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The Sudanese Indigenous Model for Conflict Resolution: A case study to examine the relevancy and the applicability of the Judiyya model in restoring peace within the ethnic tribal communities of the Sudan

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JUDIYYA الجوديه

The Sudanese Indigenous Model for Conflict Resolution: A case study to examine the relevancy and the applicability of the Judiyya model in restoring peace within the ethnic tribal communities of the Sudan

by

Abdul S Wahab

A Dissertation Presented to the
College of Arts, Humanities, and Social Sciences of Nova Southeastern University
in Partial Fulfillment of the Requirements for the Degree of
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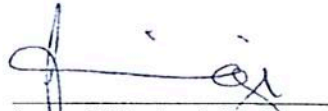
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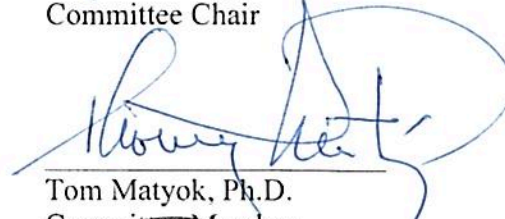
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This dissertation was submitted by *Abdul S Wahab* under the direction of the chair of the dissertation committee listed below. It was submitted to the College of Arts, Humanities, and Social Sciences and approved in partial fulfillment for the degree of Doctor of Philosophy in Conflict Analysis and Resolution at Nova Southeastern University.

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Dedication

This dissertation is dedicated to those who are seeking the recovery of African tradition.

In the words of Sousa Santos: it is” a recovery that is far from being a non-modern alternative to Western modernity, but rather it is the expression of a claim to an alternative modernity.” (Sousa Santos, 2006, p 61)

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Abstract

This qualitative research case study explored the indigenous model of conflict resolution known as the “Judiyya,” in the South Darfur State, Sudan. The purpose of the study has been to understand the principles and practices of the Judiyya in maintaining peace among Darfuri tribal communities. Judiyya is a community-based, human-centered model that employs restorative and transformative principles in conflict resolution. The literature review provided context for a research project that addressed the following questions: What is the role of the Judiyya in the current situation? How does the model work? What are its decision-making processes? How does the Judiyya model relate to the International Human Rights Standards? The primary data sources include face-to-face interviews, researcher observations, and a review of document collections and archival records. Research findings explore five emergent themes: Religion or belief system, Elderly leadership, Trust, Effectiveness, and Legitimacy. These explain the model’s process and practices and offer to policy makers some new ideas and perspectives about how to understand and use the indigenous model, which is evaluated for strengths and challenges. The model remains relevant and continues to thrive around the greater Darfur area, helping tribal communities maintain harmony, coexistence, and peace. This research contributes to the emerging literature about the relevance of endogenous knowledge and indigenous models of conflict resolution, and the ongoing efforts to better understand the cultural context of conflict and its reconciliation process.

Chapter 1: Introduction

Since the 1960's, a series of inter and intra wars have taken place in Africa. The continent has experienced significant proportion of all worldwide conflicts. These civil wars and conflicts have been waged throughout the continent. Examples include: Chad (1965-85), Angola since 1974, Liberia (1980-2003), the Boko Haram revolt in Nigeria (2009-Present), the Al Qaeda-aligned Al Shabab in Somalia (1991-Present), the Congo war (1998-Present), the Libyan conflict (2014-Present), the Lord's Resistance Army in Uganda (1987-Present), Burundi, Rwanda, and Sierra Leone (1991-2001). In addition, wars and turmoil in Sudan and South Sudan go back for decades. Sudan has been wracked by multiple revolts and has suffered two significant civil wars (1955-1972 and 1983-2005), In Darfur, the war begun in 2003 continues to the present. The South Sudan-Sudan Border Conflict (2012-Present) is still unresolved. And, since 2009 the region continues to be torn by never-ending clashes between Sudanese nomadic tribal groups and farmers (The Week, 2016).

These domestic and regional conflicts in Africa pose challenging concerns for peace-builders and policymakers. Many of these inter-ethnic conflicts in Africa, particularly in Sudan, have been marked by extreme brutality. The violence has expanded from simple traditional clashes with minimal casualties (low intensity conflict), to outright genocide and massacres (high intensity conflict).

These types of violence raise new concerns regarding security threats, displacement, terrorism, and piracy (Brettle, 2012). They lead to great physical and emotional suffering for the communities and people involved. The ruinous price is monumental in terms of war damage to productivity; limited resources are drained and

sidetracked to armaments and security services. Ironically, the inescapable results are insecurity, displacement of people, and destruction to the environment. For instance, Ethiopia and Somalia, despite their relative poverty among African nations, devoted about 14 percent of their national income to arms imports. Like many other countries, Sudan has followed the same trend. Considering the resultant, alarming waste of human and material resources, these are misplaced priorities. Rather than expenditures for arms, this capital could be far more constructively invested.

Background of the Study

These wars and inter-tribal conflicts weaken and disrupt whole societies. They are destroying the tenuous foundation for national interconnection, national unity, and internal political stability in Africa. Moreover, they pose an actual risk to international peace and security; therefore, the whole world recognizes the importance of genuine and sustainable peace to strengthening international cooperation (Deng & Zartman, 1991). The unprecedented scale of violent conflict that has happened all over the continent has generated outrage throughout the international community and media, particularly the escalating violence in Darfur. The civil war that erupted in 2003 between Sudanese troops and rebel fighters led to the dispatch to Darfur of United Nations and African Union observers. In September of 2004, then-U.S. Secretary of State, Colin L. Powell, addressing the U.S. Senate Foreign Relations Committee, defined the conflict as a “genocide” based on the terms of the genocide convention, of which Sudan is a contracting party. Seeking to generate international action, Powell stated: “We believe the evidence corroborates the specific intent of the perpetrators to destroy a group ‘in whole or in part’— the words of the convention.” In 2005, the United Nations Security

Council issued a resolution on the ongoing conflict in Darfur, referring the situation to the Prosecutor of the International Criminal Court. Among the practical arrangements recommended were the creation of truth and reconciliation institutions involving all sectors of society to work along with the judicial processes.

In this context, the need for more research has grown, in both the theory and practice of conflict analysis and peace studies in African communities. Historically, it has been most often the case that the replication of the European model has not provided desirable, durable outcomes. Many of the approaches and attempts to resolve these conflicts failed to adopt home-based mechanisms or integrate endogenous knowledge in resolving these conflicts, despite their traditional underpinnings. That alone has made success inherently unlikely. The European model ignores and deprives conflict of its contextual and cultural dimensions. The tension between European and indigenous models (Cultural Relativism versus Universalism) renews the debate among practitioners and scholars of conflict resolution and peace studies. These debates are mainly about the roles of culture and religion in the formation and administration of justice.

Research Focus and Objectives

Conflict resolution is not a new or recent phenomenon to Africa. The rich and varied traditions of the continent point to a wide range of indigenous peace-building models such as Judiyya. These local models have their roots in the continent's diverse cultures and belief systems. Tapping into the potential they offer in present situations could help to expand the success and legitimacy of conflict transformation endeavors in the Sudan particularly and Africa at large.

As part of the ongoing discussion and examination, this dissertation focused on the Sudanese indigenous model of conflict reconciliation process, known as “Juddiyya”. The purpose of the study was to understand the Juddiyya process and practice for conflict resolution. For centuries, this model has been maintaining harmony among Darfuris ethnic tribal communities, repairing a complex web of relationships, and providing justice for the indigenous people according to accepted local customs and norms.

Juddiyya is grounded in the cultures and belief systems of most Sudanese ethnic tribal communities. This is especially evident in the peripheries and pastoral areas of Sudan, where most of the population resides. The model still fulfills a practical and valuable role in maintaining harmony between settled farmer tribes and nomadic herders and managing scarce resources, such as water and pastureland or relationships (El -Tom, 2012).

Juddiyya is a third-party intervention and a community-based model that is human-centered. It employs restorative and transformative philosophies in conflict resolution. The model is designed specifically to ensure peaceful coexistence among those ethnic groups that live in the same geographic area or that interact frequently, such as pastoral nomads and settled farmers (Abo Pharis 2007). In other words, Juddiyya is a versatile model of justice and reconciliation that addresses different levels of conflicts, from domestic and family matters, such as divorce and custody, to disputes over access to grazing land and water, to violent conflicts involving property damage or deaths, to large inter-group conflicts. Juddiyya is not a court system or juridical proceedings, but rather a mediation process. Unlike the formal court, it aims to reach a mutually agreeable solution, rather than mete out punishment (Morton, 2011).

The goal of this research was to better understand the function of the indigenous justice model of conflict resolution in maintaining peace among the Darfurian communities. The study explored whether the Judiyya model is still a relevant and effective social institution for administering justice and maintaining social control by utilizing tribal bonds and community cooperation. This study examined the Judiyya process and its relation to the formal system, as well as to the International Human Rights Standards.

Conflicts and Causes

Historical Factors

Traditionally, most Darfur tribal communities operate as independent groups. They have their political bases of power and seem “state-like” not only in their use of violence but also in their claims to civilian power. Usually, tribal identity is supreme and sovereign over post-colonial era concepts of citizenship and collective national identity. This is because Darfur was annexed to Sudan in 1916 after the Fur Kingdom’s defeat. Historically, Darfur was the last independent Sultanate recognized under British and Egyptian rule in 1919. During this time Darfuri tribal communities were primarily obligated to local custom and regulations laid down by the Sultanate and leading Sheiks of the tribes.

Most Darfuri means of livelihood are based on either farming or pastoral behaviors. As a result, different tribes have inherited specific ways to make a living, mostly falling between agriculture or herding. Both farmers and pastoral nomad tribes follow customary systems passed on to them that regulate and organize their different occupations and economic activities during farming and cultivation. These are traditional

rules and guidelines learned since early childhood, so that tribe members mature and grow up with knowledge that separates individuals into different activities and roles. This is how the Darfuris have coexisted within the same space for centuries (Saleh, 1999).

Prominent cattle-herder groups in the State of South Darfur are the Arabic-speaking Baqqara, who are scattered over the whole region of Darfur, as well as Kordofan, an area in central Sudan long prone to seasonal extremes of fertile and arid conditions. In the context of the Darfur conflict, for the most part, the term "Arab" (عرب) is used as an occupational rather than an ethnic label, since most of the Arabic-speaking groups are nomadic herders. For centuries, farming tribes also lived in and cultivated this land.

Over time, Darfuri people established mechanisms and social institutions to accommodate these dissimilar inherited activities. Sometimes, herders moving between pastures would be careless about their routes and their cattle caused damage to farmlands. For that reason, specific paths, known as Masrat, are most often customarily agreed upon and established ahead, to accommodate pastorals' movement (Marahil) southward during summer and northwards during raining seasons. The width of most of these paths ranges between 1-3 miles, through different tribal farmlands lands. The majority of the tribal clashes happen due to breaching these paths and arrangements.

Environmental Factors

The fighting in Darfur is frequently referred to as primarily an ethnically motivated conflict: Arabs fighting against African Black Muslims. Clearly, this basic description indicates an information gap that overshadows the complexity of the situation. Dr. Wangari Maathai, Nobel Award winner and founder of the Green Belt

movement, describes the causes of the conflicts more fully, “to outsiders the conflict is seen as tribal warfare. At its roots, though, it is a fight over controlling an environment that can no longer support all the people who must live on it” (washington.com, 2006).

Dr. Wangari claims, that the fault lines of the conflict are rooted in another dimension. It is between settled farmers and nomadic herders fighting over deteriorating lands from which they draw their livelihood. The dissimilarity between “Arab” Darfurian and “Black” Darfurian is more about their lifestyles than any physical feature or skin color. The two groups are not ethnically different. Arabs are normally nomadic herders, and Africans are customarily farmers with a history of negotiating land use among themselves. Members of both groups are Muslim and similarly black, but competing for the same resources.

Before the famine triggered by the drought in the 1980s, the nomadic herders coexisted peacefully with the settled farmers. The nomads were welcome passers-through, grazing their camels on the hillsides that divided the fertile areas. The farmers would share their wells, and the herders would feed their livestock on the remnants from the harvest. In return, the grazing cattle helped control weeds, and other foliage not otherwise used for food. Other benefits to farmers included manure to fertilize their fields and sending their smaller livestock north with the cattle while water was more plentiful there, leaving more water for their crops. But with desertification encroaching on the fertile land, the land could no longer sustain the livelihood of both the nomadic herders and the settled farmers. The settled farmers became more protective of their dwindling land, and water during the seasonal migrations. Once willing to host the nomadic herders and their livestock annually in the summer, they were now blocking their passage. This

struggle for survival created a rivalry and violence disrupted the coexisting order of tribal communities.

Hilal Abdalla, one of the most prominent Sheiks named, described the new reality caused by the drought and desertification: “God-given order was broken. Fearing the future predicting what is coming. The way the world was set up since time immemorial was being interrupted “And it was bewildering, depressing. And the consequences were terrible.” (Alex de Waal).

Dr. Wangari argues that the war is more a response to the desertification and the deterioration of the fertile land, along with many other factors, such as a sense of inequality exacerbated by years of official Sudanese government support favoring the herding tribes against those in the region who identified themselves as marginalized. This imbalance has further disrupted the system and instigated grievances. As Dr. Wangari observes, “Below the thin layer of racial and ethnic chauvinism, religion and politics, the real reason for many conflicts is the struggle for the access and control of the limited resources on our planet.”

Disputes about land and water access and related problems used to be tackled within the tribal communities, regardless of political or ethnic dimensions, utilizing only the indigenous models and the accumulated endogenous knowledge. The purpose of the Sudanese tribal conflict resolution structure is to resolve and prevent conflict from escalating into violence. These social institutions strive to repair the torn web of relations, alleviate the physical and emotional suffering of both the victims and wrongdoers, and restore the harmony disrupted by rising tensions within the group or the community.

Therefore, the debate among practitioners and scholars of conflict resolution and peace studies is revisited. The discussion has centered on finding the best approach to achieve sustainable positive peace and long-term pragmatic solutions for these conflicts about scarce resources and land use. Potential solutions begin with exploring questions, such as the relevance of the traditional institutions and their significance in conflict resolution, the roles of culture and religion in the formation and administration of justice, the importance of endogenous knowledge and indigenous models in the peace-building process in the context of post-conflict African state.

The Judiyya social institution is one of many crucial institutions for the reconciliation and conflict transformation in Sudan. Other customs that strengthen relations include: intermarriage between the tribal communities, particularly the leaders and the heads of clans, adopting or naming each other's children, exchanging gifts, especially horses and camels which might also be used for racing, a popular activity. Building alliances and a sense of brotherhood, annual tribal meetings, established by the British (1916-1956) where all the tribal leaders convene and get to know each other, exchange knowledge. and share experiences.

Judiyya is grounded in the culture and belief systems of Darfuri ethnic tribal communities. This social institution has existed since pre-colonial time and has been practiced for centuries in most parts of Sudan, the Sahel and Sahara regions, and Chad. Despite the dominant position of the state formal system within the center of the country and urban areas, the Judiyya model has remained relevant and continued its reconciliation role outside the domain of state influence, especially in the countryside.

Customarily, the Judiyya social institution consists of “Ajaweed”, who are patriarchs, the oldest males, in extended families, clans, or tribes. Ajaweed often hold a rank of authority, such as, Sultan, Chief, or Sheik. They play the role of mediators, presiding over the Judiyya process to resolve disputes related to the family, clans, or tribes

Economic and Political Factors

There are several, often-overlapping political and economic factors and causes contributing to the conflict in Darfur. Most of these tribes have economic interests of their own, sometimes different from and totally separate from the state’s interests. Informal mining is an example of such economic activities involving cross border trade that cannot be controlled by the government (Leif Manger 2006).

Various crises befell the country during the 1980s and 90s: al Bashir’s dictatorship, escalation of the civil war in the South, and the famine caused by drought in the 1980s. All these were compounded by the abolition of the Native Administration in 1970s and the introduction of the council system, which did not have much legitimacy and acceptance at the village level.

The deterioration of the state institutions has left many civil servants and military personnel armed and without jobs. Many of these individuals have gone back to their tribes and exploited the situation, becoming foot soldiers and warlords.

The international support from global and regional powers is a contributing factor, in terms of providing logistic and military assistance. Neighboring countries such as Chad, the Republic of Central Africa, and Libya are turning a blind eye on cross- border activities for their own interests’ sake (Ibid).

In summary, Darfur's conflict can be categorized as dealing with complex disputes. Tribal claims on land don't necessarily coincide with national boundaries imposed by political leaders. Some territories are subject to inter-tribal transactions and agreements that are not contained within strict political borders and are determined by regional terrain and traditions. For example, long established tribal arrangements for grazing, agriculture, and mining are often disrupted by climate changes, as well as political and economic systems imposed by nations and groups serving their own interests. All these factors created conditions in which violence became contagious, and spread all over the region. In this context, the need for an effective conflict resolution process is critical. Yet, the authority of native councils and other externally created systems is not as accepted as that of the traditional Ajaweed.

Research Design and Methodology

Overview

The epistemology adopted for this qualitative case study is the social constructivist theory. It is the foundation that guided the researcher's decision-making about the research subject, questions, method, and analyses, as well as interpretation of the findings (Christina Gringieri, 2010). Constructivists believe people's knowledge is constructed through interaction with others, so they focus on meaning and interpretation that people create and share through their interactions. What is more, the social constructivist paradigm is an inherently inter-personal phenomenon and evolves in the space between people; it is fundamental to understanding human behavior (Patton, 2002).

Since the objective of this study is to understand the Judiyya, a social reality that is constructed through the interaction of tribal communities in Darfur, the researcher

employed the qualitative research method, using case study, to understand the Judiyya as social institution for conflict resolution. The researcher relied mainly upon the research subjects' views, perceptions, and interpretations of the Judiyya, "the phenomenon being studied." This data was compared with data from other sources to validate the findings, as will be explained in more detail in chapter three.

The Scope of the Study

The objective of this case study was to examine the Sudanese indigenous model for conflict resolution, the Judiyya, seeking to understand its principles and practices. The research explored how the model maintains the peace among Darfuris tribal communities

The geographical location for this study is limited to South Darfur State in the Sudan. The state represents many ethnic groups of nomadic shepherds and settled farmers. During the study, the researcher interviewed 25 subjects. The participants included five nomadic, five farmers, five federal officials, five local officials and five Ajaweed subjects. The researcher used other sources including document and archival reviews and first-hand researcher's observation to validate the findings through data triangulation method.

That is to say, this study reflected the experiences and exposure to the Judiyya process of the conflicting groups (Farmers & Nomadics) in the Southern Darfur State. The state represents a multitude of ethnic and linguistic groups. The Daju, Tunjur, Fur, Bargo, and Falati are all settled farmer tribes. They have shared the land and lived in harmony with the nearby nomadic herders, Ta'isha, Rizeigat, and Ma'alia (South Darfur State, 1999)

Expected Contribution to the Field

This study will contribute to the field of conflict resolution and peace studies by increasing knowledge of indigenous models of conflict resolution and the ongoing debate on the cultural context of conflict. Furthermore, Sudan currently is in a transitional period, so both the government and the international communities are seeking an alternative means of conflict resolution to bring sustainable peace to replace the civil wars that have plagued the country at large and particularly the rich and economically vital region of Darfur.

Definitions and Terminology

Ajaweed (اجاويد) Plural. They are the oldest members of the tribal communities. They hold supreme authority and customs mandate that they be given due admiration and honors. Their prestige increases as they grow older. The elders are known for their wisdom and knowledge about the lineage and history of families within their tribe, as well as the surrounding tribal communities (El-Tom, 2009).

The *Al-joodie* or *Joodie* الجودي (singular), the term refers to a member of the Ajaweed assembly. *Hakura System*, (حاكوره) is a the term from Arabic *Hikr*, (حكر) it refers to the exclusive right to ownership to tribal land (Ibid).

Dar (دار) *means* property of the whole community. The local chief is the custodian of the Dar, and he is responsible for its allocation to members of his group for cultivation.

Endogenous Knowledge is the knowledge that has been grown and produced within the indigenous people.

“Arab” (عرب) the term used as an occupational rather than an ethnic label, as the majority of the Arabic-speaking groups are pastoralists. On the other hand, most of the non-Arab groups are sedentary farmers.

Baqqara, Arabic-speaking cattle-herder groups who are scattered over the whole region of Darfur, as well as Kordofan.

Daju, Tunjur, Fur, Bargo, and Falati (farmer tribes). They share the land with

Ta’isha, Rizeigat, and Ma’alia (nomadic herder tribes)

Masar or Masarat) the first is singular the later is plural. it means Paths for the nomadic herders to move through the famers land.

Marahi, means those who keep moving from one place to another seasonally, especially between the summer and the fall seeking grazing land.

The literature review provided a framework for the research project that explored the research questions, synthesizing what had been written to-date to provide a comprehensive understanding of the Judiyya model of conflict resolution. Data collection included primary sources (face-to-face interviews, researcher observations, and document review of archives and records.)

Overview of the Dissertation

This dissertation is organized into five chapters. Chapter one covers the background of the study, background of the conflict and causes, the scope of the study, expected contribution to the field, the definition of the terminology and the overall view of the dissertation. Chapter two presents the literature review providing discussion on applicable literature relating to the research questions. The literature review supports the relevance and validity of the research topic by displaying interest and value in the target

communities and field of study. Chapter three presents the research methodology and describes the actions and tools selected to address the presented research problem. That includes an overview of the research methods, research design, rationale for qualitative research, case selection rationale, case study justification, sampling methodology, settings and participant selection process, data collection, management, data sources, data analysis procedures, trustworthiness, ethical considerations, and limitations and challenges of the study. Chapter four provides the results and analyses of the data collection. Chapter five presents, conclusions, and recommendations derived from the preceding chapters.

Chapter2: Literature Review

Introduction

This chapter provides thematic review of the literature related to the research questions. The goal is to develop a framework for the study and to situate the study within the broader context of related research. In doing so, the researcher organized this review into four overlapped sections. The first section provides a general description of South Darfur State, its geography, history, the target population and Judiyya's role. The second section looks at current research pertaining to indigenous systems of conflict resolution, in general. The third section discusses the theoretical foundation that provided conceptual moorings for the research. In the fourth and final section, the researcher considers various models for conflict resolution, and revisited the debate about Cultural Universalism vs. Cultural Relativism that has existed in both sociology and legal scholarship studies for decades.

South Darfur State

Historical Background

At the beginning of the nineteenth century, the European colonists had allocated the lands of Africa into colonies. Driven by an economic logic, these colonial powers paid attention only to such factors as the size of each area of land and its natural, raw material resources (Nordiska Afrikainstitutet, 1996).

In 1875, the Anglo- Egyptian regime conquered the Mahdi's Sudan (The Mahdiyya state ruled the Sudan until 1898), the colonizers bringing the country under their control, except for Sultanate Darfur. The British allowed Darfur "De Jure" autonomy and the region remained independent until before World War I. However,

when Sultan Ali Dinar sympathized with and fell under the influence of the Ottoman Empire, the British defeated the Sultan and annexed Darfur into the Anglo-Egyptian domain in 1916 to deny the Turks a foothold in Darfur,

Through the process of imperialism and colonialization, Sudan was forced into a nation-state model to accommodate the newly created, arbitrarily defined territorial unit. Sudan, like most other African states, was thrust into the international political economy, mainly in the interest of colonizing the states for primary sources of raw materials (Akude, 2007).

Upon seizing power, the British attempted to replace the deeply rooted traditional tribal structures with their own laws and administrative institutions, the European Nation-State model was carried over into the Sudan. Even after the British were gone, the Sudanese people had handed over political power to political elites born and bred in colonial practices, structures, ethos and, invariably, to colonial interests (Ibid). The inherited new states often had little relevance to their history or their common traditional and social structures. Instead, these newly configured boundaries (nation-states) were quite artificial. The colonizers' planners had very little consideration for local circumstances, traditions, identities, and culture. Nor did they care very much that the manufactured boundaries separated families and tribes. Consequently, these colonial artificial borders would breed border disputes, such as the separation of the Eritrea region from Ethiopia, Somaliland from Somalia, and South Sudan from North Sudan.

