the predominant approach adopted by the authorities in dealing with conflicts in the Sudan, both at national and local levels is through the imposition of state of emergency and security measures (Mohammed, 2009:33) which match very much with the conflict settlement approach.

Further, analysis suggests that tribal conflicts in Darfur in general from the 1980s, and South Darfur in the last two decades-(1989-2009) should not be separated from the wider political conflict in the Sudan at large and the region in particular respectively. This means what had happened in Darfur was due to a history of neglect of the region and political manipulation of the NA and local government as responses to the agenda of central governments rather than merely being a resource or identity based conflicts.

The negligence of the region and the manipulation of tribes and local political structures are related to the question of nation-building and lack of strategy to achieve this broad goal in Sudan at large. Colonial rulers were driven by their own colonial interests; these interests were necessarily contrasting with the philosophy of building a nation (Collins, 2008:21). This was evidenced in the divide and rule policies and other related systematic efforts contributed to maintain society fragmented, as described in chapter 3. This was not something unique to Sudan, but a policy adopted in other African colonies (Duignan and Gann, 1975). Following independence of the Sudan it might have been expected that such policies would be replaced by new ones, to fully

integrate neglected and marginalized regions such as Darfur, in order for national unity to be achieved on a new basis. Contrary to such expectations, the indirect rule policy was continued, especially in Darfur, as is explained below. With the exception of the national ideological strategy (based on Islamic-Arabic culture), which was heavily relied on as a driving force to mobilize people to resist colonialism, no strategy for nation-building was put in place. This same strategy of national ideology, which in the case of Sudan is by virtue an exclusive one, continues to be adopted after independence. It is based on Islamic-Arabic culture even though Sudan is highly diversified in terms of ethnicity, language and religion. Sudan includes 70% Muslims, [with Arabs as minority] 30% Christians and other local spiritual beliefs (Ahmed, 1988:16-19; Malwal, 1981). Following Sudan's independence all successive national regimes, both military and civilian, reinvented this same strategy to strengthen the legitimacy of the ruling elites and as a basis for building a Sudanese nationalism, as they claimed (Musa, 2011:120-122). However the role of the modern nation-state extends to deliver what Robert (2002) came to describe as political goods. These include a range of services such as security, education and health services, economic opportunities, basic infrastructures, etc., in addition to " a legal framework of order and a judicial system to administer it" (Robert, 2002:87).

This role was neglected. Sudan has been unable to transform the multiple cultural societies within their inherited boundaries into a coherent political entity. Before and after independence, both the colonial governments and the successive national governments neglected Darfur. Darfurians were left more

or less to their own indigenous strategies of survival. It was probably this legacy of neglect that brought about conflicts that faced the region past and present.

Beyond tribal conflicts: Consequences of neglect and marginalisation

Since independence, due to neglect/or marginalization (in terms of development, power and wealth sharing) peripheries of the Sudan have been waging resistance against the domination of the centre in different ways and on different scales. Leaving southern Sudan aside, the 1960s witnessed the appearance of the regional political formations in the north demanding a fair and equitable share in power and socio-economic development. These include, for example, the Union of the *Nubba* Mountains in southern Kordofan, the Darfur Development Front in Darfur, and the *Beja* Union in eastern Sudan. Due to the fact that successive governments insisted on not granting the right of these groups to power and wealth sharing, peaceful political resistance in the above mentioned areas shifted to armed resistance movements; during the 1980s, 1990s and 2002 respectively. Civil wars in Darfur, Blue Nile, and Nubba mountains are still on-going. One of the negative repercussions of the civil war in the South of Sudan was that some tribes, especially in South Darfur, received weapons from government to fight side by side with the Sudanese army in the South. Again the same scenario repeated itself when some pastoralist groups were provided with land as incentive and also received weapons from government to fight rebels in Darfur. The continuity of civil war in Darfur, with its devastating consequences for different communities

and “because of the government failure to invest in Darfur, and most notably in Arab nomad communities, *janjaweed* Arabs and rebels are thus in agreement over a central point: the people of Darfur are second-class citizens in Sudan” (Tubiana, 2007:80).

Changing land tenure/ significance changed nature of tribal conflicts

This study analyses the nature of tribal conflicts and the main indigenous mechanisms of dealing with them. The analysis suggests that changes in the land tenure systems and the significance of land, has contributed to the changing nature of tribal conflicts. Thus, a part of the contribution made by this study is that, in contrast to the prevailing general idea that these conflicts were between sedentary farmers and pastoralists over pasture and of an ethnic trend, this research shows that tribal conflicts in south Darfur for the last two decades were much more complicated. It is true that almost 80% of these conflicts were over land-related issues, but certainly not merely over water and pasture, as the parties were not necessarily sedentary farmers versus pastoralists. Rather the conflicts were mainly over land ownership and the boundaries of tribal homelands (79%) which were provoked by political interests rather than economic interests (see figure 12 in chapter 5, which illustrates root causes of tribal conflicts in south Darfur), as tribal homeland has become political constituency. The remaining 21% of conflicts were over local power (7%), water sources and grazing land (9%) and proxy war-Government vs. rebels (5%). The parties were farmers against farmers, pastoralists against pastoralists and sedentary versus pastoralists as well.

In terms of ethnicity they were also diversified with tribes of the same ethnicity fighting one another and tribes of different ethnicity clashing against each other. However the fundamental finding here is that, contrary to the often portrayed claim, tribal conflicts in South Darfur have shown no simple ethnic rift. Tribal disputes in South Darfur involved all against all (see table 3 in chapter 5), i.e. tribes of Arab origin (Ar/o) fought against tribes of African origin (Af/o) as well as with others who claimed to be Arabs. Tribes claiming to be of African origin fought with those of Arab background and with others from their own ethnic group as well. Out of 44 conferences held in South Darfur in the specified period above, 19 were amongst tribes of Af/o vs. Ar/o, 11 were amongst Ar/o vs. Ar/o, and nine were amongst Af/o vs. Af/o. The other five conferences do not fit into these categories as they include mixed tribes on either side. This indicates that tribal conflicts have become much more complicated than the prevailing stereotype prescription. As such, tribal conflicts in south Darfur look like only one level of a wider conflict of three dimensions, which are overlapping and influencing one another, these are:

1. National dimension/level of conflict, i.e. the government against the rebel groups in Darfur. This is a political conflict and relates to the power and wealth sharing agenda.

2. Regional dimension/level of conflict, which concerns itself with an internal competition over power between tribes of Arab origin and tribes of African origin that started with the regional government policy in early 1980s and generated political polarization along ethnic lines in Darfur at large, as I explained in chapter 3.

3. Tribal dimension/level of conflict, where the issues of conflict are local and the underlying causes are competition over local power and land (land ownership and demarcation of *hakura* boundaries).

These three levels of conflict have influenced each other over time and the result has been overwhelming violence, such as:

1. State violence against the rebels and alleged sympathisers of the rebels
2. Rebel violence against government and alleged sympathisers of the government.
3. Militia violence targeting rebels and civilians as well.
4. Banditry violence making use of power vacuums and the chaotic situation in order to terrorise people and loot animals and properties.
5. Tribal violence where tribes fight one another.

Government playing duplicitous roles

One of the differences between the British administration's interference in tribal and local government structures in Darfur and the interference of governments after independence was that the British set up a strategic plan and consistently stuck to it. This was reflected in the allocation of *dars* and the adoption of NA as a system of indirect rule. Tribal leaders were assigned powers with clear responsibility and jurisdictions. After these arrangements, the government kept some distance from tribes, especially with regard to their internal issues and structures. In contrast to the experience under the British administration,

successive national governments intervention was characterized by inconsistency and duplicity. As I have demonstrated in chapter 3, they either abolished or altered the existing NA and local government structures and failed to bring about effective new institutions to replace them (Abdullah, 1986; Bakhiet, 1969; Abdul-Jalil *et al*, 2007; Mohammed, 2009). Also, this study has referred to some of the negative consequences of these interventions when considering the causes of conflicts in chapter 4 and 5. Unlike during the colonial period where land-related disputes were focused on pasture and water source, these two chapters show that after independence government political intervention and the manipulation of local government and NA has itself become one of the major root causes of tribal conflicts in South Darfur. In chapter 7 where I focused on these issues through the lens of the causes of violent tribal conflicts and attempts to resolve them through 'indigenous' mechanisms such as ITRCs, it appears that during the colonial period ITRCs were more successful due to clear colonial policy and less intervention by government on the procedures and the outcomes as well as because of the full support the communities and government offered for the implementation, as indicated by my key informants. In the last two decades, government policy towards traditional land tenure system has sent contradictory signals to the public. For example, in 2004 the deputy *Wali* in South Darfur state (from minority tribes), said "*dars* are nothing more than historical memories. Traditional leaders no longer have the right to allocate land. Only the government can give land. And it can give land to anyone it chooses."(Tubiana, 2007:84). Another government official (from a tribe which

owns land) commented in support of tribes' historical right over land by saying that "before the war [in Darfur], we had never heard of unhappiness with the traditional land tenure rights" (Tubiana, 2007:82). The government claimed to bring peace and stability to Darfur at the time they create Para militias to fight rebels on behalf of them; employed the *hakamat* and *fursan* (horsemen) to encourage such tendency (Musa, 2011). They claimed that they were building a modern state, but at the same time they call on tribes to give allegiance to State officials including the president. Government's dependence on militias to support them has resulted in negative consequences for government's ability to enforce the rule of law and the ability of tribal leaders to exert control over their subjects. This gave impression that the government was unable to provide security to their citizens and made them increasingly depending on tribal militias for protection. This situation consolidated the position of the militia leaders at the expense of tribal leaders. Availability of arms at lower prices encouraged the spread of arms in the hands of civilians. The excuse of fighting rebels, or protecting oneself from perceived threat posed by the rebels or bandits, was used as a cover to obtain weapons. Also, some groups used this for other purposes such as banditry activities and settling differences-including disputes over land- with other groups; hence taking the law in their hands.

Co-existing legal systems and partial implementation of changes in Darfur

Although there were significant changes after independence in the various official approaches to land and political / administrative authority, these were

not always fully implemented in Darfur. For example, only one year before the dismantling of the NA, the central government enacted the Unregistered Land Act (ULA) of 1970 which required that land should be formally registered. The British administration had done the same when it passed the Land Settlement and Registration Act of 1925 seeking to ensure its control over land (Tubiana, 2007:81). Nonetheless the British administration only implemented the Act in areas where their control had economic significance and where large scale government-owned irrigation schemes were set up, such as the Gezira (located in central Sudan between the Blue and the White Nile) and Tokar (a seasonal river in eastern Sudan). The same thing happened with the ULA Act of 1970. It was only partially implemented. In Darfur, tribes continued to exercise supremacy over land because they were powerful and the government avoided confrontation with them for security and political reasons (Mohammed, 2009:27-28).

Another good example here is the coexistence of the formal statutory land tenure system and the customary land tenure system, a situation which was one of the colonial legacies in Darfur. This situation led to a clash between a formal statutory land tenure system and the customary land tenure system. The former was endorsed by the government and officially adopted in state-related circles which is also theoretically applicable to Darfur, but has never been enforced with regard to the tribal homelands. On the other hand, the customary land tenure system was officially abolished (1971-1985), yet remained in practice in Darfur. This is one of the major challenges that face Darfur today. As convincingly stated by Tubiana, “the acquisition of Sudanese

citizenship has become a way to escape allegiance to other groups; in most cases African indigenous tribes- even if this allegiance is rather more symbolic, also calling into question the traditional tenure system carries a powerful message of emancipation for the Arab origin tribes in Darfur” (Tubiana, 2007:80). This indicates that, with regard to the on-going conflict in Darfur, land has become central issue. Many authors (e.g. Tubiana, 2007; Mohammed, 2009,; Abdul-Jalil, 2007 and O’Fahey, 2008) agree that, in Darfur today, land issues need to be addressed as a prerequisite for any future attempt towards resolving tribal conflicts and achieving reconciliation among communities.

The decentralization policy is another failure. It created government institutions parallel to the NA. Responsibility has been shifted to newly established state and locality institutions, but with no allocation of real resources. Khartoum remains in control of financial resources; hence no improvement was achieved with regard to the performance of institutions and provision of services in Darfur (D-JAM, 2007:5).

Confusion about changing of customs and traditions

It seems there is confusion in many people’s minds, especially tribal leaders, about how customs and traditions have changed. My experience with the key informants interviewed by this study is that they often gave narratives which mixed up events from the past and present. They often referred to events in the past by using present tense. My conclusion is that perhaps they were not

clear about the period they were describing or/ do not have a clear sense of the historical moments at which things changed. Maybe there was a sense of nostalgia. Whatever the reason, this makes it difficult to research the history of change.

What constitutes customary law and whether it was coded or not has remained a controversial issue? The archival records did not show that customary law was documented in written codes. Also, the informants did not mention anything about such written documentation. In their discussions, and as also reflected in the archives, informants referred to what they called “precedents” and “customary law”, however what constitutes customary law and how it was conceived and implemented remains unclear, and they did not confirm an existence of a written account in this regard. It seems that such issues remained always debatable and relied on oral accounts and key people to decide what they were. Some scholars such as Mamdani have argued that during the colonial period in Africa, it was the “tribal Chiefs backed by colonial administration possessed the arbitrary power to decide the content of the customary law” (Mamdani, 1996:12), although in many colonies such laws were actually codified and written. In Darfur it is true that the offices of local power- NA and local government- were manipulated by both colonial and successive national governments after independence, yet the only examples of ‘customary’ matters being codified and written were the boundaries of tribal homeland and the livestock migration routes (animal seasonal migration routes), thus being ‘frozen’ in time. The colonial administration had also encouraged tribes to set up standard *dijyya* and compensation, which had been

made obligatory, although the rates of compensation remained flexible and there is no evidence of these being written down in a codified manner.

As has already been discussed through the different chapters of this study, situations on the ground have changed enormously over decades. Yet, ITRCs dealt with some issues according to the old provisions of what they call 'customary law', which had been established for decades previously and in very different settings. Examples are: the livestock migration routes that were set up in 1936 and the boundaries of tribal homelands which were recognized in 1922, as explained earlier in chapter 3. More importantly, new generations have become reluctant to abide by customs and customary law at all.

