

Darfur Pastoralists Groups: New Opportunities for Change and Peace Building

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Summary

This paper examines the different pastoralist groups in Darfur and their engagement in conflict and peace; an analysis of the effectiveness of traditional and new emerging institutions in the peace process; and new opportunities for peace building.

The dominant pastoralist groups in South Darfur are *Baggara* (cattle herders), while *Abbala* (camel herders) tend to dominate in North Darfur. The Baggara groups include the Southern Rizeigat, Ma’aliyya, Habbaniya, Beni Halba and Ta’aisha each of whom has their tribal homeland

recognized under customary law. In contrast the Northern Rizeigat, still maintain their nomadic lifestyle and are the only abbala, or Baggara group that historically is not associated with a specific Dar or tribal homeland. In West Darfur pastoralist groups are of diverse ethnic composition and are also influenced by seasonal movements from North Darfur and Chad, which can pose practical challenges for the native administrations. Apart from the Northern Rizeigat, other abbala groups in North Darfur include the Zayadia, Meidob and the Zaghawa.

There are several historical factors contributing to tensions between tribes, local grievances and conflict, including the erosion of the Native (tribal) Administration System, the introduction of local government administration, the socio-economic marginalization of Darfur generally, and the sense of local marginalization by pastoralists. These factors were exacerbated by the extended drought of the 1980s, which prompted southwards mass migration and occupation of land by different groups. More recently the Darfur civil conflict between national armed forces and rebel groups, has further contributed to the politicization of tribal groups, setting Arab and non-Arab pastoralists against each other. At the same time conflict between tribes (including inter Arab conflicts) over land resources, land tenure and natural resource use has continued.

The customary mediation in Darfur, Judiyya, has maintained an important role in managing conflicts, but their effectiveness has been eroded as the dimensions of the conflict increase. Furthermore, emerging new structures, which are dominated by young militants, has challenged their legitimacy. Government sponsored tribal reconciliation conferences have shifted away from a facilitator role towards a lack of neutrality resulting in frequent failure of long-term resolution and it is necessary to review the effectiveness.

From 2010 to 2011 there was a shift in focus towards peace, resulting in the signing of the Peace Charter in South Darfur in December 2010 and a peace conference in North Darfur in July 2011. Prior to this, in 2006, the Darfur Peace Agreement had failed to win support due to marginalisation of key groups and failure to involve all stakeholders, including pastoralists in the negotiations.

There are some changes taking place with new institutions created to look after the interests of Darfur pastoralists, including the Nomads Development Council, decentralization and creation of five states, increasing the representation of pastoralists in local governance and the National Assembly and pastoralists themselves are starting peace initiatives supported by state governments. Additionally political representation of Darfur pastoralists has increased significantly with seven federal ministerial posts, the Chairman of the national Houses of Representatives, the House of Parliament and the Council of States representatives all being Darfurians.



The shift in representation of pastoralists in key policy making bodies provides a huge opportunity to influence the peace process and settlement agreements. However, to be successful it will require commitment and political representatives will need to ensure they do not become detached from their own people, ensuring pastoralist communities are genuinely empowered to effectively participate in decision-making.

Introduction

The conflict in Darfur is a product of a complex and interlocked set of factors operating at different levels e.g. local, national and regional. Among these factors are the disputes over access to and control of natural resources; marginalization and the inequitable distribution of economic and political power; weak governance and conflict management strategies; militarization; and the proliferation of small arms. In the past there has been no competition over resources but since the early 70s and particularly in the mid-80s the area has been hit by severe drought and the Northern part of Darfur hit more severely affecting the peaceful co-existence between the different livelihood groups. Consequently, many analysts oversimplified the conflict in Darfur as one between ethnic groups; Arabs against non-Arabs. Others, such as Suliman (1996) and Manger (2007), refrain from labeling the conflict between nomadic pastoralists and farmers as an ethnic conflict due to the diverse ethnic composition in these livelihood groups. The Sudan government use of pastoralist groups (predominantly Arabs) as intermediaries in its counterinsurgency¹, however, has made ethnicity appear as a prominent factor in Darfur conflict among scholars' writings and media coverage. In particular the government has used two groups: the northern Rizeigat around Kutum/Kebkabiya and Arabs of recent Chadian origin. Both groups have a particular history of social and economic problems, and association with wider ideological and military projects (De Waal and Young 2005). The government decision to set administrative boundaries along ethnic lines has also deepened the ethnic division..

Pastoralists suffered and continue to suffer from the prolongation of the conflict in Darfur. These conflicts are negatively impacting the daily life of pastoralists, limiting the distance of their movements and destroying the symbiotic relationship they used to have with settled neighbors.

This report is intended to review the engagement of pastoralists in conflict and peace processes with a particular focus on analyzing the different peace processes and agreements and investigating if they represented (or failed to) the perspectives of pastoralists. This report is divided into three parts; part one broadly reviews the situation of the different pastoralist groups in the three Darfurian states and their engagement in conflict and/or peace, part two examines and analyses the effectiveness of traditional institutions in peace processes, it also investigates the

¹ In 2000 the Islamists ruling party split into two fronts: the National Congress Party (NCP lead by Bashir and Taha-currently ruling Sudan), and Popular Congress Party (PCP set by Turabi and his followers –many are from Darfur—particularly the non-Arab tribes). This simultaneously coincided with the release of the “Black Book” as it was called, or “al kitab al aswad” which described inequity and documented the narrow ethnic composition of senior officials in successive governments of Sudan. As part of this ideological and power struggle the ruling elite co-opted Arab camel herders to attack non Arabs in Darfur; thus polarizing and militarizing these tribes and deepening the ethnic divisions (Crisis Group 2011).



role of emerging new institutions in peace building. The paper ends with investigation on the new gains and opportunities for peace building associated with pastoralists in 2010/ 2011.