At that point, the Egyptian and British imposed new state structures and set up the northern elites as favored, privileged citizens and, later, as administrators, of the state while subjugating people in peripheries and the countryside. This was particularly

apparent in the South and the Western part of the country. Following Sudan's independence, these structures of favoritism and elite bias continued, triggering violent conflict between politically and socially marginalized populations on the periphery of the state and the ruling elite in Khartoum.

As professor Claude Ake stated, the African colonial history plotted to create an elite which could not function, because it had no sense of identity or integrity. Because from the start the concern of colonial powers at the independent and beyond, for the most part, was to hand power to a group of associates whose assignment was always not to govern their people well, but to guard the interests of the former master.

The newly declared Anglo-Egyptian Sudan had little to do with the country's history, common traditions, and social structure. The colonial state legacy had overturned existing claims to ownership and instituted patrimonial autocracy, which deteriorated into crisis by the 1980s, bringing external and internal pressures for economic and political state reconfiguration. However, the replication of the European model was not successful, due to the constraining specificities of the postcolonial era, particularly its artificial boundaries and general internal economic disarticulation. (Akude, 2007) As state presence and service provision became less available, the European model of conflict resolution and governance was failing to meet the needs of local tribal communities in Sudan and elsewhere in Africa.

The serious erosion of the statehood of many Sudan polities by the late 1980s and the 1990s limited the scope for effective reform and opened the door for a complex tangle of unprecedented new civil wars. There was also a renewed saliency of informal politics, as local societies adapted to diminished state presence and service provision.

The People

Darfur means land of the Fur; the Fur tribe is one of the dominant indigenous tribes of the region. The region of Darfur lies in the far Western part of Sudan between 2315- 2740 Longitude and 1300 -830 North, with an area of 137,842 km.²) It is comprised of five federal states or “Wilayat” ولايات , which are: West Darfur, South Darfur, North Darfur, East Darfur and Central Darfur. South Darfur state has international borders with the Central African Republic to the Southwest, the Republic of South Sudan to the South and West Darfur State. (See The Map Appendix #5). South Darfur State represents a multitude of ethnic and linguistic groups. The Daju, Tunjur, Fur, Bargo, and Falati are all settled farmer tribes. They share the land and once lived in harmony with the nearby nomadic herder tribes, Ta’isha, Rizeigat, and Ma’alia (South Darfur State, 1999).

According to the 2008 Sudanese government’s Census report, the South Darfur population is about 4,93000. Those who are less than 15 years of age represent 47%, 24% are male, 23.1% are female. Those who make their living as farmers or nomadic herders comprise 80% of the population and 15 % of the population are urban dwellers. South Darfur state is mainly an arid plateau with Marrah Mountains, a range of volcanic peaks rising up to 3,000 meters in the center of the state, where there is a small area of temperate climate, high rainfall and permanent springs of water. In the northern part stretch the desert sands of the Sahara. The eastern half of the state is covered with plains and low hills of sandy soils, known as Goz and sandstone hills. These dry goz may support rich pasture and arable land.

The major segments of the population, about 80%, are engaged in two major production systems. There is what is called Qoz/Wadi farming in the north part of the state. It is household based millet cultivation and small animal keeping. But the more reliable rains are in the southern part of the state permitting larger stable yield, and more varied crops. In the Jebel Marra (Marrah Mountains) there is a concentration of runoff water and some perennial streams, allowing simple irrigation systems to work. People cultivate sorghum, and millet, combined with onions, chilies and okra. They also produce irrigated citrus, small quantities of wheat and groundnuts. The major cultivating tribes inhabiting the southern part of the state are the Fur, the Berti, and the Masalit. Pastoral nomadism is the second major type of production system and livelihood for tribes in the northern part of the state. The major, dominant groups of camel nomads to the north are Baggara, Rizeigat, Habbaniya and Benii Halba. The pastoralists in the north are mainly depending on camel, sheep and goats. Due to better grazing land in the southern region, cattle pastoralism dominates in the south (Swift and Gray 1989).

Tribal Identity

Tribal models have existed in Africa and around the world throughout history. They are systems based on their tribal cultures' beliefs and norms. These indigenous conflict resolution models have long been the mainstream practice in Africa, Asia, and South America, especially in the pre-colonial era (Huyse & Salter, 2008). Moreover, these models are still regulating disputes among tribal members, as well as between tribal communities. Indigenous conflict resolution mechanisms comprise social, economic, cultural, and religious-spiritual dimensions. The methods involve negotiations, mediations and reconciliation based on the knowledge, customs, and history of the

community. The whole community participates in the ritualized process, which is led by traditional chiefs, kings, Sultans, Sheiks, or other tribal leaders.

According to Professor Gultung (1990-1996), all these models are typically influenced by the specific culture within which they are performed, like most human endeavors. The accumulated knowledge and experiences of the Ajaweed (mediators) are developed through their cultural perceptions. Ajaweed operate within a certain framework that is coherent within their surrounding world

The Darfis' worldview highly focuses on individuals coming together to support and care for one another in the context of their relationship. There is a relational worldview emphasis on the spirit and spirituality. This relational framework is carried forward and based on tribal communities' accumulated wisdom. Mahia Maurial (1999) stated that, the tribal accumulated knowledge, resulted from the tribal interaction with one another and the surrounding environment. Castellano (2000) described the characteristics of Indigenous knowledge as personal, oral, experiential, holistic, and conveyed in narrative or metaphorical language. Maurial (1999) identified three main characteristics of Indigenous knowledge as local, holistic, and oral. Hart (2010) pointed out that the worldviews underlying Western and Indigenous models are extremely different from one another. For instance, the Indigenous model is transformative when it's sought and addresses conflict as it affects the community. It prioritizes the reparation of the relationships' web, and the restoration of the community's harmony. In contrast, the foremost objectives of Western models primarily favor reaching a settlement between only the conflicting parties, rather than healing the many relationships that have been damaged by the conflict. The Western approach is based on a linear, present-centered

conception of time, and an analytic rather than holistic conception of epistemology.

citation

Volker, (2011) described some other central characteristics of Indigenous models as providing an experiential learning opportunity for victim, wrongdoer, and the entire community. They are holistic because they embrace multiple dimensions: economic, social, and spiritual. This approach is focused on the welfare of family and the entire community. Usually, participation is free of charge and voluntary. The cultural practices and rituals that are part of Indigenous models give the community members a sense of identity.

Restorative justice philosophies' "Indigenous models" are not unique to the Sudan. In fact, restorative justice was once the prevailing model of justice - not in Africa alone, but in the Middle East, Asia and even in the Americas before invaders conquered and dominated the natives. Those indigenous models that survived and continue have been useful and relevant to the mostly non-urban populations of the Third World (Huysse & Salter, 2008, p.1). They include models such as Magamba spirits (Mozambique), Ubuntu (South Africa), Kayo Cuk, Ailuc, Tonu ci Koka, CuloKwor, MatoOput (Uganda) Gacaca (Rwanda), Sulha (Iraq)), Jirga (Afghanistan & Pakistan), and others. For instance, in the reconciliation effort after the Rwanda Genocide of 1994, the people of Rwanda applied and utilized the Gacaca to repair the post-genocide web of relationships and effectively restore harmony to their society. Finally, throughout the globe, the voices of the Indigenous people are being heard and consulted again after centuries of sidelining. Nowadays, understanding the Indigenous perspectives occupies a central space of national and international dialogue about how to deal with conflicts in ways that have

greater potential for sustainable results for those most directly affected.

The Environment

For long time, the peace and livelihoods of most Darfuri tribal communities depended on the coexistence and the interrelationships between these agrarian, pastoral communities. Due to geographic and historic circumstances, most nomadic pastoralists are Arabic-speaking. On the other hand, most of the non-Arab groups are settled farmers, indigenous tribes who speak their local dialects and languages. According to many accounts, these grassroots communities seem mainly to be divided along the tribal lines of Arabs (who are herders around Jebal Marr massifs) and the non-Arabs who are farmers. But the reality is that the fundamental distinguishing features are related to the communities' occupation and different styles of livelihood. With political and climate changes, their already limited resource-based conflicts acquired an ethnic dimension, erupting in the bloodiest clashes between farmers and nomadic pastoralists.

Starting in the 1980s, desertification, drought, and famine triggered a very dangerous competition for water and pastureland. The competition turned into intense and even armed rivalry and struggle for survival, severely disrupting the coexistence order of tribal communities, particularly, between the settled farmers and the nomadic herders.

Despite the role ecological degradation has played in Darfur's civil war, researchers in the field of conflict resolution and peace analysis acknowledge that ecology is only one aspect in a complex web of causes that collectively precipitated the violent civil war. The environmental crisis functions within the given multi-layered matrix of history, economics, and politics. However, when the competition intensified

over accessing water and pastureland, the competitors appealed to ethnic tribal differences and battled brutally along these new fault lines for survival (Mohamed Suliman, 2004).

At the heart of the competition over resources is the question of land ownership. The land tenure system in Darfur has developed over several centuries, producing a current hybrid set of practices that have tended to increase inter-communal tensions. Under the Fur Kingdom, land ownership is based on the Hakura System, (حاکوره) a term that came from Arabic Hikor, (حکر) “meaning the exclusive right to ownership” (Ibid). According to the Hakura system, (حاکوره) each group is given a Hakura, or Dar (دار), which is regarded as the property of the whole community. The local chief is the custodian of the Dar, and he is responsible for its allocation to members of his group for cultivation. The people of Darfur revere the Dar. Another meaning of Dar is “home”; belonging to a Dar becomes an integral part of each person's identity.

The nomads are not part of the Hakura system. Hence, the nomads have relied on the customary right to migrate and pasture their animals in areas dominated by farmers. As the nomads move through meadows grazing their animals, specific arrangements for grazing routes must be made in advance between the nomadic leaders and the leaders of the farming communities. So it had been for centuries until these populations were confronted with unprecedented challenges.

Disputes over land were by no means new, as they had occurred many times during colonial and post-independence eras. For many years, both groups employed a variety of models and strategies, in order to resolve the conflicts. These included Judiyya, the Native Administration, and intermarriage between different ethnic

communities, tribal festivals, intertribal adoption, and exchanging gifts. The system worked for centuries until the drought of the 1980s cranked up the pressure on these groups.

As rainfall steadily diminished, tensions increased, and disputes escalated when both farmers and nomads started to feel the negative results of climate change. Farming and grazing land became scarcer, so land-owning farmers more frequently blocked access to lands for grazing. Desperate to feed their animals, herders were more inclined to forcefully attempt to gain access. Pushed by the threat of starvation, competition for shrinking resources upset the cooperation and cohabitation order and turned it into enmity. Fighting became inevitable for survival (Sikainga, 2009). The rivalry over declining resources in the 1980s led to several clashes between settled farmers and the nomadic herders. Efforts by various political entities to gain control of the region have mostly resulted in further upheaval. Meanwhile, traditional systems for resolving local conflicts have persisted.

Judiyya: The indigenous Model of Darfur

The Judiyya is a tradition-based model that has been practiced for centuries within Darfur's tribal community and is still relevant within the Darfuri tribal community. The model is closely embedded in deep-seated cultural facts and the elders (Ajaweed) play a key role in transforming conflicts and solving problems. These tribal elders draw from their own lifetime experiences, and the wisdom stored in the collective memory and carried down through previous generations, to bring about peace and resolve conflicts. The model is an important social institution in South Darfur's tribal communities. Local tribes, nomadic herders and farmers, use the Judiyya model as processes of reconciliation

to repair the web of relationships and to share, manage, and distribute natural resources (Birech, 2009; Flint, 2010). The Model is a restorative, conciliatory structure. The model emphasis on restitution and compensation for harm, to revise damaged relationships, to ensure the full integration of the parties into their tribal community again and resume the collaboration for the well-being of the group.

The mediator who is called upon to intervene in conflict is called an Aljoodie (الجودي) singular, and Ajaweed (اجاويد) plural, and they are versed in the communal customs and traditions. They are always the most prominent and respected men in their respective communities. In Darfur culture, the public sphere is reserved for males, while women's influence is exercised in the private space, or at home. Therefore, Ajaweed are always men, mostly elderly men, known for their wisdom and knowledge about the lineage and the history of families within their tribe, and the neighboring tribal communities (El-Tom, 2009).

During Egyptian-Anglo colonial times, between 1875 and 1956, Judiyya was the key institution that regulated land and grazing rights between the tribal communities, especially in the western part of Sudan. The region is part of Africa's sub-Saharan, where ecological degradation is now widespread and one of the aggravating causes of violence in that region.

The focus above on the use of the Judiyya to resolve the conflict over scarce resources does not mean that other communal disputes are rarely resolved through Judiyya. Rather it highlights the general applicability of the model to deal with all disputes on a communal level. In Darfur, the management of scarce resources is thus a

daily affair that forms part of the everyday management of pastoral affairs. This perhaps explains the relationship between the issues on the communal level.

Furthermore, the Judiyya model appears to be similar to most traditional justice systems on the continent of Africa. Traditional Africa tribal communities are endowed with a rich body of historical tribal knowledge and elders play major roles in solving disputes. The elders often used their own experience in the community and the accumulated knowledge passed from one generation to the next, emphasizing restorative and transformative principles for resolution, rather than punitive approaches. In African tribal societies, conflict resolution through indigenous institutions carries out a healing role. It provides the opportunity for examination of an alternative constructive decision to resolve differences. The uniqueness of African traditional institutions, by virtue of their endogeneity, is their use of local actors, whose cumulative knowledge enables them to transform conflicts. The main actors of the system are elders, heads of clans, chiefs, sheiks, and other acceptable leaders and respected persons. They use council of elders, sheiks' court, people's assemblies, etc., for conflict resolution and justice dispensation (Nwosile, 2005). This is because elders are considered to have wisdom, knowledge, and the indispensable respect of the community as trustworthy mediators. In this context, traditional models for conflict resolution play a proactive role to advance social solidity, peace, harmony, and coexistence.

The primary objective of the Ajaweed (mediators) is to reach a mutual-based arrangement acceptable to the conflicting parties and restore social harmony back into the community. Often in the serious cases the Ajaweed divides the Judiyya assembly members into two groups. The first group takes the role of Doves and the second group

takes the role of Hawks. The Doves rely mostly on parables and imagery, addressing passions and the emotions of the parties. The Hawks exert and put forth pressure on the resisting party to avoid the derailing of the process. The purpose of this technique is to motivate and bring the disputants toward consensus -based outcome. The roles of the Ajaweed As Doves or Hawks. may change and be reversed from time to time as the situation demands. Judiyya is not a standardized process, it's flexible and can be altered according to the case specificity. These key players regularly cite numerous adages and proverbs (Bronkhorst).

Often in significant cases, the Judiyya's agreement is documented and presented in writing as covenant, especially if the conflicting parties are dominated tribes or groups. The final agreement is typically signed by both parties, as well as by mediators. The practice of writing and agreement documenting seems to be a more recent development (Egeimi et al., 2003). The local and/or federal government may play valuable role, especially in serious and more complex conflicts. Often government offers technical support in such conflict. The government may build a new route, put a new signs or marks to guide the nomadic passage through farmers land particularly in the summer migration. or the creation of a new water resource) (Bronkhort, 2007). The same may also apply to Non-Governmental Organization (NGO) involvement, given that NGOs often have funds available as well as experts who are willing and ready to assist with the implementation process of the outcome agreement

Reward and Punishment in Judiyya

In any typical Judiyya setting, the ultimate aim of the Ajaweed (mediators) is to reach an outcome that is consensus-based and acceptable to all parties involved in order

to restore the harmony and repair the damaged web of relationships. They do so by first defining harm, casualties and damages. Deciding the fines and the reward or compensation to the victim or the victim's family is the next step.

According to (Egeimi, (2003), Judiyya may or may not (depending on the gravity of the disputed matter) be involved in deliberation about the penalty, such as fines or rewards in the form of compensation for losses suffered from conflict. However, compensation is an essential aspect of Judiyya's restorative concept of justice. Blood money called Diya (ديّة) is necessary for pre-empting retaliation and revenge. Mutual agreements among identity groups may sometimes lead to nominal or no compensation payment. Customarily, compensation used to be generally paid in cattle or camels. Nowadays, it is more likely to be monetary.

Historically, Sudan was British colony for more than seventy years. It has inherited the British legacy of Common Law and integrated customs as a source of law. Therefore, the reward for the loss of life (Diya دية) was incorporated into the formal system during the colonial era.

Scarcity of Recent Literature on Darfur's Indigenous Model

Except for some folklore and art studies mostly conducted by former colonial scholars, the endogenous knowledge of Africa at large, and the Sudanese tribal communities in particular, have attracted few scholarly studies or investigation by academia,

Mahia Maurial (1999) described Indigenous knowledge as "the population," a cognitive and wise legacy, resulting from their interaction with one another and the surrounding environment. Castellano (2000) described the characteristics of Indigenous

knowledge as personal, oral, experiential, holistic, and conveyed in narrative or metaphorical language. Maurial (1999) identified three main characteristics of Indigenous knowledge as local, holistic, and oral.

The prevalence of illiteracy and the nature of African oral tradition which is often conveyed in narrative and storytelling formats have tended to make academicians less inclined to undertake such a task. In recent years the African indigenous models for reconciliation such as Juddiyya system, have been receiving more recognition. Driven by the necessity to bring a desired and durable peace to war torn countries such the Sudan, there is more incentive for scholarly attention, though it is still comparatively limited .

Most writing and literature related to the indigenous model seems to be falling within the following three categories of school thoughts. The first, is the elicitive type of writing approach conflict and its reconciliation from cultural sensitivity perspective. They believe that conflict can be solve and understood only through their social context. Culture and religion are factors cannot easily be transcend or bypass through technical standard theories alone. The second category is the prescriptive and universal type of writing saw conflict and its reconciliation process as grounded in standard theories and actions which overcome cultural differences as well as religion and race, The third type of literature is the hybrid middle ground approach to conflict, it is falling between the two ends, taking into the consideration indigenous worldviews in and the same time implies universal patterns of behaviors and standard theories.

Models of Transforming Conflict

The Elicited, Culturally Sensitive Approach

One body of literature approaches conflict and its resolution from an elicited, cultural relativism perspective. Writers in this camp question and refute the universal hegemonic discourse of Neoliberal economic globalization. This body of literature emphasizes the revival of the traditional ways in Africa. Such an approach is regarded by some writers as a way to draw upon the strengths of indigenous approaches, adapting to contemporary realities, and creating a resilient alternative to Western modernity (Sousa Santos, 2006, p 61).

The advocates of the elicitive and culturally sensitive approach argue three important points. First, they call attention to the importance of cultural context. Second, they believe that indigenous perspectives contribute to the worldwide body of literature on social justice. Third, they advocate for extricating and divesting African endogenous knowledge and indigenous models of conflict resolution from all undue influences that have been created in Africa's colonial past.

The work of Dr. Nivea Bob Manuel illustrates and highlights the cultural importance and the endogenous knowledge in the conflict and its reconciliation process. The professor clearly stated, "If any community is willing to develop and wants to transcend conflicts, the community must use their values to restructure and shape their destiny." (Nivea Bob Manuel 2000).

Dunne, Kurki, & Smith, (2010) assert that, in addition to their conquest and colonization, Europeans have degraded the African symbols of culture, arts, science, folklore, myths, and shamanism. Academics such as Dr. Manuel and Malan, along with

others, believe that the liberal peace project is a reincarnation of the civilizing mission of colonialism. The focal point of this argument is that conflicts need to be addressed within their respective cultural contexts.

Professor Jannie Malan, the Managing Editor of *The African Journal on Conflict*, also argues for African Solutions for African Problems. Malan says, “In all settings there are cultural and contextual perspectives that must be self-evident to be included.” (Malan, 1997). Dr. Malan urges practitioners to utilize the specificity of the social context because conflicts are typically addressed within a particular time and space. The focal point of this argument is that conflicts cannot be plucked from their cultural context. Consequently, effective conflict resolution must arise from context and modes that are local in nature. Importing resolutions is doomed to fail.

Professor, John Paul Lederach presents the similar idea in his book *Preparing for Peace*, writing about his experiences in South and Central America context, particularly in Nicaragua. He recognizes the importance of the culture, community’s knowledge and the specificity of that space. Dr. Lederach pointed out the limitation of adjusting the prescriptive standard strategy to the Central America context, and the difficulty to overcome the cultural differences (Lederach, 1995). Professor Lederach sum his experiences in South America by saying that, the way conflict resolve is often dependent on understanding of the disputants’ social knowledge. Dr. Lederach explained that when conflicting parties trying to resolve conflict within its social context and their own social knowledge, they become creative and empowered with that knowledge to develop and acquire strategy conducive to successful resolution (Lederach, 1995).

Criticism of the Cultural Relativism Approach to Conflict

Dr. Howard (1986) claims, Africa is not culturally unique as far as the impact of European capitalism. African communities have many characteristics comparable to capitalist European societies. Howard attributes the cultural changes and the deterioration of the indigenous African social structure to contact between the Europeans and the Africans during the last five centuries. Dr. Howard points out that adapting to this interaction created the need for ideas closer to the Western model than to the “traditional” model of privileges and commitments that had shaped indigenous perspectives. According to Howard, tribal social structures are no longer the same and the communitarian societies of Africa are long gone (Howard, 1986, pp. 16-34).

The professor adds that capitalism has transformed international economic and social relations throughout much of the globe and depersonalized market relations, superseding personal relations that previously had governed the social life of the individual, family, and community. As a result, individuals in their roles relate to one another predominantly within the marketplace. In other words, Dr. Howard rejects any cultural relativity or elicitive approach to conflict and its reconciliation process, but he does not accept that their implementation or interpretation at any society or at any level of conflict. However, Dr. Howard, may recognized the importance of the cultures, but he always believes that standard theories can overcome the cultural differences and religion as well as the class of the disputants (Ibid).

The Prescriptive, Universalism Perspective

The philosophical perspective in this body of the literature review is associated with the liberal paradigm, which views history as progressing forward. method is founded

on the belief that an individual is the important social unit; he/she is the center of the universe, driven only by self-interest. Personal freedom is considered the main foundation for the Universalism framework. This type of literature sees conflict resolution as grounded in standard universal theories that are capable of overcoming cultural differences, and social institutions as Dr. Howard pointed out earlier, criticizing the culturally sensitive approach to conflict (Howard, 1986).

Advocates of this paradigm suggest that the indigenous models must be replaced by Western conflict resolution models because they do not fit in the twenty-first century. They consider the indigenous model to be socially regressive, myths, and shamanism (Dunne, Kurki, & Smith, 2010, p. 239).

Some writers even claim that ethnic tribal social structures contradict the principles of individualism to which liberal societies are fundamentally dedicated. Therefore, the fate of the-liberal societies, sometimes identified as the Global North, depends on whether the tribal communities of the Global South can secure stability by developing a liberal political and economic structure that can overcome what neoliberals see as a primitive, tribal structural order.

In this regard, Weiner, (2013) explicates the point above by saying “the rule of the clan implicates citizens of liberal democracies not only as a matter of our practical interests; it also deeply implicates our values, because the rule of the clan diminishes the status of the individual that our own societies are devoted to advancing.”. Therefore, Weiner asserts that liberals have an ethical stake, as much as a strategic interest, in advancing their ideal of individual freedom and in supporting indigenous reformers who are seeking to do so (Weiner, 2013, p. 39). Weiner believes that individualism principles

are grounded in the Universal Standards theories and reasoning, not in any particular cultural tradition or religion. place.

Another illustration of universalism (prescriptive approach) is the early writing of Burton and Sandole in their 1986 publication. The authors understood conflict and its resolution as a process based in human needs. This set of human needs is held to be universal. So, they strongly suggested standard patterns of behavior and techniques that transcend the observable differences of culture, religion, and class. These standard techniques (prescriptive approach) are broad enough to apply at all levels of social analysis and applicable to all conditions of conflicts, no matter if it is interpersonal, inter-group or inter-state (Avruch, Black, & Black, *Generic Theory of Conflict: A Critique*, 1987).