The confusion reflected in the narratives made by key informants therefore has practical implications with regard to the enforcement of customary law. I noticed that ITRCs and *judiyya* based their decisions and recommendations on the assumption that traditions and customs had not changed much, are assumed to work very well and also on the assumption that they are still widely and equally respected by all members of these communities. When it comes to implementation of agreements, tribal leaders find it difficult to make their members abide by such decisions. This is because some of the customary practices were frozen over time and were no longer relevant to the changing situations (e.g. animals' seasonal migration routes and the boundaries of tribal homelands). Also, some educated elites and those attached to urban centres were no longer enthusiastic towards traditions and customs; they prefer to submit to the judgement of courts rather than to ITRC or *judiyya*. Other groups

such as militias sometimes reject such decisions because they contradict their own interests and they know that the NA lacks the mechanisms and powers to force them to obey such decisions.

Furthermore there is contention over leadership positions; the ambition of some of educated elites to acquire leadership positions within the NA system; or to develop a substitute to it. I observed that unlike during the colonial era and early times of independence, in the last two decades in South Darfur, educated elites have assumed top tribal leadership positions. Some of these were retired local government officers, such as the former *Magdoom* of *Fur* (Ahmed Abdelrahman Rijal). Others were high rank military or police retired officers, such as the *Nazir* of *Habaniyya* (Salah Ali Alghali), the *Nazir* of *Birgid* (Musa Jalis) and the *Malik* of the *Massalit* in *Gereida* (*the latter has not retired yet*). In addition to the many *omda* positions that went to school teachers.

A good example of the increasing influence of the educated elite in this regard is the *Shura* councils (consultation councils) which in most cases are headed by educated persons with the presence of the top tribal leader as the only member in these councils. Also, the inclusion of women in tribal delegations, as confirmed by some key informants, is a new trend towards changing traditions.

Greater significance of wars in neighbouring countries

The repercussions of the wars in the neighbouring countries, such as Chad from 1960s onwards and Libya-from late 1970s, on Darfur were devastating (Lesch, (1991); Haggar, (2007); Marchal, (2007); and Prunier (2007)). However central government did not take sufficient measures to curb such

consequences. This was because the focus of these governments was on maintaining stability in Khartoum and the centre rather than giving due importance to security in peripheries as well. The impact on Darfur was a mixture of insecurity and social unrest such as banditry and armed robbery, tribal conflicts and influx of refugees. This continues for more than four decades, from 1970s up to 2010. In 1991 the Chadian government invaded Darfur and captured Al-Geneina city (capital of west Darfur), yet the government took no action; they did not change their policy and continued in support of the Chadian opposition at the time (Hagar, 2007). In May, 2008 an attack was launched by the Justice and Equality Movement (JEM) on Khartoum. The JEM forces were in good terms at the time with the Chadian regime. The Sudanese government accused the Chadian authority of providing logistic support for JEM to attack Khartoum, which presented a direct threat to the ruling regime. It was only after this event that Khartoum took serious steps to normalize relations with Chad. By 2010, the two regimes reached an agreement to stop providing support to mutual opposition across their borders. The then JEM leader was denied access to Chad and the movement of Darfuri rebels across the Chadian borders into Darfur was restricted. In return, Khartoum banned Chadian opposition groups from engaging in any activities against the regime within Sudan's borders.

Direct political interference in tribal and local government structures

Throughout the history of Darfur, tribe as social and political entity continued to serve a similar social and political role. . As asserted by Musa, (2011:100) “the

position of tribe is reinforced as a result of lack of reliable system of governance". The tribal leadership system which has been in place since the *Fur* Sultanates, as a formal system of government administration, has perhaps assisted in the continuity of this role. This was a type of decentralized governance according to which tribes were enjoying a sort of self-rule whereby each tribal group was administered through their own tribal leaders and submitted to their own traditions and customs as reference points of adjudication (O'Fahey, 2008:163). With some modifications, tribal leadership continued to be adopted as a system of governance since *Fur* Sultanates (1650-1874, 1899-1816), along colonial period (the in direct rule in Darfur, 1917-1955) and after independence. During the British administration and after Sudan's independence the system was subjected to increasing political manipulation. It was dismantled for some time (1971-1985) and again formally reinstated in 1987 and continued up to present time (2010), but has become distorted and less efficient.

According to the old tribal leadership system in Darfur, those who do not have traditional tenure rights (most of them were pastoralists of Arab origin especially in north and west Darfur) were under the authority of the communities who own the land (mostly farmers of African origin). Access to land for grazing and farming purposes was guaranteed to everyone regardless to his/her tribe; as based on the rule "traditional land tenure system gives land ownership to tribes, but the use of the land remains open to all" (Tubiana, 2007:79). It is true that permission was needed from the tribal leaders who claim to own the land. However there was evidence this was not a big issue

and this permission was always granted. From my observations I can present two examples: My family and some relatives were granted land to farm in an area belong to the *Rezeigat* tribe. Following the first conflict between the *Maaliya* and the *Rezeigat* in 1965 and for security reasons, the government adopted a relocation policy for families from both sides that were directly involved in the conflict and used to live across the borders of the homelands of the two tribes. A reconciliation agreement was reached between the two tribes in 1968. Since then such families were allowed to access their land again in the same area. Most of these families did not go back to engage in cultivation, but they continued to visit the land, or send someone on behalf on regular basis, mainly to collect the gum Arabic⁸. This practice continued for more than 30 years. As recently as 2000 my father told that he had received notice from the *omda* in that area in order to draw his attention to the fact that the land had been left deserted for about three years. The *omda* addressed my father by saying that “if you are still interested in keeping your land, you should show up. Otherwise, the land will be allocated to someone else to use it”. This indicates that even in a situation where two tribes have been involved in conflict, afterwards people can still enjoy access to land without constraints. Another example was from *Kilaikli Abu Salama* area. This area historically belongs to

⁸ In Sudan, gum Arabic is collected from a wild tree locally known as “*shajarat Al-hashab*”. The scientific name of “*shajarat Al-hashab*” is “*Acacia Senegal* tree” (Cecil, 2005). Cecil, (2005) added that while some gum flow naturally from cracks in the bark of the tree; normally farmers stimulate the flow by removing thin strips of bark. Usually, this process is done once a year; starting at the end of the rainy season. Gum collection begins about four weeks after stripping, and can be repeated every few weeks thereafter for several months.

the *Maaliya* and is inhabited by *Agarba* camel herders, which is a sub tribe of the *Maaliya*. In the last fifty years *Zaghawa* came from north Darfur. They were permitted by the tribal leaders of the area to access land and were engaged in agriculture. Following the eruption of the insurgency in Darfur, the area came under the control of the rebel groups (SLA-Minawi faction). When I was working with the UN and was on official mission to the area, we conducted meetings with the SLA and the civilians in the area and they all agreed to a main point which was that the majority of the farmers in the area were not from the *Maaliya*, but the *sheikhs* of land were always *Maaliya*. When asked why? The answer was because the land belongs to them. The *sheikh* allocates land to new arrivals and receives “*ushur*” in return; an Arabic word which means one-tenth of the production, as rent for the land. Some modification and changes occurred over time, even though this sharecropping practice is still common in Darfur at large.

From 1922 the colonial government introduced some changes with regard to tribal leadership and tenure systems (Abdul-Jalil *et al*, 2007:39). Typical of several other African colonies at this time, the British did not change the key structures, institutions or staff of the old tribal system, as the main objective was simply to maintain peace and stability in Darfur at minimal cost (Collins, 2008:276). In order for the old system to cope with the aims of the colonial administration however some modifications were introduced. These changes were related to the tribal homelands being officially recognised with clear boundaries, and a new role assigned to the NA, which became more focused on maintaining law and order (Abdul-Jalil *et al*, 2007:44). Tribal leaders were

entrusted to maintain law and order within their own tribes, and between them and other communities. Furthermore, they were also assigned responsibility for the protection of the environment, tax assessment, and tax collection. Hence in order to do their job properly, they were supported by a system of “native courts” with guards that governed in accordance with local customs and traditions. These modifications were introduced gradually through series of ordinances in 1922, 1925, 1927, 1928, and 1932 (Abdul-Jalil *et al*, 2007:45). In coincidence with this new colonial policy, land rights were associated with communities, such as tribe, sub-tribe or village, and accordingly distinction was made between “native” and “settler” tribes (Mamdani, 2009: 166). Accordingly, two “customary” rights were restricted to the native tribe. These were the ownership of land and appointment to key positions in the tribal leadership (Tubiana, 2007:79).

Today the situation has changed further with the changing of land tenure systems and changing significance of land itself, due to government intervention and other factors. As described by a tribal leader who is supportive of the historical tenure right “A piece of land to live off is not a problem. But today the Arabs want to register the land to their names” (Tubiana, 2007:78). Regardless these fears are real or perceived, land has become means of political manipulation to maintain political support for the government: either to be provided as incentive to those who do not own land, or conversely the historical right of tenure to be denied as a pressure on those who own land to compromise their political positions, especially with regard to allegations of supporting the rebels. From 1995, Darfur was divided into three

separate states, and changes in land tenure were deliberately introduced as well (Abdul-Jalil et al, 2007:58-59). In north Darfur, the camel herders (*Mahameed, Mahriya, Erigat, Etaifat, and Awlad Rashid* were allocated a locality which came to be known "*Alwaha*". This area was historical part of the Kutum area which came under the *Fur*. In west Darfur, the *Massalit* homeland was divided into 13 *emirates* with pastoralists of Arab origin equally named as *amirs* over some areas. In south Darfur five independent tribal administrations were created. Four out of these were in territories historically belonging to the *Fur*. Most of these areas came under the authority of the *magdoom* of the *Fur* in Nyala. The *magdoom* (Ahmed Abdelrahman Rijal) rejected the decision on the grounds that it contradicts the provisions of rebuilding of the NA of the 1987 which states that "the rebuilding of the system started with the precept that no new chiefs would be named [without consultation with the existing ones]"; the *magdoom* had not been listened and instead he was dismissed (Tubiana, 2007:81).

Regarding local government, the major changes were the 1971 Act, combined with the Provincial Government Act of 1960, which allowed no possibility for genuine grassroots local governments to emerge, as both came under an umbrella of military regimes; the Abood regime (1958-1964) and Numeiri regime (1969-1985). In 1974 Darfur was divided into two separate provinces; North Darfur and South Darfur and the area councils remained the same (Abdul-Jalil et al, 2007:55). However the Regional Government Act of 1980 resurrected the status of Darfur as one region with two provinces; North and South Darfur (Mohamed, 2009:28). One year later, the "People's Local

Government Act of 1981 was passed which superseded the “People’s Local Government Act of 1971 (Musa, 2005:71). The only new thing with regard to this Act was that the Regional Executive Authority (the regional government) became responsible for making decisions with regard to the creation of new area councils and allocating them budgets and powers as they saw fit (Musa, 2005:71).

In connection with the above policy of division and re-division adopted by the central authorities, and in an attempt to get people’s support in Darfur (from 1990s onwards), the new military regime which took over power in June 1989 has divided the region into three states, and divided each state into numbers of Localities/provinces and administrative units. In 2006 there were three states, 24 localities and 70 administrative units (Ateem, 2007:33). This division was mostly done along tribal lines, especially in south Darfur, which was divided into 10 localities by 2010 (see figure 7 in chapter 3). By now Darfur is five states; north, west, east, and south as well as central state. The south Darfur which I started to study as one state is now further divided into two (in 2012); and became south and east Darfur states, each newly created state with more than 10 localities.

Another negative aspect of government intervention in tribal affairs and local governance was that none of this interference happened in a straightforward manner that led to promotion of NA or local government institutions, as is explained below.

Looking at changes in NA and local government (since colonial period, 1916- to 2009), it seems that these changes were always politically motivated to cope with the agendas of central governments rather than to meet interests of the local communities. This was something that continued throughout Darfur's history and has shaped the reality of today. Based on the analysis made by this study (see chapter 3 for more detailed account), one could argue that using land as an incentive to buy allegiance, and tribe as a political agent is a policy that is deeply rooted in the history of Darfur; since the times of the *Fur* sultanates, throughout the British period, following Sudan's independence and up to the currently ruling regime (Al-Bashir military regime of 1989): the only difference is that of tactic and degree.

The practice of each tribe to seek supremacy over land and leadership in their respective homeland continued, but this time (from 1989-2009) as minority tribes began to resist such a policy violently in order to restore what they described as their right over land and autonomy that they lost due to oppression during the colonial period. A second group of tribes argued that they are Sudanese living in Darfur for a century and as such they should have equal rights to land on an equal basis with others as stipulated in the constitution and law. A third group allied with government and used arms received in return to expand their territory or to grasp others' land as the government turned a blind eye to their behaviour.

Such interventions in tribal structures, by abolition and alteration, in the absence of an alternate efficient system of local government, paved the way for tribal conflicts and disputes to escalate. Chapters 4 and 5 indicate that tribal

conflicts increased from the 1970s, following the dissolution of the NA, and the acceleration and intensification of these conflicts was evident from the 1980s onward, due to the implications of drought and desertification as well as wars in the neighbouring countries (Chad and Libya) which led to arms proliferation, internal migration and influx of refugees into Darfur especially from Chad. All these developments resulted in a disastrous situation because the NA was dissolved but the new local government institutions were incapable of addressing these challenges. This situation has reached its peak in the last two decades when the formation of militias was officially encouraged and recognized through the adoption of the Popular Defence Forces Law of 1989 (Ateem, 2007:35) in an attempt to curb the escalation of the civil war in the South and in Darfur as well.

It seems that the issues in dispute and the nature of tribal conflicts have changed dramatically from those of the colonial period and the first two decades of independence. New issues have emerged as triggers and root causes. These were struggles over land, power and political polarization along tribal and ethnic lines, as well as government manipulation of tribal and local government structures to serve central government political agenda that often contradicted local interests and negatively affected relations amongst local communities.

Therefore, one could conclude that social tensions in Darfur, including tribal conflicts, could be attributed to the vacuums in power resulting from the malfunctioning of modern state institutions. It appears that the political

instability that resulted from changing regimes at the centre, coupled with changing policies regarding NA and local governance, were to a large extent, responsible for the failure of effective incorporation of tribal indigenous institutions into the modern state's institutions, their modification or alteration. Successive regimes, regardless of their nature, ideologies and declared policies, have remained heavily reliant on the manipulation of tribes, with amendments to tribal structures to suit their agendas.