Part I: Distribution of pastoralist groups in Darfur

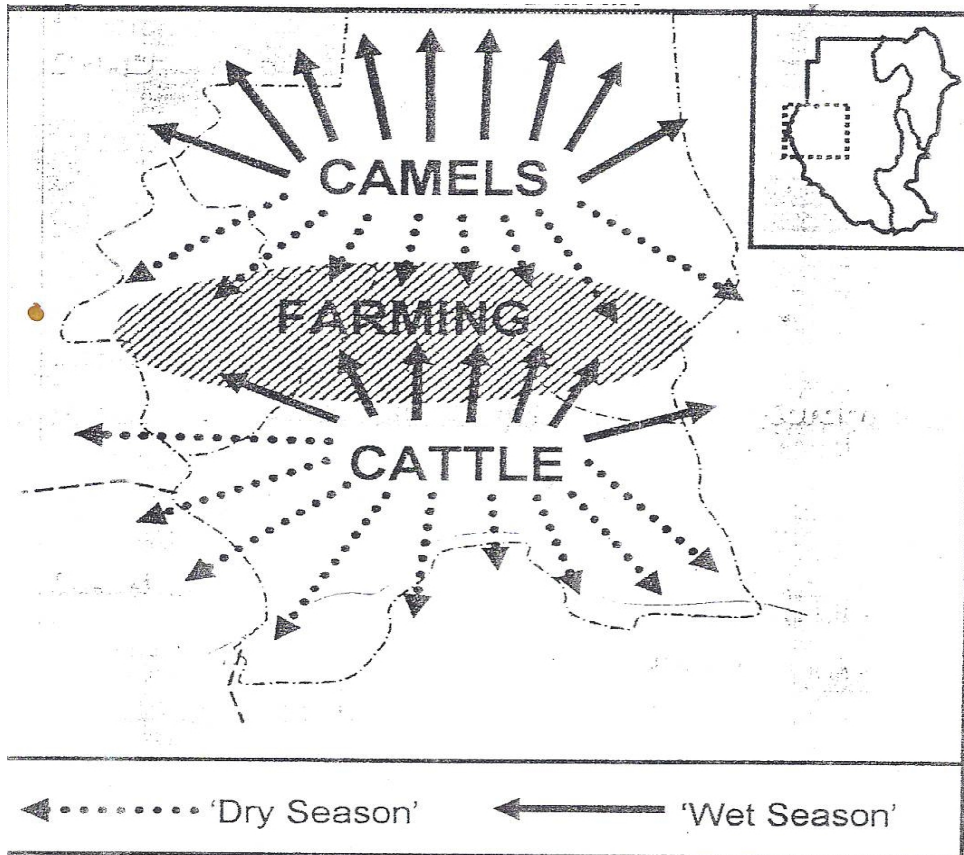
Pastoralists groups are scattered throughout the Darfur region. Each pastoral group in Darfur is unique in terms of tribal structure and local system of governance, land resources endowment (either owning the land-according to tribal customary lands systems, or only having the rights to access its resources), as well as regarding the type of animals they breed (camel, cattle or both).

Pastoralism in Darfur does not exist as an independent economic and social system, but as a livelihood specialty and economic production system linked to peasant agriculture. Figure 1 below depicts three production zones in Darfur: camel production zone in the North (practiced by the Abbala pastoral group), cattle production zone in the South (practiced by the Baggara pastoral group) and a farming production zone in the central region. Figure 1 also illustrates the dry and wet season pastoral group mobility. Farming is centered in the Jebel Marra – a high altitude area that receives more rainfall (500-700 mm).

Pastoralist groups in Darfur can be categorized into four main subgroups according to their historical region of origin: the Baggara of South Darfur, Abbala of North Darfur, Zaghawa, and the pastoralist of the West Darfur in both Jebel Merra and Dar Masalit. The following subsections provide a brief overview of the above mentioned pastoralist subgroups (e.g. their tribal structure, system of governance, and livelihood pattern) and attempts to highlight their engagement in conflict and/or peace processes.

Figure 1 Darfur Zones of Productions





Source: Pastoralist
Baseline Survey -

Greater Darfur 2003 (Al Massar Organization)

1. The Baggara Pastoralists

Baggara is the dominant pastoralist group in South Darfur and occupies what is historically known as Dar Baggara (Saltin Pasha - Wingate 1969). Baggara encompasses five main tribes: Reziegat, Habbania, Fellata, Beni Helba and Ta'asha; each has had its own tribal land since the Karia sultanate in the 18th and 19th centuries (Annex 1 shows the distribution of Bagarra tribes in South Darfur). During the British colonial regime (1916-1956) tribal Dars were recognized, demarcated and legalized through the establishment of "Nazirates" as chief native administrators. Customary native courts headed by these tribal chiefs were introduced in 1930 to further the recognition of the Dars and their tribal chiefs. The colonial British administration set up the "Nazirates" based on land occupation history early documentation of Fur sultanate, and the size and the structure of the tribe. These administrative and legal arrangements temporarily led to stability and security of Bagarra communities. The Bagarra of South Darfur enjoyed tranquility and peace until 1970 when the Nimerie regime dissolved the native administration system and



changed the structure of the customary legal system all over North Sudan. The direct impact of that decision was a creation of a vacuum in the administrative and legal systems. Later, in the 1980s, uncertainty overshadowed the scene following the drought that ravaged North Darfur. Huge numbers of the human and animal population migrated to the Bagarra area in South Darfur. The immigrants from North Darfur included both Reziegat and Zaghawa pastoralists.