Likewise, writers such Hansen (2005), Haile (2008), and Emmanuel (2007) who found shortcomings in local s and indigenous systems, such as Rwanda's Gacaca model. The writers claim that, often-customary law models are lacking the basic Western Principles of justice. They pointed out that, these models are lacking space for lawyers and applying a defective standard of evidence, which makes them incapable of delivering justice. (El-Tom).

In sum, it seems the universal prescriptive approach, views conflict as irresolvable or unmanageable unless liberal socio-political structures are in place. These writers did not see culture as a limiting factor. They believed that democracy and free market are the only panaceas for all post conflict reconciliation states.

The Hybrid and Dual Model Approach to Conflict

The adherents of this approach constitute a majority. They have written in favor of both a hybrid model of conflict resolution and a dual model of justice, whatever fits

the specific situation. They divided the indigenous model into two broad categories. One function is for the private domain, and the other supervises the rights and jurisdictions connected with communal natural resources.

Private domain vs. Public Domain

Most hybrid and dual systems of Justice are considered a recent phenomenon. They are indicative of how models change through the time. It divided formal and indigenous models into two basic domains. The first domain organizes the individuals' affairs in the community such as marriage, divorce, and infidelity. The second type organizes the public domain dealing with land ownership and primary resources, organizing, and managing the use and sharing of water, forests within and among a population (Roy, 2005, p. 7).

Boege (2012) suggested Hybrid Orders or dual system of justice within most of the traditional communities. His main argument and justification underlying the hybrid model approach is that agents of modernization and globalization cause conflicts in the less developed world, particularly in Africa and Asia. The expansion of capitalism via transnational companies and international banks has brutally disrupted the old order. When introduced, these new corporate entities are inserting new dimensions and creating a new reality as a by-product. The new order requires different sets of standardized rules and regulations to protect their investments from any risky political behavior that does not agree with the ideology that underlies these new laws. For that reason, dual systems or hybrid mechanisms of conflict resolution are the best options to accommodate both the new reality and the local population. One system or part of the system deals with the newly created economic structures, and the other governs the indigenous people's private

web of relationships according to their own traditions. For example, autonomous councils in indigenous people's territories in Northeast India preserve both legislative rights and the privilege to decide customary law cases through the courts. Another example is the semi-autonomous Chittagong Hill Tracts region in Bangladesh, where the natives have a customary law that is highly structured and constitutionally recognized. Yet both these systems also include a formal structure for dealing with major crimes and matters of national or transnational impact.

Restorative Justice European Thinkers

The Restorative Justice European thinkers and the Aboriginal People's advocates, academics such as Professor Howard Zehr and Wanda D. McCaslin, follow similar principles of thought that are favorable toward indigenous and local reconciliation models, such as *Judiyya*. Its principles focus on rebuilding the web of relationships and bringing the disputants into cooperation mode. Both scholars advocate for new models of justice that seek not only to address the legally related issues, but also to pursue the protection of rights.

Dr. Zehr suggests a model of justice that goes beyond those aspects of an issue that are relevant in strictly legal terms. He urges practitioners to look at the underlying web of relationships (Zehr, 2005). Other advocates for Aboriginal approaches, such as Wanda D. McCaslin, who criticize the Eurocentric focus on justice as punishment only, put similar beliefs forward. Dr. Zehr and Ms. McCaslin press for creating space within the mainstream Anglo-American concept of justice for a more restorative type of justice. They call for a transformation in the American justice system and have suggested converting the Anglo-American model from a punitive based system to a holistic, healing

process model. They refer to a process that repairs the damaged personal and communal web of relationships and where addressing victims' needs must take priority. The active involvement of the offender is necessary in order to undo the damage and restore communal harmony.

Dr. Zehr and many like-minded Western academics and practitioners have doubted the effectiveness of the punishment concept when compared to more holistic approaches to justice as healing. The Biblical, Old Testament approach to labeling certain people as sinners or criminals and then punishing them is problematic. This Eurocentric top-down approach does not tolerate human faults. The system justifies a model of social control that uses violence, deterrence, and retribution in order to ensure that certain individuals must suffer from their mistakes (Wanda D. McCaslin, 2005).

From an elective and culturally sensitive perspective, the Western concept of justice cannot fit in all societies, especially in the tribal communities of Africa, as well as in America. Communal living and coexistence among diverse groups is the norm, not individuality. African communities and the Aboriginal people through the entire world, organize and set social life mostly around the needs of the "WE," not the "I." The priority is for the demands of the community, not for individual wants. The Ubuntu philosophy shapes this worldview. It is "*I am because we are.*" In sum, conflict resolution practices need to understand the socio- cultural contexts that give rise to conflicts.

Models Change Over Time

The recognition and acceptance of indigenous models of conflict resolution within the state formal system vary from one African state to the other. Usually, the first type of domain, whereby individual, private relationships are concerned, can be incorporated into

the formal system. However, whenever the indigenous model has jurisdiction over valuable shared resources such as an oil field, mine, forest or water source, the unavoidable result of being taken over by a capitalist model is marginalization or systematic erosion of the indigenous structures. Importantly, the acceptance or exclusion of indigenous models is not transparent; it is predicated on different factors and historical considerations.

Historically, British colonies that inherited the British legacy of Common Law have incorporated indigenous models that govern private relationships into the mainstream legal system. The English law uses existing customs as a source of law. With the growing influence of economic globalization, other factors, such as the size of the population and the level of their dominance, also play key roles in the implementation of indigenous models of justice. Accordingly, some customary laws are codified at the constitutional level and others are not. The higher levels of recognition can be found mostly within a few federal systems where ethnic and tribal communities have partial sovereignty and can administer their own justice.

The highest forms of state recognition of the indigenous model are found in India. For example, the Nagaland and Mizoram States of North-Eastern India have formal state laws alongside indigenous methods of conflict resolution. The indigenous model coexists equally with the State's formal system. However, in India's state, Jharkhand, the indigenous model of justice, is denied. Malaysia recognizes a variety of laws for different populations within the same State. Some laws have incorporated religious practices such as Muslim or Hindu law, and other laws are founded on ethnicity or tribe. In Malaysia,

both Muslims and Hindus are free to employ their own personal model in the private domain, but they are not allowed to do so insofar as it pertains to public resource rights.

Theories and Conceptual Moorings

A variety of guiding theories were considered in the development of this study. Three theories provide the theoretical grounding that is needed to understand and explore the Sudanese indigenous model for conflict resolution: Indigenous Worldviews, Post-Colonial State /Nation State, and Failed State. These all provided an important framework for researching and interpreting this case study. Together they will give as a frame of reference to explore and explain the Judiyya process as system of conflict resolution that could maintain peace among the Darfuri community.

Worldview and Social Construction

According to Hart, (2010), worldviews are cognitive, perceptual, and affective maps that individuals constantly use to make sense of any social situation. They are the way humans seek meaning and decide how they should do things. It is a mental lenses through which we perceive our surrounding world (Olsen, Lodwick, & Dunlap, 1992)

People's worldviews greatly impact how they live their lives and resolve conflicts. In pre-colonial Darfur, the prevalent set of values and preferences grew from the traditions, customs, and practices of Darfuri tribal communities. Most Darfur societies are communal, reliant significantly on social capital to uphold and protect social order and harmony within the Darfuris community. Therefore, in Darfur region the resolution of conflict is customarily reserved as a function for the elders, Sheiks, Imams, and other distinguished and authoritative members of the tribal societies. The processes of dispute resolution are aimed at restoring the tribal harmony and mending torn social ties. This

involves the performance of rituals and offering apologies or compensation to ensure restoration of the status quo before the dispute.

The Judiyya model of conflict resolution is constantly being reinforced by its surrounding culture and Darfuris societies throughout all the community's interactions and co-existence. Thus, worldviews theory is a useful analytic tool lends the researcher the needed lens to better understand the Darfuri system for conflict transformation.

According to Professor Gultung (1990-1996), all these models are typically influenced by the specific culture within which they are performed, like most human endeavors. The accumulated knowledge and experiences of the tribal communities are developed through the daily members interaction cultural perceptions. The Darfuri indigenous model operates within a certain framework that is coherent within tribal community surrounding world. Therefore, the worldviews framework is an appropriate lens to look through and analyze the Judiyya process of righting wrongs and performing rites to repair torn relationships.

The structure of people's culture directs the behaviors of both the individuals and the group. Thus, understanding the way Darfuri's view the world and their tribal community is the key to understanding the Judiyya model for conflict reconciliation. It will help to explain what is generally established as social reality and what is accepted as cultural norm within that tribal community.

The Darfuris' worldview highly focuses on individuals coming together to support and care for one another in the context of their relationship. There is a relational worldview emphasis on the spirit and spirituality (Ibid). This relational framework is carried forward and based on Indigenous communities' collective knowledge.(Maurial,

1999)

So, the worldviews theory is applied in this case study because the Darfuri practices of conflict reconciliation process based on custom deeply rooted on the tribal community culture.

Colonialism and Post-Colonial State Theory

As a matter of fact, the imposition of the British rule on Sudan has greatly transformed the country. The colonialization and imperial process altered the tribal community's social structure in a profound way. The indigenous ways of life, modes of thought, patterns of norms, custom and culture were badly disrupted and forever transformed by the change brought by the British colonizer, specifically the change in the political structure and the legal system.

As a critical theory, Post-Colonial theory applied to this study to explore the changes in culture and values that remain veiled and hidden in the country colonial past. The theory lent the researcher an analytic tool to examine the colonial legacy and its impact on tribal community, specifically the impact of the colonization process on the Judiyya the local model for conflict reconciliation.

In other words, post-colonialism provided the researcher with broader historical context so that to better understand the influences of the colonial legacy on the Sudanese tribal social structure and social institutions, so as to better understand the Judiyya as local model for reconciliation.

Failed State Framework

Many of the current, domestic conflicts and civil wars in Africa, particularly in Sudan, emerged and were carried out in the context of what is called the weak or failed

states. In peace research, the discourse on fragile, failing, and failed states figures as an important explanation of current violent conflict. Thus, in a weak-state, such as Sudan, other players emerge on the stage that are stronger in comparison to the central government, especially when the state is consumed by civil war and the capacity of the state's institutions to deliver key public goods to its citizens has collapsed. "The state loses credibility, and the nature of state itself becomes less relevant. The state loses its legitimacy in the eyes of its people" Rotberg (2004).

The fragile state, failed, and weakened state theories have been used by many scholars during the 2000s, as analytical categories in international relations, especially security and development studies, defining and categorizing countries in which state institutions are unstable, challenged and faded due to internal conflicts or civil wars.

In this regard, Sudan is an inherently weak state. The country is no exception in the Sub-Sahara African region. Since independence in 1956, the country has continually been in crisis. It has been bedeviled by successions of internal wars. The spark of civil war between the South and the North started in 1955 while the political elites were negotiating independent terms with the British. The country has faced internal antagonisms, management scarcities, and tyranny. From the start, the country has been plagued with tribal, linguistic, and religious tensions that became overtly violent, such as the conflict in Darfur. These internal elements, mixed with external, regional factors such as the influence on the region of the war in Chad and Libya, have taken the country on the pathway to a failing state.

Therefore, the researcher used the failed/fragile state theory to understand the context in which the Judiyya model emerged as valid and authentic alternative model for

conflict reconciliation. Failed state theory includes criteria with which to gauge the stability of Sudanese government institutions and their ability to provide justice and conflict resolution mechanisms to the entire population.,

It should be noted that in 2005, some academicians began to explore the conceptual limitations of the framework. Base and Jennings (2005) argued, the classification cannot be divorced from the Western imperial capitalist and colonizers' powers. Somewhat to its credit, it has provided a ground or pretext for intervention to bring to the end regional conflicts and to counter transnational terrorism. Yet, the taxonomy could be easily used to justify and rationalize military or political interferences in the internal affairs of countries such as Iraq, Sudan and Somalia.

Nonetheless, the relevance of this theory lies in its potential for assessing communities' motivation for turning to an Indigenous mechanism that appears more accessible and viable than the formal state institutions that have seen more intimidating succeeded in addressing the needs of all its constituents to resolve conflict.

Measuring State Performance in Sudan

A state's performance is centered on its ability to deliver public goods, which is fundamental to understanding the difference between weak, failed, and collapsed states. Scholars conceptualized states' performance and measured governments' capacity to provide for basic human needs. They ranked them as: strong states, weak states, failing states, and collapsed states. There are key differences between strong states and weak states. According to Rotberg (2004), strong states outdo and exceed weak states in their capacity and will to provide citizens with needed political goods, such as security, food, health care, education, and a legal system. Evaluating states according to particular

criteria can provide more specific indications of their respective strengths and weaknesses.

The Index of State Weakness in the Developing World rated about 141 developing countries according to their relative performance in areas of security, political, economic, and social welfare. The rating scale ranges from 10 (highest in fragility) to 0 point (lowermost in fragility). In overall fragility, Sudan is ranked 6th weakest behind Somalia, Afghanistan, Congo, Iraq, and Burundi (please look at Appendix F).

Another measuring tool for a state's performance used in the context of this study is The Fragile State Index, formerly called the Failed State Index, published by The Fund for Peace and the magazine *Foreign Policy*. The researcher utilized the index to quantify the Sudanese government's performance in providing justice and conflict resolution to the competing and opposing interests of its citizens.

The FSI is a taxonomy that has been suggested by Robert I. Rotberg (2004), and others. The classification revolves around three groups: social indicators, economic indicators, and political indicators. The overall indicators are not essentially different from those mentioned earlier. Yet, its specificity can call attention to contributing factors of fragility, namely conflict and instability in Sudan.

Among the FSI criteria, Sudan's ratings that are most relevant in conflict resolution context are the following: Factionalized Elites: Conflict and competition among local and national leaders; FSI 10 (same as Somalia and Central African Republic) Group Grievance: Tensions and violence among groups within the state; FSI

9.8 (exceeded only by Syria and South Sudan) Security Apparatus: FSI 9.2 (same as the Congo and Central African Republic) (look at Appendix #7).

However, when the state collapses in a communal setting it doesn't necessarily bring chaos or disorder. In the case of Darfur, the state's system of order is only one of many competing systems for maintaining and restoring order. Under such conditions, alternative institutions can be a viable recourse for communities to fill the gap created by the declining ability or willingness of state institutions, to meet that community's needs.

This is especially true in the case of Darfuri's tribal community where the tribal Chiefs, Sultans, and heads of clans have continued to fill the space vacated by the abating and dysfunctional state institutions, incapacitated during the civil war. Sidelined and discredited by a succession of rulers and regimes, Indigenous models for conflict resolution endured. As the state's formal justice system further deteriorated and lost its legitimacy among members of the tribal community, the Judiyya model reemerged as a necessary alternative.

In summary, the three theories mentioned above will help us to understand the research questions and explore the Judiyya as social institution model for justice and conflict transformation among the Darfuris tribal community.

Chapter 3: Research Methodology

Overview of the Methodology and Sources of Data

This chapter provides the research questions and the study design. It contains a description of the methodology the researcher used in conducting qualitative research. Specifically, this qualitative case study aimed to explore the Sudanese indigenous model of conflict reconciliation known as the “Judiyya,” in the South Darfur State, Sudan. The study involves empirical inquiry into the phenomenon within its real-life context using three sources of data collection. (1) Semi-structured one-on-one interviews (total of 25 participants). (2) Researcher observations and (3) archival records and documents review. The chapter also discusses the theoretical foundations and rationale for qualitative case study research, along with a detailed description of the research setting, and procedures for selecting participants. Similarly, it includes the informed consent and permission procedures, followed by thorough description of the data collection procedures, as well as the analysis techniques the researcher applied. The final section of the chapter concludes with a discussion of the credibility and ethical considerations of the research results and findings. The objective of the study was to understand the principles and practices of the Judiyya model of conflict resolution in maintaining peace among tribal communities. To that end, the researcher developed the following interview questions prior to the first interview. to guide this research project.

- I. What are the components/ processes of the Judiyya Model of conflict resolution?
- II. How does the model work?
- III. What are its decision-making processes?
- IV. How has the model changed over time?

V. How does the Judiyya model compare to the national and the International Human Rights Standards?

Interview participants were selected to reflect the conflicting groups (Farmers & Nomadic Shepherds) in the Southern Darfur State. Their responses to key questions provided first-hand accounts and valuable insight about the principles and practices of the Judiyya model for conflict resolution in maintaining peace among Darfurian tribal members and groups. In each interview these questions functioned as a basic script for eliciting descriptions about experience and meaning from each participant's standpoint. The questions were broadly structured at the beginning and became gradually more specific. The questions followed the intent of the research questions (please see interview guide, Appendix A), and the research questions. The researcher used the procedures recommended by Schwartzman and Strauss (1973), creating journals and logs to track observational field notes during the course of data collection. Results from the interview questions were combined with the following sources of data.

The researcher's observation records came from two sources. The first was descriptive notes generated through personal interaction with the interview subjects, recorded simultaneously throughout the interview process. The second body of observation data was obtained when the researcher attended a Judiyya assembly to watch the process in its real context, at the community center in Nyala city. The researcher was able to make notes about the process, such as how it starts and ends, visible indicators about the role of the Ajaweed (elders/mediators), and of others from the community at large. The researcher noted details about how the disputing parties interacted with each other and with the Ajaweed.

Documents and archival materials related to the Judiyya model comprised the third major body of data. The researcher was able arranged to borrow and copy some of the materials from the library of Peace Institution at Nyala University. In addition, the researcher used his personal connection with some tribal Chiefs and Sheiks to gain access to some records, minutes, and outcomes from previous disputes they had successfully mediated or otherwise participated in.

The researcher followed the recommendations of Creswell (2013), for safeguarding the confidentiality and reliability of data, and shielding participants' identity during the process of translating and transcribing the audio information into textual format. The researcher also followed protocol for securely storing information gathered from other sources which include the written field notes from interviews and document reviews, which will be further explained later in this chapter.

The researcher employed a systematic method in analyzing the data. It was a process of identifying, analyzing, and reporting patterns (themes) within the data. This method is widely used, although there is no clear agreement about how researchers should go about doing it (Tuckett, 2005). This flexible method consists of six phased steps suggested by Braun. V & Clark. V (2006) and is compatible with the constructionist paradigm.

Furthermore, the researcher-applied triangulation in this case study, combining multiple sources of data, which were analyzed from more than one standpoint so as to be more confident with the result and to increase the validity and reliability of the research findings (Cohen and Manion, 2000).

Philosophical and Theoretical Framework

The philosophical framework the researcher used in this study is closely affiliated with the social constructivist theory. The approach focuses on meaning and interpretation that people create and share through their interactions. The importance of symbolic interactionism to qualitative inquiry is its distinct emphasis that undergirds interactions as fundamental to understand human behavior (Patton, 2002, p. 113). In a social constructivist paradigm, the goal and objective of study “is to rely as much as possible on the participants’ view and their perception of the phenomena being studied” (Creswell, 2009, p. 9). In the social constructivist theoretical framework, creating and generating meaning are invariably social phenomena and result from “interaction with human community” (Ibid). In other words, reality is constructed through human activities. Members of a society consistently and jointly formulate the properties of the world that they live in (Kukla, 2000). Social constructivists believe that human beings construct their own social realities in relation to one another. Consequently, interviews were used as a primary method of data collection for exploring the participants’ viewpoints and responses concerning the Sudanese indigenous model for conflict resolution, Judiyya. The emphasis was to uncover the “socially constructed meaning of reality as understood by participants in this study” (Creswell, 2009) because the Judiyya is an aspect of this reality.

The rationale for qualitative case study research

The objective and nature of this research required in-depth understanding of the content and context of the Judiyya process and practice. Hence, this research project seemed to fit perfectly with the qualitative case study research tradition. Qualitative case

study as a research strategy involves empirical investigation of a particular phenomenon within real life context using multiple sources of evidence (Robson, 1993, p. 164). The researcher selected qualitative case study because it provides an important advantage and opportunity for a holistic view of the Judiyya reconciliation process. The detailed observations required in the case study method were a way for the researcher to study Judiyya from many different aspects and examine them in relation to each other (Gummesson, 1988).

The contextual nature of the case study is illustrated in Yin's definition of a case study as an empirical inquiry that "investigates a contemporary phenomenon within its real-life context and addresses a situation in which the boundaries between phenomenon and context are not clearly evident." As a qualitative method, case study is similar to grounded theory and ethnography, in that it may draw upon various types of data, including interviews, observation, and documents. Yet, case study can be distinguished from these other qualitative methods by its approach to and use of the data. Unlike grounded theory, which seeks to develop a theory from the data, case study is open to the use of existing theory or conceptual categories that guide the research and help analyze the data. In exploring the Judiyya as social phenomenon, this case study was guided by theoretical frameworks, rather than seeking to develop or discover emerging theories. Like ethnography, the case study method examines a culture or ethnic group; however, the focal point of case study is narrower and more specific- in this instance the Judiyya. And case study seeks to explain and find meaning for the phenomenon, compared to ethnography's purely descriptive, investigative nature. Because case study collects in-depth data, rather than data of a broader scope, it can be done in a shorter time frame.

Because of the researcher's interest and time constraints, this was another advantage. .

The research questions for this study required exploration using the qualitative case study approach, which allows for a rich and thorough description (Yin, 2009, p. 17). This specificity of focus made the case study an especially suitable design for this research project. According to Merriam (2009), case study applies where dense data sources such as interviews, observations, and analysis of documents are collected. The case study uses descriptive analysis to "develop conceptual categories and to challenge theoretical assumptions," a method that the researcher believes is important to fully understand the Sudanese indigenous conflict resolution model (Judiyya). Therefore, this research project employed a case study design, because the method would allow the researcher to utilize multiple sources of evidence from which to explore and understand the process and practices of the Judiyya.

In addition to providing rich description, collecting varied types of data contributed to the reliability of the findings. Triangulation is the technique of using more than one source of data about the phenomenon being studied, such as interviews, observations and archival materials review. The point is to gain a better understanding for the Judiyya model from different perspectives so as to strengthen the validity of the researcher's viewpoints from different aspects. (Creswell, 2007; Meyer, 2001). So the researcher used triangulation and combining different sources of information as a method to validate the research findings and develop a meaningful narrative.

Case Study Selection and Justification

The type and number of the cases to be studied must depend upon the purpose of the research and the role of the researcher. In this study, the researcher was the primary

investigator of data collection and analysis. The aim of this study was exploratory descriptive research to gain in-depth understanding of the role of the Judiyya reconciliation process in bringing about a peaceful resolution. How does it work? What is the Judiyya model's process?

The study was limited to Darfurian communities. For that reason, the researcher chose to explore and examine the Judiyya indigenous model through a bounded case study focused on the phenomenon in its real context (Miles & Huberman, 1994). The study was designed as a single holistic research project (Yin, 2013). The researcher defined the research project as a single case study of the Judiyya Indigenous Model of Conflict Resolution.

Primarily, the researcher chose to explore this specific phenomenon - Judiyya Model for Conflict Resolution - because of personal interest. The researcher had developed a curiosity about the Sudanese tribal communities and their endogenous knowledge, as well as their model for conflict reconciliation.

The Researcher was aware that the Judiyya model practices had been in operation for centuries, providing the tribal communities with an adequate system for dispute resolution, managing grazing lands, and sharing water sources. Yet, very little research had been done about the Judiyya model used by the Darfuris communities. Possibly, few scholars are drawn to an area where illiteracy is widespread and endogenous knowledge is shared through oral and visual communication. Perhaps the political and environmental instability pose a challenge, whatever the reason, these communities have received limited attention from academicians in recent years. Finding more general research about

the indigenous model, the researcher sought to elaborate on available information through further exploration of the Darfuris tribal communities model for conflict resolution.