Judiyya and ITRC: Practice, similarities and differences

Two main mechanisms used to deal with these conflicts were 1/ the *judiyya* and 2/ the ITRC. *Judiyya* has no limitation on the issues it can discuss and these issues can only be decided by the parties to the conflict alone, whereas in the ITRCs the government can restrict the agenda. For example, in the last two decades the government refused to allow land-related issues (mainly land ownership and administrative boundaries) to be discussed in these meetings, but insisted they should be decided by the government itself. Also unlike *judiyya*, which considered a wide range of disputes, the ITRCs are limited to major conflicts, mostly between tribes, and avoided involvement in minor disputes such as between individuals or sub groups. Even though *judiyya* and ITRC share some limitations, for example, there are no standard criteria for the *judiyya* or the ITRC; both rely heavily on the competencies of the mediators and tribal leaders involved. Both mechanisms heavily rely on elders as the communities' reservoir of wisdom and experience and therefore assigned them primarily respectful position and responsibility in community leadership and

dispute settlement. Also, mechanisms marginalized women; with no representation allocated for them in the mediation or negotiation teams. The other limitation is related to the alteration in form and substance due to many factors such as colonialism, modernization and civil wars in the region. These factors made the *judiyya* and the ITRC less effective in resolving tribal conflicts over time. Chapter 7 covers the major conflicts, their causes and the conferences (ITRCs) held to address these disputes, and thoroughly assessed the feasibility of the solutions made by these conferences within the context of the background that already described in previous chapters, especially chapters 4 and 5.

The Inter-Tribal Reconciliation Conferences (ITRCs) as a government-sponsored mechanism were adopted during the colonial period (1916-1956) and continue up to the present (2009). The ability of the ITRCs to resolve tribal conflicts, as chapter 4 and 5 revealed, appears to have diminished over time. This was clearly evident in the sense that during the colonial period, these conferences seemed to be more successful in responding to tribal conflicts; disputes addressed were not soon repeated and the number of ITRCs addressing tribal conflicts decreased over time. Maybe this was made possible because during the colonial period only three conferences of a kind were held. None of these conferences was exclusively amongst the tribes of Darfur; the parties to the conflict were seven in total; namely the *Dinka*, the *Kababish* and the *Kawahlla*, the *Midob*, the *Berti*, and the *Zayyadiya* and the *Rezeigat* (see table 2 in chapter 4). The involvement of the tribes in conflicts was always equally divided between one party from Darfur and another party from outside

the region (e.g. the *Dinka* belong to the neighbouring region of Bahr el Ghazal in Southern Sudan. Meanwhile, the *Kawahlla* and the *Kababish* were from the neighbouring region of Kordofan).

Triggering factors were limited to animal theft and disputes between individuals. Meanwhile the root causes were related to competition over water source and grazing land. Thus, with the full support provided by colonial administration to tribal leaders, including assigning them legal and administrative powers, they were able to resolve such disputes through ITRCs and achieved relative success at that time.

Perhaps some of the disputes were beyond the capacity of the ITRCs to deal with. Situations have changed over time but the documents of these conferences indicate little sign of a changed approach of the ITRCs. In addition, the influence of the government seems to have put additional restrictions on the mandate of the ITRCs and made them subject to pursuing a political agenda rather than focusing on resolving tribal disputes. In this regard I arrived at the conclusion that ITRCs have always been subjected to political manipulation by different governments, at least, since British colonial (1916) rule up to 2009, but the checks and balances, such as neutrality of government's institutions of justice and security organs in implementing their outcomes, have reduced since 1989. Further there appeared to be a greater degree of government interference in tribal affairs by favouring some groups and using land as an incentive to convince these groups to side with the government and take part in fighting against rebels. Another negative sign was the interference in the ITRCs under the cover of encouraging conciliation

amongst tribes. This was in part intended to ensure certain outcomes and also in part to present an image to the world that the government was taking the Darfur issues seriously by respecting local custom and traditions. This was evident in the fact that from 2005, following the decision made by the United Nations Security Council, which referred “the situation prevails in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court” (UNSC Resolution 1593(31/3/2005), numbers of such conferences increased and sometimes statements of condemnation of UN resolutions and ICC involvement included in the recommendations and declarations made by the ITRCs.

I have also shown how the ITRCs conducted in South Darfur in the period 1989-2009 were influenced by the government and the rebels. The government/rebel struggle in Darfur has severely and negatively affected tribal relations. Political manipulation and polarization have resulted in weakening the structures of the NA and the leadership positions of the tribal leaders. This situation has been aggravated by enormous changes on people, governance systems and environment. However, ITRC reports show that there were examples of genuine attempts made by mediators to identify and address difficult issues, even to the point of identifying that government forces bear some responsibility. But, the above mentioned factors and many other procedural issues together serve to limit their capability of finding meaningful and effective ways to resolve tribal conflicts.

The overall analysis in chapter 4 stands as an account of the success of such approaches, at least during the colonial period and early years of independence, in spite of the political interference by the British and independent governments. Additional to the reasons I have already mentioned, this success could also be attributed to the active complementary role which used to be played by the indigenous community sponsored mechanisms/institutions and methods of conflict resolution/ settlement and management. There was a range of institutions and mechanisms such as local courts, councils of elders and other indigenous tools of encouraging and enhancing interaction and peaceful coexistence amongst individuals and groups. One of these mechanisms which used to work and is still working parallel to ITRCs was the *judiyya*.

In Darfur *judiyya* has been one of the most famous and widely used mechanisms for conflict resolution between individuals, groups, and tribes and among different communities throughout the history and up to present, though with less efficiency. *Judiyya* is described as a form of an open meeting for conflict settlement. However, it is a process that implies a series of steps prior and following the open meeting that refers to it as *judiyya*. As a method of justice and conciliation, the primary role of the *judiyya* was to implement customary law with the aim of maintaining law and order within and among local communities. Anticipated by many methods and measures to maintain peaceful coexistence within and among communities, *judiyya* seems to be dealt with as a last resort of adjudication.

Historically perhaps the most important factors that contributed to the success

of the *judiyya* were the uncomplicated nature of disputes and the existence of well-established time tested systems of tribal leadership, in terms of structures, values, powers recognized for tribal leaders and the legitimacy of these leaders. In terms of economy, local communities in Darfur were dependent on farming and herding animals. The social structures were also not complicated ones; family, extended family, sub tribes and tribes. The political system was based on tribal leadership, as tribal leaders were the political leaders for their respective communities as well. As such people in these communities- individuals and groups- knew each other very well. Also, it seems that the hierarchical system of power and social relationships made it easier to control over individuals and groups. For example, the top tribal leader was responsible for his tribe. However, the tribe was divided into sub tribes, lineages, extended families, and households. Each of these levels has a leader who was responsible of his own group and held accountable to the highest level in the ladder of leadership. Customary law which constituted the reference point for adjudication was well accepted and respected by the entire community. The acceptability of the *judiyya* and its outcome was, thus, primarily driven from the fact that communities considered that it was coping very well with their values, traditions and customs and they owned the process, a thing which the ITRC lacks. Most of the informants indicated that ITRCs lack legitimacy due to an increasing manipulation by government therefore the decisions made rarely respected.

Contrary to the claim portrayed by government officials, and some tribal leaders, that 'indigenous conflict resolution mechanisms' such as ITRCs and

judiyya are essentially the most relevant in dealing with tribal conflicts in Darfur, it appears that the *judiyya* and the ITRCs were incapable of addressing tribal conflicts in South Darfur-particularly in the last two decades. This was possibly because there has been a shift with respect to the issues over which people fight. Disputes that were addressed by *judiyya* and ITRC appear to be short-term disagreements that involve interests and needs such as individual quarrels, competition over grazing land and water points (as set out in chapter 4 and 5). These issues were relatively negotiable and easy to resolve. By contrast, long-term, deep-rooted problems and the issues underlying the on-going conflicts in Darfur such as identity, wealth and power imbalances, and human rights, are not easy to find compromise for or be addressed in the same ways used by *judiyya* and ITRC in the past.

Furthermore, causes of what came to be known as 'traditional tribal conflicts' have also changed over time, especially after 1970s, to include competition over local power and land ownership as triggering factors and root causes respectively. 'Traditional' tribal conflicts used to be described as mainly between farmers versus pastoralists or outsider pastoralists against insider pastoralists over water sources and grazing land. In contrast to the above, in the last two decades the situation has become more complicated; parties involved increasingly becoming insiders, both sedentary and pastoralists with people from each group fought each other and within each group fought amongst themselves. Following the drought and famine of the mid-1980s armed robbery became an additional triggering factor. Manipulation of the structures of the NA and local government, which has been a persistent factor

since the colonial period increased significantly in the last two decades (1989-2009). As chapter 5 indicates, the ITRCs record from 1989 to 2009, suggests that patterns and issues of tribal conflicts in South Darfur in particular were of a dynamic nature meanwhile these conflicts increased over time. Proximate causes appeared which were related to factors such as environmental degradation, internal displacement, insurgency, and more importantly the negative role of the wars in the neighbouring countries such as Libya and Chad which has led to influxes of refugees and proliferation of arms. This negative impact of the situations in the neighbouring countries together with the civil war in southern Sudan encouraged militia formation in the region at large and South Darfur in particular respectively. On the other hand the most important triggering factors behind the eruption of tribal conflicts became armed robbery, competition over local power and other new factors such as abduction, rape, closure of livestock seasonal migration routes, damage of crops.

All these new factors were mostly implications of the government/rebels struggle in Darfur (from 2002 onwards) which has resulted in further political polarization and dividing of the population along ethnic lines; tribes of Arab origin alleged to be sided with government and those of African origin alleged to be supporting the rebels. All these developments made tribal conflicts much more complicated and the old prescriptions for resolving them are no longer relevant. Thus one of the contributions of this study is seeking to figure out which approach the ITRC employed to address tribal conflicts and where it fits with regard to the main theoretical approaches of dealing with conflicts. It

seems that the approach most adopted by successive governments to resolve conflicts at national and local levels was the top-down approach of conflict settlement. This study concluded that the ITRCs were not an exception. Contrary to the name attached to them (Reconciliation Conferences) the practical experience shows they are merely mechanism of conflict settlement rather than reconciliation. Thus, the causes of conflict as identified in chapter 4 and 5 do not match with the mechanisms of *judiyya* and the ITRCs, as discussed in chapter 6 and 7 respectively.

Security challenges and impediments

Finally, a part of the most important fundamental findings of this study is that there are several challenges faced the ITRCs in South Darfur. The following sections identify some of these challenges and with a view to identifying areas for further research. The most important challenges are the on-going insurgency in the region, the exclusion of important segments of the communities in Darfur, such as women, IDPs, and refugees from representation and participation. Additional obstacles include: political manipulation of NA and tribal structures, lack of resources and commitment to implement the outcome of the ITRCs. The fact that considerable numbers of people have lost confidence in the state institutions of security and justice, as well as their lack of obedience to customary law as reference for adjudication represents another imperative challenge for the ITRCs, as is explained below.

The association between tribal reconciliation and the overall political settlement between the government and rebel groups has been one of the most challenging factors to the ITRCs in South Darfur in particular and the whole of Darfur in general. The direct and indirect involvement of the government and rebels has negatively affected reconciliation initiatives. Both parties show no willingness to demobilize their militia until a political settlement is achieved (Fadul and Tanner, 2007:292). One of the major consequences of the on-going war between the government and the armed movements in Darfur has been the huge rift amongst local communities due to segregation i.e. that different communities in Darfur feel that they are treated in a biased way and do not enjoy equal status. Those tribes and communities who were alleged or perceived to be supporting rebels or sympathizing with rebels were discriminated against by the government. Tribes and communities who supported the government enjoy and feel superior to the former group. The latter group benefited from more opportunities with regard to access to state resources, political positions, and provision of services in their areas. They get direct contact with government apparatus and provide information to government officials and maintain strong links with the ruling class and the security organs (Sudanese National Security and Military Intelligence) (KI/14:7/6/10).

For example, a senior tribal leader from the *Fur* tribe indicated that when he sought the total disarmament of the *janjaweed* as a precondition to enter into reconciliation with the *Banihalba* (Ar/o), the response from the government official (Commissioner of Nyala at the time) was that the Arabs need their

weapons to protect their livestock. The tribal leader's comment was that "whereas non Arabs were prohibited to possess weapons to protect their lives, Arab tribes were allowed to carry weapons for the sake of protecting their animals; this is a clear indication that the animals of the Arabs are more valuable to the government than the lives of the non-Arabs" (UN report, 2005:7). For genuine reconciliation to be realized among tribes, a political settlement for the Darfur conflict (government vs. rebels) must be achieved first as prerequisite. This will make it possible for both sides to reach a ceasefire agreement, which must be fully respected by the government and the rebels, something which would pave the way for disarmament and save the civilian population from being accused of supporting either one group and hence targeted.

The exclusion of a very important segment of the victims has been a major limitation on the ITRCs; the IDPs are estimated to be 2.7 million (UN Report, 2011). In South Darfur alone, which is the least affected state in Darfur, the IDPs number about 820,580 (Takana, 2009:48). IDPs and refugees were considered to be prime victims, and they constitute the majority of the population affected by the conflicts. However, the IDPs and the refugees have not been fully and formally represented in any of the ITRCs that took place over the last ten years. Therefore, their opinions and thoughts about conflict resolution and reconciliation have not been considered and incorporated in these conferences' decision. More importantly, IDPs and refugees have lost confidence in government security organs and justice institutions as well as on

other communities and tribes sided with the government (UN report, 2007; Darfurian Voices, 2010). Thus, huge efforts need to be made to build trust first. A considerable amount of time and resources will be needed to create a conducive environment for reconciliation. Apart from that is restoration of communication with the aim to build mutual trust, first between the IDPs and refugees in one hand and their original members of communities who stayed behind in urban centres and between them and other communities sided or perceived to be sided with the government during the war. Such communications should start by exploration of common causes and interests in order to build on for future peaceful coexistence rather than focusing on differences for the time being. However a prerequisite for the return of IDPs and refugees is security and protection, which cannot be achieved without disarmament of the *janjaweed* and tribal militias; a good sign in this regard, when it comes to reconciliation, is that both the refugees and the IDPs spoke about justice in general terms which related to their rights over land and compensation for their human and property losses (Takana, 2007:18-19), as is explained below.