Since then the demography of the area changed drastically. Extensive land strips were occupied by new villages of farmers and camel herders coming from the North. The direct effects of these changes were the blockage of the Bagarra animal corridors (marahil) depriving them of a sizable amount of their grazing lands. Nazir A. Sammani, Fellata tribal chief summarized the influx of immigrants to South Darfur:

“Since 1973 and as a consequence of the abolishment of native administration in 1970, most of the Bagarra water yards/ bore holes “dwanki” in South Darfur around Nyala were occupied by sedentary tribes coming from North Darfur. Most of them were Zaghawa, Berti and Reziegat. They even occupied the surrounding areas of veterinary centers where the Bagarra concentrate their herds for veterinary services, including areas used as grazing lands during the wet season. Accordingly, cattle services centers were closed and the grazing lands were converted into farm lands for the tribes coming from the North. Now all the traditional grazing lands of the Bagarra were swallowed by extensive farming activities. Because of that the cattle of Reziegat, Habania, and Fellata were kept in narrow strips of lands during the four months of the rainy season” Al Sammani (2007).

Other Bagarra leaders and tribesmen expressed the same views and indicated their unwillingness to host the new comers. During this time a number of tribal conflicts over lands resources were reported. A good example of those conflicts is that between Beni Helba and Northern Reziegat in 1976. Abdul Jalil (2009) listed the various conflict events between the two groups during the period 1976-2000 and the reason behind the conflict. He found that conflicts mainly evolved around grazing and water rights (see Table 1).

Table 1: Darfur Tribal Conflict Events and Major cause of conflict During the Period 1976-2000.



Darfur Pastoralists Groups: New Opportunities for Change and Peace Building

No.	Tribal groups involved	Year	Major cause of conflict
1	Rezeigat Bagarra and Dinka	1975	Grazing and water rights
2.	Beni Helba, Zyadiya and Mahriya	1976	Grazing and water rights
3.	Northern Rezeigat (Aballa) and Dajo	1976	Grazing and water rights
4.	N. Rezeigat (Aballa) and Bargo	1978	Grazing and water rights
5.	N. Rezeigat and Gimir	1978	Grazing and water rights
6.	N. Rezeigat and Fur	1980	Grazing and water rights
7.	N. Rezeigat (Aballa) and Bargo	1980	Grazing and water rights
8.	Ta'aisha and Salamat	1980	Grazing and water rights
9.	Kababish, Berti and Ziyadiya	1981	Grazing and water rights
10.	Rezeigat ,Bagarra and Dinka	1981	Grazing and water rights
11.	N. Rezeigat and Barti and Medoub	1982	Grazing and water rights
12.	Kababish, Kawahla, Berti and Medoub	1982	Grazing and water rights
13.	Rezeigat and Mysseria	1982	Grazing and water rights
14.	Kababish, Berti, and Medoub	1982	Grazing and water rights
15.	Rezeigat and Mysseria	1984	Grazing and water rights
16.	Gimir and Fellata	1987	Administrative boundaries
17.	Kababish, Kawahala, Berti and Medoub	1987	Grazing and water rights
18.	Fur and Bidayat	1989	Armed robberies
19.	Arab and Fur	1989	Grazing rights boundaries politics
20	Zagawaa and Gimir	1990	Administrative boundaries
21	Zagawaa, and Gimir	1990	Administrative boundaries
22	Taaisha and Gimir	1990	Land
23	Bargo and Rezeigat	1990	Grazing and water rights
24	Zagawaa and Maraait	1991	Grazing and water rights
25	Zagawaa and Beni Hussein	1991	Grazing and water rights
26	Zagawaa V Mima and Birgid	1991	Grazing and water rights
27	Zagawaa and Birgid	1991	Grazing and water rights
28	Zagawaa and Birgid	1991	Grazing and water rights
29	Fur and tergum	1991	Land
30	Zagawaa and Arab	1994	Grazing and water rights
31	Zagawaa Sudan and Zagawaa Chad	1994	Power and Politics
32.	Masalit and Arab	1996	Grazing, Administration
33.	Zagawaa and Rezeigat	1997	Local politics
34.	Kababish Arabs and Medob	1997	Grazing and water rights
35	Masalit and Arab	1996	Grazing and water rights
36	Zagawaa and Gimir	1999	Grazing and water rights
37	Fur and Arab	2000	Grazing and water rights

Source: Abdul Jalil (2009).

An example of a reconciliation conference was held in Nyala in order to resolve the situation and as a result Reziegat Aballa access to land resources, water and forest resources were defined as follows², in addition to the blood money or Dia compensation: -

- Reziegat Aballa should not come to Beni Helba homeland before the month of Jan. in every year.
- Reziegat Aballa individuals should not carry fire arms without official permission.

² Nazir Al Hadi Issa Dabka, of chief of Beni Hellba tribe IDel Fursan 1997 (personal interview).

- Reziegat Aballa should not cut any tree for camel feeding.
- Reziegat is not allowed to practice hunting for wild animals in Beni Helba homeland.
- Reziegat camels were to be watered only with consent of Beni Helba.
- Reziegat individuals should abide by the regulations of local authorities of Beni Helba during their stay.
- Reziegat should appoint 'Manadib' agents for every camp and they will be responsible to the local authority in cases of wrongdoing.

At a later stage and in 2003, the conflict developed into a civil war, partially over tribal Dars in South Darfur, and particularly when the pastoralist of North Darfur both Zaghawa and Rizeigat began to claim Dar rights like other tribes in Darfur.

2. Northern Rizeigat Abbala Pastoralists

The Rizeigat Abbala live on the fringe of Northern Darfur and are divided into five subclans: the Mahameed, the Mahriyya, the Iraigat, the Itaifat and Aulad Rashid. Each clan has its system of tribal leadership with a “nazir” at the top of administrative hierarchy. Northern Rizeigat Abbala are pastoralists who still maintain their nomadic lifestyle and constantly move in search of pasture and water for their herds (Mohammed 2004). Northern Rizeigat tribes are also an exception because they are the only substantial tribe in Darfur that has no Dar; this arises from a long and complex history related to nomadism and migration between Northern Darfur and Chad (De Waal and Young 2005). The lack of land rights deprived them of political power and, by extension, access to broader rights and services.