Therefore, a single instrumental case study would offer the needed insight into the Judiyya process from within its real context and involve the use of different sources of data to facilitate better understanding of the Judiyya conflict reconciliation process that was the phenomenon under investigation.

As a result, the needed thick data collection for this research project involved interviews, observations, and analysis of documents as multiple sources of information rich in context (Creswell, 2007, p.61). The data was analyzed via a holistic analysis of the Judiyya Indigenous Model of Conflict Resolution case (Creswell, 2013).

Defining Parameters for Research

Based on Creswell's recommendation for researchers to identify geographic boundaries for their case study, the researcher chose to conduct the research project in Nyala, the capital of the Southern Darfur State in the western part of Sudan. (Please see the Appendix E). The time-frame for the data and information gathering started immediately after the researcher gained the approval for the study through the Nova University's IRB in July 2016-to- July 2017.

The Judiyya case study incorporated three main sources of information. The first source of the information was the semi-structured interviews. The second was researcher's observations. The third was the documents and archival records review. The findings from interviews, observational notes and documentary analysis were compiled and compared to one another as a way of enriching the findings. As detailed at the end of

this chapter, using three sources of data was in line with triangulation, a methodology to ensure and establish the validity for this proposed research.

Sampling Strategy

Interview Participant Sampling Strategy

Purposive sampling, a method widely used in qualitative research, was applied in this project for selecting whom to interview. Using this technique, also called subjective sampling, the researcher determines which characteristics are relevant for the purpose or “the phenomenon of interest” in the study (Cresswell and Plano Clark 2011).

Aiming to gather the most germane, first-hand information, the researcher decided on the purposive sampling method to select respondents who were knowledgeable and had experience with the Judiyya as reconciliation process. The sampling included only participants who met certain criteria and were representative of the target population (farmer tribes and nomadic herder tribes). Most of the individuals who were invited to participate, enthusiastically accepted the invitation with little or no hesitation. The only exceptions were two officials from the central government who declined our invitation.

The researcher selected a total of 25 individuals from a pool of potential subjects recommended by the gatekeepers. The interviewees had to be at least 18 years of age, the age of adulthood in Sudan. Additional criteria were that they must reside in South Darfur State in Sudan; must have responded to an action as victims or wrongdoers; or must have participated as a member in the Judiyya reconciliation social process. The researcher sought willing participants who were available for enough time to respond to the research questions, were reflective, and were able to speak articulately about their experience (Please look at Appendix A) interviews guide.

The interview information gathered from the following samples of qualified research subjects, five nomadic, five farmers, five federal officials, five local officials and five “Ajaweed” subjects.

Table 1

Interview Information

NUMBER	5	5	5	5	5
STATUS POSITION	nomadic	Farmers	Head of tribe	FED official	LOCAL official

Sampling Strategy for Documents and Archival Materials

The process for sampling documents and archival materials for this study was driven by the following criteria (1) Relevance - The researcher sought only documentary materials that pertained to the Judiyya model process. Thus, the researcher collected and reviewed the Judiyya’s reports, meeting notes, agendas, and past resolution outcomes. (2) Quality of information- It was crucial to gather information that provided detailed and varied information about the Judiyya model and the tribal culture. (3) Completeness: The researcher considered how well the documents and other materials explain or illustrate the subject being investigated. To that end, the researcher was interested in documents that explore the Judiyya process in detail. (3) Confirmability - The researcher looked for full availability of the data upon which the research is based. Putting it differently, any reader should be able to read or examine the data to confirm the interpretation of the findings. With this in mind, the focus was to collect documentary sources that provide readers with adequate information to aid them in making their own interpretation of the findings.

Interview Data Collection and Management

An essential goal of this research was to develop a rich and thick body of data collected from the subjects' perspectives and everyday experiences. The interview segment of the research project included a total of 25 participants, as stated earlier and shown in the above figure # 1.

Both the data collection and analysis took about a year, from July of 2016 to July of 2017. The interview process was guided by the protocol developed earlier. The actual research questions were designed as a way to provide participants a unique opportunity to share their experiences and perspectives about the Judiyya model of conflict resolution. (Please look at Appendix A).

Participant Recruitment and Data Collection

Initially, the researcher contacted the gatekeepers and other individuals in a position to permit access and facilitate setting up interviews (Hatch, 2002). Gatekeepers assisted with identifying key potential participants for face-to-face, individual interviews. Through their help, the researcher was able to successfully reach out to those who might qualify as the needed research subjects. The gatekeepers who facilitated the researcher's entry into the community gave the researcher permission to use their names in this study, which are as follows:

1. Dr. Najla Mohammad Bashir, Nyala University Peace Institution.
2. Dr. Al Noor Osman, Nyala University Peace Institution.
3. Sheik Adam Darma, Tribal leader.
4. Sheik Abo Faris Ahmed, Tribal leader.

After the gatekeepers provided names and referrals for potential respondents, the researcher gained direct contact with key persons within the conflicting trial groups, as well as government officials and civil servants in the State of Southern Darfur. This connection allowed the researcher to identify a purposeful sample of potential respondents who had participated in Judiyya model processes and practices, such as victims, wrongdoers or Ajaweed. Building upon initial contacts, the researcher used the snowball sampling technique to locate additional participants (Creswell, 2003). Many participants were selected to reflect the conflicting groups (Farmers & Nomadic) in the Southern Darfur State. The researcher also included in the sample individuals representing both local and federal official administrators. Before beginning, the researcher verified that all 25 interviewees met the qualifying criteria; please see interview guide, (Appendix A).

In accordance with protocol, the researcher started each interview with the informed consent process, explained the purpose of the study, and made it clear who would benefit from the research. The research also went over each participant's right to stop the interview at any time or to leave if the participant felt the need to do so. No interview began without the participant signing the informed consent.

The interview data was then collected from the pool of qualified interviewees. All the interviews were carried out in face-to-face format, unstructured and very conversational at the beginning, then moving into semi-constructed and more refined questions, with the intention of opening the possibility to generating and eliciting new ideas from the research subjects. In other words, the researcher followed the funnel-like approach as recommended by Strauss and Corbin (1994). Please look at interview

questions (Appendix B). The interviews took between 60 and 90 minutes. All the interviews were digitally recorded and protected

The researcher exercised a great deal of care to protect the data and the confidentiality of the research subjects. The researcher organized the data and securely stored it in multiple safe places, using techniques to protect the data, as will be explained in more detail in the next chapter.

Documents and Archival Materials Review

Despite the challenge of limited documents that directly address the Judiyya model of reconciliation, the researcher got permission to borrow and or collect a varied range of archival data for analysis. Some of these related materials were located at the library of Darfur State University and the Darfur Peace Institution where two of his gate keepers work. The data included a selection of written, visual, digital, and physical materials relevant to the Judiyya conflict reconciliation model in Southern Darfur State in the Sudan (Merriam, 2009, p. 139). The researcher accessed and extensively reviewed records of several outcomes of the Judiyya process. It was useful that the researcher was also able to view reports from police and security force agency investigations pertinent to these tribal disputes. Beginning in 1961 with the conflict between Ma'alia and Rezeigat 1961 through several years up to the dispute between the Mahameed and Ma'alia 2015, the researcher was able to follow patterns and track any changes over years. Other disputes, in chronological order, involved those between Fur and Zaghawa and between Messira and Ma'alia in 2005. Also, reviewed were the agreement between Tejon and Rezigat reached in October 2007 and the Sulah (reconciliation) conference outcome between Trjom and Bany Halba at Nyala in October 2008. Interestingly, the records

included an October 2010 peace agreement between Ma'alia and Rezeigat, two tribes who had participated in the process five decades earlier. In addition, the investigator watched a documentary film that presented the Judiyya system in action and as a social institution.

Moreover, the researcher obtained earlier scholarly research related to the Judiyya model, the phenomenon under investigation. The investigator reviewed Dr. Abo Pharis' (2007), evaluation of Judiyya model and its role in reconciliation in Sudan. Also, the researcher was able to access and analyze Dr. Mustafa, Mohammad Saleh's (1999) study on Tribal Conflict in Darfur (Please see Appendix C).

Table 2

Documents Reviewed

TYPE OF DOCUMENT REVIEWED	PURPOSE OF REVIEWING	TOTAL LENGTH
Reports from the police investigations about Ma'alia & Rezeigat Conflict. Between Fur and Zagawa dispute Minutes & agenda from the South Darfur State' security agency.	How the dispute started; how long it lasted before the security force intervened. The effectiveness of the formal system. The role of federal & local officials	253 pages
Outcomes and agreements from conflicts between Ma'alia & Rezeigat 1961 and 2010. Between Messira & Ma'alia 2005. Between Fur and Zaghawa 2005 and between the Mahameed and Ma'alia 2015	Alteration within the process over time. Change in method? of preservation and format. Differences in language and terminology. Change and adaptation in the Judiyya model	171 pages
Documentary film about the Judiyya produced in cooperation between Sudan TV, & South Darfur State local TV	Presentation of the Judiyya as important social institution for reconciliation & resource management.	81 minutes
<u>Previous studies related to the Judiyya model.</u>		
1- <i>The Role of the Judiyya in Conflict Resolution in Sudan.</i> Author: Dr. Abo Pharis Y. K. (2007).	Shed light on the indigenous system	387 pages
2- <i>Tribal Conflict in Darfur: Its Reasons, Consequences, and Treatment.</i> Author: Dr. Mustafa, Mohammad Saleh (1999)	Historical background about Darfur's tribal disputes	450 pages
TOTAL NUMBER OF PAGES	TOTAL NUMBER OF PAGES	1,261

Artifacts

The accounts of various disputes and their resolution provided an opportunity for tracking development and identifying any changes in the Judiyya's process, practice, or setting. To further carry out the goal of rich data, the researcher sought a variety of materials to augment the information provided by the different types of documents. These materials included artifacts, such as the Ajaweed clothing, devices, and instruments that were used in the Judiyya process and practice. These items were significant as functional and symbolic indicators of participants' vocation and status.

The researcher accessed these related materials through the gatekeepers and his personal connections with tribal leaders. The researcher found these related materials in the possession of some individuals who participated in the Judiyya process. After getting the required permission, the researcher photographed some related physical and cultural objects for evaluation. computer,

Table 3

Archival Materials

CHIEFS & SHIEKS	FARMERS	NOMADIC	STATE OFFICIALS
Tiger leather Shoes Ebony Cane	Jalabia White color	Jalabia ankle length long sleeve	Western style clothing
Robes. Large white turban	Kufi, small turban	Kufi, leather whip	Full business suit
Prayer beads or Sibha	Wooden cane, shoulder knife	Kalashnikov, K 47	Uniform

During the process of reviewing documents and artifacts, review process he researcher used appropriate journaling methods. In addition to photocopying and recording all materials that were collected, the researcher developed a master list of all information gathered. The collected data was digitally stored in computer, whenever

possible, for analytical purposes as field notes, transcriptions, and files into a computer. The computer and other media were backed up on flash drive and securely stored.

Researcher Observation

An important component of researcher observation was the note-taking concurrently with the interviewing process. In addition to recording the actual responses to questions, the researcher paid attention to participant's verbal and non-verbal communication, including gestures and facial expressions. In addition to noting respondents' word choices, the researcher was listening to the tone and pitch range during the conversations, such as: how high and loud, or warm and enthusiastic. As with the Judiyya assembly and other activities, the researcher observed tangible indicators, such as the cane or stick carried by the respondents or their clothing.

Another phase of the researcher's observation and note taking was done during each working session of the Judiyya assembly. The researcher was allowed to observe the Judiyya process unfold first hand in real time and in its natural context. In the role of a non-participating observer, the researcher could see how the process began and ended, the role of the Ajaweed, as well as the relationships between disputing parties, their extended families, and the entire community. Noting these details, as well as the outcome, provided useful insight as will be detailed later. Please refer to tables 1 and 2

Since the researcher is familiar with Darfuri communities' culture and customs, the researcher was able to share and participate in the Darfuris' community activities, such as the Eid ritual and prayers in congregation. Therefore, the researcher had to take the role of an inside observer during this part of the observation process.

All these aspects of the observation process helped the investigator to add another

dimension of information about the Judiyya system to confirm much of the data that was collected from the interviews and documents review.

The two tables below include a representation of what the researcher saw and detected in the observation process. Table # 1, includes what the researcher observed, where the observation took place, and the total time of the observation.

Table # 2, includes the aspect of the observation, what the researcher looked for, both verbal and non-verbal communication between participants, ethnicity and ages, number, hierarchy, social rank, profession, and feelings toward one another.

Table 4

Participant Observation, Location, and Time

What is observed	Location	Total Time
Five Nomadic	Sheik's home	10
Five Farmers	Sheik's home	10
Five Federal official	Offices	10
Five Local Official	Offices	10
Five Ajaweeds	Homes	16
Total Numbers of Hours		68

Table 5

Aspects of the Observation

The nature of observation <u>Appearance</u>	Includes <u>Physical Appearance & clothing</u>	What to look for <u>Membership indicator, status, religion, other details of interest</u>
Verbal and non-verbal communication	Who spoke to whom, language & tone, who initiated interaction	Interaction dynamics, age, ethnicity
Physical behavior & gestures	What people do. Who does what. Who interacts with whom, and who is not interacting	Hierarchy, social rank & profession. Feelings toward one another
Distance and space between people	How close people to each other sit or stand	Where people are positioned in their relationship
Participants' movement	Who is included and who is excluded	Who they are, ethnicity and ages, number
People who are noteworthy	Who is getting attention & who is not	What differentiates them from one another

Data Collection and Management: Interviews, Observations, and Documents

For this instrumental single case study, detailed data was collected from multiple sources (Stake, 1995; Yin, 2009). In this study, the researcher was the principal investigator to collect, record, and analyze the data (Creswell, 2007, p. 38). Interviews, field and participant observations and archival materials were the primary types of data collected. With gatekeepers as contact people, the researcher could successfully access the needed data. The data collection and data analysis started immediately after the researcher obtained IRB approval through the Nova Southeastern University, in July 2016. During the data collection and data analyzing procedure and throughout the research project, the researcher took extra care to protect the data.

Participant Interviews

Yin states, "the interview is the most important source of case study information because the case study is about human affairs or behavioral events." Yin suggests that interviews should be guided conversations, rather than structured queries (Yin, 2009, P 106). Being an insider, the researcher had the benefit of direct personal contact with the individuals who could permit access and help set up interviews. These were gatekeepers who helped to identify key participants according to the qualifying criteria specifically designed for this research project. The gatekeepers' position was instrumental in the researcher's ability to identify a purposeful sample of participants who had participated in or been exposed to the Judiyya model processes and practices.

The interviews were scheduled according to the availability and convenience of all participants and took place in safe, comfortable, and distraction-free locations. To elicit the needed information for this research project, interviews were in a face-to-face

format. Before conducting interviews, informed consent was taken by explaining to each participant the purpose of the study; reviewing the consent form and having each participant sign it. Each interview lasted as long as the participant was willing to talk, but all were between 60 and 90 minutes (Creswell, 2007).

The researcher conducted semi-structured interviews, following the Interview Guide (Please see Appendix A). As Strauss and Corbin (1994) describe, interviews should have a funnel-like approach, moving from general questions to those that are more specific during the course of the interview. Beginning the interview process, the researcher engaged in a conversation, asking open-ended questions related to the general subject of the Judiyya Model of Conflict Resolution in Southern Darfur State. Following the funnel-like approach, each interview was initially less structured, with broad, open-ended questions. After some time, the questions tended to become more refined and specific as the interview proceeded and progressed. The researcher conducted these interviews at either the Mosque, another convenient, neutral, and public place, or at the subjects' homes. All the interviews were conducted mostly in Arabic language; though many subjects, especially the Farmers, preferred and spoke the Darfurian local dialect. Arabic is the researcher's mother tongue, and the researcher is fluent in both Arabic and the local dialect. The researcher began each interview with the ritual of traditional greeting and explanation of the reason for the visit and the purpose of the study. Then the researcher discussed with the interviewee the consent form, and the consent process and why the form needed to be signed. The designed Interview Guide consisted of 13 main questions, in addition to 5 other demographic questions.

In keeping with the qualitative research tradition, the semi-structured interview questions and statements had the purpose of eliciting descriptions rather than seeking to confirm a pre-existing notion. The questions provided a foundation and direction to bring about the participants' experiences and information about the Judiyya Model of Conflict Resolution, and allowed new ideas to develop.

All 25 interviews of this research were audio-recorded, translated into English, and transcribed by the researcher. The researcher made use of field notes to capture comments that hit on emergent themes. The transcribed interviews were the foundation that provided the data for this research.

Observation of Participants

Observation is systematic description of events, behaviors, and artifacts in social settings chosen for study (Marshall & Rossman, 1989). Observation is an essential tool for collecting data about the people, process, and culture in qualitative studies (Kawulich, 2006, p. 1). Based on social constructivist theory, the meaning people give to social phenomena grows out of their interactions, best observed in a natural setting. With this in mind, the researcher wanted to create an opportunity to observe participants' behavior and interactions in context. As a result, the researcher assumed the role of a "participant observer" so that to collect responses and noting details during the semi-structured interviews.

Comments and notes taken from such experiences were not directly incorporated among the two main groups of observation, but served more as a mechanism for better observation and hence, gaining better understanding of the group activities (Kawulich, 2006 p. 7). Religious tradition is an integral part of the worldview and culture out of

which the Judiyya has grown. Since the researcher is familiar with Darfuri communities' culture and customs, the researcher was able to share and participate in the Darfuris' community activities, such as the Eid ritual and prayers aggregation. As an inside observer, the researcher built rapport and gained insight about the context of the Judiyya practice.

The researcher prepared an observational protocol to guide the note-taking process in the field (Please see Appendix C). Participant observation data for this research project was collected from two main sources.

The first type of observation was the researcher's record of what he experienced and learned through his personal interactions with the 25 interview participants. The notes were taken discreetly, simultaneously with interviewees' responses to the research question. Later, within 12 hours after each interview, the observer expanded upon and added more reflection to the field notes.. The researcher paid attention to expressions of the participants' culture, traditions, and norms. As principal investigator, the researcher carefully made objective notes identifying each participant by their name, status, rank, and other relevant characteristics. Because they were important elements of the cultural context, the researcher watched the Ajaweed Mediators' appearance, gestures. and tone, noting who speak first, who was listening and paying attention. Also, recorded were the roles of each participant (Ajaweed) and who they represented. Included in the field notes journal, were notes about the informants' behaviors and activities, ideas, and thoughts. Also among these notes were the researcher's own thoughts and reflections about his informal communications with research's subjects through the interviews. (Merriam, 2009, p 120-121).

The second category of observation field notes was obtained when the researcher accepted an invitation from Nyala University Peace Institute, to attend a Judiyya working assembly at the city Community Center. There is no substitute for seeing the phenomenon under investigation (Judiyya Model) in action. Fortunately, some gatekeepers helped arrange for the researcher to observe firsthand the process and physical setting of the model in its real environment and context. The researcher attended the entire process in four consecutive sessions; each session averaged between three and four hours, totaling almost twelve hours. As culturally proper, the researcher greeted and thanked the participants and gatekeepers, at both the opening and ending of each Judiyya or interview session. The researcher was courteous and respectful to the participants' culture and the processes.

Once the process began, the researcher became a non-speaking observer and could give undivided attention to the participants' conversation, observing who spoke to whom and who was listening. The researcher was watching from the back of the room, absorbedly recording as accurately as possible what was going on, to facilitate better understanding of the participants' activities, as recommended by Kawulich, (2006). The interviewer asked no questions while observing the Judiyya sessions. The function of this method is for the researcher to interpret what has been observed without the active explanation of the participants.

During the Judiyya, the researcher observed how the Ajaweed addressed the victim and talked to the wrongdoer. As part of the observation, the researcher described the design of the Judiyya physical setting, how space was allocated among the stakeholders, i.e. who stood where, and who was close to whom. Details were collected

about routine activities, interactions, and conversations between the victims and wrongdoers, as well as the role of elders, the Ajaweed. Similarly, the researcher observed what the types of symbolic objects and the mediators or the elders used resources. The researcher tried to ascertain what norms and rules structured the Judiyya processes and interactions? How did the process begin and end? How long did the process last? Nonverbal behavior added meaning and texture to the content of participants' conversations. The researcher paid special attention to the decision-making process, as well as the participants' actions and response to the actions

The researcher also noted his own comments, behavior and role as an observer. (Merriam, 2009, p 120-121) Finally, all descriptive and reflective field notes were prepared for later transcription and analysis after each observation had been conducted (Creswell, 2007, p.134).

As has been noted the observation process provided needed background about tribal affiliations and the community in which the research subjects lived. Moreover, the observational process was very helpful to understand the physical, social and cultural contexts.

Data Management

Data management is a critical element of any research process. When done properly, it makes the research process as efficient and organized as possible to meet the required standard for a sound research project. For that reason, the researcher followed the recommendations of Creswell (2013), to ensure the confidentiality and reliability of data. The researcher organized all interviews into electronic files, labeling the audio of each interview, including the subject's profile and biography. Each interview was

categorized according to the participant's name, position, and where the interview took place (Yin 2009) and to protect participants' identity, each label was assigned an identification number. The researcher used headphones in the process of transforming the audio information into textual format. Gathered information also included written field notes from interviews, document reviews and detailed accounts from attentively absorbing what was going on in the field. The researcher compiled all these sources and developed a master list of the database named The Judiyya Case Study Database. This contains categorized information from the three data sources: interviews, participant observation, and document reviewing. Finally, the researcher downloaded the electronic data and saved it in multiple electronic devices, which included an external hard drive and his personal computer, to save and protect the research information.

Data Analysis Techniques

Data-gathering and analysis provide a constructive course of action. It is an ongoing and overlapping process starting from the first interview until all the research questions have been answered. Therefore, for systematic analysis, the researcher followed step-by-step the Braun. V & Clark. V (2006), guidelines.

The initial stage is familiarizing oneself with the collected information, which happened-naturally and easily. The reason for that is the researcher had collected the data through in person face-to-face interviews, participant observation, and document review. These interactive means provided the researcher with a preliminary knowledge of the data and some initial, analytic thoughts.

Next the researcher began labeling the recorded interviews, observation field notes, and relevant archival documents. By translating, transcribing, and labeling all these

materials, the researcher became more immersed in the data, further expanding his familiarity with it.

Before working with spoken information, it was necessary for the researcher to transform each interview from an audio recording into written text format as preparation for conducting thematic analysis. This process of transcription first into Arabic father served as an excellent way for the researcher to familiarize himself with the gathered information. To formulate and prepare the data for analysis, the researcher began with a verbatim account for all verbal utterances. Next, the researcher translated all the data from Arabic into English and transcribed it, making sure that the translated information was kept true to its original nature and meaning. The researcher organized these materials into a primary comprehensive resource package that encompassed all the major gathered information needed for analysis of this case study (Yin. 2008). All the labeled and marked materials were downloaded and stored with extra care in the researcher's computer.

After generating the needed initial analytic thoughts and gaining a general understanding of the scope and context of the data, the researcher proceeded to the second step of data analysis. This involved creation of initial codes for pieces of data. Codes are tags and labels for assigning units of meaning to the descriptive information compiled during the study. Working systematically through every bit of data, the researcher examined it word-by- word and line-by-line for the meaning of the content. The researcher gave full attention to each data element to name any aspects therein that might form the basis of repeated patterns. The researcher manually coded all data, writing notes on the texts during the analyzing process, using highlighters and colored pens for

marking potential patterns. The researcher created a provisional start list of about 45 codes based on the research questions and key variables. The researcher conducted this step by carefully working through the entire transcript of the data engaging in a process of constant comparison. The researcher again read and reread, working back and forth through the data and coding as many potential patterns as the data contained. In sum these activities, of grouping the notes and comments in this case study went beyond descriptive coding, as it was derived from interpretation and reflection on the meaning.