Another challenge faced by the ITRCs was the inability to implement justice. There is an allegation that ITRCs have been used to guarantee impunity to perpetrators of violence (KI/8: 5/6/10; KI/15: 8/6/10; KI/21: 10/6/10 KI/22:11/6/10). Considerable groups of people in Darfur, including the IDPs and refugees, were of the opinion that reconciliation should not substitute rule of law (Darfurian voices, 2010:20) and that some issues related to the current

on-going conflict in Darfur are beyond the capacity of the ITRCs to deal with. The refugees were quoted saying that ITRCs and *judiyya* would not be sufficient on their own for dealing with the crimes that have occurred in Darfur. The reason for this was that “indigenous mechanisms were never meant to deal with crimes of this magnitude; they were meant only to address disputes amongst tribes or between individuals, but not between tribes or individuals on the one hand and the government on the other” (Darfurian voices, 2010:20).

Justice in the post conflict situation remains a controversial issue; as the question is what kind of justice is required in the post conflict situation? Academics and practitioners debate whether priority should be given to achieving peace and political stability or should the emphasis be on prosecution of perpetrators (Alie, 2008). Over the last few years a heated debate over justice and peace in Darfur was held at the international and regional levels (the UN and the African Union-AU- respectively). The UN referred the whole situation in Darfur to the ICC, as mentioned earlier, as a result Al-Bashir the president of the Sudan and other senior officials were indicted. So, the above mentioned debate was repeated which was should priority be given to achieving peace agreement first or should the emphasis be on trial of perpetrators. The AU supports the first position and the UN seems to be more supportive to the second position. However the people on the ground appeared to be less concerned about this debate and their priorities were different, as will shortly be explained.

As I mentioned earlier the conflict in Darfur has divided the population along tribal and ethnic lines, destroyed institutions and distorted norms and values, and hence undermined social trust and confidence between and within communities. While retributive justice focuses on formal court proceedings through criminal trials, the emphasis of the restorative justice is rebuilding of social trust, healing of social divisions and restoration of broken relationships (Malan, 2008:144). Transitional justice comes in the middle between these two versions of justice. Generally, as discussed earlier, TJ consists of policies and approaches pursued by post-conflict state to deal with atrocities and human rights violations occurred in the past and it combines together the principles of truth finding, justice, and respect for victims as well as formal court proceedings, reparations and apology (El Amin, 2010:94). As the indigenous conflict resolution mechanisms are mostly described as restorative justice-oriented initiatives, they can play a complementary role and could be incorporated as an alternative form of restorative justice especially in African countries where such practices are deeply rooted (Alie, 2008:03); bearing in mind that peace often results in a compromise agreement between the warriors (Pankhurst,1999). The “traditional mechanisms for justice and reconciliation thus may help to avoid the dangers of too much and of too little criminal justice” (Alie, 2008).

In Darfur the scenario of transitional justice that includes the *judiyya* and ITRCs as part of the restorative justice components seems to be feasible. This is because in spite of the shortcomings that this study has already identified,

these mechanisms are still widely used and are relatively widely accepted, especially by mostly war-affected groups such as the IDPs and the refugees (UN report, 2007; Darfurian voices, 2010; Takana, 2007). It is true that these people were left with no other option and thus these mechanisms remain the only possible option to resolve their disputes. It is also true that in a post conflict situation time is needed to establish new competent and reliable institutions at local levels and therefore the only option in the short-term would be to deal with the old institutions until new ones emerge to replace them.

The main issue raised in this regard was what were the issues relevant to be addressed by indigenous mechanisms and which issues fall beyond their ability? For example, in a survey conducted in 2009 by an INGO which targeted the Darfurian refugees in Chad, when they asked about the possibility of employing the indigenous mechanisms of conflict resolution to deal with the situation in Darfur the answer was not a straightforward yes or no. They stated that “indigenous mechanisms alone will not be able to deal with the legacy of conflict” however remarkably about 90% of the respondents considered these mechanisms to be very important in bringing about peace amongst communities in Darfur (Darfurian Voices, 2010:20). Another point was that when asked ‘whom they believed was most responsible for the violence?’ over 80% of respondents answered the Government of Sudan or President Al-Bashir and less than 20% assigned primary responsibility to the *janjaweed* (Darfurian Voices, 2010:20). Meanwhile over 75% of the population believed that reconciliation between the tribes of Darfur was possible (Darfurian Voices,

2010:20-21). This indicates that the majority of the refugees principally perceived the government as their enemy rather than groups of perpetrators from within their neighbouring communities, which I believe will make reconciliation possible. Additionally, when a survey was conducted with the major war-affected groups from within the region and their alleged opponents about what they considered to be their conditions for future reconciliation in Darfur, the answer came as follows (Takana, 2007:18-19):

Fur asserted that reconciliation could be possible if the following conditions were to be met:

1. There was peace and security
2. Disarmament of the *janjaweed*
3. Recognition of *hakura* and land traditional rights.
4. Change of government policies
5. Compensation for their losses

For the *Zaghawa* reconciliation could be possible only if:

1. Change of government policies is achieved
2. Recognition of their rights over land and native administration
3. Compensation for their losses
4. *Janjaweed* disarmament
5. Traditional methods of reconciliation are acceptable

For the group of tribes of Arab origin in South Darfur (*Baggara*), reconciliation could be achieved if the following were to be met:

1. Control and disarmament of the armed movements (rebel groups)

2. Compensation for all those affected by war especially the displaced persons
3. Reconciliation should start step by step in each locality
4. Traditional customary laws are to be considered the best mechanism for such reconciliation.

For the group of tribes of camel herders of an Arab origin (*Aballa*), prerequisites for reconciliation in Darfur were:

1. Change of government policies
2. Recognition of their rights over land and native administration
3. Compensation for their losses
4. Janjaweed disarmament
5. Traditional methods of reconciliation are acceptable

Three comments need to be made with regard to these statements. First, the four groups were asked these questions separately, yet they arrived at similar conclusions. They all agreed to disarmament as a prerequisite for reconciliation, which reinforces the conclusion made by this study that settlement of the wider Darfur conflict (government/Rebels) would make it possible to resolve tribal conflicts. Also three groups out of four pointed to the importance of the change in government policies; again this consolidates the analysis made by this study that government interventions and manipulation of NA and local government contributed to the escalation of tribal conflicts. Further, and this is also very important, all groups mentioned the importance of traditional methods of reconciliation or customary law in this respect; including

“Recognition of *hakura* and land traditional rights”, which is fundamentally based on customary law too. This analysis matches with the overall idea voiced by the refugees and the internally displaced people that if issues related to the major atrocities and gross human right violations, such as mass killings, destruction of villages and policies of segregation-which were all believed to be government-related, were resolved formally, the rest of the issues could possibly be dealt with through the indigenous methods of reconciliation. This is an additional contribution for this study which responds to the question of whether issues provoked by the current conflicts in Darfur could be addressed by the ITRCs or are they beyond the ability of the ITRCs.

Also, one of the fundamental findings with regard to the ITRCs was that women’s representation and participation in these conferences was reported as nil. Women’s representation and participation in ITRCs represents another imperative challenge for the ITRCs. Musa, (2011:357) stated that women, particularly, the *hakamat* (women poets/singers of Arab origin tribes) were heavily involved in agitating tribal disputes and were still not involved in resolving them. This was connected to the fact that NA was (and still is) predominantly a male domain. With the enormous changes within communities, an increase in the role of women in socio-economic and political affairs, their participation and representation in future peace efforts is vital.

Another big challenge for the ITRCs is the political manipulation and polarization of tribes. The armed struggle between the government and the rebels has made the political manipulation and polarization of tribes in Darfur

even worse. Efforts have been made by both parties, as mentioned earlier, to gain the support of tribal and community leaders even by getting rid of or replacing some of them. Tribes of African origin were divided by war into two groups: one group was those who remained in their original places or moved into urban centres, and the other group was the refugees and the IDPs. The direct result of this divisive situation was the emergence of two rival groups of leadership within the former group, one associated with the government and the other closer to the IDPs and the armed movements (UN report, 2005). Therefore, the confrontation between the two groups and their rival supporters has already caused enormous difficulties for the reconciliation attempts amongst these groups; ITRCs were accused by those sympathized with IDPs, refugees and the armed movements, of having been lacking on genuine representation and thus legitimacy. The allegation was that participation in these conferences was made obligatory or by providing incentives by government to participants (KI/6: 5/6/10; KI/9:6/6/10; KI/11:6/6/10).

Lack of financial resources and lack of political will and commitment to implement the outcome of these conferences have been a challenge to the ITRCs. Some of the key informants argued that even in cases where all parties were genuinely represented and engaged in good faith to achieve reconciliation, no implementation of the agreements was accomplished (KI/6: 5/6/10; KI/9:6/6/10; KI/11:6/6/10) . This was due to the fact that the government failed to meet its commitment either with regard to the payment of *diyya* and compensations or establishing of mechanisms of implementation

with full government support in terms of resources and specified mandate. Therefore in order to achieve ITRCs' ultimate goals, the government should put aside the required resources, take seriously other arrangements needed for the implementation of these agreements on the ground. Furthermore, in most of the ITRCs investigated by this study, the government has failed to fulfil its commitments and obligations offered to the communities of the IDPs. These were the payment of compensation to victims or their relatives and rehabilitation of infrastructure and making the situation conducive for the return of the IDPs, and so protection is also included.

APPENDIX

Archival Reports of “*Al-musalihat al-ahliya alati tamat fi wilayat Janub Dar fur fi alfatra min 2003-2008*” (in Arabic) (Tribal Reconciliations in South Darfur, 2003-2008)(TRSD, 2003-08: Vol. 1& Vol. 2)

TRSD, 2003-08: Vol.1: (this volume includes 9 Conferences)

Conference1..... Page: 1-16

1. Conference description:

This conference called *Kass* Conference for Peaceful Co-existence, which held in *Kass* town, west of Nyala, the capital of South Darfur State in the period: 20-23 Jan., 2003.

2. Papers included:Page No

i.	Introduction.....	01
ii.	Methodology.....	2-3
iii.	Decisions & Recommendations.....	3-6
iv.	List of the names of the mediators.....	7-8
v.	Losses & damages’ evaluation Committee.....	09
vi.	Classification of Decisions & Recommendations.....	10
vii.	Declaration by the parties to the conflict.....	11-12
viii.	Names of the negotiators from the <i>Fur</i> tribe.....	13
ix.	Cessation of hostilities declaration.....	14-16

Conference 2.....Page: 17-25

1. Conference description:

This conference called the Final Conference for Peace amongst the tribes in *Kass* town: between the *Fur* and tribes located in and around *Kass*. The conference which considered as continuation for the first conference was also held in *Kass* in 21 April, 2003.

2. Papers included:

- i. Covering page.....17
- ii. Introduction to the conference.....18
- iii. Decisions & Recommendations.....19-22
- iv. Declaration by the parties to the conflict.....23-24
- v. *Walî's* decree with regard to the mechanism of implementation...25

Conference 3.....Page: 26-3

1. Conference description:

This conference called the Social reconciliation Conference between the people of the two administrative Units of *Shattaya* and *Umlabasa* which took place in *Umlabasa* on 11-13/December, 2003.

2. Papers included:

- i. Introduction.....27-28
- ii. Declaration of Commitment signed by representatives of the two parties.....29

iii. Final declaration to	30-31
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Conference4	Page: 32-36
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1. Conference description

This conference called Reconciliation between the *Tarjam* and the *Rezeigat*. It was held in Nyala during the period of 10/05/-03/06/2005.

2. Details of papers included:

i. Covering page.....	32
ii. Speech by the Chairperson of the Mediators.....	33-34
iii. Speech by <i>Tarjam</i> tribe.....	35
iv. Oath form.....	36

Conference5	Page: 37-41
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1. Conference description

This conference called *Juruf* Conference for Peaceful Co-existence between the Tribes of the sedentary and Nomads. It was held in Nyala on 19/09/2006.

2. Details of papers included contents:

i. Covering page.....	37
ii. End of Conference Declaration	38-39
iii. recommendations of the conference	40
iv. Signatories	41

1. Conference description

This conference called The Reconciliation Conference amongst the Tribes of *Sherriya* Locality (The *Birgid*, the *Zaghawa*, and the *Miseirriya*). It was held in Nyala on 11-19/12/2006.

2. Details of papers included:

i.	Covering page.....	42
ii.	Speech delivered by the Chairman of the conference.....	43-44
iii.	Speech delivered by the rebels signatories to the DPA.....	45
iv.	Speech delivered by the Chairman of the Legislature and by the <i>Wali</i>	46-47
v.	Speech delivered by the Nazir of the <i>Birgid</i> tribe.....	48-59
vi.	Summary of the letter <i>submitted by Birgid</i> tribe.....	60-64
	a. Summary of the letter delivered by the <i>Zaghawa</i>	65-68
vii.	End of conference declaration.....	69-72
viii.	Conference recommendations.....	73-74
ix.	Declaration of Peace and Brotherhood.....	75
x.	Support of the Signatories to the Peace agreement (DPA) to the parties of the reconciliation in <i>Sherriya</i> Locality.....	76
xi.	Signature of representatives of the Mediators.....	77
xii.	Signature of representatives of the <i>Birgid</i> tribe.....	78
xiii.	Signature of representatives of the <i>Zaghawa</i> tribe.....	79
xiv.	Signature of the <i>Birgid</i> witnesses.....	80-81

1. Conference description

This conference called Marla Conference for Reconciliation between the Tribes of the *Zaghawa*, and the *Zaghawa-Umkamalti*. It was held in Nyala on Feb./March, 2007.

2. Details of papers included :

v.	Covering page.....	82
vi.	Mediators' Committee.....	83
vii.	Speech delivered by the <i>Wali</i> of the South Darfur State.....	84
viii.	Speech delivered by the <i>Zaghawa</i>	85-92
ix.	List of human losses of the <i>Zaghawa</i>	93-101
x.	List of fruits' garden get damaged.....	102
xi.	Speech delivered by the <i>Zaghawa-Umkamalti</i>	103-118
xii.	Summary of the letter delivered by <i>Zaghawa-Umkamalti</i> ...	119-129
xiii.	End of Conference Declaration.....	130-131
xiv.	Conference's Decisions.....	132-134
xv.	Conference's Recommendations.....	135-136
xvi.	Signatories from the two parties (<i>Zaghawa</i> & <i>Zaghawa-Umkamalti</i>).....	137-138
xvii.	Signature of endorsement.....	139

Conference8Page: 140-147

1. Conference description

This conference called Reconciliation Conference between the *Birgid* and the *Rezeigat* tribes. This conference took place in *Sillai'a* in *Sherriya* locality on the 4th and 5th of October, 2007.