“The dispute over a Dar within the land tenure system has thwarted the Northern Rizeigat’s aspiration to settle and has limited their share of political power”

Al Hadi Issa (Chief of Beni Halba Tribe -Idd AL fursan 1997)

The conditions of North Rizeigat were further complicated when in the 1970s and 1980s Sahelian drought hit most of North Darfur and destroyed animal and human habitat of all rural communities including pastoralists. After these drastic climatic and ecological changes in North Darfur, the need for new land resources became vital for the Aballa. It was a matter of life or death. Like their neighbors, the Zaghawa, migration to both South and West Darfur is problematic because these lands are controlled by other tribes; Fur, Masalit, Bagarra and others.

Following the catastrophic losses due to the drought of the mid-1980s, the Northern Rizeigat became more deprived of access to pasture and water as well as basic services and as a consequence became more militarized than any other sector of Darfur society. The blocking of their marahil—by the Zaghawa of North Darfur even before the insurgency and more recently in

parts of West and South Darfur by other Arabs—has restricted their pastoralist way of life and forced diversification into ‘maladaptive’ strategies, including militarization, as a means of controlling resources or restricting others’ access to them (Young et al. 2009). During the period 1976-1998 the Northern Rizeigat Abbala got involved in violent armed conflict with seven tribal groups: the Beni Halba (1976-1982), the Dajo, the Bargo, the Birgid, the Fur (1983-1989), the Baigo, the Zaghawa (1994) and the Masalit (1997-1998). Their war with the Zaghawa was over the issue of land tenure, Young et al (2009) states that Northern Rizeigat Abbala’s claim to Dar ownership has frequently been disputed by the Zaghawa, their traditional rivals. The conflict with the other tribes was over the rights to use natural resources (water and pasture) in the Dars of other communities.

Additionally, the war with Beni Halba (1976-1982) falsifies the assumptions that ethnicity per se is the cause of conflict, because both are Arabs. Ethnicity often forms a ready-made principle of mobilization (Fukui and Markakis 1994), and often battles for resources and group survival are expressed in terms of ethnicity. Nevertheless, as a result of the persistence of conflict and killings, group identity can become a source of conflict in itself (Suliman 1997). Local level inter-tribal conflicts in Darfur were predominantly over natural resources and their uses and, therefore, peace and reconciliation efforts that do not address land tenure system, access to natural resources and natural resource governance will not be effective. It worth mentioning here that fighting with some groups was repeated even after peace agreements were reached (Takana 1997; Bashar 2003). Almost all government sponsored conferences to resolve inter-tribal conflicts have ended in failure, mainly because the major conflicting parties did not fully participate in the reconciliation strategy and the conferences were geared to achieving political ends rather than solving the real problems such as land issues (Mohamed 2002).

3. Pastoralist groups in West Darfur

The pastoralists groups in West Darfur are of diverse ethnic composition and the influx of Chadian refugees has added to this ethnic diversity. From time immemorial, there has been a steady stream of immigrants across Darfur’s western border. In the last 20 years, most of these have been Chadian Arabs, though there have also been Zaghawa, Bedeyat, Tama, Gimir and others (De Waal and Young 2005). These diverse groups, however, can be generally clustered into two main groups Reziegat and non Reziegat. The table below illustrates the two tribal groups.

Pastoralists groups in West Darfur

No	Reziegat Group	Non Reziegat Group
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Darfur Pastoralists Groups: New Opportunities for Change and Peace Building

1.	Nawaiba	Beni Halba
2.	Shotia	Beni Hussein
3.	Shigerat	Salamat
4.	Awlad Id	Khuzam
5.	Awlad Takco	Awlad Rashid
6.	Awlad Janub	Missiriya
7.	Um Jalul	Shotia
8.	Eriegat	Darok
9.	Um Sef elDin	Asira Arabs

The composition of these two groups are not stable but are very fluid, changing in a continuous way due to the flow of seasonal movement from North Darfur and Chad, especially during the drought years (Takana 2007). As a result, they pose practical challenges to both Masalit and Fur native administrations. Prior to 1995, the development of pastoralist administration was gradual and in conformity with traditions of Darfur tribal administration. It was usually initiated by the tribal chief of the hosting Fur or Masalit community. To give an example of Dar Masalit, the Sultans in accommodating the pastoralists that migrated to the Sultanate, established the first chiefdom of Beni Helba Arabs in 1905 under their tribal leader Jabari Sheribat³.

This small administration within Dar Masalit Sultanate developed gradually into five Omdas in 1990s to include, Messeria, Awlad Zeid, Nawayba, Awlad Rashid, Mahria, Eriegat and Mahadi tribes. But the pastoralists were dissatisfied with the administration and felt they were marginalized. To them, the system needed reforms to include their participation in all local institutions of Dar Masalit. In 1995 the incumbent regime introduced a new system of tribal administration that changed the whole structure substantially contributing to the politicization of the native administration. For that reason all tribes that supported the Islamist regime would be granted tribal administration without any consideration and regards to the prevailing customs and traditions. Arab groups in West Darfur took this opportunity and rallied their support for the new Islamist regime. The system established six new posts of Emirates⁴ in Dar Masalit alone without consultation or agreement of the Sultan and his institutions. The direct effect of this new policy in 1995-1996 was the violent conflict between Masalit and Arab pastoralist. Masalit tribe understood the new “Emirate” system as a step to deprive them from their traditional tribal Dar rights, while Arab pastoralists considered it as their rights in power sharing within Dar Masalit

³ Abd Alla Ahmed Shinebat. Beni Helba Amir in West Darfur Geniena. 1995. (An interview).

⁴ Ibrahim Yahya. West Darfur Ex-Governor. 2005 Khartoum. (An interview).

administration. The conflict continued for quite some time with huge devastation in human life, animal wealth and natural resources.