The third stage began after the researcher had initially coded all data. The researcher shifted the focus to broader themes, assembling all the different codes into potential themes, and bringing together all related coded data extracts within identified themes. At this point in the analysis process, the researcher started to have a sense of the significance of emergent themes. As the relationships between particular codes and themes became clear the researcher recognized that some of the themes needed to be combined and joint together, others needed to be refined, or discarded and separated.

The fourth step began with the researcher setting up a list of potential themes before rereading all the data. For this phase of analysis, the researcher engaged in two levels of reviewing and refining the potential themes. The first level happened with the coded data extracts, where the researcher identified earlier categories from clusters of codes. The researcher revisited and verified that all patterns that formulated the codes were coherent and consistent. The second level of refining was to review the themes and make sure all their properties were similar, logically arranged, and truly reflected the meaning evident in the information as a whole. Those two levels of review involved a comparison process, but in relation to the entire set of information. The researcher

described the relationships between the themes addressing certain questions. Why did something occur? How did things relate? What did the data support and what other factors might have contributed? Then the researcher developed a table or matrix to illustrate each relationship between two or more themes.

The fifth step for the researcher was to name and define the themes, by identifying the core of what each theme is about and determining what aspect of the data each theme captures. In other words, the researcher discerns the story that each theme conveys. The process of constructing themes is highly inductive.

The sixth step was for the researcher to tell the complex story of the data. It was the process of interpreting the data, bringing it all together and attaching meaning and significance to the analysis. The researcher used the themes and connections between themes to explain the findings. In this case study there was newly discovered knowledge about the Sudanese indigenous model of conflict resolution, *Judiyya*. What did the researcher learn? What were the major lessons? In the sixth stage the researcher wrote a chapter for results and discussion that interpreted the findings in light of previous studies, theories of conflict resolution and results from other sources of data collection, such as observation and documents. An outline was developed for presenting the results.

Working from this outline, the researcher brought the data to life through a visual display to help communicate the findings, using diagrams with boxes and arrows to show how all the pieces fit together. Creating a graphic model also revealed gaps in the investigation and the connections that remain unclear. Therein were the areas to be suggested for further study (Creswell, 2007, p.148).

Ethical Concerns and Reflection

Ethics is the validation of human actions, particularly as those in which their deeds touch others (Schwandt, 2001). The researcher was mindful of the encounters and responsibilities pertaining to this qualitative case study research. Since this research involved human subjects, the following areas in which ethical issues and responsibilities might arise were identified: informed consent, subject identification, nature of the relationship between academic institutions and confidentiality.

For these reasons, the researcher made every effort possible, before and all through the research, to protect the rights and confidentiality of participants, as well as being sensitive to their cultural norms. The researcher adhered to the principle of research responsibility to ensure that informed consent clarified the purpose of the research. All participation was strictly voluntary and was documented as such before being signed by both the research subjects and the researcher. The researcher took steps during the research to minimize expected risks pertaining to this research, such as the protection of all gathered data, names of the subjects, transcripts, audio recording and other information. The interviewer followed guidelines about roles of the gatekeepers and IRB protocol, as well as concern for the rights of the participants. All these established a channel of communication to develop an honest and trustworthy relationship between the participants and the researcher. Second, the researcher addressed privacy concerns of the participants that might emerge during the data collection, as well as in the years to come after publication.

All the interviews were in accordance with the ethical guidelines of the American Psychological Association (APA) and the Nova Southeastern University Institutional

Review Board (IRB). All consent documents were translated into Arabic and verbally explained before being given to participants.

The researcher informed the participants about risks related to the disclosure of their legal names and other statements that might pose potential risks to the confidentiality. It was necessary to collaborate with the educational institution and the research subjects. The researcher was aware that communication problems might arise during this case study. Therefore, to enhance better communication, the researcher took steps to ensure that both degree granting institutions and the research participants were provided with updates pertaining to changes that might affect the working relationship among these parties (Mauthner, 2002, pp. 83-84). Fourth, since this research involved degree-granting institutions, the participants, and the researcher himself, the issue of ownership pertaining to the dissemination of the research was inevitable.

Validity and Reliability

For achieving credibility and trustworthiness of this case study, the researcher adhered to prescribed data collection techniques and methods. These pertained to how the original sample was selected, how later sampling occurred and what major categories emerged. The researcher examined some of the events, incidents or/and action indicators that pointed to some of these major categories. All these considerations helped measure the credibility and the validity of this proposed grounded theory research.

For the purpose of establishing the validity of the findings, the researcher used triangulation methodology. He collected and compared the results from interviews, observational notes, and documentary analysis to one another. By collecting data from multiple sources the researcher could illuminate meaning by recognizing different

perspectives regarding the Judiyya Model of Conflict Resolution. Yin (2013) identifies three different types of triangulation, one of which is data triangulation that concerns multiple data sources. Theory triangulation brings about and produces different interpretations of the same gathered information. Finally, methodological triangulation allows the use of different analytical approaches. Yin suggested that, a valid and reliable case study employs “data triangulation” wherever ‘various measures of the same phenomenon under study’ verify any assumption the researcher makes about the data (Yin 2013, p. 100). So, the researcher has adopted the multiple data source method of triangulation to optimize the worth of the gathered information and verify the finished result, given the possible challenges to reliability and validity that might be presented. Thus, the researcher chose the multiple sources of verification “interviews, observation and archival reviewing” to examine the worth findings about the Judiyya Model and its practice in South Darfur State in Western Sudan.

Chapter 4: The Findings

Introduction

As discussed in the methodology chapter, the objective of this research was to gain better understanding of the Judiyya model for conflict resolution in Darfur. The research sought to expand limited knowledge through in-depth exploration of the content and context of the Judiyya process and practice. This chapter describes and explains the findings from all the three sources of information. Valuable and direct accounts resulted from the interview questions, eliciting the unique experiences and exposure of twenty-five Judiyya participants from Darfur. Presentation of the face-to face or in person interviews is one of three sources of information. The second part consists of the participant observation field notes and the third part covers the review of archival findings.

The interview participants were selected to reflect the conflicting groups (Farmers and Nomadic) in the Southern Darfur State. Their responses to key questions provided first-hand accounts and valuable insight about the principles and practices of the Judiyya model for conflict resolution in maintaining peace among Darfuri tribes.

For this instrumental single case study, detailed data was collected from multiple sources of information (Stake, 1995 & Yin, 2009). In this study, the researcher was the principal investigator to collect, record, and analyze the data (Creswell, 2007, p. 38). Interviews, participant observation and archival review were the basic tools of data collection. Each source of data presented different viewpoints and responses to the research questions. The use of multiple sources of data was a means of ensuring the validity of the case under investigation. This is a method known as triangulation, which

compares the findings from each source of data to evaluate whether they are concurrent or contradictory.

The following questions were developed to guide this research project with the purpose of examining the Sudanese Indigenous Model for Conflict Resolution and understanding the content, and context of the Judiyya process and practice.

- I. What are the components/ processes of the Judiyya Model of conflict
- II. How does the model work?
- III. What are its decision-making processes?
- IV. How has the model changed overtime?
- V. How does the Judiyya model compare to the national and the International Human Rights Standards?

From these general questions, applied to all the data sources, some concepts came forward as a common thread woven throughout the findings. As themes, they provided insight into the content and context of the Judiyya process and practice. Additionally, they shed light on more opportunities to explore the Judiyya model and its significance to the field of Conflict Analysis and Resolution

Findings from interviews

This class of information was obtained through interviews, then translation. As recommended by Braun (2006), the researcher made sure that the process of translation and transcription kept the content true to its original nature.

The gathered information reflected the experiences and exposure of twenty-five participants from tribal communities in Darfur. Participants were selected to represent the conflicting groups (Farmers & Nomadic), some mediators, and some officials from

Southern Darfur State. The total of the 25 interviewees is represented as follows: 5 nomadic, 5 farmers, 5 federal officials, 5 local officials and 5 Ajaweed.

The face-to-face interviews were conducted in different places. The researcher met the local officials at their offices or homes, while he met the (Sheiks) Ajaweed at their homes. The interview average time was 60-to-90 minutes, but it took more time and diplomacy to interview the chiefs and the Ajaweed due to their hierarchical and symbolic status in the tribal community. There are cultural norms that could neither be bypassed nor cut short to get directly to the business at hand - "The interview." Doing so would not only be considered improper, but would very likely be interpreted as insulting and disrespectful.

The following findings were derived from the rich interview transcripts (see interview guide in appendix 2). The Interview Guide was made up of three parts. The first part consisted of five questions to obtain biographical information that identified the participants. The second part included the main questions that were intended to provide a foundation and direction, bringing forth each participant's experiences, exposure to, and information about the Judiyya Model. These questions were designed in a semi-structured format, in order to obtain the participants' perceptions and interpretation of the Indigenous Model. The final part of each interview was an opportunity for participants to further reflect on the researcher's questions. The interviewer probed the respondents' answers for clarification and elaboration, as well as to evoke new thoughts and idea.

The researcher used words, phrases, and statements from the participants to construct themes and form concepts. The purpose of using the participants' quotes was to establish clarity and richness of the themes in order to present the participants' genuine

voices as much as possible. The researcher's method for discovering themes and concepts can be illustrated by the process that led to identifying "The Role of Religion" as a theme.

Patterns emerged through rereading the data, back and forth and word-by-word, highlighting and coloring the frequently occurring words. These included: Reward, Prize, Forgiveness, Punishment, Quran, Sunnah, Hadith, Brethren, Sulha (reconciliation), Prayer, Allah bound, Deen (religion), Islam, Salam. Such words appeared in almost all the data sources. They were repeatedly expressed in the participants' testimonies, and appeared consistently within the documents and archival record. Most of the Judiyya outcomes and the minutes, particularly the preambles and the closing remarks, typically included aforementioned words or synonymous words. The informants repeatedly and constantly cited the same terms during almost every single interview.

Table 6

Interview Codes

Persistent Word Into Codes	Grouped into categories	Emergent Theme
Islam. Salam. Good Muslim. Devil. Deen	Religion	
Quran. Sunnah. Hadiths Prophet Mohammed		
Forgiveness. Punishment. Division. Togetherness		Belief System
Heaven. Hereafter. Act of Worships. Good deeds. Bad deeds. Destruction	Religious Conviction	Religion Role
Prize. Reward. Prophet's companions	Act of worship	
Brethren. Sulha. Non-believes. Brotherhoods. Believers		
Prayer. Allah bound.	Faith	

The researcher assigned generic codes to these words and terms uttered by the research subjects regularly through the course of the interviews. Next, the researcher tagged and labeled the colored marked codes. He repeated the steps mentioned in the

methodology chapter, and assigned all the colored codes into units of meaning. Next, the researcher looked for similarities and differences within these codes and grouped them into categories following the recommendation of Merriam (2009). These activities are more than descriptive coding; they are derived from interpretation and reflection on their meaning. The construction of categories was a highly inductive process.

Beginning with detailed bits or segments of data, similar data units were clustered bringing some Codes together into categories. The researcher bundled these most frequent Codes into conceptual categories (Charmaz, 2006). The researcher did that through grouping and regrouping concepts through the processes of constant comparison, reading and rereading the data before naming them.. The researcher grouped these generic Codes and derived the theme Religion Role. Under this theme are sub themes such as Belief System, Identity Role and Cultural Role.

The researcher tried to identify concepts and notice properties and their dimensions from the grouped categories. The researcher exposed the meanings within the categories. The researcher looked at the meaning within different dimensions of the properties of developed grouped categories, seeking common denominators to label the emerging concept. In this way, the Religion's Role theme emerged).

The frequent recurrence and repetition of words and phrases from the *Quran*, stories from *Quran* religion and Ajaweed, led to the emergence of the two words as a theme and concept definition during the final analysis in this study. The two words developed from code, widened and assigned to name cluster of categories then developed into two emerged inter-related concepts as the final result of the data analysis, as we will see ahead in the next chapter when discussing the findings.

The researcher began looking for similarities and differences within these codes. so that to group them into categories as Merriam, (2009) recommended (please see coding example). These activities, of grouping the identified codes went beyond descriptive coding. The researcher derived these codes from interpretation and reflection on the meaning. The construction of categories was highly inductive. The primary purpose of the inductive approach is to allow the researcher findings to emerge from frequent, dominant, or significant themes inherent in raw data. iont dimensions from the grouped categories were identified. The researcher exposed the thoughts, ideas, and meanings within the above-mentioned categories. The researcher developed grouped categories into the “elder’s role theme”. This constructed theme is named elders’ role theme, or elders’ role concept.

The Ajaweed model continues to ensure coexistence among different ethnic groups that live in approximately neighboring geographic areas and frequently interacts. The participants consistently referred to their Endogenous Knowledge, customs, and belief system along with the accumulated wisdom of the elders as the genesis and the foundation behind the model’s efficiency and effectiveness. The five Ajaweed interviewees agreed they inherited the knowledge from their ancestors. Participants # 1 through 5 recalled watching the fathers and grandfathers participating actively to bring families and communities together in unity with the purpose of transforming a dispute and reducing tension.

The frequent repetition of words such as Sheiks, Chiefs, Elder, leaders, Imam, Omada (Mayors), Hakeem (wise man) Fakir (religious ascetic) and similar phrases such as, old man, Big brothers, Father figures and our older brothers, compelled the researcher

to assign generic codes to these repetitive words and frequently recurring phrases uttered by the research's subjects.

The Judiyya Model

The participants described the Judiyya model as a system of reconciliation. As standard custom, the system is run and managed by heads of the families, clans, and tribe leaders. The system is used at large in the communal societies and similarly within family, tribes and clans. The model's objective is to restore the torn social fabric, and reinstate harmony. The procedures bring together conflicting parties and their families not only to resolve a particular dispute, but also to remedy underlying causes of the conflict so the parties can be reconciled and put into cooperation mode again.

The participants who responded to this research project are a diverse mixture representative of the Darfuris' tribal communities. Seniority is the common denominator among those outstanding groups of individuals. This class of elderly people identified themselves as Ajaweed (Mediators). Handfuls of them inherited the role as entitlement-- it is a role customarily reserved only to the head of the tribe such as Chief, Sultan. Some others, such as Imams and Sheiks, acquired the role by the virtue of their religious education, good character and reputation. A few had been asked to participate in the Judiyya process for their expertise, or provide technical support when needed.

Those who had customarily inherited the mediator's role claimed that they had been practicing the Judiyya for long time. The role is dictated by tradition, an essential part of the Chief's duties and responsibilities. Bringing unity and carrying on collaboration among tribal members are imperative for the Chief, who is obliged keep the peace and reduce tension by intervening in conflicts.

Unlike the birthright tribal leaders, some of the Ajaweed who were interviewed are not part of hierarchy tribal system. Rather, they are high-ranking bureaucratic officials or civil servants working for the local or central government. They had been included in the reconciliation process as experts, to provide technical support and professional opinions.

As described throughout the participants' accounts, the conflict reconciliation system has been practiced for centuries within the Darfuris communities. They reported that the mechanism is still alive and well, continuing to function at present in the form of mediation, negotiation, facilitation, in order to restore the community web of relationships.

Social capital and its interdependent relationships provide the building blocks for preserving coexistence, harmony, and social order. Among the tools for addressing infractions and restoring community harmony are compensation and apologies from wrongdoers, as well as forgiveness and pardon from victims.

Endogenous knowledge and tribal culture are closely associated with the Judiyya process, as presented throughout participants' accounts. The established norms, customs and tradition, all are part of the local people's identity. The processes described by the participants present a tribal conflict resolution model.

Structure/Components

The Ajaweed are a group of elder males, who are thoroughly selected to mediate disputes, identified individually as joodie, or member of the Judiyya. Their role as tribal authority figures is bestowed upon them by social and cultural values, as well as norms and beliefs that have endured for centuries. The process is understood and accepted by

the parties and the entire tribal community. So, the conflicting parties obey and abide by the decisions made by the Ajaweed.

Most Ajaweed and Judiyya members inherited their leadership position as decreed by cultural and tribal customs. It would be expected that the first male born to a tribal leader would be stepping into his father's role of Chief or Sheik. The patrilineal tradition is typically an African norm and culturally accepted. Therefore, it is no wonder that five of the African current presidents are sons of presidents before them. (1) Uhuru Kenyatta, President of Kenya, is the son of the Founding President, Jomo Kenyatta. (2) The current President of Togo, Faure Essozimna Gnassingbé, assumed office after the death of his father, Gnassingbé Eyadéma in 2005. (3) Ian Khama, the current President of Botswana, is the son of Sir Seretse Khama, the country's first post-independence leader. (4) The current President of Gabon, Ali Bongo Ondimba, is the son of Omar Bongo, who was President from 1967 until his death in 2009.

The senior alpha male often represents the entire family, especially the women, and young adults. He typically speaks on their behalf, mainly in public space where the Judiyya procedures are often held and attended by other stakeholders from the community as spectators.

As indicated by many participants, the Ajaweed are generally the most prominent and esteemed individuals within their respective communities. They are the headmen of the lineages and the oldest males or patriarchs of the families.

Participant 1 described himself as Joodie saying: "I am the first male born to my father. My parents are cousins. My grandfather was the chief, who inherited the chieftom from his uncle. That uncle was (Abter), no males offspring." The participant added:

“Cousinship is a link that bonds all our tribe members. Every single home in our community and each individual knows exactly his place and where he or she stands within that cousinship web of relation”.

Participants 2 and 5 commented further about the hereditary position of Ajaweed. “In our nomadic tribal system the (Al-Nazer and Al-Omda) chiefdom titles are hereditary positions. It is automatically reserved for the first-born male. Women are totally excluded and banned from Chiefdom”. **Participant 5** remarked: “We don’t only inherit the Chiefdom, but also we receive an accumulated wealth of knowledge and experiences that have been passed from father to son.... I have seen both my father and grandfather bringing people together, mediating disputes, organizing the community. I have seen my father unifying the community in the face of disaster and natural catastrophe, I have learned from him how to manage the grazing field fairly among the tribe members when the drought hits, and pasture land becomes scarce.

Participant 25 explained in more detail the characteristics that are required for an individual to become a member of the prestigious Judiyya social institution: “With the exception of the religious leaders and the government appointees to Judiyya sponsored by the government, almost all, or more than 95% of the Ajaweed inherited the position from their ancestors. Even the government appointees are sons and grandsons of Chiefs, Sultans or tribal leaders. The reason for that, the British selectively educated the tribal leaders’ children and trained them as potential ruling class. Therefore, you always find that the high rank of the military, security services and civil servant positions are occupied by the tribal Chiefs’ sons and grandsons.”

Ajaweed are religious leaders, heads of the families, clans and the tribe's chiefs. They are the topmost in the hierarchical tribal order. They are always elderly males, known for their wisdom about the ecology and history of tribal and ethnic communities. They are also the experts about the affinity and lineage of the families. They have the authority and ability to exert pressure and bring individuals, families and tribes together. They use pressure, "reward and shame," proactively to bring families and communities together in unity with the purpose of transforming a dispute and reducing tension.

Ajaweed are highly esteemed because of their seniority and years of experience, which have made communal life possible up to the present. Their role has been critical in resolving conflict, and restoring bonds that are essential for the tribal community to manage and share grazing lands and water sources. Furthermore, the Ajaweed use their supreme authority to bring individuals or groups together and help one another in the face of crisis or natural disaster. Their role as custodians of tribal community uniquely allow the Ajaweed to engage in the process proactively. The esteemed position Ajaweed have in the pyramid tribal order allows them to greatly influence the mediation outcome. Repeatedly, the participants verbalized the importance of this social institution (Judiyya process), which they referred to as third party intervention.

The Model Process

Participants almost unanimously explained how the Judiyya process was working. They described the following specific, overlapped steps.

Pre-Judiyya is a preparatory step of great consequence. The parties jointly select mediators from a pool of leaders who know them best, often from neighboring tribes. This is typical if the disputing parties are of different ethnic groups or tribes, yet live in

the same proximity, interact daily, share the water sources and grazing land. An important criterion for nominating mediators is knowledge of the parties' history: past interactions, affiliations, and ancestry of both the victim, and the wrongdoer. According to the ground rules, the parties often must agree upon the mediator's qualification, credentials and social status, as a preliminary step.

During pre-Judiyya phase, the Ajaweed study the issues at hand, the parties' complaints, grievances and concerns. They look at the conflicting parties' affinity, lineage and previous contact. In preparation, the Ajaweed weigh history and past interaction, the gravity and urgency of the matter, and its ramifications within this community and among others. What are the customs and tribal practices that apply to the specific issue at hand? In sum, the participants described the pre-Judiyya as a multi-dimension assessment process. This phase involves planning how to approach the specific issues, as well as the parties at the specific time.

Participant 4. Explaining pre-Judiyya process, he stated the following: "In our tribal tradition, conflicting parties must agree in advance on whom they allow to intervene and mediate the dispute. Conflicting parties must make sure that Ajaweed (اجاويد) or Aljoodie (الجودي) (the first is plural and the latter is singular) have good standing, and are conversant with the custom and tribal practices. In other words, they authenticate the attributes and characteristics that make the Ajaweed qualified to mediate that specific dispute. Parties at this point are verifying social status, wisdom, reputation and honesty of the Ajaweed or the Aljoodie.

Participant 5. "We choose our Ajaweed from the pool of our tribal and religious leaders. They are a special type of individuals who have proven time and again their

leadership ability, not like others. Particularly at the crisis time, they are always able to organize individuals jointly around common ground and bring them together. They are generous with their time and money. It seems to me what they are doing is their God calling. They are destined to do it. Allah “God” sometimes chose specific people and endowed them with the needed social acceptance and skills to do his work. They have been gifted with the magical touch of bringing individuals together. Patience and listening ability are two of many noble attributes the Ajaweed possess. Fellow tribal members respected Ajaweed and they are considered to be father figures in our community. They are called, Abona Al Sheik, meaning our father the Sheik.”

Participant 13. “I confirm the notion that Judiyya membership is an inherited position, with the exception of the religious leaders. Ajaweed are our tribal leaders and the heads of the families. They watched their fathers and grandfathers bringing the families, clans and tribes together in times when tension arose or when crisis and natural disaster needed to be faced, and the cooperation of every individual was essential for the common good.”

Participant 2. This participant confirmed the notion of the cousinship affiliation telling the researcher “Yes, all our tribe members are blood related, but also we are all Muslims. Islam is strongly tied to us; we are brethren.” The participant cited a verse from Quran: “O, mankind, we have created you from a male and a female; and we have made you into tribes and sub-tribes that you may recognize one another. We adhere to the bond of Allah, together, and do not be divided (Quran Ch. 49:14).”

Participant 3. Credited the population’s deep faith and religious conviction for the success of the Judiyya as a social institution dealing with conflict. The participant

reflecting further on his personal experience as Aljoodie (الجودي) said, “When I participate as a member at Judiyya assembly, I always appeal to parties’ sense of identity and belief. I use Quran and ‘Sunnah,’ the teachings of Prophet Mohammad. I remind the parties of the brethren that tied all of us. We must unite and abide by the Bond of Allah, together, and not be split, extending sympathy, kindness, and forgiveness to those who have done us harm, and move away from greed, egoism, crass materialism, and hurting others. Muslims must work in cooperation with each other. The Qur’an constantly uses the word (Sulha), which means seeking peace and repairing relationship. Bringing and uniting Muslims is an ultimate act of worship.”

Both Participant 4 and Participant 5, confirmed the importance of the population’s belief system and the elders’ accumulated knowledge as they contribute to the success of Judiyya model: **Participant 4** said “I have been doing this almost all my adult life. I have seen my father and grandfather intervening and mediating disputes within our own family and the tribe. They are always appealing to the individual’s pride, sense of humanity and core beliefs, ancestors’ heroism and chivalry. Importantly, I always remind the parties that the Quran constantly uses the word (Sulha) seeking peace, exercising compassion and forgiving others who have done them harm. The reward Allah promised believers is in the hereafter. People need to be reminded that heaven is the ultimate prize for those who forgive others who do them harm.”