2. Details of papers included:

- i. Covering page.....140
- ii. End of Conference Declaration and Decisions.....141-142
- iii. Conference's Recommendations.....143-144
- iv. List of the names of the *Birgid* delegation.....145
- v. List of the names of the *Rezeigat* delegation.....146
- vi. Signature of the witnesses.....147

Conference9 Page: 148-166

1. Conference description

This conference called Reconciliation Conference between the *Gimir* and the *Falata* tribes. The conference took place in Nyala on 15-18/1/2008.

2. Details of papers included:

- i. Covering page.....148

ii.	End of Conference Declaration and Decisions.....	149-151
iii.	The Basic Document of the Agreement between the <i>Gimir</i> & the <i>Falata</i>	152-155
iv.	Recommendation of the conference.....	156
v.	Interpretation Note in relation to the Agreement Document	157-164
vi.	Names of the <i>Gimir</i> representatives.....	165
vii.	Names of the <i>Falata</i> representatives.....	166

TRSD, 2003-08: Vol. 2 (this volume includes 15 Conferences)

Conference1Page:1-15

1. Conference description

This conference called The Reconciliation Conference between the *Maaliya* and the *Rezeigat* Tribes which held in Nyala on October, 2004.

2) Details of papers included :

i.	Covering page.....	01
ii.	Introduction.....	02
iii.	End of Conference Declaration.....	03-05
iv.	Conference's general recommendations.....	06-07
v.	Interpretation Note in relation to the Agreement's Document..	08-11

- vi. List of the names of the *Maaliya* delegation.....12-13
- vii. List of the names of the *Rezeigat* delegation.....14-15

Conference2 Page: 16-29

3) Conference description

This conference called The Reconciliation Conference between the *Daju, Fur, Zaghawa, Huttiya, Tarjam,* and the *Taalba* tribes. The conference held in Nyala on 12/12/ 2004.

4) Details of papers included :

- i. Introduction..... 16
- ii. End of Conference Declaration.....17-20
- iii. General recommendations.....21
- iv. Declaration of Commitment by the tribes involved.....22-23
- v. Names of the Tribes’ representatives with their signature...24-27
- vi. Speech delivered by the secretary of the conference.....28
- vii. Photos for the *Wali* of South Darfur and the Norwegian Minister for International Cooperation addressing the conference.....29

Conference3 Page: 30-42

1. Conference description

This conference called The Peaceful Co-existence Conference between the Tribes at the borders between the Sudan and Central African Republic (CAR). The conference took place in *Umdafog,* South Darfur on 1-3/03/ 2005.

2. Details of papers included:

i. Covering page.....	30
ii. <i>Walī's</i> decree of establishing a committee to prepare for the conference.....	31-32
iii. End of Conference Declaration.....	33-35
iv. Reconciliation document.....	36-37
v. The recommendations.....	38-40
vi. Declaration of Commitment by the tribes at the borders of the Sudan &CAR.....	41
vii. <i>Walī's</i> decree of establishing a committee to follow up on the outcome of the conference.....	42

Conference4Page : 43-49

1. Conference description

This conference called The Conference for Reconciliation amongst the tribes in and around *Almalam* Administrative Unit. The conference took place in Nyala on 4-05/2/2005

2. Details of papers included:

i. Covering page.....	44
ii. <i>Walī's</i> decree of establishing a committee to prepare for the conference	45-46
iii. Criteria established for estimation of losses and compensations..	47-49

1. Conference description

This conference called The Peaceful Co-existence Conference between the tribes of the *Habaniyya* and the *Falata*. The conference took place in *Buram* from 06-09/04/2006.

2. Details of papers included:

i.	Covering page.....	50
ii.	Claims and counter claims made by the two tribes.....	51-56
iii.	Details of human and property losses submitted by the <i>Habaniyya</i> & the <i>Falata</i>	57-59
iv.	Closing Session Programme.....	60
v.	Remarks on the closing session.....	61
vi.	Decisions made by the <i>ajaweed</i>	62-63
vii.	Decisions made by the conference.....	64
viii.	Appreciations by the conference.....	65
ix.	The General Recommendations of the Conference.....	66-67
x.	Telegraphs received by the conference.....	68-73
xi.	Names of the conference's secretary.....	74
xii.	Names of the negotiators from the <i>Habaniyya</i> tribe.....	75
xiii.	Names of the delegation from the <i>Habaniyya</i> tribe	76
xiv.	Names of the negotiators from the <i>Falata</i> tribe.....	77
xv.	Names of the delegation from the <i>Falata</i> tribe.....	78

xvi.	Signature of the representatives of the <i>Habaniyya</i> , the <i>Falata</i> and the witnesses.....	79
xvii.	Names of the nominees from the <i>Habaniyya</i> in the investigation committee.....	80
xviii.	Names of the nominees from the <i>Falata</i> in the investigation committee.....	81

Conference6Page : 82-92

1. Conference description

This conference called The Reconciliation Conference between the *Banga* and *Kara* tribes. The conference took place in *Sango in al-Radom* from 26-30/11/2006.

2. Details of papers included:

i.	Covering page.....	82
ii.	Names of the conference's secretary	83
iii.	Names of the <i>Ajaweed</i>	84
iv.	End of Conference Declaration.....	85-87
v.	Conference recommendations.....	88
vi.	Declaration of Commitment by the two tribes.....	89
vii.	Names of the signatories from the <i>Banga</i> tribe.....	90
viii.	Names of the signatories from the <i>Kara</i> tribe.....	91
ix.	Signatures of the witnesses.....	92

Conference7Page : 93-95

1. Conference description

This conference called The Reconciliation Conference for the tribes in *Safia*.
The conference took place in *Safia* village South of Nyala on 09/05/2006.

2. Details of papers included:

- i. Letter addressed to the *Wali* of South Darfur State through the Commissioner of Nyala locality which includes the decisions and recommendations made by the conference, in addition to the names of the representatives of tribes involved.....93-95

Conference8 Page: 96-103

1. Conference description

This conference called The Reconciliation Conference between the two localities of Nyala and *Id al-Fursan*. The conference took place in Nyala from 20-27/7/2006.

2. Details of papers included:

- i. Covering page.....96
- ii. End of Conference Declaration.....97-100
- iii. List of the names of negotiators from Nyala locality.....101
- iv. List of the names of negotiators from *Id al-Fursan* locality.....102

- v. Signature of Head of the delegations of each party and the witnesses.....103

Conference9Page : 104-108

1. Conference description

This conference called Peaceful Co-existence Conference. The conference took place in *Ditto*, South of Nyala in 2006.

2. Details of papers included:

- i. Peaceful Co-existence Commitment.....104-107
- ii. Signatures by representatives of the tribes involved.....108

Conference10Page : 109-123

1. Conference description

This conference called The Reconciliation Conference between the Tribe of *Zaghawa-Umkamalti* in Marla and the tribes of *Fur* and *Kinana* in *Hijair Tunu*.

The conference took place in Nyala from 26-29/6/2006.

2. Details of papers included:

- i. Covering page.....109
- ii. Speech delivered by the *Fur* and *Kinana*110
- iii. Speech delivered by the *Zaghawa-Umkamalti*.....111
- iv. End of Conference Declaration.....112-113
- v. The Reconciliation Agreement.....114

vi.	General recommendations.....	115
vii.	Declaration of Commitment.....	116
viii.	List of human and property losses for all parties.....	117
ix.	List of the names of the negotiators from the <i>Zaghawa-Umkamalti</i>	118-119
x.	List of the names of the negotiators from the <i>Fur</i> and <i>Kinana</i> tribes.....	120-121
xi.	<i>Ajaweed</i> committee from the <i>Tarjam</i> tribe.....	122
xii.	Signatures of representatives from each party and the witnesses.....	123

Conference11Page: 124-125

1. Conference description

This conference called The Reconciliation Conference between the *Shattiya* and *Ummahmad* sub tribes of the *Rezeigat*. The conference took place in Nyala from on 23/08/2006.

2. Details of papers included:

- i. An agreement signed by the two parties and witnesses...124-125

Conference12Page : 126-128

1. Conference description

This conference called the agreement for resolving the *Ettafat* problem. The meeting took place at nomads' settlement close to Nyala.

2. Details of papers included:

- i. The agreement for resolving the *Etifat* problem126-127
- ii. List of the names of the *Ajaweed*.....128

Conference13Page : 129-135

1. Conference description

This conference called *Abujazu* Conference for Peace and Development. The meeting was mediating a conflict between two groups of the *Tarjam* tribe. It took place at *Abujazu* west of Nyala on 29/11/2006.

2. Details of papers included:

- i. End of Conference Declaration.....129-131
- ii. List of the witnesses from the *ajaweed*.....132
- iii. List of the witnesses from Khartoum's delegation.....133
- iv. Signatures of representatives from each party and the witnesses
.....134-135

Conference14Page : 136-138

1. Conference description

This conference called *Tiwal* and *Umballal* Conference for Peaceful Co-existence. The conference took place in *Tiwal*, south of Nyala on 26/12/2006.

Note. Two different dates (26/12/2006& 6/2/2008) for the conference were reflected in the headed printed paper. However the attached handwriting original document indicates that the conference was held on 26/12/2006.

2. Details of papers included:

- i. An agreement of Peaceful Co-existence136-137
- ii. An agreement of Peaceful Co-existence(handwriting document)...138

Conference15 Page: 139-146

1. Conference description

This conference called Reconciliation Conference between *Awlad Saadan (Habaniyya)* and the *Bargo* on one hand and the *Salamat* tribe. The conference took place in *Buram* town, the urban centre of *Buram* locality on 2/9/2007.

2. Details of papers included:

- i. End of Conference Declaration139-144
- ii. The Secretary of the conference.....145
- iii. Conclusion.....146

Data Collection Instruments

Research Information Sheet:

This information sheet consists of three parts:

- 1) Information related to the researcher.
- 2) Information related to the research.
- 3) Informed consent Statement and consent form.

Part 1

Information on the Researcher

Researcher: Zuhair Bashar Gado

Contact: Department of Peace Studies, School of Social and International Studies,

University of Bradford, Bradford, West Yorkshire BD7 1DP, UK.

Tel: +44 01274 232323

Fax: +44 01274 236302

Affiliation: PhD Research Student, Department of Peace Studies, University of Bradford, UK.

Part 2

Information on the Research

Title of the research: CONFLICT RESOLUTION AND RECONCILIATION IN SUDAN: INTER-TRIBAL RECONCILIATION CONFERENCES IN SOUTH DARFUR STATE UP TO 2009.

Introduction: In Sudan and Darfur region in particular, Native Administration (NA) or Tribal Leadership structures and their mechanisms of tribal conflict resolution/management have been described to me by some tribal leaders and identified by government officials as though they have remained unchanged since pre-colonial times. Particularly, despite the changes in life of the communities, issues of conflict, and government policies towards NA and local government, the Inter-Tribal Reconciliation Conferences (ITRCs) were being portrayed as an unchanging mechanism. This research claims that in fact there have been highly significant changes over time which may have affected their efficiency.

Location of the Research: South Darfur state, Darfur region, Western Sudan.

Period of Field work: June, 2010

Primary aim: This study aims to explore and critically examine the role of the Inter-Tribal Reconciliation Conferences (ITRCs) in resolving tribal conflicts in Darfur Region of Western Sudan.

Specific objectives:

- To investigate the way these mechanisms work and their effectiveness in resolving conflicts among different tribes.
- To point out different factors that contributed to the success/or failure of these mechanisms.
- To look into the impact of governance on such mechanism, particularly the impact of decentralization policies on the systems of local government and Native Administration.
- To investigate the origins of these policies and the current philosophy / political ambitions attributed to them by different parties?

Participants: Selected key informants. These are knowledgeable elders with regard to tribal conflicts and customary law, tribal and community leaders, local government practitioners, civil society activists, government officials and rebel leaders, who have directly dealt with tribal conflicts and reconciliation conferences.

Expectation on the participants: Individual interview will be conducted separately with each participant.

Expected Outcomes: Sudan is generally excluded from the many studies that have covered conflict resolution in Africa; in this respect very little literature on Sudan is available and this is where I expect to make a contribution.

Furthermore, the term 'traditional' is a Eurocentric notion which tends to

describe an existence of static normative structure, however in reality these structures are subject to change (Wassara, 2007). The clarity of some issues related to concepts, methodology and terminology might be another area of potential contribution. It seems that there is a clear gap at the theoretical level as reconciliation process needs to be theoretically defined and framed in the context of Sudan in general and Darfur in particular in order to test its applicability in the new context of conflict. At the practical level, as conflict has been deadly in Darfur, the research may provide analysis that might possibly assist in identifying the most effective and sustainable ways to resolve it.

Part 3

Informed consent Statement

- **Participation:** voluntary consent of the participant is central point in this research. You have the right to be provided with accurate information about this research so as to decide freely whether to participate in it or not. Voluntary consent here means your participation in this research based on voluntary decision and that you have the full right to withdraw from the research process at any point and at any time as well. Also you have the right to change, amend or withdraw any information provided at any stage in the research, including stages of writing up and publishing. I would like to assure you that your participation in this research will not affect your work or any work-related activities.
- **Confidentiality and Anonymity:** The information generated from the interviews and group discussions will be treated confidentially. All possible measures will be taken to ensure that the information will not be accessible to anyone else. In the group discussion, the researcher will ask each participant to respect the confidentiality of the information being revealed by his/her colleagues in the group. In case you feel worried that answers might easily be attributed to you, such answers will be paraphrased. Also all the names of the participants will be changed together with any other details that might identify his or her personality and codes will be put instead. The researcher himself will transcribe the interviews on a password protected computer. This is to ensure that participants will not find themselves at risk due to public disclosure of any information they have made available to the researcher.