The new system of pastoralist “Emirates” was introduced into the Fur traditional system of administration. The reaction of the Fur tribe was similar to that of Masalit. Conflict and anti-Arab pastoralist feelings were high among Fur tribesmen. The concepts and issues of Dar or Hakora rights moved to the top of Masalit and Fur agenda. Due to the fluid conditions created by the new system, Masalit and Fur tribes began to suspect the neutrality of the Islamist regime of supporting the Arab pastoralists against them as non-Arab groups. With the sympathy of Zaghawa, the young educated men and women started to form armed movements and cluster in Jebel Merra area. In 2003 those armed movements started to launch attacks against the government institutions such as police stations and army garrisons.

4. Zaghawa Pastoralist in North Darfur

There are other pastoralist groups beside Zaghawa in North Darfur that include Zayadia and Medob tribes. It is interesting to note that both Zayadia and Meidob did not migrate to West and South Darfur in massive numbers like Zaghawa and North Rizeigat. Instead they remained in North Darfur and developed and adapted coping and livelihood strategies responding to the climate change. On the contrary, the Zaghawa community was collapsing and they had no option other than migration as a coping strategy. Their traditional social fabric cracked and ultimately changed. Their migration to West and South Darfur was marked as a massive movement. During the years 1984-1986, a visit to Zaghawa homeland indicated that the cycles of drought during the last two decades had adversely affected the lives of humans and animals. The complete failure of the farming season in 1984 led to the migration of the Zaghawa, and most villagers moved and immigrated to the South or West Darfur with Zaghawa compelled to sell their property in return for food.

The Zaghawa’s first destination, Dar Birgid in South Darfur, East of Nyala-Birgid tribe, is a loose confederation of tribal sections headed by a shartai as a tribal chief. They were part of Fur Magdmate administration. The Birgid hosted the immigrant Zaghawa and welcomed them by providing them with lands and Omdas for running their administration. Zaghawa tilled the land for commercial farming and started to build trade networks with Nyala trade centers. In 1995 Zaghawa constituted the majority of almost all Birgid villages. They contested the election and won the parliament seat of Birgid Dar and became the political leadership of the area in spite of the opposition of customary land owners.

Political competition between the two tribal groups started to loom. Being traditional owners of the land, the Birgid tribe claimed the rights of political leadership; however, the Zaghawa became the majority group in most of Dar Birgid villages and economically the most powerful group. They



claimed the rights of representation in all decision making institutions at both the State and Federal houses of representatives. Furthermore, the Zaghawa influenced the representation of the Rizagat (in Eldein) in parliamentary participation. Local mechanisms to regulate such political completion collapsed and a violent war broke out between the two tribal groups, Zaghawa and Birgid⁵. During the years of conflict, Zaghawa began to contest the concept of the tribal Dar system in Darfur. The same approach was taken by the Reziegat Aballa of North Darfur. The sedentary tribes of South Darfur, Fur, Birgid, Messeria, Dajo, Umkamalti and the Baggara tribes resisted these new trends. All tribes with traditional Dars allied together to defend their land rights against the new comers from North Darfur. The conflicts over land rights triggered, to a large extent, the violence that spread all over south and West Darfur in the last decades.

The importance of land and land rights in Darfur conflict cannot be underestimated, since this represents a significant reason behind the rivalry among the different livelihood groups in Darfur. In the Sultanate Hakura was a system of land rights conceded by the Sultan. Under the Hakura system, however, some pastoralist groups did not receive any land rights (Manger 2007). Establishing communal land tenure is crucial because it creates pastoral rights of access, provides opportunities for individuals to seek optimal ways of exploiting available resources, and facilitates changes in resource equity. However, the common property regime, which allows pastoralists to sustainably manage vast areas of land, is undermined by laws and policies that promote the individualization of land tenure (Flint 2010). The Unregistered Land Act of 1970 established the government as the sole owner of unregistered lands in the country. Prior to this act and as a de facto reality in rural Sudan, every inch of land is claimed by a tribal. By virtue of the 1970 Land Act all unregistered land was government land and therefore all citizens were entitled to its use.

Part II: Conflict Mediation Systems and Peace Settlements

During the current armed conflict in Darfur, there have numerous communal and government sponsored peace settlement initiatives. This part of the report discusses the Judyyia system and its current effectiveness as a conflict resolution mechanism. The second section discuss the Darfur Peace Agreement and investigates to what extent the agreement has incorporated the perspectives of pastoralists.

In Northern Sudan, and particularly in Darfur, customary mediation is known as Judiyya (i.e. mediation), with the mediators known as ajaweed (singular ajwadi). Historically the Judiyya is performed with tribal elders who are versed in communal customs and customary laws and who are reputed and trusted as peacemakers. Elders in rural areas, who are involved in the mediation process, used to enjoy high respect from the local communities to the extent that failing to respect Judiyya rulings often subjects one to considerable communal pressure, and the disobedient party is labeled “deviant”. Their practice is to exert pressure on the party resisting a settlement, until

⁵ Osman Al Tom Ahmed. Secretary of the Reconciliation Fund. South Darfur State. Nyala 2006. (interview)

they accept the recommendations the Ajaweed have settled on (Mohamed and Balghis 2005). Local leadership and traditional practices of mediation retain an important role in managing conflicts between communities and at time exert authority to force reconciliation, their effectiveness, however, has varied over time in part because of their politicization by external influences.

Mohammed (2002) reported that in Darfur and since the independence of Sudan there have been more than thirty-five small and large scale armed disputes. Many of these conflicts are clearly related to competition between pastoral and agricultural communities. However, as the level and dimensions of conflict in Darfur increase, the local mechanisms for conflict mediation and reconciliation eroded. During the current conflict in Darfur, there have been numerous government and community initiatives aiming to bring about settlement. For instance, Darfur has witnessed increased frequencies of government-sponsored peacemaking conferences (Mutamarat al Sulh) though these have met with very limited success in ending the on-going conflicts. Mukhtar (1998) reported that in a forty-year period (1957-1997) a total of 29 government-sponsored peace conferences were held to resolve inter-group conflict in Darfur.