Participant 5 elaborated further on reasons for the success of the Judiyya model saying: “Nothing new under the sun. Human nature has barely changed since Adam. Reward and punishment still are the main incentive behind our behavior and conduct. We learned how to prize those who complied, as well as how to punish those who dissented

from the will of the group. In our community, people need each other. Nobody can sustain being isolated and unaided for long; we need each other for surviving. Unity and harmony are the essence of Islam's principles. Joining the majority for the good of the whole is a duty and required condition for an individual to be considered a Muslim."

Phases of the Judiyya Decision-Making Processes

According to the research subjects, the pre-Judiyya stage is the early preliminary steps of the process. it includes the following. Who are the conflicting parties? What are the issues? Selecting the Ajaweed mediators. Where the process will take place.

Most of the time, as is detected by the local custom family dispute stay within family, often the residence of the head of the family is the location where the process take place, due to the sensitive nature of the family's affairs. For other non-family disputes, parties may consider and agree upon location often the Juddiyya is conducted at neutral location. In general the process is not linear or standardized steps, it is mostly overlapped and it may take twist and turns up and down until a mutual agreement is reached.

At a typical Judiyya setting all the elements of the social institution are on display. The conflicting parties, families, witnesses and entire community gather in one space to attend. Nothing is secret or private in the proceeding. The only exception is the private caucusing, when the process requires confidentiality. It is a spectacle.

Most often verses from the Quran and prayer are in the introductory opening. The oral complaint or grievance is presented to the Ajaweed directly either by the victim or on his or her behalf. The process is not quite similar to a court setting. It is a hybrid between a conference meeting and court. Minutes are taken. The Ajaweed permit the

parties to take turns, but the victims always speak first and directly face and address the Ajaweed, not the victim's opponent. Sometimes a family member or tribal leader represents the victim and speaks on his behalf, especially if the emotion is still high and raw. Ajaweed facilitate the process, speaking with parties in private or in the presence of each other. Ajaweed apply pressure and use incentive through the process to bring parties together. The aim is always to reach a mutually satisfactory agreement.

Participant 15. Interview participant 15 explained: "It is a well-known and well rooted custom that most of the domestic disputes must be discussed and resolved within the family. That is where it belongs. It is shameful in our tradition for the family not to keep and solve problems within the family. In our tribal community, one of the holiest duties of the elders is the use of their life experiences as well as their position as leaders to mediate and intervene between family members. For the Sheik (elder) one of his numerous duties is to call on the conflicting parties within the family, host the parties and intervene so as to end the dispute."

Participant 23 gave more details about the Judiyya decision-making process: "After the opening, often prayer and verses from Quran, the victim speaks first. If the victim is a woman or young adult, a family member or tribal leader speaks on his/her behalf. The deliberation and discussion of the complaint takes turns between the victim, wrongdoer and the Ajaweed. Their status as father figures and their topmost position on the tribal pyramid order allow the Ajaweed to employ pressure and exert influences to affect the outcome. Ajaweed apply the traditional approach, which is a mixture of local custom and Islamic teachings, to the family's disputes that include the blood money."

Participant 20. Reflecting on his experience with inter-tribal conflict, this participant explained: “The conflicting parties select the Ajaweed at the early stage. They are often well known Sheiks from neighboring tribes, knowledgeable about the customs and trusted by both parties. Parties choose the mediators (Ajaweed) from a pool of elders who know them best. Familiarity with the lineage and kinship of both groups, history and past interaction is highly important; it can influence the outcome significantly. Past interactions and previous conflicts are perfectly preserved in the tribal collective memory and well documented. Especially, where one of the groups is in a dominant position or sufficiently large and wealthy to be indispensable and not disregarded.”

Participant 6 clearly described the following Judiyya procedures: “By the time the Ajaweed are selected by the parties and come to the opening of procedures, they are already engaged and well informed about the case directly by the parties or by other presenters, such as a father or an elder. They know enough about the history of dispute, the psyches of the parties and, moreover, about the issues at hand. Deliberation procedures immediately follow the opening after the prayer and Quran. Listening to the parties’ stories and hearing the grievances is part of a delicate and sensitive process. The Ajaweed (Mediators) are walking on a tightrope as they allow both parties to vent their anger and defuse the raw emotion. , while preventing hatred from getting out of control and derailing the entire reconciliation process.

Ajaweed guide and prepare both parties through the reconciliation process to reach a mutual agreement, continuing to engage with the parties through the deliberation procedures. They use a wide range of techniques. Ajaweed alternate between facilitating, negotiating, mediating and arbitration. Speaking privately with parties or in the presence

of each other. Ajaweed do so according to their discretion and circumstances surrounding both the conflicting parties, and the specificity of the case.

Generally, Judiyya is a transparent process; everything must be seen and heard in the presence of the disputants, as well as in front of the entire community. The process persists until the parties reach an agreeable solution that satisfies all concerned parties.

The outcome is totally determined by the Ajaweed's experience, knowledge and the pressure they employ on the parties to reach a mutual agreement. A traditional ceremony marks the culmination of the Judiyya (Sulha process) in which the tribes of the victim and the wrongdoer share a meal together. In Judiyya (Sulha), the issues are resolved on such a deep level that the web of the relationships and peaceful coexistence is restored and collaboration is resumed."

How Does the Model Change Through the Years?

Nearly all participants acknowledged that the Judiyya has been changing since colonial times. The changes have penetrated every aspect and affected every level of the process. Some research participants spoke positively about these changes, referring to them as suitable and necessary. They are constructively accepted and infused within the system as natural evolving progress. Yet some other changes are looked upon as controversial and divisive, these are negatively received with resistance. They are considered to be impediments or elements of harm bringing everything but a justice system that serves the local communities.

Politicizing the process is one of the most negatively received changes. The tribal communities rigorously oppose it and most of the participants did not hesitate to voice and express their disapproval. They believed politicization nullified the foundation of the

process, as it automatically cancels out the integrity and objectivity of the Judiyya. More than eighty-five percent of participants voiced both discontent and concern about the involvement of political parties (ruling class,) as well as the government apparatuses (security services,) in the Judiyya process. One of the older interviewees pointed out that the British were the first to use and exploit the Judiyya process for their own benefit.

Participant 9 stated: “The British rulers were the first to use and abuse the tribal and religious leaders. The British created what they called the Native Administration. The colonizers employed some tribal leaders as administrators to represent the rulers at their prospective communities. One of the main job descriptions for the tribal Sheiks was to keep the peace and pacify the dissidents for the benefit of the new rulers. The British set the precedent for the political use and abuse of the Judiyya process to their benefit. Then and since, every central government post-independence did the same. Especially those who adopted Marx and the Nationalist vision and tried to create a national identity. They attempted to do so, by bringing the tribal communities under civic citizenship. The endeavor was not a great success. It failed, first, due to the far distance between the center and countryside. Secondly, due to the complex relationships that exist between the central government and the tribal communities. The nature of fragmented tribal society is multi ethnic and multi linguistic tribal communities.” The participant further elaborated: “We always as tribal communities, are going to have some independence from the government. The people in government cannot provide us with what we need. We are always in survival mode taking care of ourselves. We will keep doing what is needed to stay alive. We will do what we’re supposed to do for our communities.”

Participant 20 had a different perspective based on his own experiences. “I’m a prominent member of a major national political party. My involvement as politician at the national level has never affected the love I have for my people and community or swayed the integrity that is required as a fundamental necessity to be a member of Ajaweed. To the contrary, the political engagement at a higher level benefited me, as well as the community at the local level. It enables me to have a vantage point for looking at the big picture, using my connection directly at these higher places to improve some conditions at the very local level.”

Participant 25 pointed to different kind of changes. He talked about the physical changes that come with modernity, recalling: “We used to sit under trees and tents to discuss and solve our problems. Nowadays we use well-equipped conference rooms, microphones, photocopiers, and cellphones. We have moved to the technological side. At the same time, the disputes we discuss and the issues we deliberate are becoming more serious and complicated. People now use Kalashnikovs, not knives or sticks. Family disputes become more about the money and material possessions. Television has a negative influence on the family. The TV makes people crazier than before.”

”Nowadays we use DNA to identify dead bodies, and bones We seek help from local and national government more than ever. But also we seek assistance and aid from the International and Regional Organizations. The African Union and Arab League - both organizations sponsored the Judiyya model to mediate conflict in Darfur. Both the organizations provided expertise, money and technological support that are not available in communities. Even an individual country such as Qatar paid the blood money owed to conflict victims in order to keep the peace between the conflicting parties.”

Participant 9 added his point of view about the changes that are affecting the process: I am not worried about the changes that are taking place, since the genetics of the Judiyya processes are still the same. The core principles are the same. The restorative and healing inimitability are the same. These are what I call the never changing unique DNA of the model. Nonetheless, lots of changes are taking place that disturb different aspects of the model's structure. It is still a fact that tradition and custom are the main part of communities' identity. Both are profoundly steeped within the tribal social fabric and distinctively form the specificity of our tribal communities. In contrast, the Judiyya processes and procedures are flexible and amenably have been adapting new and better ways to increase effectiveness and efficiency. Ajaweed know how to put together a roadmap and action plan, to execute an outcome. The quality of the Ajaweed level of education and their awareness about the world and the international reality allowed them to bring new skills, new experiences and a new point of view, so as to enrich the Judiyya process."

Participant 10 added :“The Judiyya process of today is not the same as my grandfather's Judiyya process. Today Ajaweed are connecting to the outside world like never before. We can see and watch events around the world in real time. Most of our tribal members these days own a smart-phone. Some of them have connections to the Internet. These changes have transformed and affected people's perspective about themselves and others. Yes, modernity has magically touched everything in very profound ways, but there is still some stuff we hold dearly. It is the stuff that relates to our identity and represents our core values; it will always be relevant to our existence and livelihood.”

Participant 7 confirmed a new phenomenon, saying: “Since the civil war intensified, I have noticed the government is increasingly sponsoring and using the Judiyya process. Especially, among the dominant and large tribes that are present and have influence around the oil fields and the pipelines. The government sponsored Judiyya is a little different in some way, it is almost more like a conference negotiation sitting than a traditional court sitting. It includes ordinary tribal members along with chiefs and leaders. The international sponsored Judiyya sessions, especially those sponsored by the African Union, are more inclusive and more democratic than the traditional Judiyya, which is run exclusively by a hierarchy of patriarchal tribal males. Notably, both government and International sponsored Judiyya are employing what is embedded in the tribal mores tradition and customs. The Judiyya conference types have become the preferred setting used by the government. It is often used in multi-tribal conflicts.”

How the Judiyya relates to the formal system and Human Rights Standards Trust and Skepticism

The responses from interviews revealed that there is a great deal of suspicion and distrust between the tribal communities and the state formal institutions. Most participants voiced a complete lack of trust, they expressed doubt and frustration, not only about the juridical national system, but also about the entire central government apparatuses and the services it provides, especially the services related to the legal and justice system, such as the police and security services. However the Sudanese government ratified and assigned every single treaty that is related to the Human Rights Standards and included into the 2005 Constitution. For instance, provision (31) guarantees Equality before the Law. Other provisions that were added make pledge

protections such as: (33) (Sanctity from Torture), (34) Fair Trial,. and (35). Right to Litigation.

Ironically, the government often violated almost every single basic right guaranteed by Sudan's 2005 Constitution. The regime routinely detained those who opposed the government without due process and proper reason. Torture is the standard practice of the security apparatus, not to mention the exclusion from political participation.

According to the research subjects,, the repression of civil and political rights is a daily routine practiced by security services. They mentioned a crackdown on protesters and abuse of independent civil society and human rights advocates. Government security services and allied militia have also been implicated in the widespread levels of sexual violence, the continued impunity of security for killings students protestors, the arbitrary detainment and kidnapping of political activists; close to two million people have been displaced...etc.

Participant 7 expressed his great frustration when talking about his own personal experience with the juridical system. "Something worse than the judicial system is the police and the security service. They are boldly and without shame asking for bribes. If you do not have a connection or know someone in a higher position working for the government, you are doomed. I remember when my youngest son got arrested for protesting government corruption and the abuse of people with some other students at the University. For many months, we were not able to know his whereabouts. We had to pay someone to locate him, and then pay more to get him out. The police, the judges and the government aim at making money from their profession and serve themselves, not to

provide justice to us. Please go and look at the National Human Rights Mortaring Organization, you will read about the Sudanese government crackdown on protesters, and the abuse of civil society and human rights defenders, the rape and sexual violence. For that reason alone, I am for the International Human Rights Standard. It guarantees equal rights, full political participation and required more transparent process.

Participant 11 talked about the corruption within the government system. “It is all about the money. Justice has become a commodity and up for sale. My older cousin was hit by a car two years ago by one of the oil company tanker. It was not my cousin’s fault. But the oil company people get away with murder, without paying the family the owed blood money. The government and its court system have victimized our family twice. For that reason, no one wants to use a formal system that serves only the powerful and those who have the money to pay.”

Judiyya often is the first option and natural place in resolving a dispute for parties in personal relationship, as such as marriage, divorce, child custody and succession. It most often is resolved within and not outside the family.

Participant 14 described the situation: “In our tribe’s custom, it is disgraceful to allow anyone other than family members to intrude into the private affairs of the family. It is a holy and sanctifying space. It is not for sharing. Traditionally, the core duty of the headmen of the families is to keep the peace among the family members. It is cost-effective and speedy, opposing the state system which is complex and technical procedures that consume time and resource. It is nothing near to what we are accustomed to. The government system is concerned only with guilt and innocence, not the torn web

of relationships. They do not even care about victims or their families. Putting someone in jail is a waste of time and money.”

Participant 24 took a different road, commenting on the International Human Right Standards. “It is not a bad idea for the international community to pressure the central government to adopt human rights standards. The constitution articles sound good and look good in papers. The problem is that the government has no authority, neither existence nor representation, at the tribal community areas. The government uses the law as an oppression and discriminatory tool against its citizens.

The British brought the British Common Laws, they justified the takeover of our land and mining fields on the basis of British laws. The government does the same; they tailored and adopted laws that only serve and protect the ruling class interests ...: Some times the International Community and our local needs are not prioritized appropriately. Democracy and the open market are not bad, but they are not representing an urgency or importance for our local community. Stopping the killing and economically assistance are at the top list of our priority”

Participant 8 explained his own views about the limitations of the nomadic tribal community in adopting a new cultural structures and laws that would fundamentally change the nomadic identity or their livelihood, at least in the near future. The participant further commented, adding a historical example to support his view of the nomadic’ limitation to adapting new structural ideas. “Islamic teachings are not fully adopted by our tribal community even if we are Muslim. We do have our own version of Islam. For instance, take a look at the victim compensation in the Judiyya model. How it has been assessed and measured, and compare it the Sharia Laws. The only common dominator is

the name (Diya دية) compensation for the loss of life. The (Diya دية) is valued and measured per “Camels” prices in Islam, but, the nomadic people in this part of Darfur assessed the Diya against the “Cows” prices. The nomadic lifestyle and the local cultures are deeply influenced by a core Islamic concept of measuring life worth according to the specificity of the location.”

Findings from Observations

The researcher prepared an observational protocol to guide the note taking process from the field (see Table 3). The participant’s observation data for this research project was collected from two main sources. One valuable source of data consisted of details from personal interaction with the research subjects during the interviews, adding context to the actual responses to research questions. Notes were taken discreetly and simultaneously during the interview of 25 participants in personal face-to-face format. The investigator was able to observe the visible signs, such as facial expression and tone of speech, in addition to participant’s choice of words. Soon after each interview was completed, the researcher expanded and added more reflections to the field notes

The second component of the observation notes was obtained with the help of the gatekeeper from (Nyala University Peace Institute) when the researcher accepted an invitation to attend a Judiyya working assembly. This was an incomparable opportunity to observe the phenomenon under investigation (Judiya Model) in person, in real time and natural context. The researcher spent roughly nine hours observing the physical setting of the Judiyya Model in four consecutive sessions, each session averaged between 2-to-2.5 hours.

These opportunities were extremely useful and produced an authentic portrayal of

the phenomenon under investigation. Observing the reconciliation process unfold in real time and in its real context allowed the researcher to gain a better understating of the physical, social, and cultural contexts. The researcher was able to note people's interactions and behavior, what was said verbally, what was not being said, and how people positioned themselves in relation to one another. The researcher was watching from the back of the room, recording as accurately as possible what was going on, The researcher asked no questions during the observation process. For this aspect, the researcher had to interpret what was being observed without the active explanation of the participants. This method was recommended by Kawulich (2006).to gain better understanding of the participants' activities through such an account of events,

In addition to capturing the data during the observation procedure, the researcher translated and transcribed the field notes and securely stored them. Next, the information captured from the participant observation was read and reread iteratively.

Using the reflective approach, researcher identified themes that fit with the context of the observation. With respect to research questions and observation protocol, the researcher jotted downs the following important points from the first type of observational record. They were obtained through the researcher's personal interaction and experiences with the participants during the interview process. Interviewing the Ajaweed (elders) took longer time than anticipated. The community looks up to the Ajaweed with great admiration and respect. They gain their legitimacy from community beliefs, not the state's. Ajaweed always seemed busy and occupied with some tribal administrative issues. In contrast, officials from both the local and federal government were accessible and well organized, eloquently and precisely answering questions within

the expected time frame. Farmers were a more religious, humble, and peaceful group of people. The researcher found them to be extremely generous and welcoming to strangers, so that interviews were easily and smoothly completed. In comparison, the nomadic participants were loud, aggressive, suspicious of others, and always carrying weapons, i.e. a Kalashnikov or AK-47. Interviewing the nomadic participants for this research project was a challenge because it was difficult for strangers to gain their trust. They tended to ask more questions than to give information about themselves. It required more time and effort from the gatekeepers to recruit willing nomadic participants and facilitate needed personal interaction for this case study.

The second source of observation was the records obtained from watching the working assembly of the Judiyya resolution process in action and real time. The Ajaweed were mediating a dispute about cattle that destroyed and totally ruined a neighbor's farm at harvest season. The researcher was unable to observe the first phase, the pre-Judiyya process. This is the preliminary and exploratory procedure that takes place early, before all the parties chose the Ajaweed and agreed to sit down to mediate the dispute. However, the researcher was permitted to observe the next sessions of the Judiyya process.

The researcher observed nine hours of the Judiyya process, beginning on September 19, 2015 at the City Community Center, as part of two days of consecutive sessions. The first day the researcher attended two sessions; each of which averaged about 2-to-2.5 hours of proceedings. On the first day the procedure started about 10 A.M. with a break for Midday (Dhuhr) Prayer. The second session started after the Midday (Dhuhr) Prayer ended afternoon (Asr) Prayer (see Table 3). The researcher jotted down the following field notes during proceeding sessions.

The People

Some characteristics of the process are somewhat different from those of the court in the linear, formal justice system, although they overlap. The absence of women involved in the Judiyya process is remarkable-- a sharp contrast to the official system where female judges exist at all judiciary levels.

The researcher noticed that often verses from *Quran* were cited at the opening of the process. The following verses encouraged the believers to honor one another: “O People, we created you from the same, male and female, and gave you a distinct identity so that you may recognize one another. The best among you in the eyes of God is the 'righteous person.' Indeed, the most honorable of you in the sight of God is the most righteous” (*Quran* Chapter 49, Verse 13.) Another verse was used to promote forgiveness and justice: “Show forgiveness, speak for justice and avoid the ignorant.” (*Quran* Chapter 7, Verse 199.)

Apparently, Judiyya is an exclusively all-male club. Women of all ages are totally excluded from the entire process in that specific public space. No women attended the Judiyya assembly observed by the researcher. However, if the Judiyya’s issue is related to women or family matters, such as divorce or custody, the case according to the tribal custom, must be brought to the Ajaweed’s attention through representation only. Often the oldest or senior alpha male in the family or clan leader will talk on behalf of the women. This type of representation is about family sanctity and the inherently private nature of the family’s relationships. Therefore, public space is not considered suitable for women’s presence, according to the tribal community. This is in contrast with the state formal system where women are allowed to represent themselves without a guardian or

related male advocator to speak on their behalf.

The authority and dominance of the male Ajaweed was unmistakably projected and clearly on display throughout the entire proceeding of the process. The ceremonial cane, clothing, shoes and turban they wore were distinctive in style. Some of their shoes were made from Tiger leather and some of their sticks were beautifully crafted from ebony wood. There was no way even for strangers, to mistake their identity and rank in that hierarchy system. Ajaweed (elders) stood out in relation to the others through distinctive attire and demeanor. It was apparent that they were the most trusted and prominent individuals in that community. They were the center of gravity, around which others revolved. When the Ajaweed spoke, others paid close attention. Their assigned space was equidistant between the victims and wrongdoers. They were listening attentively with great interest to what others were saying and doing. Each gesture, posture or nod was choreographically designed and coordinated through the entire process and signaled meaning, such as ending or opening the session, or getting the parties' involvement or attention.

The local and federal officials were easy to distinguish from the crowd. Some wore uniforms and others wore western clothing. As the bureaucratic elites, they were second in rank, and most of them were the son or grandson of the elders. They offered expertise and technical support when needed. The rest of community was dressed in "Jalabya," the traditional attire. It looks like a white robe, a light, loose-fitting garment that covers most of the individual's body. Often tribal members cover their heads with either a small cap or a turban. Head covering serves to protect the people from the sun and heat, as well as to honor their religious beliefs. Humility and simplicity are the

hallmark of these people.

The Judiyya Process

People gathered at the City Community Center. The place was full. Both disputing parties were accompanied and escorted by their extended families and some of their tribal members. The place was divided into two sides. The farmers occupied the Southern part of the Community Center and the nomadic were seated at the Northern part. Although, the two groups were separated from each other, they interacted with one another. Compared to the clothes worn by the nomadic men, those of the farmers were much cleaner, whiter and better in quality. Through observing the Judiyya assembly, the researcher was able to confirm that Ajaweed enjoy supreme authority over their communities. Seniority and wisdom from accumulated life experiences are valued within the tribal making the Judiyya process effective. It was apparent that they were venerated and well respected by entire communities.

The procedures began with verses from the *Quran* and Islamic teachings. The verses encourage peace, brotherhood relationship and forgiveness (Sulha), at the same time condemning hatred, animosity and conflict. The process is a mixture, an intersection between a negotiation conference and court procedure. Victims were the first to speak, followed by wrongdoers. In order to save face, others were often invited to speak on behalf of both parties, avoiding embarrassment and the eruption of the negative emotion all over again. Conflicting parties took turns with one another in rotation throughout the proceeding. Minutes and notes were recorded. Caucusing was sometimes done in private with confidentiality and sometimes in the presence of the other party as needed. Witnesses spoke on behalf of both the victim and the wrongdoer. Ajaweed had come into

the process with full background knowledge about the issues, parties and circumstances. The procedure ended as begun with recitation of verses from the *Quran*, inspiring forgiveness, galvanizing peace, and nurturing harmony among the community members.

Often the (Mediator) Ajaweed assigned the junior member of the assembly as principle writer to take minutes or notes, as well as to itemize terms of the final agreement. When the government intervenes in a serious conflict, for instance, between two dominant tribes or groups, customarily the Ajweed appoint or asks the state for professional and technical expertise with specifying the final outcomes. One example is the dispute between the Mahameed and Ma'alia in 2015 when the professional lawyer wrote up and itemized the final agreement. In other simple and everyday disputes, the Ajweed ask for volunteer whose handwriting is good and legible to do the job.

Next the consensus-based decision (mutual agreement) was laid down into multiple steps of an action plan and recorded by the designated scribe. It is clearly communicated to the victim as well as the wrongdoer. The Judiyya decision, explained explicitly what would be done to right the wrong, exactly how and when the victim would be compensated for the losses and damage that was done by the wrongdoer.

The above description can be divided into the following three overlapping stages, not including the pre Judiyya phase. The pre Judiyya will be explained later in this chapter, as it was observed in the documentary footage.