- **Risks and benefits:** The researcher sees no potential risk that might emerge from your participation in this research. However, if any participant (he/she) or the researcher on his own feels that a participant might be at risk-whether real or perceived- as a result of his/her participation in this study, the researcher will avoid inviting such person to take part in this research. No financial benefit or any other benefit will be offered to you by the researcher or anyone else related to this study due to your participation in this research process.
- **Archiving:** The researcher himself will transcribe the interviews on a password protected computer. The computer where the information is stored will be located at the University of Bradford during my resident in UK. When I return home the computer where the information is stored will be located at the University where I work at my home country. This information will be kept for the duration of a PhD research project (2008-2012). It will be used solely for the purpose of this project and then destroyed following a reasonable period of time.
- **Questions about the Research:** If you have more questions about the research, please feel free to direct them to me or to my supervisor: Professor Donna Pankhurst through email or telephone as per her details below:
Email : d.t.pankhurst@bradford.ac.uk
Tel.: +44 (1274) 234176

Researcher signature:.....

Date:.....

Consent form

Researcher: Zuhair Bashar Gado

Contact: Department of Peace Studies, School of Social and International Studies, University of Bradford, Bradford, West Yorkshire BD7 1DP, UK.

Tel: +44 01274 232323, Fax: +44 01274 236302

Home Tel: +44(1274)728437

Personal mobile: +447518724435

Email: zmbashar@bradford.ac.uk or zuhairbashar@yahoo.co.uk

Affiliation: PhD Research Student, Department of Peace Studies,
University of Bradford, UK.

I (Name) confirm that I have read the information sheet provided.

I have the opportunity to consider the information, ask questions and get clarifications. I understand that my participation in this research is voluntary and that I have a right to withdraw at any time or stage of the study, including withdraw of information provided at writing up stage without prior notice and without any repercussions on my side. To my understanding all the information I will provide, will be treated as confidential and will be anonymous. I understand this research is for the fulfilment of PhD requirements and I agree to the use of anonymous direct quotes from my interview in publications .

By signing this form I confirm that I have read and understood the Information and voluntarily agree to take part in the above study. I recognise that I may withdraw at any time.

Name of participant

Date

Signature

Research questions

- What were the key features of the Native Administration, the local government and the central government during the British colonial period?:
- What was the role played by the colonial government in the ITRCs; particularly the enforcement of rule of law and the effectiveness of the government to serve as guarantor for the implementation of reconciliation agreements?

What changes have been taking place in the government-Native administration relationship at central and local levels since Sudan's independence?

- What were the main factors behind these changes?
 - How far have these changes influenced the competency and the effectiveness of government institutions to enforce the rule of law and to act as guarantor for the implementation of the reconciliation agreements?
 - What have been the repercussions of these changes on the effectiveness of the institutions, structures, and consequently the role of the Native Administration?
- Are the ITRCs valid as conflict resolution and reconciliation mechanisms?
 - Have these reconciliation conferences-at least for the last two decades- been able to address the root causes of the

conflict such as changes in land ownership, environmental degradation, and their impact on livelihoods?

- Have they addressed new issues that have been provoked by the Darfur current crisis such as the mass killings, burning of villages, forced displacement, land occupation and rape cases?
- What were the main impediments and challenges that faced the ITRCs in dealing with these issues?

Research Questions in relation to information needed and how to be obtained:

Research Question	Information needed	How to Obtain it
What were the key features of the NA, the local government and the central government during the British colonial period?	Historical information about the establishment of NA during colonial rule and nature of its work and powers	From Secondary sources such as books, archives, etc.
What was the role played by the colonial government in the ITRCs; particularly the enforcement of rule of law and the effectiveness of the government to serve as guarantor for the implementation of reconciliation agreements?	Historical information about the past ITRCs, their mechanisms and their effectiveness	From secondary sources such as books, archives, etc.
Have these reconciliation conferences-at least for	How effective was the dealing of the ITRCs with	From ITRCs archive documents +

<p>the last two decades- been able to address the root causes of the conflict such as land ownership and environmental degradation and its impact on livelihoods?</p>	<p>these issues based on the ITRCs documents, views of the affected people and parties of conflict.</p>	<p>interviews with key informants</p>
<p>Have ITRCs addressed current issues such as the mass killings, burning of villages, forced displacement, land occupation and rape cases?</p>	<p>How effective was the dealing of the ITRCs with these issues based on the ITRCs documents, Views of the affected people and parties of conflict.</p>	<p>Secondary and primary sources: generated from ITRCs documents, reports and interviews with key informants.</p>

Interview Questions:

Issue1: Native Administration (NA) during the British colonial period.

Q.1. In your opinion, what were the key features of the NA during the colonial era?

Q.2. what were the key features of relationship between NA, local government and central government?

Q.3. what was the role played by the government in the ITRCs?

-probing: do you think the government was effective in law enforcement and to serve as guarantor for the implementation of the agreements reached during these conferences?

Issue2: Native administration following Sudan's independence.

Q.4. what were the key features of the NA following Sudan's independence in 1956?

Probing: What changes have been taking place in the government-Native administration relationship at central and local levels? What were the main factors behind these changes?

Issue3: the repercussions of governance's changes.

Q.5. How far have these changes in regimes and administration system influenced the competency and the effectiveness of government and NA institutions?

Probing: with regard to the rule of law and for the government to act as guarantor for the implementation of the agreements reached in these conferences?

Q.6. what have been the repercussions of these changes on the NA?

Probing: effectiveness on the institutions, structures, and consequently the role played by the Native Administration regarding management of tribal conflict or resolving it?

Issue4: Main causes of tribal conflicts in Darfur.

Q7. What were the issues and triggering factors of the tribal conflicts in Darfur?

Issue5: Established mechanisms and structures of tribal conflicts management/resolution.

Q8.what was the established mechanisms and structures in dealing with these conflicts?

Q9. Do you think ITRCs were part of the established mechanisms?

Q10.Who initiates the ITRCs, decides date, venue, and timeframe, and provides logistical and financial support?

Q11.Who selects the mediators, tribal representatives and how?

Q12. Do participants to ITRCs get paid? If yes, who pays them?

Q13. How do ITRCs work; what were the procedures during the meetings?

Q14. How do conclusions reached in these conferences?

Q15. How do the agreements reached by the ITRCs get implemented?

Q16. Have the ITRCs-at least for the last two decades- been able to address the root causes of the tribal conflicts in Darfur? If not; why?

Probing: regarding issues such as conflict over land ownership/or boundaries, competition over natural resources resulted from environmental degradation, competition over local power/leadership?

Q.17. Have the ITRCs addressed new issues that have been provoked by the Darfur current crisis? If not; why?

Probing: Issues such as the mass killings, burning of villages, forced displacement, land occupation and rape cases? Have these issues ever been brought up as part of the agenda of the ITRCs?

Q.18. In your opinion what were the limitations of the ITRCs?

Q.19. what were the main impediments and challenges that faced the ITRCs?

Probing: Is it organizational related issues, resources related, limitations with regard to agenda and mandate, political manipulation?

List of Key Informants (coded)

Key Informants (KI) from South Darfur interviewed in June/July 2010.

NO.	Full Name	Tribe	Code	Interview Date	Title
1.	<i>Fur</i>	KI/1	3/6/10	<i>Shartai of Fur</i>
2.	<i>Birgid</i>	KI/2	3/6/10	Chairman of local NGO
3	<i>Birgid</i>	KI/3	4/6/10	Member of the Executive Committee of the Farmers' Union
4	<i>Tarjam</i>	KI/4	4/6/10	Tribal leader and member of the South Darfur Legislative Council.
5	<i>Fur</i>	KI/5	4/6/10	Retired Military officer
6	<i>Birgid</i>	KI/6	5/6/10	Retired clerk

					of local court.
7	.....	<i>Tarjam</i>	KI/7	5/6/10	Member of the tribe's Consultation Council (<i>Shura</i> Council)
8	.....	<i>Banihalba</i>	KI/8	5/6/10	Retired school teacher
9	.....	<i>Habaniyya</i>	KI/9	6/6/10	Retired School teacher
10	.....	<i>Massalit</i>	KI/10	6/6/10	Tribal leader of Massalit-Gereida area.
11	.....	<i>Bargo</i>	KI/11	6/6/10	Member of NA Executive Office in South Darfur
12	.....	<i>Fur</i>	KI/12	7/6/10	<i>Shartai of Fur</i>
13	.....	<i>Maaliya</i>	KI/13	7/6/10	Former combatant of the SLA/M-

					Minawi faction
14	.....	<i>Falata</i>	KI/14	7/6/10	Local government officer
15	.....	<i>Fur</i>	KI/15	8/6/10	Former Deputy <i>magdoom</i> of <i>Fur</i>
16	.....	<i>Bargo</i>	KI/16	8/6/10	Chairperson of local NGO
17	.....	<i>Maaliya</i>	KI/17	8/6/10	Local government officer- the Ministry of Local Government- South Darfur.
18	.....	<i>Taaiha</i>	KI/18	9/6/10	University Lecturer, Nyala University.
19	.....	<i>Benihalba</i>	KI/19	9/6/10	Chairman of local NGO

20	.....	<i>Barnu</i>	KI/20	10/6/10	Local government officer, Ministry of Local Government-South Darfur
21	.....	<i>Falata</i>	KI/21	10/6/10	Tribal leader from Falata tribe.
22	.....	<i>Tarjam</i>	KI/22	11/6/10	Former school teacher.
23	.....	<i>Falata</i>	KI/23	11/6/10	Former local government officer.
24	.....	<i>Fur</i>	KI/24	13/6/10	Former <i>magdoom</i> of <i>Fur</i>
25	.....	<i>Zaghawa</i>	KI/25	13/6/10	Member of the <i>Shura</i> Council for the Zaghawa in South

					Darfur
26	.....	<i>Rezeigat</i>	KI/26	13/6/10	<i>Omda</i> and member of the South Darfur Legislative council

BIBLIOGRAPHY

24 Hours for Darfur (2010), *Documenting Darfurian Refugees' Views on Issues of Peace, Justice, and Reconciliation*, made available from <http://www.darfurianvoices.org/> [accessed on 24 August, 2010]

Abdul-Jalil, M.A (2006) *The Dynamics of Customary Land Tenure and Natural Resources Management in Darfur*. Paper presented in Workshop organized by UN Food and Agricultural Organization (FAO) Rome.

Abdul-Jalil, M.A., Mohammed, A.A., and Yousuf, A.A. (2007) Native Administration and Local Governance in Darfur: Past and future. In Alex de Waal (ed.), *War IN Darfur and The Search for Peace* Global Equity Initiative, Harvard University: Cambridge, pp.39-67.

Abdullah, A. H. (1986) "*Al-hukm wa al-idara fi al-sudan*" (in Arabic) *Governance and Administration in the Sudan* Almustaqbal al-Arabi Press: Cairo.

Abu saleem, M. I. (1975) *Al-Fur wa al-ard* (in Arabic) "*The Fur and the Land*", Note No.10 Khartoum University Press: Institute of African and Asian Studies, University of Khartoum.

Ahmed, A. M. (1988) "*Gadaya Linigash*" (*Issues for Discussion*) [in Arabic] Khartoum University Press: Khartoum.

Al Mangouri, A. H. (2004). Combating Desertification: Experience from Umkaddada District in eastern Darfur. In *Environmental Degradation as a cause of Conflict in Darfur*, University for Peace, pp. 46–58.

Albathani, A. (1988) “*Albina alwatani bain eldiktatoriya wa eldimokratiya-muqaraba nazariya*”(*Nation-building between Democracy and dictatorship- a theoretical approach*)[in Arabic] a Paper presented at the 11th Arkawit Conference on the Issues of Nation-building in the Sudan, Shariga Hall, Institute of African and Asian Studies, University of Khartoum.

Alexander L. George and Andrew Bennett (2005), *Case Studies and Theory Development in the Social Sciences* MIT Press.

Ali, F.A. (1999) *The Role of the Indigenous Mechanisms In Resolving Tribal Conflicts in Darfur And Kordofan* (in Arabic).Dissertation for Master degree in Political science, Department of Political Science, University of Khartoum.

Ali, M. A. I., (2002) *Conflict Management and Resolution in the Sudan: Case of Arab-Massalit Conflict in Darfur*, the Organization for Social Science Research in Eastern and Southern Africa (OSSREA): Ethiopia.

Ali, T. and Matthews, R. (1990) “*Civil Wars in Africa: Roots and Revolution*” McGill-Queen’s University Press London.

Alie, J. A. D. (2008). Reconciliation and traditional justice: tradition-based practices of the Kpaa Mende in Sierra Leone. Luc Huyse and Mark Salter (ed.), *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences* International Institute for Democracy and Electoral Assistance: Stockholm.

Al-musalahat al-ahliya alati tamat fi wilayat Janub Darfur fi alfatra min 2003-2008 (The Intertribal Reconciliation Conferences in South Darfur, 2003-2008: Vol. 1 & Vol.2), made available from the Office of the *Walī's* (Governor) Advisor for Tribal Affairs and Reconciliation, South Darfur State.

Al-tiraifi, A. A. (ed.) (1990) *The local Government in Darfur*, Council of Regional Government Studies, Khartoum University Press, Khartoum.

Ateem, E. S. M. (2007) *the root causes of conflicts in Sudan and the Making of Darfur Tragedy*. A paper presented at the Wilton Park Conference on "Conflict Prevention and development Cooperation in Africa", jointly organised by the UNDP and the Japan International Cooperation Agency, Wilton Park, Sussex.

Ayoub, M.M.T. (1991) *Fur-Arab Reconciliation Conference of 1989*(in Arabic). Dissertation for Master degree in African and Asian Studies, Institute of African and Asian Studies, University of Khartoum.

Azar, E.E. (1990) *the Management of Protracted Social Conflict: Theory and Cases* Dartmouth Publishing Company Limited: Hampshire.

Bakhiet, J.M.A. (1969) *British Administration and the National Government in the Sudan* (in Arabic) Khartoum University Press: Khartoum.

Baldo, S. (2006) *Darfur's peace plans: the view from the ground* Open Democracy, made available from:

http://www.opendemocracy.net/democracyafrica_democracy/peace_darfur_3581.jsp [accessed on 28/03/2012].

Banton, M. (1977) *the Idea of Race* Tavistock: London.