Many argue that the dissolution of the Native Administration has resulted in an erosion of local governance at community level, especially in relation to conflict and disputes over land. Most proposals for a settlement of Darfur's conflict emphasize the role of Native Administration and the need for its revival, since it used to be an important mechanism of resolving inter-communal conflicts (including settling land disputes) (Young et al, 2005). The context today, however, is very different from the 1920s and it is unclear if the role of chiefs' courts will be re-established successfully (De Waal and Young, 2005). In recent years Judiyya have been revived and modified, and The Native Administration was re-established in 1987; however, the credibility, legitimacy and authoritative power of customary leadership and tribal chiefs had diminished. Additionally, new structures have emerged dominated by young militants contesting the leadership of tribal chiefs and accusing their elders of manipulating their own people and serving their own interests (Flint and de Waal, 2005). In addition the decentralization of politics has turned the tribal leaders and Sheikhs into bureaucrats serving only the interest of government (Manger 2007). Additionally, Government manipulation of tribal institutions and authorities has in many places weakened their local legitimacy and the role that they can play in mediation and peacemaking. Traditional leadership has become a product of negotiation between local and national powers. As a result tribal structures (the Native Administration system) are currently suffering acute legitimacy problems with the leaders losing control over resources and power over their people.

Government sponsored tribal reconciliation conferences started in 1932, when the first conflict was recorded, but it had different names. At the beginning, it was called "Protocol", and currently it is named "Mutamarat al Sulh". During the colonial period tribal or community reconciliations were usually sponsored by the government to supervise and follow the application of the conflict resolution mechanism (Greenidge 2009). When the conflict starts, the warring factions register



their losses with the police. After that the Ajaweed Council estimates the losses and reports to the commissioner. All the above procedures take place in preparation for the start of the reconciliation conference. The commissioner arranges for the conference by fixing a specific date and place, and inviting the members. A neutral person usually heads the conference. The conference's decision is executed by an executive committee appointed by the government (Ibid). The above indicates that, previously, when the government was involved it served as a facilitator and not an enforcer (Dinar 2004).

Today, in government sponsored Mutamarat al Sulh, Ajaweed are selected by Khartoum or state governors in an attempt to implement the government agenda. The lack of neutrality has affected the effectiveness of the Judiyya system and in some cases fighting was resumed soon after a conference ended. Thus the tribal conferences are considered as short-lived mechanisms for conflict resolution. There is need, therefore, to review the effectiveness of government sponsored mediation conferences and the Ajaweed should be given the full authority to search for a solution without the government influence (Mohamed 2002). Currently there are concerns on the appropriate institutional arrangements for peace building and conflict resolution in Darfur and how to reconcile between the indigenous structures and the emerging new political forces. Most importantly, peace efforts in Darfur tend to overlook land and control of natural resources, both of which have become sensitive issues which contribute to continuing conflict.

Recent Pastoralists Peace initiative in Darfur

In the last two years 2010-2011 pastoralists began to look more towards peace in Darfur than ever before. They are either having war fatigue or they like to sustain their new gains in both sectors of power sharing and in social services. In December 2010 Bagarra and Aballa pastoralists signed a peace charter in South Darfur. It was signed by the leaders of the main pastoralists and sedentary tribes of South Darfur.⁶

The Charter was signed by all political party leaders and representative of some factions of armed movements Committed to peace in South Darfur. To show their commitment to peace building, non-government trade union organizations in Nyala signed the peace Charter⁷. From the commitment of those who signed the peace Charter one can see that all South Darfur leading groups were mobilized behind peace building in South Darfur. South Darfur Peace Charter it was signed and endorsed the State Wali and the president of the Republic in 21.12.2010.

The most important articles of Nyala peace Charter are listed below:-

1. Both pastoralists and farmers must to their best ways use the natural resources in sustainable way.

⁶ South Darfur tribes who signed the peace charter include 1- Rizeigat 2- Beni Helba 3- Habania 4- Taasha 5- Felatta 6- Fur 7- Birgid 8- Messeria 9- Torgen 10- Taabba 11- Dajo 12- Kass group of tribes 13- Bego 14- Masalat 15- Khazan Jadid group of tribes.

⁷ Trade union organizations that signed the peace Charter included those of farmers, pastoralists, youth, workers, women, students and the chamber of commerce



2. Parties should avoid all kinds of violence in problem solving among the different groups.
3. Citizens from all walks of life must avoid racism and tribalism.
4. In cases of conflicts partners must resolve them through traditions and customs “Judyya” system without any use of force.
5. All South Darfur groups should adopt dialogue, democracy and tolerance towards each other.

North Darfur followed suit and organized a peace conference in Al Fashir (July 2011) to discuss issues of peace between pastoralists and farmers in North Darfur. In the final declaration of the conference they decided the following:-

1. To form a committee to draft a state law for North Darfur that will regulate the relationship between the pastoralists and farmers.
2. Reorganization of animal routes (Marahil) in North Darfur State.
3. To make it obligatory for the tribal native administrators to lead their tribe members during their annual movements in and outside North Darfur.
4. To prohibit farming inside animal routes and to prohibit grazing around villages.
5. To constitute a permanent committee in every locality headed by the commissioner including the leaders of the security forces and representatives of pastoralists and farmers to look after animal routes issues.
6. No farms to be allowed around the drinking water points.
7. Harvesting of crops must complete before the 7th of February in every year and for pastoralists animals to move freely after that date⁸ (reference doesn't help the reader track down this document. Is there a more complete reference available?)