In the first phase grievances were presented and negotiation begun. At this point, raw emotion could be vented and defused. Ajaweed were caucusing, moving back and forth between the parties both behind closed doors and in front of the other parties. At this stage of the process, the Ajaweed used implicit and metaphorical language to allow

the parties and their family to save face. Ajaweed pushed hard and employed pressures to sway the wrongdoer to acknowledge that what he did had negatively affected the victim(s), and a remedy was necessary to undo the negative effect. At this point, the wrongdoer might accept responsibility for the action, feel ready to apologize and be willing to take action that would right the wrong. Acknowledging responsibility for the negative action, empathizing with the victim, and establishing good will are core characteristics of the second and third stage. Once the wrongdoer accepted responsibility, repented, and showed intent to remedy the situation, the third stage followed. Another core element of the third stage is asking for forgiveness. The wrongdoer is required to pay a small amount of money and must demonstrate good will and willingness to comply with the process and make amends. Usually, the entire extended family, clan, and tribe members of the wrongdoer collectively help the wrongdoer to pay his obligation. He is required to make a down payment on what will go to the victim to right the wrong. In order to ensure appropriate compensation for the victim, the Ajaweed began to assess the damages and estimate losses. Ajaweed included both parties and their representatives in the negotiation. The researcher surmised that: transparency and clarity are the hallmarks of this stage of the process, in contrast to the previous stage where metaphorical talk is desirable for saving face. The negotiation skill of the Ajaweed played a major role to facilitate and guide the process, create strategies and shape the parties' visions. The entire process is totally influenced by the Ajaweed's past experiences and wisdom.

In this stage the Ajaweed drew upon their repertoire of accumulated wisdom and experiences. They displayed their persuasion skills, using stories from the *Quran*, history,

proverbs or personal knowledge about the history of the parties' and families' ancestors. The researcher noted, that 'apology, repentance and forgiveness are considered key elements that distinguish the Judiyya from the formal system.

Findings from the Documents and Documentary Film

As part of protocol, the researcher obtained the required permission to access and use the relevant materials (see Table 3). Using appropriate journal methods during the document review process, the researcher photocopied and recorded all materials that were collected. The researcher reviewed, more than 879 pages of documents, including government records from police and security services, in addition to watching an 81minute long documentary film.

The researcher collected and reviewed a range of written, visual, digital, and physical materials relevant to the Judiyya conflict resolution model in Southern Darfur State in the Sudan (Merriam, 2009, p. 139). As primary investigator, the researcher personally visited the library of Peace Institution at Nyala University. There the researcher collected and analyzed some of the Judiyya's outcomes. and agreements, such as between the Maaliay and Rezigat tribes in October 2010. Also reviewed were the Sulah (reconciliation) conference outcome between Trjom and Bany Halba at Nyala in October 2008. In addition to selected meeting notes, agendas, etc. related to the Judiyya model. police and security agency reports investigating the tribal disputes, such the aforesaid, provided useful background and context.

Additionally, the researcher reviewed one documentary film, *The Ajaweed*. The documentary, produced in 2007 by the Peace Institution at the University of Nyala in Darfur, presented the Judiyya resolution process

The researcher evaluated and compared these different types of documents in order to track development and identify any changes over time in the Judiyya's process, practice, or setting. The researcher accessed and obtained these related materials through the gatekeepers and his personal connections with tribal leaders. . During the archival review, the researcher directed his focus on finding and reporting how the model has changed through the years. The goal was to discover how modernity and globalization have affected the Judiyya process and procedures.

Review of *The Ajaweed*, a documentary Film

The documentary film was uniquely useful as a way to gain understanding. The footage provided an opportunity for the spectators to view the entire reconciliation process, particularly the pre- Judiyya process. The film described the Judiyya assembling process and portrayed the Ajaweed as a third party intervening to mediate between conflicting parties. They are not a part of the conflict. The film illustrated how both parties and their affiliates must select and agree upon the Ajaweed from a pool of many. Ajaweed are characterized in the documentary as the most prominent individuals in the tribal community. The documentary film confirmed what the participants have said at the interpersonal interviews, and what the researcher had seen and noticed when he interviewed the Ajaweed. They are often well known tribal and religious leaders, heads of families, influential clan members, or wealthy merchants who are donating money and time for the common good. They are the custodians of the tribal communities' values and customs.

A delegation from the victim's family and clan initiated the Judiyya procedure by presenting a complaint on the behalf of the victim. At this point, it was not immediately

clear why a delegation of many individuals was talking on behalf of the victim. The parties agreed in advance to abide by the following ground rules: first, to commit to the entire process, and second, to accept the outcome and the result determined by the Ajaweed. The footage presented the decision-making process as follows. First, the victim directly presents the grievance. Sometime during the proceeding someone other than the victim speaks on his or her behalf, often a relative, clan member or tribal leader. In this particular case, a father claimed that his son was found dead in the territory of the neighboring tribe. The father asked the Sheik of the neighboring tribe (Al bargo) to investigate his son's death. According to tribal custom, all tribe members are collectively responsible for the blood money if a stranger is found dead within the tribe's territory. The victim's father, by asking for investigation, is implicitly "demanding blood money."

Not all steps in the Judiyya process are depicted in the documentary footage. The researcher surmised that the Judiyya process shown in the documentary was not focused on intervening to mediate between parties engaged in a dispute. Instead, the documentary illustrated a feature that sets the Judiyya apart from most formal conflict resolution procedures. *The Ajaweed* film simply shows one party asking another party to acknowledge responsibility and act upon long existing custom by fulfill its obligation.

Technology and Change in Judiyya Process

The Judiyya reconciliation process has benefitted in some ways from the spread of the modern-day technology. The researcher detected and noticed the use and the availability electronic devices, such as cell phones, film, photography, videos, audios, digital recordings, etc. Due to these types of technology the Judiyya process nowadays can be filmed, video and audio tapped, note taking has become shorthanded, more

accurate and precise. The whole process can be transmitted and watched in real time, mostly, in the cases of significant and serious consequences. The final settlement and the outcomes apparently are written and presented often as nearly professional legal documents, using precise wording and terminology with specific meaning.

Ironically, the observer noted that the expertise of a female Doctor (M.D) was sought to offer opinions and provide advice as Medical Examiner. Because women still are not allowed within the public space of the Judiyya assembly, the female expert provided the service through a written statement, not an oral testimony in front of Judiyya assembly

The reviewer noted that every preamble and introduction for Judiyya's minutes, and reports was interspersed with verses from the *Quran* supporting peace. The same can be said about the reports of final decision and the settlement outcome, which are similarly interwoven with messages that the hereafter is the ultimate reward for those who seek forgiveness and genuinely accept their responsibility to make amends. The Ajaweed used proverbs and "tearjerker" stories about war, environmental disasters, and such to illustrate what could result from conflict when rivals have a contentious attitude and won't cooperate with one another for the sake of God and the public good. Notably, the official government reports are in the same way begun with verses from *Quran*. Especially, the police's investigation reports are similar to the Judiyya's agreements

The following are some examples from both *Quran* verses and The Words of The Prophet Muhammad (peace and blessings upon him) that the researcher come across in just about every single document such as minutes, document and agreements signed by conflicting parties. Prophet's Hadith: (1) 'Forgive him who wrongs you; join him who

cuts you off; do good to him who does evil to you, and speak the truth although it be against yourself. (2) That person is nearest to God, who pardons, when he has someone in his power, one who would have injured him. (3) All Muslims are as one person. If one complains of a pain in the head, the whole body complains; and if the eye complains, the whole body complains. (4) All Muslims are like one foundation, some parts strengthening others; in such a way, they must support each other.

The *Quran* Verses: (1) “Seek not mischief in the land, God does not love mischief makers.” *Qur’an*, 28:77 (2) “God commands justice, the doing of good, and liberality to kith and kin, and He forbids all shameful deeds, and injustice and rebellion.” *Qur’an*, 16:90 (3) “You who believe! Enter absolutely into peace (Islam). Do not follow the footsteps of Satan. He is an outright enemy of you.” *Qur’an*, 2:208 (4) “O humankind! We created you from a single pair of a male and female, and made you into nations and tribes, that you may know and deal with each other in kindness (not that you may despise each other). Verily the most honored of you in the sight of God (is he who is) the most righteous of you, and God is Knower, Aware.” *Qur’an*, 49:13 (5) “Do not say to one who offers you peace, ‘You are not a believer,’ seeking the spoils of this life. For God has abundant treasure. You used to be like them, after all, and then God blessed you.”

Emergent Themes

The following developed concepts and themes are arranged to reflect specified order of importance, but they do not reflect any hierarchical rank structure of the data. The themes and the themes are presented without interpretation in this chapter. In Chapter 5, the researcher presents an explanation for all the emergent themes that may answer the “Relevancy and Applicability of the Judiyya model in Restoring Peace Within

the Ethnic Tribal Communities of the Sudan”.

The following six emergent themes and concepts grew out of the findings of this case study.:

- I. Belief Systems (Religion Role)
- II. Hierarchical system (Elderly Role)
- III. Trust Role
- IV. Legitimacy
- V. Effectiveness and Accessibility

All the themes and concepts were presented in a propositional statement and verified with descriptions drawn from the information gathered, incorporating quotations and passages from interviews, observation notes, and archival reviewing, as mentioned in chapter three. Each concept and theme that emerged from the data collection was logically coherent with the focus and the drive of this study: to explore The Judiyya Model for Conflict Resolution. The purpose of this case study was to explore the relevancy and applicability of the Judiyya model in restoring peace within the ethnic tribal communities of the Sudan.

Summary of the Chapter

This chapter presented the findings for the single case study as defined earlier in chapter three as “The Judiyya Indigenous Model of Conflict Resolution.” It examined the Sudanese Indigenous Model for Conflict Resolution to understand the content and the context of the model’s process and practice.

The implementation of a constructivist qualitative case study strategy, data collection and analysis procedures generated a total of five emergent concepts, “themes”

that represent the outcomes of this research. In the next chapter, the five emergent concepts will be interpreted in relation to the research questions that sought to examine the Judiyya model through an emic perspective. Furthermore, Chapter 5 will draw upon interpretation of the findings to make recommendations for future research.

Chapter 5: Discussions, Conclusions, and Recommendations

Introduction

This chapter is the interpretation of the Judiyya Case Study. Multiple theories provide a framework to guide analysis and discussion and to facilitate a better understanding and explanation of the Judiyya Indigenous Conflict Resolution case and its reconciliation process (see Chapter 2).

The drive behind this research was to explore and investigate the native/indigenous means of conflict reconciliation in Sudan, to understand the Judiyya, its content, context, principles and practice in the maintenance of peace among Darfuris tribal communities in South Darfur State

This case study extracted the experiences and perceptions of 25 research subject participants through interpersonal and face-to-face interviews, archival records and other pertinent documents, along with researcher observations that included a documentary film (See Chapter 3).

Emergent Themes

Five themes emerged from the data analysis and interpretation, Religion (belief system), Elders (hierarchal system), Trust, Effectiveness, and Legitimacy. Together they reveal the Judiyya Indigenous Conflict Resolution Model as a dynamic, restorative structure of justice deeply ingrained in Darfuri communities' culture. Each concept and theme that emerged from the data collection was logically coherent with the focus and the drive of this study: to explore The Judiyya Model for Conflict Resolution, as will be detailed later. At the end of Chapter 5, strengths and challenges of the model are presented and outlined. Furthermore, recommendations for future research are made.

The study's five themes grew out of three sources of information. The first source, an emic perspective, was elicited by the researcher from individual members of specific Darfuri groups who were encouraged to share their knowledge, experiences, and perceptions about the Judiyya reconciliation process. They were engaged through face-to-face interviews at the Nyala Darfur research site. A total of 25 participants were selected to reflect the composition of the Ajaweed model as follows: 5 nomads, 5 farmers, 5 federal officials, 5 local officials and 5 tribal chiefs.

The second source was the researcher's observations. The researcher was able to observe and take notes about the participants, their behaviors, social norms and customs, artifacts and displays of participants' status. Much of this information was gathered when the researcher attended four consecutive sessions of a Judiyya working assembly at the research field site. The one on one interviews offered another opportunity to observe non-verbal details that added texture to the respondents' answers to the interview questions.

The third source of data was information derived from records and documents. The researcher collected and reviewed the Judiyya's reports, meeting notes, agendas, and outcomes. In addition, the researcher viewed *The Ajaweed*, a documentary that presented the process of the Judiyya model (please see Chapter 3).

First, it should be mentioned that the study's five themes relate to each other in a logical, coherent manner. The first theme, Belief System or Religion, is fundamentally central in its relation to the other themes. Its absence would counteract and cancel out their development. The order in which the other four themes are listed, Legitimacy, Trust, Effectiveness, and Elders, does not reflect any specific ranking of importance or

hierarchical rank in the structure of the data. Moreover, in practice, they may or may not occur synchronously.

Theme 1: Belief Systems

The belief system or the religion emerged as a theme early in the analysis phase of this research because of participants' frequent comments referring to their religion or belief system. From analyzing the aggregate results of participant responses, it became evident that the religion/belief system theme was interconnected to the other emergent themes. Participant answers overwhelmingly emphasized that the Judiyyia as a social institution encourages individuals and communities alike to organize and seek peace when tension arises because it is perceived to have authentic, deeply built foundations. The tribal communities' frame of reference is profoundly shaped by their common faith and religious conviction that all its members are duty-bound to help maintain peace. Unlike many formal mechanisms of justice, the obligation to contribute to restoring peace falls not only on the wrongdoer and the victim; rather it is a collective and communally shared endeavor. On the shoulders of the wrongdoer falls the burden of his or her own action and the obligation to ask for forgiveness. It is the victim's duty to accept the outcome, although the victim retains the option to receive full compensation or to grant total pardon to the wrongdoer. An important part of the belief system is that the entire community is responsible for facilitating the reconciliation process and ensuring that restorative measures are carried out. Helping both parties transform the dispute and restore the web of the relationships is not only practical for the good of the community, it is considered an act of worship, a duty that must be done by the believers of Allah.

To interpret religion's role and its appeal to conflicting parties, I will turn to worldview theory that religion is the root factor that shapes the individual's frame of reference and culture. As Professor Galtung (1990-1996) stated, all human endeavors are influenced by the culture within which they are performed. People see the world and make sense of or perceive their surroundings through mental lenses. In other words, this lens is the cognitive, perceptual map that indigenous communities constantly use to make sense of social situations. Simply put, it is the conceptualizing mechanism for experiencing the world. As described by the Ajaweed, religion is the frame of reference that occupies the space between negative social actions committed by individuals or communities and the larger society's reaction to them. If harm is being done, the preferred, religiously desired response is forgiveness, extending kindness even to those who harm us. As Hart (2010) pointed out, the emphasis of indigenous worldviews is on the spirit and spirituality. Such worldviews are highly focused on individuals coming together to support and care for one another in the context of their relationship. Volker (2011) claims that another central characteristic of indigenous worldviews is that they are holistic because they embrace multiple dimensions: economic, social and spiritual. Based on Volker's theory, spirituality is the fundamental characteristic that uniquely endows the model with its needed effectiveness and relevance. Individuals are predisposed to forgive one another, pardon each other and spread kindness when they share a deep spiritual connection.

Through the archival and document review phase of analysis, the researcher analyzed the written minutes from several Judiyya meetings, as well as written agreements on final outcomes. Most of these documents indicated the significance of

religion. Verses from *Quran* were carefully chosen to sway the conflicting parties toward peacefully ending the dispute through a mutually acceptable agreement. During the archival review process, the researcher verified the pervasiveness of *Quran* citations in every preamble of the Judiyya minutes' descriptions of outcomes, and in their postscripts, too. *Quran* verses reinforcing peace and encouraging forgiveness were especially prominent.

During the observation analysis phase, the researcher again noted the implications of the belief system. Within the Judiyya process, the researcher could detect the strong influence of Islamic teachings and the *Quran*. The researcher observed that the Ajaweed procedure started and ended with a prayer. An illustration of the weight of this influence occurred during an awkward moment of the procedure, when one of the disputing parties mispronounced a word from *Quran*. The individual was reprimanded forcefully and shamed for not correctly pronouncing the *Quran* verse.

The findings related to the first theme, Religion, provided a response to the research questions posed by this study. They indicate that the Judiyya process is fundamentally dependent on the constituents' belief system.

Theme 2 The Elders' Role and the Hierarchical System

Through the participants' replies, researcher's observations and document review, it became clear that elders play a key role in transforming conflict, constructing strategies and shaping the local ideas about peaceful reconciliation. vision.

Most rural communities are still organized according to families, clans, tribes and ethnic groups. Furthermore, individuals' status within the community is divided along gender and age lines. Everyone is dependent on lineage for socialization. The elders are

always the alpha males. They are heads of the families and chiefs of the clans or tribes. Thus, the initial dispute resolver is the headman of the lineage or the oldest male or patriarch of each family. In addition, religious leaders are considered to have wisdom and, therefore, are granted the status of elders. The elder institution has remained resilient and continues to exist outside the spheres of state influence (Kariuki).

Elders are associated with the culture, norms, and the beliefs of the tribal communities. They hold a position of authority, such as chieftainship, Sultan or Sheik. They gain their legitimacy from the communal values of the group instead of the state. These leading alpha males play a judicial role by returning conflicting and damaged parties and their kin to normal civility for the larger benefit of the community. Ajaweed “elders” are assumed to have the accumulated wisdom, knowledge and respect necessary for this role.

One of the participants made the following statement; “We choose our Ajaweed from the pool of our tribal and religious leaders. They are a special type of individuals who have proven time and again their leadership ability, not like others. It seems to me what they are doing is their God-calling. They are destined to do it. Allah sometimes chose specific people and endowed them with the needed social acceptance and skills to do his work. They have been gifted with the magical touch of bringing individuals together.”

During participant observation and review of documentary film, *The Ajaweed*, the researcher could recognize the authority of the elders. Elders stood out in relation to the others through distinctive attire and demeanor. Their appearance and demeanor unmistakably projected and displayed their authority. The ceremonial cane, clothing,

shoes and turban they wore were visually distinct and striking. Some of their shoes were made from tiger leather and some of their canes were beautifully crafted from ebony wood. It was apparent that they were the most trusted and prominent individuals in that community. They were the center of gravity around which others rotated and deferred. When the Ajaweed spoke, others paid close attention. Their assigned space was in a physical position equidistant between the disputing parties. They listened attentively and with great interest to what others were saying and doing. Each gesture, posture or nod was choreographically designed and coordinated through the entire process to signal meaning to the parties, to open or end the session, to get the parties' involvement or attention.

The significance of age and seniority was illustrated by the Ajaweed seating positions. The lead Joodie is most often the oldest member of the Judiyya assembly. He always sits in the middle, heading the procedure and surrounded by the other elders members of Judiyya. He is the one who opens the session and ends it.

Another example of the importance of Ajaweed seniority is mirrored in almost every Judiyya outcome document. The researcher noted that the order of Ajaweed signatures on outcome documents is often determined by seniority and the age of each Joodie. They are not randomly signed.

To interpret elders' roles in Judiyya process, the researcher turned again to worldview framework. As Professor Gultung (1990-1996), explained, all human endeavors are influenced by the culture within which they perform. Since the cultures we live in create the reality we perceive around us, members of tribal communities are social actors governed and contained by a social reality to function and stay within that specific

society. The simple fact remains that, with few exception tribal communities in Africa tend to be both hierarchical and patriarchal, controlled by oldest males organized by families, clans or tribes, and that, due to their accumulated wisdom and life experiences, they are empowered to resolve disputes. By the definition of indigenous worldview theory, elders operate in the context of their relationship within the tribal community, that is, within the Judiyya process to hold communities and community members together so they support and care for one another.

When Egyptian and British colonizers established and structured the newly formed nation state of Sudan, they disrupted the existing social order. As a nation among nations, it became disconnected from the histories, traditions and social structures within its new geographic boundaries. However, the replication of the European model was not greatly successful, due to the constraining specificities of the postcolonial era. Particularly, this resulted from its general, internal economic disarticulation, and its mono-cultural approach (Akude, 2007). So it was not surprising that when the civil war escalated, the state's formal institutions and infrastructures collapsed, at that point the state became irrelevant to its citizens' lives; the tribal communities became more self-sufficient and relied once more on indigenous knowledge to provide for its members.

Theme 3 The Trust Role

Participants clearly professed mistrust not only about the national juridical system, but also the entire central government apparatus and the services it provides. Participants' responses disclosed a great deal of skepticism and grievances about discrimination. Participants acknowledged that mistrust exists between tribal communities and the central government. These attitudes were fostered by and have

accumulated since the colonial era, from independence and up to the present, but they crystallized while the civil war was rapidly escalating, and tensions were high.

Long before the colonial era, individuals adhered to their tribal identity. Within their tribes, relationships are vertically structured with the families at the base. Next in the hierarchy are the clans, made up of clusters of families. At the top is the tribe, largely formed from clusters of clans. The whole entity is collectively managed through representation. Heads of families and the elders of the clan jointly run the tribe as a larger social unit; all members are blood-related, within a cousinship web of relation. It is a patriarchal, as well as hierarchical form of social model for organizing individuals and managing their affairs and shared interests.

Participants expressed dissatisfaction with the reliability of the governmental apparatus for providing justice or ending disputes. They voiced their belief that the corrupted national system serves only the highest bidder. Because it has become so expensive and politicized, participants were convinced that it helps only those who have both the necessary money and connections.

Participants' frustration and discontent with central government are not new. It was Egyptian and British colonizers who established the formal governance and judicial structures of Sudan. They originally set up the northern elites as favored, advantaged citizens, setting a pattern of favoritism that has continued to the present. Those chosen inherited the colonists' practices, structures, ethos and invariably, their interests. They perpetuated the same colonialist practices of subjugating and abusing the people at the peripheries of society. Interview participants expressed that such types of government marginalized them, and that they are still discriminated against. This was particularly so

in the Western part of the country, Darfur. Following Sudan's independence, the history of favoritism and elite bias continued, triggering violent conflict between politically and socially marginalized populations and the ruling elite in Khartoum.

Participants' skepticism and mistrust of the national system have grown more widespread as the state lost its credibility and became less relevant for its citizens living in the countryside. This was especially true when the civil war in Darfur intensified. According to Robert I. Rotberg's account (2004), the internal civil war in Darfur consumed the government and eroded the state's capacity to deliver vital public goods to its citizens, particularly in its ability to provide peace and to administer the justice system fairly. Participant's impressions are reinforced by the annual *Fragile States Report* prepared by the Fund for Peace and published by *Foreign Policy Magazine*, which reported that Sudan is a failed state, ranking fourth behind Somalia, South Sudan and Central African Republic (FSI, 2016).

The findings related to the role of Trust provided a response to the research questions posed by this study: the findings pertaining to participants' lack of trust in the formal judicial system suggested that the central government had lost its legitimacy and moral authority. Disrupted and weakened by internal violence, the central government has been rendered incapable of delivering key public services to its citizens; the state has collapsed. Participants reported that some of its citizens ignore state institutions and bypass them in favor of the indigenous model, which they consider a more trustworthy system.

Theme 4 Effectiveness

The combined results of participants' responses underscored basic reasons the indigenous model is effective for them, including its accessibility and familiarity. They alleged a fundamental defect associated with the national juridical system. They claim the national system, by its nature is discriminatory, biased and unfair. The participants described a deep level of corruption surrounding not only the juridical procedures, but also the entire formal legal system. This extends to police and judges, as well as security services and the rehabilitation system. Some participants who had to deal with the police, frequently referred to them as pigs to describe their appetite for bribes and lack of professionalism. The court system and its prolonged procedures have increasingly become too costly and geographically distant from the community. Moreover, participants referred to the court as "the auction," where they claim all verdicts are up for sale. They reported that the highest bidder often is the winner. Crimes related to the security of the regime were considered by many participants to be the worst part of the system they had to deal with. They reported that torture is standard procedure. Detaining and imprisoning individuals for no apparent reason is normal practice by both the police and the security services. These measures increased after the civil war intensified and divided people along tribal lines. Participants claimed that judges were known to discriminate against particular tribal members because of their tribal affiliation. These judges lacked professionalism, as well as objectivity, applying the laws favoring one over the other at the whim of their personal discretion.