Bashar, Z. M. (2003) *Mechanisms of Peaceful Co-existence among Tribes in Darfur Region* (In Arabic). Dissertation for Master degree in African and Asian Studies, Institute of African and Asian Studies, University of Khartoum.

Bashir, Mohammed Omer (no date) *Regional, diversity and national unity* (translated into Arabic) the Printing Centre: Department of Culture, Khartoum.

Bhaskar, R. (1998b) *Societies*. In: M. Archer, R. B., A. Collier, T. Lawson & A. Norrie (Ed.) *Critical Realism: Essential Readings* Rutledge: London.

Birech, R. T. (2009) *Giving Reconciliation a Chance in Sudan: Seeking an Alternative Response to the Darfur Conflict* Dissertation for Master's Degree, Naval Postgraduate School, Monterey, California, USA.

Brown, M. E. (1996) Introduction. In Michael E. Brown(ed.) *The international dimensions of internal conflict* CSIA Studies in International Security, The MIT Press: Cambridge Massachusetts & London, pp.1-33.

Bryman, A. (1989) *Research Methods and Organization Studies* (Contemporary social research series) Uuwin Hyman: London.

Bryman, A. (2001) *Social Research Methods* Oxford University Press: Oxford.

Bryman, A. (2008) *Social Research Methods* Oxford University Press: Oxford.

Burton, J. W. (1990) *Conflict: Human needs theory* Praeger: London.

Casley, D.J. and Lury, D.A. (1981) *Data Collection in Developing Countries* Clarendon Press: Oxford.

Collins, R. O. (2006) Disaster in Darfur: Historical Overview. In Samuel Totten and Eric Markusen (ed.), *Genocide in Darfur: Investigating the Atrocities in the Sudan* Taylor and Francis Group: New York, pp.3-24.

Collins, R.O. (2008) *a Modern History of Sudan* University of California: California.

Conca, K., Ehrlich, A., Glerick, P. (2000) *Resources and environmental degradation as sources of conflict*, paper presented at 50th Pug wash Conference on Science and World Affairs Cambridge, made available from: <http://www.studentpugwash.org/uk/WG5.pdf>. [accessed on 23rd of August 2010]

Customary Law: home.graffiti.net/rustom/kv/nbsap/_key_terms.doc [accessed on 20/November, 2009].

Customary Law: Available from en.wikipedia.org/wiki/Customary_Law [accessed on 20/November, 2009].

Daly, M.W. (2007) *Darfur's Sorrow: a History of Destruction and Genocide* Cambridge University Press: Cambridge.

Darfur Peace Agreement (DPA), (2006) an agreement signed between Sudanese Government and Sudan Liberation Army/ Movement (SLA/M) in Abuja, Nigeria.

David, M. & Sutton, C. (2004) *Social Research* Sage: London.

Davidson, Basil (1992) *The Black Man's Burden: Africa and the Curse of the Nation-state*, Three River Press: New York.

De Laine, M. (2000) *Fieldwork, Participation and Practice: Ethics and Dilemmas in Qualitative Research* SAGE: London.

De Waal A. (1993) some comments on militias in the contemporary Sudan. In M. W. Daly and Ahmed Alawad Sikainga (ed.), *Civil War in the Sudan* British Academic Press: London, pp.142-156.

De Waal A. (1993) some comments on militias in the contemporary Sudan. In Daly, M. W. And Sikainga, A.A. (ed.) (1993), *Civil War in the Sudan* British Academic Press: London, pp.142-156.

De Waal A.(2005b) *Famine that Kills: Darfur, Sudan* (revised Edition) Oxford University Press: New York.

De Waal, A. (2009) who are the Darfurians? Arab and African Identities, Violence, and External Engagement. In Salah M. Hassan and Carina E. Ray, *Darfur and the Crisis of Governance in Sudan: A critical reader* Cornell University Press: Netherlands, pp125-144.

De Waal, A. (ed.) (2007), *War IN Darfur and The Search for Peace* Global Equity Initiative, Harvard University: Cambridge.

Deng, Francis M. & Zartman, William (ed.) (1991) *Conflict Resolution in Africa* the Brooking Institution: Washington.

Denscombe, M. (2003) *The Good Research Guide; for small-scale social research projects* Open University Press: Maidenhead.

Doe, S. G. (2009) *Indigenising Post-war State Reconstruction: the Case of Liberia and Sierra Leone*, Thesis for PhD degree, Department of Peace Studies, University of Bradford, UK.

Duignan, Peter and Gann, L.H. (1975) *Colonialism in Africa 1870-1960 Vol. 4 The Economics of Colonialism*, Cambridge University Press: Cambridge.

El Amin, K. A. (2010) Darfur, Grand Conflict: Inter-Communal Rift and Grass-root Initiatives for Reconciliation, *Africa Peace and Conflict Journal*, 3 (2), pp.90-105.

El-Tom, A.O. (2009) Darfur people: Too black for the Arab-Islamic Project of Sudan. In Salah M. Hassan and Carina E. Ray, *Darfur and the Crisis of Governance in Sudan: A critical reader* Cornell University Press: Netherlands, pp84-102.

Enosh, G. and Buckbinder, E. (2005) *The Interactive Construction of Narrative Styles in Sensitive Interviews: The Case of Domestic Violence Research*. *Qualitative Inquiry*, 11, 588-617.

Evaluation report (2003) Analysis of Nine Conflicts in Sudan, UNICEF and UNDP-Sudan.

Fadul, A. and Tanner, V. (2007) Darfur after Abuja: A View from the Ground. In Alex de Waal(ed), *War IN Darfur and The Search for Peace* Global Equity Initiative, Harvard University: Cambridge, pp.284-313.

Fearon, D. J. (1994) *Ethnic war as a commitment problem*, paper presented for the annual meeting of the African Political Science Association, New York, made available from: http://www.Stan_ford.edu/jfearon/papers/ethcprob.pdf.

[Accessed on 22nd of May 2012].

Flint, J. (2007), *Darfur's Armed Movements*. In Alex de Waal (ed.), *War IN Darfur and The Search for Peace* Global Equity Initiative, Harvard University: Cambridge, pp.143-144.

Flint, J. and de Waal, A. (2008) *Darfur: A New History of a Long War* Zed Books: London.

Fried, M. H. (1975) *the Notion of Tribe* Cummings: Menlo Park, Calif.

Ganoon a-lidara al-ahliya li wilayat Janub Dar Fur [in Arabic] (Native Administration Act of 2005, South Darfur State.

Goodhand, J. (2001) *Research in conflict zones: ethics and accountability*, *Forced Migration Review*, 8, 12-15.

Goodhand, J., Vaux, T. and Walker, R. (2001) *Guide to conflict assessment*, United Nations Development Programme, Department for International Development, Third Draft Report, September 2001.

Government Document (2005) *South Darfur State's Native Administration Act of 2005*.

Government document (2008) *Tribal Reconciliation Conference between the Rezeigat (South Darfur) and the Miseirriya (Kordofan) Tribes*, collected and put together by the Office of the Advisor of South Darfur Governor (*Wali*) for

Reconciliations and Tribal Affairs (In Arabic), South Darfur State, Sudan (unpublished).

Government document (2008) *Tribal Reconciliation Conference between the Habaniyya and the Rezeigat Tribes*, collected and put together by the Office of the Advisor of South Darfur Governor (*Wali*) for Reconciliations and Tribal Affairs (In Arabic), South Darfur State, Sudan (unpublished).

Government document (2009) *Asalaya Conference for Peaceful Coexistence amongst the tribes of Sherriya Locality, Eddein and Asalaya Localities*, collected and put together by the Office of the Advisor of South Darfur Governor (*Wali*) for Reconciliations and Tribal Affairs (In Arabic), South Darfur State, Sudan (unpublished).

Government document (2009) *Tribal Reconciliation Conference between the Habaniyya and the Salamat Tribes*, collected and put together by the Office of the Advisor of South Darfur Governor (*Wali*) for Reconciliations and Tribal Affairs (In Arabic), South Darfur State, Sudan (unpublished).

Government document (2010) *View on How to Resolve Darfur's Conflict (In Arabic)*, Brief prepared by Peace and Reconciliation Commission, and South Darfur State, Sudan (unpublished).

Government Report (1988) Lajnat tagassi alhagaig fi Dar fur "*Fact Finding Investigation Committee in Darfur*" (in Arabic), Headed by the High Court judge; Mr Mohammed Abdulhalim, October, 1988.

Government Report-D-JAM, (2007) Interim Findings of the Darfur Joint Assessment Mission, Track 2, Draft Cluster Report, 21 April.

Greene, J.C. (2007) *Mixed methods in social enquiry* Jossey-Bass: USA.

Hagar. A. (2007) The Origins and Organization of the Janjaweed. In Alex de Waal (ed.), *War IN Darfur and The Search for Peace* Global Equity Initiative, Harvard University: Cambridge, pp.113-139.

Hall, D. And Hall, I. (1996) *Practical Social Research: Project work in the community* Macmillan Press Ltd: London.

Hamid, A. M. And Jalaleldin, M. A. (2008) Services Sector and its Role in Expansion and Diversification of Livelihoods in Darfur (In Arabic). In Mohammed Omer Bashir's Centre for Sudanese Studies(ed,) *Livelihoods in Darfur: Socio-economic Impacts of the Armed Conflicts in Darfur* Mohammed Omer Bashir's Centre for Sudanese Studies, Omdurman Ahliya University, Omdurman, Sudan, pp.107-134

Hammersley, M. (1992a) *Reading Ethnographic Research: a Critical Guide* Longman: London.

Harff, B. & Gurr, T. R. (2004) *Ethnic Conflict in World Politics* (2nd edition) Westview: Boulder San Francisco Oxford.

Harff, B. & Gurr, T. R. (2004) *Ethnic Conflict in World Politics* (2nd edition) Westview: Boulder San Francisco Oxford.

Harir, S. (1994) "Arab Belt" Versus "African Belt", Ethno-Political Conflict in Dar Fur and the Regional Cultural Factors. In Harir, S. and Tvedt, T. (eds.) *Short-cut to Decay: the case of the Sudan* Nordiska Africa institute: Uppsala.

Harir, S. and Tvedt, T. (1994) (eds.) *Short-cut to Decay: the case of the Sudan* Nordiska Africa institute: Uppsala.

Hart, B. and saed, M. (2010) Integrating Principles and Practices of Customary Law, Conflict Transformation, and Restorative Justice in Somaliland, *Africa Peace and Conflict Journal*, 3 (2), pp.1-17.

Harvey, L. And Macdonald, M. (1993) *Doing Sociology: A Practical Introduction* the MacMillan Press Ltd: Hampshire.

Holt, P.M. (1965) *A Modern History of the Sudan*. The Weidenfeld and Nicolson Asia-Africa Series. The Trinity Press, Worcester, and London: Great Britain.

Huyse, L. and Salter, M. (ed.) (2008), *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences* International Institute for Democracy and Electoral Assistance: Stockholm.

Ibrahim, E.A. (2001) *Armed robbery and Tribal Conflicts in Darfur: Causes, Dimensions, and Socio-economic impacts* (in Arabic) Dissertation for Master's Degree in Public administration, Sudan University for Science and Technology, Khartoum, Sudan.

Interagency Framework for Conflict Analysis in Transitional Situations, United Nations Development Programme (UNDP), November, 2004.

Internal Displacement Monitoring Centre (IDMC) (2011) Country Statistics, Estimates for the Total number of IDPs in Sudan, made available from <http://www.internal-displacement.org/> [accessed on 23/12/2011].

International Commission of Inquiry on Darfur, (2005) *Report of the International Commission of Inquiry on Darfur to the United Nation Secretary-General*, New York.

International Crisis Group, (2006) *Darfur's Fragile Peace Agreement* Nairobi/Brussels: Africa Briefing No.39.

Interviews conducted with 26 key informants from South Darfur State, in June, 2010.

Interviews with Key Informants (27), South Darfur, June/July, 2010.

Irobi, E.G. (2005) *Ethnic Conflict Management in Africa: A Comparative Case Study of Nigeria and South Africa*: made available from:

Iyob, R. and Khadiagala, G.M. (2006) *Sudan: The Elusive Quest for Peace* Lynne Rienner Publishers: London.

Jalaleldin, M.A. (2009) Preliminary Ideas and Remarks on Population Dynamic and Livelihood in Darfur (in Arabic). In Mohammed Omer Bashir's Centre for Sudanese Studies(ed,) *Livelihoods in Darfur: Socio-economic Impacts of the Armed Conflicts in Darfur* Mohammed Omer Bashir's Centre for Sudanese Studies, Omdurman Ahliya University, Omdurman, Sudan, pp.107-134.

Jenkins, R. (1997) *Rethinking Ethnicity: Arguments and Explorations* Sage Publications: London.

Johnson, H. D. (2003). *Causes of Sudan's Civil Wars* Indiana University Press: Bloomington, Indiana.

Kelman, H. C., Fisher, R. J. (2003) Conflict Analysis and resolution. In David, O. Sears, Leonie Huddy, Robert, J. (eds.) *Oxford handbook of political psychology* Oxford University Press: Oxford.

Kerr, R. And Mobekk, E. (2007) *Peace and Justice: Seeking Accountability after War* Polity Press: Cambridge.

Khalid, M. (2009) Darfur: A problem within a wider problem. In Salah M. Hassan and Carina E. Ray, *Darfur and the Crisis of Governance in Sudan: A critical reader* Cornell University Press: Netherlands, pp35-42.

King, C.(1997) *Ending civil wars*, International Institute for Strategic Studies, Adelphi Paper 308, London.

Kumar, R., (2005) *Research Methodology: A Step-By-Step Guide for Beginners* Sage Publications: London.

Lapalombara, J. (1974) *Politics within nations* Prentice-Hall, Inc., and Englewood Cliffs: New Jersey.

Lederach, J.P. (2003) *The Little Book of Conflict Transformation: Clear articulation of the guiding principles by a pioneer in the field* Good books, Intercourse.

Lederach, J.P. (2006) *Building Peace, Sustainable Reconciliation in Divided Societies* the United State Institute of Peace United States of America.

Lederach, J.P.(1999) *The Journey Toward Reconciliation* Herald Press: Waterloo.

Lesch, A.M. (1991) Sudan's Foreign Policy In Search of Arms, Aid, and Allies. In John. O. (ed.), *Sudan: State and Society in Crisis* Indiana University Press: Washington.