Darfur Peace Agreement

The Darfur Peace Agreement (DPA) was signed in Abuja (May 2006) by the Sudanese government and only one faction of Sudan Liberation Army (Minawi). The other faction, the Justice and Liberation Movement (JEM), considered the agreement rushed and premature, lacking in power and wealth sharing. Their central demands concerned the level of compensation for victims, disarmament of Janjaweed, and the regional status of Darfur and the representation of Darfurians in the national governance in Khartoum. Pastoralists groups were also not involved in the agreement, Flint (2010) argues that despite the frequent politicians' statement on the need to involve Arabs in the peace process for Darfur, they remain on the sidelines, still not seen as strategic partners in the search for peace. Continued failure to engage them in a meaningful way

⁸ See the final declaration of the conference document. July, 2011- Al Fashir



will guarantee increasingly complex conflict. However, the agreement has lightly touched on the demands/concerns of pastoralists issues, as expressed by the few articles shown below⁹:-

ARTICLE 19 ECONOMIC POLICY FOR RECONSTRUCTION, INVESTMENT AND DEVELOPMENT:

- The agricultural sector, including livestock, has a special significance in the economy and the lives of all Sudanese citizens particularly the people of Darfur states. Accordingly, policies directed to its development shall be prioritized and emphasized.
- Competition for pasture and water by nomadic herders and settled agricultural producers is an important problem. The problem shall be addressed in a comprehensive way, by developing policies to reverse environmental degradation and addressing the decline in agricultural yields, gradually shifting the emphasis of herders from quantity to quality, developing a framework for equitable access by various users of land and water resources, as well as developing research capacities in these areas.

NOMADIC MIGRATION ROUTES

- The Parties shall not impede the freedom of peaceful movement of people, goods and services in Darfur, or interfere in any way with the ability of the people of Darfur to pursue any peaceful, traditional form of livelihood.
- African Mission in Sudan (AMIS), in coordination with the Parties, shall develop a plan for the regulation of nomadic migration along historic migration routes. This plan shall fully address security so as to ensure the safety of nomadic migration for the people of Darfur, including traditional nomads, and shall include detailed maps showing such routes.
- AMIS, in coordination with the Parties, shall monitor the implementation of the plan referred to in paragraph 288 (above) and on the basis of such monitoring take any additional steps necessary to ensure the safety of nomadic migration for the people of Darfur, including traditional nomads.

Part III: Darfur Pastoralists: New Gains and Opportunities for Peace Building

“We don’t have specific development strategy for pastoralists in our five years strategic plan”

Secretary General of the Sudan strategic planning council Khartoum July 2011

“Pastoralists in Sudan lack a coordinating body that can look after their interests and lack representatives in decision making centers in Khartoum”

Federal Minister of Livestock and Fisheries July 2011

⁹ Investigating to what extent the above agreements articles have been enforced or implemented goes beyond the scope of this report.

The two statements above made by senior decision makers are very telling. Pastoralists groups in the Sudan, generally speaking, are either not represented or poorly represented in policy making institutions and federal bodies. The Pastoralists' Union, which was established during May military regime (1969-1985), proved to be ineffective in serving the interests and representing the pastoral groups in Sudan. Eventually the Pastoralist Union was transformed into a political organ to mobilize and rally support for the regime. The present Islamist military regime followed the same pattern of May 1969 and manipulated the Union to serve its own political interest. This manipulation and weak representation of pastoralists' demands led many pastoralists groups to see themselves as a marginalized group even within the rural communities (Ahmed 1976).

Darfur group of pastoralists were no exception. Prior to the 2003 Darfur conflict, the Bagarra of South Darfur for historical reasons may have been in a better position but for the Rizeigat Aballa and other groups of North & West Darfur marginalization was phenomenal. The neglect and exclusion of pastoralists from participation in decision making and development strategies has been evident since Sudan's independence in 1956 and across all subsequent ruling regimes. For example, the Northern Rizeigat and other nomadic groups are increasingly denied access to natural resources, politically marginalized, not represented by national institutions and excluded from the development process. Their exclusion puts them in a position of no or little livelihood choices. The vulnerability of the Northern Rizeigat prompted their leadership to respond to the government militarization call in order to secure access to natural resources and power to which they found themselves increasingly banished (Young et al 2009). Beside the factor of marginalization mentioned above there were other reasons that helped to encourage the Northern Rizeigat and other pastoralists to rally behind Khartoum central government in fighting Darfur armed movements; the ethnic polarization dominating the composition of Darfur rebel movement (SLA and JEM). The two rebel groups excluded the pastoralists group and were formed almost exclusively from Darfur non-Arab ethnic groups (Zaghawa, Fur or Masalit), particularly at the leadership levels. As a result, in 2003 when the armed movements started to attack government forces and institutions, Darfur communities were sharply divided either with the government or with armed movements. Most of pastoralist groups joined the government forces and fought together side by side.

Now after two decades of tribal conflicts and nine years of civil war in which pastoralists have taken an active part, peace is still distant in Darfur. But there are some changes taking place among pastoralists groups that are very encouraging if wisely directed towards peace building in Darfur. Secondly, new institutions were created to look after the interests of Darfur pastoralists. Thirdly, decentralization and creation of three states have increased the representation of pastoralists in local governance and the national assembly. Additionally, pastoralists themselves started peace initiatives that have been supported by the state governors in both South and North Darfur. Assessment and analysis of these new changes among Darfur pastoralists is the focus of the next sections.



The New Pastoralists' Institutions

Generally, government institutions favour the interests of sedentary and urban populations, while marginalizing pastoralists in large part because of their mobile livelihood system. However, at the level of the Locality, pastoralists are heavily taxed based on their animals yet receive little in return, in terms of basic services like health, education water provision etc. Pastoralists have established their own institutions; for example as an outcome of the 1990s conflicts between northern Rizeigat and Zaghawa over the land rights, Al Waha locality was established to represent an administrative structure for the northern Rizeigat pastoralist groups, including Mahamid, Mahria, Iraygat, Awld Rashid, Shatia and Mahadi tribes. Another reason for establishing this locality was to separate the North Darfur Arab abbala administration from the sedentary communities in Kutum. However, Al Waha does not have clear geographical boundaries and also lacks funds (Hamid 2005).