During the analysis phase, two fundamental characteristics associated with the indigenous model emerged through researcher's observation of participants and review of

printed and video accounts of the Judiyya setting. The predictability and accessibility are both intrinsic to the model. Participants know that Judiyya is free of charge. The elders and religious leaders of communities believed that bringing individuals together to engage in Judiyya process is an act of worship. In contrast to their limited understanding and skepticism about the formal system, the conflicting parties in the Judiyya are evidently familiar with the traditions and custom of the process that will be applied. It is customary that the parties have agreed in advance to work with the mediators, who are mostly elders with a sound reputation. Parties already know how the damage will be assessed and measured. They could apparently anticipate the answers to the following questions. Who is going to pay? How is he going to pay? Who will guarantee the payment? In their eyes, these characteristics enable the indigenous model to gain an advantage as well as acceptance that the formal system lacks.

As corroborated through observations and document review, the availability and convenience of the model, in addition to its predictability, contributed to its effectiveness. These factors allowed the tribal communities' leaders to instinctively take on the responsibility for healing the community and restoring the web of the relationships. The findings provided a response to the research questions posed by this study, the effectiveness of the Judiyya judicial model because of its accessibility and reliability. In comparison, the formal system is deeply corrupted, used as a tool of subjugation and discrimination.

Theme 5 Legitimacy and authenticity

Participants' overall responses clearly reflected a loss of faith not only about the juridical national system, but also about the International Human Rights Standard.

Cynicism and suspicion have been mounting since the creation of the formal state and continue up to the present. Participants consistently expressed their belief that the Judiyya model is an endogenous, inherited process that brings individuals together and restores order when disputes and tensions arise. It is an accumulated body of knowledge and wisdom accumulated through centuries of experience, and passed from one generation to another. Closely tied to Islamic tradition, legitimacy is further reinforced by the hereditary position of Ajaweed. Participants accepted the inherited authority of the elders as Ajaweed. Participant 1 made it known to the researcher that he inherited his role as Jodeey in the Judiyya process., “I am the first male born to my father. My parents are cousins. My grandfather was the chief, who inherited the chieftdom from his uncle.”

Interview participants identified various cultural and historical reasons they believed the formal system had not gained acceptance as legitimate at the country’s periphery and among tribal communities far from urban areas. Participant 14 described one of the challenges to expanding the jurisdiction and legitimacy of the formal system beyond the urban areas. “In our tribe’s custom it is disgraceful to allow anyone other than family members to intrude into the private affairs of the family. It is a holy space and sanctifying affair. It is not for sharing.”

Participants viewed the genesis of the state’s formal system in British Common Law as another barrier, it is perceived by the indigenous as Christian Law or at least founded on Christian principles. The formal system has been imposed by force, thereby sidelining the indigenous model. Participant comments described many aspects of the new structure they thought favored the Northern people (elites) and discriminated against the other non-northern people.

Participants frequently expressed suspicion about the motives behind the formal system. For example, they did not understand why the government keeps the court fees and fines that are charged to the wrongdoer, rather than giving them as compensation to remedy the damage done to the victim. Some participants believed the cost of the government system is very pricey so that fewer people can afford it.

During the analysis phase, the researcher listened to the following comments made by two of the Ajaweed at an onsite observation. The first Joodie stated, “The government’s entire criminal justice system is forbidden (Haram).” What he meant was that it is not morally or religiously admissible for a tribal member to engage or participate in the secular process if that tribal member can possibly avoid it. The comment of the other Judiyya member was somewhat less extreme and more pragmatically oriented. He was overheard telling one of the conflicting parties: “If you had gone to formal court, the Northern judge would have charged you fees and sent your opponent to the jail, without paying you the compensation well you deserved. The government system rips off all of your compensation money.”

The legitimacy and the authenticity theme can be interpreted through the worldview theory. The findings revealed precepts of the Judiyya model that are socially constructed. As professor Gultung (1990-1996) suggested, it is based on how the entire community constructs the meaning of justice from their social experiences and social interactions. In this case, when the civil war intensified at Darfur and the formal system infrastructures deteriorated, they became less relevant to the people’s lives. So, the local people fell back into the seemingly more relevant culture within which they were accustomed to performing. As before, the community relied on knowledge from within

(endogenous) to manage the web of their relation when tension arose. The tribal people simply used their mental lenses, through which they perceived the surrounding world.

When colonial powers arbitrarily imposed territorial units defined as the Sudan state, they mostly based their consideration on the location of natural and raw material resources, driven by an economic logic (Nordiska Afrikainstitutet, 1996). Defining particular borders paid more attention only to the size and economic potential of land, totally ignoring social structures, identities and culture. The colonizers drew up new state boundaries with a little or no concern for the indigenous people's history, culture, or tradition.

Emerging Judiyya Model

This case study develops a theoretical model for understanding the Sudanese indigenous system for conflict reconciliation. The model shown here (see figure 1) depicts themes derived from the findings..

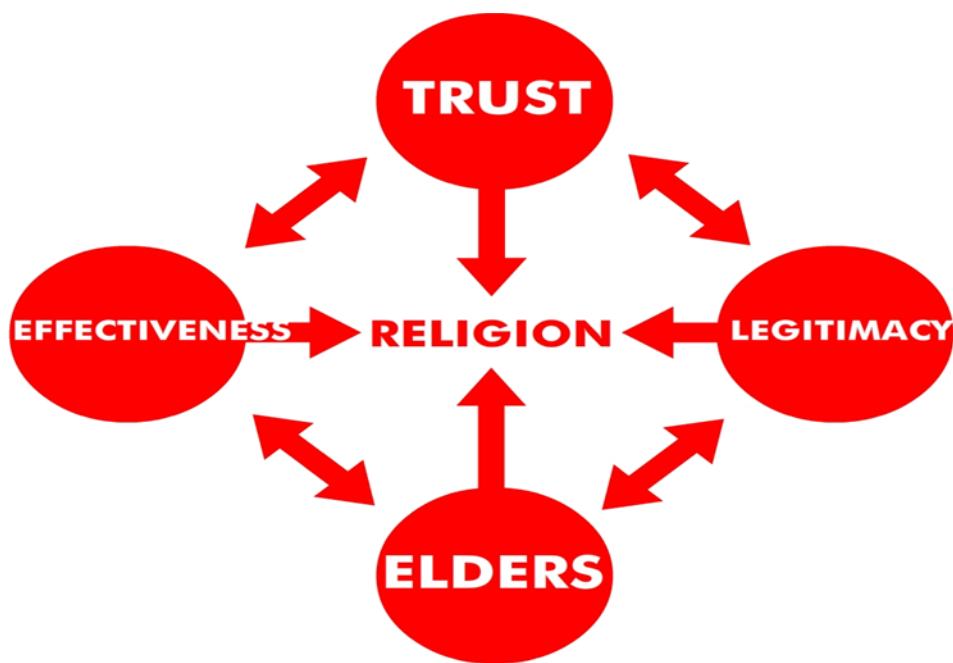


Figure 1. Graphic Representation of the Judiyya Model

According to the model illustrated above, the themes of Legitimacy, Effectiveness, Trust and Elders (hierarchy system) all spring directly from the base core theme of the belief system, an indigenous way of conceptualizing and experiencing the surrounding world with an emphasis on the spirit and spirituality. The people have borrowed from religion the three fundamental tenets that are employed when the community seeks to transform and address conflict, sympathy, kindness and forgiveness. These three specific tenets are in contrast with the primary objectives of Western model, which tends to focus more on punishing the wrongdoer, rather than healing the web of the relationships that have been ripped and torn apart because of the dispute. Additionally, participants in the Judiyya process voluntarily agree to accept the outcome. The indigenous model emphasizes that the Judiyya process is an act of worship and religious duty rewarded by Allah. It is available for the entire community, there is no charge for the actual process, and parties choose to be involved for the sake of preserving community unity as Allah requires. Importantly, as Volker, (2011) suggests, these spiritual and cultural practices give the community a sense of identity. They focus on individuals coming together to support and care for one another as worshipful practice

Analysis of Strengths and Challenges of the Model

Participants identified some strengths and challenges associated with Judiyya model. The researcher could verify these strengths and challenges through his observations, as well as a review of documents and archival records in the analysis phase.

The Judiyya Model's Strengths

The model is potentially sustainable. Through the colonization process, Sudan's indigenous social structure was severely damaged, like most African states. African

ideals, customs and beliefs, which together provided the foundation for the normative framework for conflict transformations, were seriously impaired and undermined.

However, when the Sudanese state institutions authority consumed by the civil wars and deteriorated, the tribal community resorted to indigenous knowledge and revived the Judiyya for needed reconciliation mechanism.

Judiyya, by its nature, as social institution, is capable of and somewhat open to changes. In fact, the model has been affected and influenced by the alterations in political arena as well as the economic and technological changes. It has managed to adjust to regional, national, and even international situations. Some international and regional organizations, such as the Arab League and the African Union, employed Judiyya processes to facilitate peacekeeping endeavors in Darfur. For example, the Doha Document for Peace in Darfur or ((DDPD) is now the framework for the comprehensive peace process in Darfur. It was finalized at the All Darfur Stakeholders Conference in May 2011, in Doha, Qatar. On July 14, 2012, the Government of Sudan and the Liberation and Justice Movement (LJM) signed a protocol agreement committing themselves to the DDPD as the culmination of over twenty months of negotiations, dialogue and consultations with the major parties to the Darfur conflict, all relevant stakeholders and international partners (DDPD). As another international example, the African Union used what is called “The African Elders” to mediate and facilitate the peace deal between South Sudan and northern Sudan.

It is attuned to changes and has resiliently carried on to serve the community. For example, participants confirmed that the model is becoming more technology friendly. More than half of tribal community members the researcher encountered used smart

phones. Some are connecting to Internet. The Ajaweed nowadays are seeking the expertise of DNA analysts and consulting with other local and international professionals on technical matters. For example, the Ajaweed report accepting women's opinions as medical examiners, lab technicians, or underground water specialists. As Participant 9 acknowledged, the spread of education has improved the quality of the Ajaweed's knowledge about issues in general, the local community, and the larger world. Another change is illustrated by one participant's remark about the physical differences in the Judiyya setting of today compared to that of his father and grandfather. He said his grandfather used to sit under a tree to facilitate disputes and solve problems; nowadays he sits in an air-conditioned conference room doing the same things his grandfather did in our outside a rustic dwelling not long ago.

The Judiyya Model's Challenges

The fact is that the model's survival has not been problem free. Judiyya has struggled to overcome many impediments. Historically, colonists sidelined the model. Its jurisdiction was relegated from the dominant mainstream to the outskirts, confined and restricted to the countryside. The post-independence nationalist and socialist governments sought to eliminate the Judiyya and pressured tribal communities to use the national system. They tried hard to politicize the process and enlist the tribal and religious leaders into the political parties. Such politicization has weakened the integrity and objectivity of the Judiyya, according to some participants' observations. But others have different views. "The endeavor to recruit the Ajaweed into the political arena and enlist prominent members of society is nothing new. Realistically, organizing people around a political goal is not an immoral undertaking, while discrimination and favoritism are."

Certain aspects of the model were criticized by some members of the international community as inconsistent with Human Rights Standards, such as the lack of provision for lawyers, examination of evidence and litigation procedures. It is true that Judiyya does not provide space for formally trained attorneys to make sure that the law is applied fairly. This may be because punishing the wrongdoer is not the priority; while the restoration of web of the relationships is of utmost concern for the Judiyya.

Implications, recommendations, and conclusion

Contribution to Field of Knowledge

This qualitative research case study explored the Judiyya in the South Darfur State, Sudan. Judiyya is a community-based, human-centered model that employs restorative and transformative principles in conflict resolution. The objective of the study was to understand the principles and practices of the Judiyya conflict resolution model in maintaining peace among Darfuri tribal communities. Judiyya has survived the huge impact of imperialism and colonialism. Many interview participants described ways they believed the indigenous norms, values and beliefs that provide the normative and foundational framework for Judiyya have been damaged, undermined, and disregarded. However, the resilience illustrates that it still plays a significant role in resolving conflicts within the tribal community. Because the Judiyya sprang from a communal society, it depends greatly on existing social capital to maintain order and harmony. Compared to adversarial Anglo-American jurisprudential thought, the model adheres more directly to values and principles such as social cohesion, participation, co-existence, respect and humility. These fundamental differences, as well as the honored role of elders in fostering

reconciliation and social justice, contrast sharply with the litigation and arbitration aspect of the Anglo-American system, which are individualistic and adversarial in nature.

Limitations of the Study

The researcher acknowledges an inclination to favor the indigenous model, based on his observation that all conflicts and their resolution occur within a specific cultural context. Therefore, this bias might have influenced some of the data that was collected to study the phenomenon. Both time and budget constraints limited the researcher's ability to collect additional data and spend more time in the field. Safety was another consideration, as Darfur is not a danger-free area yet.

The scope of this qualitative research case study was limited to the experiences and perceptions described by twenty-five male participants from tribal communities of Darfur. Interview participants were selected to represent the conflicting groups (Farmers & Nomadic,) as well as the Ajaweed, and officials with exposure to the model. In this day and age, one must address the absence of women from the pool of research participants and from the actual Judiyya setting. Although they are represented indirectly, it's hard to imagine that having someone else convey women's experience and wishes can be the same as directly giving voice to their interest and needs.

Overall, it is understood that the findings in the study, while possibly representative of other individuals who faced the same circumstances, could not be adequately generalized for all Darfurian communities. Even though this study abides by the standardized qualitative case study research methodology, the personal nature of the interview process, together with the researcher's personal experiences and perceptions,

presented another potential limitation. However, the researcher sought to offset these potential limitations through the triangulation method for validating the findings.

Recommendations for Further Research

The following recommendations are based on findings detailed in chapter four. The scope of the findings was geographically limited to a South Darfur State. Despite efforts to interview and observe a representative sample of stakeholders and others affected by the model, the findings were collected from a small group of participants and documents over the course of a few weeks. Because of these constraints, interpretations and theories about the model should be considered evolving and in need of additional clarification. More work should be done to examine the model's validity and generality. With that in mind, the researcher offers the following suggestions and for future research, to gain better understanding of Judiyya mode and possibly leading to improvements.

1. The findings suggested that it is advisable for practitioners in the field of conflict transformation and peace-building to seek and incorporate some ethical values of tribal communities into the conflict transformation and peace-building structures.
2. Based on the findings, there is need to develop a well-defined legal and policy framework for the application of indigenous model resolution in Sudan. In this regard, we can learn from the challenges and the advantages of the Judiyya model.
3. Emphasis should be placed on the Judiyya model as the first option in resolving disputes that involve parties in specific interpersonal relations such as marital, divorce, custody of children, etc.
4. Adequate pay for those engaged in the Judiyya process is needed to decrease

motivation for exploitation and bribery

5. The framework for appealing grievances should include a conflict resolution body, such as the Judiyya, and be bestowed with a level of prestige equal to the formal system's High Court.
6. Both the indigenous model and endogenous knowledge must be incorporated into the formal education system. This would be valuable to heighten and enrich appreciation for the indigenous cultures, especially after centuries of suppression. Until recently, most of the tribal community customs and practice were only passed from one generation to another through word of mouth and seldom written or codified. Because they are in great danger of dying away, preserving and teaching these time-tested approaches for posterity would promote appreciation and understanding by present and future generations.
7. There is also a need for codification of key concepts, practices and norms of the Judiyya. This would serve not only to protect the model, but also to increase uniformity and consistency of its application.
8. Formal training about some of the International Human Rights Standards should be provided to Darfur's tribal religious leaders (the potential Ajaweed,) as well as to leaders of families, clans and tribes. In today's highly interconnected world, it has become necessary for these leaders to understand and promote understanding of these standards at the tribal level.
9. Finally, the findings suggest greater participation of women should be ensured. For generations, the strength of women's influence and commitment to upholding the community's ethical and moral obligations have been restricted mainly to the

sphere of the household. Nowadays, changes in women's status have brought them more visibility and involvement in the Judiyya process. Clearly, women also have a moral obligation to maintain the community's web of relationships and unity. Therefore, it would be a good idea work toward supporting the participation of women in the Judiyya conflict resolution process. Therefore, it would be a good idea work toward strengthening the participation of women in the Judiyya.

Conclusion

The researcher hopes that the results and recommendations of this research study can make a constructive difference in the field of conflict transformation and contribute to the limited body of knowledge regarding the Judiyya and indigenous models in general of conflict transformation studies. Academicians, practitioners and policy makers are encouraged to take both the endogenous knowledge and the indigenous worldviews into consideration.

The five concepts that emerged provide the normative framework for the Judiyya model. They were extracted from the participants' descriptions and supported by researcher observation and document review.

Through the interview participants' reflections, it became apparent that theme of Religion was central to the model and Religious values were found to be fundamental to the peace-building process, either between disputing individuals or conflicting communities. Mediators (Ajaweed) are always appealing to the parties' common sense of identity and belief, frequently using verses or stories from the *Quran* and "Sunnah" to remind parties of the ties that bind all individuals together as one community.

Through the participants' combined replies, as well as the researcher's observations and documents reviewed, it became clear that Ajaweed (elders) have supreme authority and play a key role in transforming conflict, constructing strategies and shaping local perceptions of justice and fairness. Importantly, they are venerated, and respected by the community's members. In contrast, participants clearly professed mistrust and skepticism about the national juridical system, as well as the apparatuses and services provided by the entire central government. Participants' responses repeatedly identified a fundamental defect associated with it. They claimed it is discriminatory, biased and unfair.

The participants' overall responses collectively revealed a loss of faith, not only about the juridical national system, but also about the International Human Rights Standard. The participants consistently agreed that the Judiyya is an authentic, inherited process, passed from father to son for centuries. That is to say, they see it as a reliable process. Judiyya is cost-effective and expeditious, per the participants' responses. They agreed its aims are to bring individuals together and restore order when dispute and tension arise. They shared a view of the mode as inclusive, engaging the entire community democratically into a consensus-based process to restore a torn web of relationships. Ajaweed are accepted by them as experts and respected leaders. The community members favorably regard them, as they are thought to be in a better position to understand community issues and facts. Compared to predominant attitudes toward the formal justice system, the Judiyya seemed to be positively received by members of the tribal community. Based on social and cultural values, its processes are understood and

accepted by the tribal communities. According to the findings, the Judiyya Conflict Resolution process is seen as a viable system within its specific cultural context.

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Appendix A: Judyyyia The Sudanese Indigenous Model for Conflict Resolution

Interview Guide

Judyyyia The Sudanese Indigenous Model for Conflict Resolution.

A case study to examine the relevancy and the applicability of the Judiyya in restoring peace within the ethnic tribal communities of the Sudan.

Start broad and unstructured conversation to be refined through semi-structured interviews

The semi-structured interviews will be conducted at the South Darfur State in Sudan For an interview, individuals will be recruited from the two conflicting tribes (Farmers & Nomadics) that meet the following criteria:

- ❖ Have responded to an action or participated in the Judiyya social process.
- ❖ Willing to participate have time to share the necessary information.
- ❖ Reflective and able to speak eloquently about the experience.
- ❖ Local government administrator or law enforcement member or a community activist

The criteria above must be met for an interview. Otherwise, please thank the person and discontinue.

MANUSCRIPT:

Al- Salam Wa alukoum, my name is Abdul S. Wahab. Before I get going with an interview, I would like to go through the consent process, which requires your written consent for this interview. As mentioned in the consent document, whatever information you and I have shared or discussed during the conversation will not be shared with any person.

I would like to ask you some questions about your experience, knowledge and participation in the Judiyya process.

Researcher will go through the consent form.
Politely ask the participant to sign the two copies of the consent form.
Keep one copy and give another copy to the participant.

MANUSCRIPT:

As mentioned in the consent form, I will tape record our conversation; this will help me to have an interactive conversation with you without worrying about missing information. During the interview, if you have any questions at any time, please feel free to ask. In addition, as mentioned in the consent form, you can discontinue the interview if you feel uncomfortable or do not feel like participating in the interview.

Appendix B: Interview Guide

Interview No: ____
Start time: _____ End time: _____
Date: _____

I. Primary Questions:

Will move from broader unstructured questions to more specific & structured questions

- ❖ Have you ever responded to an action or participated in the Judiyya social process?
If yes, can you explain how that experience or that action went?

Researcher: Besides recording and writing down the responses, researcher will write his observational notes

II- Semi-Structured Questions -Indigenous Model

- What is your experience as (Judi) member in the Judiyya process?
- What are the model's processes?
- How does the Judiyya bring peace to the community?
- How is the Judiyya process similar to the court system (the government system)?
- How is the Judiyya process changing through the years?
- Do you like these changes, if any?
- What kinds of change does the model need to maintain its function?
- Do you trust the court system or the Judiyya model process?

III. Final Questions

- Do you have anything left to share? _____
- Do you have any questions for me? _____

Notes: In Grounded Theory research

Appendix C: Observational Protocol

Observational Protocol Design

The physical setting:

- Description of setting design
- How the space is allocated, objects and resources

The participants:

- Who is who?
- What are the relevant characteristics of the participants?
- The participants' roles

Activities and Interactions:

Description will answer questions about:

- What is going on
- How participants interact with the activities and one another.
- What norms and rules structure the activities and interactions
- How the activities begin and end
- How long the activities last
- Whether it is typical or not (unusual)

Conversation:

- Who speaks to whom and how do they listen?
- The content of the conversation
- Summarize the conversation
- Nonverbal behavior that adds meaning to conversation
- Tape recording as back up to my note taking

My own Behavior

- My role as observer
- What I will say and do?
- My thoughts throughout the interview (Merriam, 2009, p 120-121).

Appendix D: Determining the Authenticity and Accuracy

Determining the Authenticity and Accuracy of Documents**What is the history of the document?**

- How did it come into my hands?
- What guarantee is there that it is what it claims to be?
- Is the document complete, as originally constructed?
- If the document is genuine, under what circumstance and for what purposes was it produced?

Who was /is the author?

- What was he trying to accomplish? For whom was the document intended?
- What were the maker's sources of information? Does the document represent an eyewitness, a secondhand account, a reconstruction of the event long prior to the writing, an interpretation?
- What was the maker's bias?
- To what extent was the writer likely to want to tell the truth?

Value of Document

- Do other documents exist that might shed additional light on the same story, event, project, program, context? If so, are they available and accessible? Who holds them (Merriam, 2009, p 151)?

Appendix E: Map of the Southern Darfur State



Appendix F: Index of State Weakness in the Developing World

INDEX OF STATE WEAKNESS IN THE DEVELOPING WORLD (Bottom Two Quintiles Only)							
The 141 weakest states and their index basket scores are presented below. A basket score of 0.00 represents the worst score in the 141-country sample, a score of 10.00 signifies the best.			Color Coding Key Color coding and quintiles are based on full sample of 141 countries			BOTTOM QUINTILE 2ND QUINTILE 3RD QUINTILE 4TH QUINTILE TOP QUINTILE	
Rank	Country	Overall Score	Economic	Political	Security	Social Welfare	GNI Per Capita
1	Somalia	0.52	0.00	0.00	1.37	0.70	226
2	Afghanistan	1.65	4.51	2.08	0.00	0.00	271
3	Congo, Dem. Rep.	1.67	4.06	1.80	0.28	0.52	130
4	Iraq	3.11	2.87	1.67	1.63	6.27	1134
5	Burundi	3.21	5.01	3.46	2.95	1.43	100
6	Sudan	3.29	5.05	2.06	1.46	4.59	810
7	Central African Rep.	3.33	4.11	2.90	5.06	1.25	360
8	Zimbabwe	3.44	1.56	1.56	6.81	3.84	350
9	Liberia	3.64	3.39	3.91	6.01	1.25	140
10	Cote D'Ivoire	3.66	5.23	2.12	3.71	3.56	870
11	Angola	3.72	5.42	2.67	5.32	1.45	1980
12	Haiti	3.76	3.90	2.62	5.21	3.31	480