Lewis, S., Harper, C. and Marcus, R. (2003) *Research for Development* Sage: London.

MacGinty, R. (2010) Hybrid peace: The interaction between top-down and bottom-up peace in *Security Dialogue* made available from:

<http://sdi.sagepub.com/content/41/4/391> [accessed on 30 October 2012]

MacGinty, R. (2011). *International peace building and local resistance: Hybrid forms of peace*. Hounds mills: Palgrave Macmillan.

Mair, L. B. (1967) *The New Africa* Watts: London.

Malan, J. (2008) Understanding transitional justice in Africa in *Peace and Conflict in Africa* David Francis (ed.), Zwd Books Ltd: London, pp. 133-147.

Malwal, B. (1981) *People and Power in Sudan: The Struggle for National Stability* Ithaca Press: London.

Mamdani, M. (1996) *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* Princeton University Press: Princeton NJ.

Mamdani, M. (2009) *Saviours and Survivors: Darfur, Politics and the War on Terror* Verso: London.

Mani, R. (2002) *beyond Retribution: Seeking Justice in the Shadows of War* Polity Press: Cambridge.

Marchal, R. (2007) The Unseen Regional Implications of the Crisis in Darfur. In Alex de Waal (ed.), *War IN Darfur and The Search for Peace* Global Equity Initiative, Harvard University: Cambridge, pp.173-198.

Mark, B., Ryle, J., Medley, M., Greenidge, K.S. (2006) *Local Peace process in Sudan: a baseline study*, Rift Valley Institute, London.

Masajid, A. A. (1995) "*al-idara al-ahliya fi al-sudan: halat gabilat al-rezeigat* " (Native Administration in Sudan: the Case of the Rezeigat Tribe). B.A. Dissertation: Department of Economics, Faculty of Economics and Social Studies, University of Khartoum Sudan.

Mauthner, M., Birch, M., Jessop, J., Miller, T. (2002) *Ethics in Qualitative Research* SAGE: London.

Miall, H., O. Ramsbotham and T. Woodhouse (2005) *Contemporary conflict resolution* Polity Press: Cambridge, 2nd edtn.

Miall, H., O. Ramsbotham and T. Woodhouse (eds) (1999) *Contemporary conflict resolution* Polity Press: Cambridge.

Miles, M. B. and Humberman, A. M. (1994) *Qualitative Data Analysis* Sage: London, 2nd edtn.

Miller, R. L. & Brewer, J. D. (ed.) (2003) *The A-Z Of Social Research* Sage: London.

Mohamed, S. M. (2000) *War of Identity and Resources* Cambridge University Press: Cambridge.

Mohamed, Y.A. (2004) *Land Tenure, Land use and Conflict in Darfur*. Paper submitted to a Workshop on environmental Degradation and Conflict in Darfur organized by the UN University for Peace & Peace Research Centre of the University of Khartoum.

Mohammed, A. A. (2000) Change in Society and its Impact on Tribal conflicts in Sudan, with especial reference to Darfur. In Adam Azzain Mohammed and El-Tayeb Wadi (ed.) *An Overview on Tribal Conflicts In Sudan*: Khartoum University Press: Sudan.

Mohammed, A. A. (2000) Change in Society and its Impact on Tribal conflicts in Sudan, with especial reference to Darfur. In Adam Azzain Mohammed and El-Tayeb Wadi (ed.) *An Overview On Tribal Conflicts In Sudan*: Khartoum University Press: Sudan.

Mohammed, A. A. (2009) *Darfur from Insecurity to Social Peace* (in Arabic), 2nd edition, Institute of Public Administration and Federalism, University of Khartoum, Khartoum, Sudan.

Mohammed, A. A. and Badri, B.Y. (2005) *Inter-communal Conflict in Sudan, Causes, Resolution Mechanisms and Transformation: a case study of the*

Darfur Region. Building Peace Through Diversity Series. Sudan: Ahfad University for Women.

Mohammed, A.A.(1998) How to overcome tribal conflicts in Darfur(in Arabic). In Adam Azzain Mohammed and El-Tayeb Wadi (ed.) *A view on the Tribal Conflicts in the Sudan*: Khartoum University Press: Sudan.

Morse, J.M. (ed.) (1994) *Critical Issues in Qualitative Research Methods* Thousand Oaks, Calif; Sage: London.

Morton, J. (2004) “*Conflict in Darfur: A Different Perspective*”, A Resource Paper for HTSPE Limited, <http://www.htspe.com> [accessed on 21/10/2011].

Morton, John. (2011) *How to Govern Darfur?* Made available from <http://www.jfmorton.co.uk/pdfs/How%20to%20Govern%20Darfur.pdf> [accessed on 23/11/2011]

Murithi, T. (2008) African indigenous and endogenous approaches to peace and conflict resolution in *Peace and Conflict in Africa* David Francis (ed.), Zwd Books Ltd: London, pp. 16-30.

Musa, A. S. (2005) *Public Administration in the Sudan (1821-1998)* (in Arabic) Mohammed Omer Bashir Centre for Sudanese Studies: Ahliya University, Sudan.

Musa, S.M.E. (2011) *Identity, Agency and Political Influence of Al-Hakamat Baggara Women Poets in Armed Conflicts in Darfur, Sudan, from 1980s to 2006* Thesis for PhD degree, Department of Peace Studies, University of Bradford, UK.

Naeim, A. J. (1978) *Conflict between the Maaliya and the Rezeigat* (In Arabic). Dissertation for Master's degree in African and Asian Studies, Institute of African and Asian Studies, University of Khartoum, Sudan.

Neuman, W. (2007) *Basics of Social Research: Qualitative and Quantitative Approaches* Pearson: Boston.

O'Fahey, R.S. (2008) *the Darfur Sultanate: A History* Hurst & Company: London.

Oliver, P. (2003) *The Student's Guide to Research Ethics* Open University Press: Berkshire.

Oliver, P. (2004) *The Student's Guide to Research Ethics* Open University Press: Maidenhead.

Omeje, K. (2008) Understanding conflict resolution in Africa in *Peace and Conflict in Africa* David Francis (ed.), Zwd Books Ltd: London, pp.68-91.

Osman, S. A. (1990) *Climatic Changes and Coping Strategy in Traditional Communities* (in Arabic) Dissertation for Master's Degree in Geography, University of Khartoum, Sudan.

Oxfam Report (1984) *Directions and Patterns of Migration in Darfur* Oxfam UK.

Pankhurst, D. (1999) Issues of Justice and reconciliation in complex political emergencies: conceptualising reconciliation, justice and peace, *Third World Quarterly*, 20(1), 239-256.

Parker, N. and Sim, S. (1997) *The A-Z Guide to Modern Social and Political Theorists* Hartnolls Limited: Cornwall.

Porto, J.G. (2002) Contemporary Conflict Analysis in Perspective. In Jeremy Lind and Kathryn Sturman (ed.), *Scarcity and Surfeit: The Ecology of Africa's Conflicts* Institute for Security Studies, South Africa, Pretoria, pp. 1-49.

Prunier, G (2005) *Darfur: The Ambiguous Genocide* Hurst & Company: London

Prunier, G (2007) *Darfur: The Ambiguous Genocide* Hurst & Company: London.

Punch, K. (2005) *Introduction to Social Research* Sage: London.

Rabah, N.E. (1998) *The Role of Central Government and Native Administration in Inter-Tribal Conflict Resolution in Darfur* (In Arabic). Dissertation for Master degree in African and Asian Studies, Institute of African and Asian Studies, University of Khartoum.

Reinmann, C. (2005) Assessing the state of the art in conflict transformation. In David Bloomfield, Martina Fisher, and Beatrix Schmelzel (ed.) *Bergofhandbook for conflict transformation*, made available from: <http://www.bergofhandbook.net/article/reinmann.pdf>. [accessed on 12 November, 2009]

Rex, J. (1986) *Race and Ethnicity* Open University Press: Milton Keynes.

Richmond, O. P. (2005). *The transformation of peace*. Hound mills: Palgrave Macmillan.

Richmond, O.P. & Franks, J. L. (2011) *Liberal peace transitions: Between state building and peace building* Edinburgh University Press.

- Robert, J. F. (2002) *Materializing the Nation: Commodities, Consumption, and Media in Papua New Guinea* Indiana University Press: Bloomington, USA.
- Robson, C. (2002) *Real world research: a resource for social scientists and practitioner-researchers* Blackwell: Oxford.
- Rolandsen, Ø. H. (2007). Sudan: The Janjaweed and the Government Militias. In M. Bøas and K. Dunn (eds), *Africa Guerrillas: Raging against the Marine* Rienner Publishers: Boulder, CO: Lynne, pp. 151–170.
- Rossmann, G.B. and Rallis, S.F. (2003) *Learning in the Field: an introduction to qualitative research* Thousand Oaks, Calif; Sage: London.
- Rothchild, D. and Lake, A. D. (1996) Containing fear: the Origins and Management of ethnic conflict, in *International Security*, 21 (2).
- Rugumamu, S. M. (2002) *Conflict Management in Africa: Diagnosis of Current Practices and Future Prospects*, made available from:
- Salih, E.M.M (1999) *Tribal conflicts in Darfur: Causes, implications and way out (in Arabic)* Khartoum University Press: Khartoum.
- Salih, T. M. M. (1999) Causes of Tribal Conflicts in Sudan (In Arabic). In Adam Azzain and El-Tayeb Wadi (ed.) *Views on Causes of Tribal Conflicts in Sudan* Institute of African and Asian Studies, University of Khartoum, pp. 98-123.
- Sayer, A. (2000) *Realism and Social Science* Sage: London.
- Seymour, M., J. Couture and K. Nielsen (1996) "Introduction: Questioning the Ethnic/Civic Dichotomy", in: *Rethinking Nationalism*, J. Couture, K. Nielsen and

Seymour, M.J.(eds.), Canadian Journal of Philosophy, supplementary volume, University of Calgary Press: Calgary, Alberta.

Seyon, Patrick L.N. (1977) *Education, National Integration and Nation-Building in Liberia* PhD thesis, The School of Education, Stanford University: Stanford.

Silverman, D. (2005) *Doing Qualitative Research, A Practical Handbook* Sage: London, 2nd edtn.

Smith, M. J. M. (2003) *Social Science in Question* SAGE: London.

Spanger, B. And Burgess, H. (2003) Conflicts and Disputes. Made available from:

Takana, Y. (1997) *Report on Tribal Conflicts in Darfur*, a paper presented in the Workshop on Peaceful Coexistence in Darfur, 1997.

Takana, Y. (2006) *Conflict Analysis: Darfur Joint Assessment Mission* (D.J.A.M.) Trak1 Peace and Security Cluster.

Takana, Y. (2007) *Darfur Conflict Mapping Analysis*. Khartoum, Sudan (unpublished paper).

Takana, Y. (2009) the Impact of Armed Conflict on the Livelihoods in Darfur (In Arabic). In Mohammed Omer Bashir's Centre for Sudanese Studies(ed,) *Livelihoods in Darfur: Socio-economic Impacts of the Armed Conflicts in Darfur* Mohammed Omer Bashir's Centre for Sudanese Studies, Omdurman Ahliya University, Omdurman, Sudan, pp.11-56.

Tansey, O. (2007) Process Tracing and Elite Interviewing: A Case for Non-probability Sampling *PS: Political Science and Politics*, Volume 40, No.4, October 2007.

Terefi, A.A. (1988) “*Dirasat fi alwahda alwataniya fi al-sudan*” (*Studies on National Unity in the Sudan*) [in Arabic] Khartoum University Press: Khartoum.

Totten, S. and Markusen, E. (2006) *Genocide in Darfur: Investigating the Atrocities in the Sudan* Taylo and Francis Group: New York London

Tubiana, J. (2007) Darfur: A conflict for Land? In Alex de Waal (ed.), *War IN Darfur and The Search for Peace* Global Equity Initiative, Harvard University: Cambridge, pp.68-91.

United Nations High Commissioner for Human Rights, (2005) *Access to Justice for Victims of sexual Violence*. Report of the United Nations Commissioner for Human Rights, Geneva, July, 29, 2005. : <http://clg.portalxm.com/library/keytext id=142> [accessed on 23.09.2010].

United Nations Mission in Sudan(UNMIS), report submitted by Civil Affairs Division (CAD), Darfur Team, November 28, 2005(unpublished).

United Nations Mission in Sudan(UNMIS), report submitted by Civil Affairs Division (CAD), Khartoum Team, October, 2007(unpublished).

United Nations Security Council Resolutions on Darfur: <http://www.scribd.com/doc/15970244/UN-Security-Council-Resolutions-on-Darfur-Sudan>) [accessed on 23/09/2010]

Warburg, G. (1997) *The Sudan under Wingate: Administration in the Anglo Egyptian Sudan, 1899-1916* Frank Cass.

Wassara S. S. (2007) *Traditional Mechanisms of Conflict Resolution in Southern Sudan* Berghof Foundation: Berlin.

Wengraf, T. (2001) *Qualitative Research Interviewing: Biographic narratives and semi-structured methods* Sage: London.

Woodward, P. (1990) *Sudan, 1898-1989: The Unstable State* Lester Crook Academic Publishing: London

www.beyondintractability.org/case_studies/nigeria_southafrica.jsp?nid=6720-79k [accessed on 25/October, 2008].

Yakubu, D.M.(1995) 'Conflict resolution in traditional African societies and present day realities: the Tiv experience', paper presented at a seminar organized by the Centre for Nigerian Cultural Studies, Ahmadu Bello University, Zaria.

Yin, R.K. (2003) *Case Study Research: design and methods* (Applied social research methods series) Newbury Park; Sage: London.

Young, H., Osman, A. M., Abusin, A. M. (2009) *Livelihoods, Power and Choice: The Vulnerability of the Northern Rezeigat, Darfur, Sudan* Feinstein International Centre, Tufts University: USA.

Zarnouqa, S. S. (1994) "Al-a'lam althalith wa gadaya bina adawla" (The Third World and the Issues of State-building), "Majalat alsiyasa adawliya" (*Journal of International Politics*, 12 (1), 90-111.

Zartman, I.W. (1989) *Ripe for Resolution: Conflict and Intervention in Africa*
Oxford University Press: New York.