Abuja peace agreement, signed between the government of the Sudan and Mini Minawi faction of (SLA) in 2005, was turning point for Darfur pastoralists. The agreement neglected pastoralists concerns completely but created a number of commissions dominated by non-pastoralists members. Accordingly, pastoralists began to put pressure on Khartoum government to create equal institutions for them. Their efforts were fruitful and three pastoralist institutions were created. Nomads Development Council (N.D.C.) for Darfur States was established by a presidential decree in 2007, with very clear mandate to promote pastoralists development. Additionally, two pastoralists' commissions in both South and West Darfur were established as executive bodies at the state level. Recently, the council, with the assistance of the two commissions, implemented a wide range of basic service and development projects for the benefit of pastoralist groups in Darfur States. These projects covered the field of education (establishing school centers, distribution of school books and materials and setting a council for pastoralists' education) and in health services (establishing health centers and mobile clinics and training midwives). Their projects also aimed to increase the pastoralists' access to drinking water through establishing Hafirs and digging borehole wells along pastoral corridors.¹⁰

Political Representation of Pastoralists

Historically, the Mahadia state (1885-1898) was classified as a Baggara-dominated regime. Baggara joined the Mahidi's call for revolution and established themselves as a ruling class. After the death of M. Ahmed Al Mahadi in 1885 Khalifa Abdllahi Al Taashi from South Darfur Baggara succeeded him as the ruler of the Sudan. During his reign the Baggara dominated the political power in the Sudan. Most of the military leaders and governors of the provinces "Emarat" belonged to the Baggara tribe. The domination of the Baggara pastoralists from Darfur and

¹⁰ For further information on NDC development projects see their annual reports.

Kordofan, happened immediately after the so called “Ashraf” riverine mutiny against the Khalifa rule contesting a western pastoralist’s legitimacy to rule the Sudan (Holt 1979).

To suppress the “Ashraf”, Khalifa Abdel Allahi brought his tribesmen from Darfur and appointed them in key strategic positions. When his state collapsed after the British invasion (1898) most of the political leaders were either killed in the different resistance battles or arrested and jailed for long periods. The Bagarra pastoralists’ leaders were destroyed and the remaining families expelled from Omdorman (Mahdia State Capital) and from central Sudan regions. They returned back to their homelands in Darfur. Following Sudan’s national independence in 1956 the successive national regimes – whether democratic or military regime - excluded the Baggara and other Darfur pastoralists from participation in national political structure. The only role the Baggara played in national politics in most cases was mobilization of their tribesmen during election times. In recent years, however, this situation changed drastically because of war events and particularly because of Baggara support and alliance with the present regime, with the Baggara now included in national politics. During the period 2003-2005 three ministers of Baggara origin have been appointed to take over important federal portfolios, these are: ministry of foreign trade, ministry of international cooperation, cabinet affairs and humanitarian and investment. That could be seen as a breakthrough for Darfur pastoralists’ participation in national politics.

Moreover, in the current national institutions (2011), the representations of Darfur pastoralist in national politics is very significant, with seven federal ministerial posts, including: the ministry of finance, the ministry of justice and a political advisor to the president in Nomads affairs¹¹. Additionally, the chairman of national houses representatives, the house of parliament and the council of states representatives are Darfurians. At Darfur state and local level political empowerment is even stronger. To take the case of west Darfur State, the pastoralists in the executive offices of the government have the following posts.

- Deputy governor (Wali)
- Minister of Health
- Minister of urban planning and housing
- Tribal affairs division (a ministerial job in the office of the state Wali)
- Commissioner Geneina Locality
- Commissioner Sinba Locality
- Commissioner Zalingi Locality
- Commissioner Wadi Salih Locality
- Commissioner at the State head quarter office.

11 The finance minister is a Bagarra Taasha (South Darfur), the minister of justice is a Zaghawa Kobi (North Darfur) and the Nomads affairs political advisor is a Reziegat (South Darfur).



Darfur Pastoralists Groups: New Opportunities for Change and Peace Building

In West Darfur legislative house the pastoralists secured 10 out of 49 seats and got the chairmanship of the committee of education. They started to influence the non-government organizations like the chamber of commerce in Geneina where now the chairperson and the secretary of finance are both from pastoralists' background.¹²

In North Darfur State the representation of pastoralists groups is similar to that of West Darfur. In the executive body in North Darfur government pastoralists secured the following offices.

- Minister for education
- Economic and investment advisor
- Two commissioners in the state head quarters
- Commissioner of Al Waha Locality
- Commissioner of Al Serief Locality
- Commissioner of Al Koma Locality

In the State House of Representatives where state laws are made they gained the following offices¹³,

- The Chairperson of the house
- The Chairperson of the Economic Committee
- The Chairperson of the urban planning and housing Committee
- The Chairperson of the house members Committee
- In addition to a further nine members of the house

In South Darfur where the five divisions of Baggara pastoralists; Rizeigat, Habania, Felalta, Beni Helba and Taasha have their own tribal Dars, marginalization was not an issue. There is a general concept that South Darfur is a state of Darfur Baggara. For the last decade the governor (Wali) of the State was a Baggarian. Now the incumbent governor of the state is from the Reziegat pastoralists of South Darfur. Nevertheless the political problem of Bagarra pastoralists is how to have equitable share of power among their different tribes.

To conclude, pastoralists' representation at key policy making bodies has increased and their participation in local power structures at state level could have a profound effect in influencing the peace process and settlement agreements. Moreover, appointing members of pastoralists tribes in key legislative bodies is a great opportunity to make the voice of pastoralists heard and to advocate for peace building, enforcing peace agreements and as well improving pastoralists access to basic services. However, harnessing this opportunity for peace and pastoralists' development and empowerment requires commitment and genuine efforts of their elected/appointed representatives. The worry comes from the 'elite capture' problem, the assumption that the appointed representatives have better knowledge of the pastoralists conditions, is not necessarily

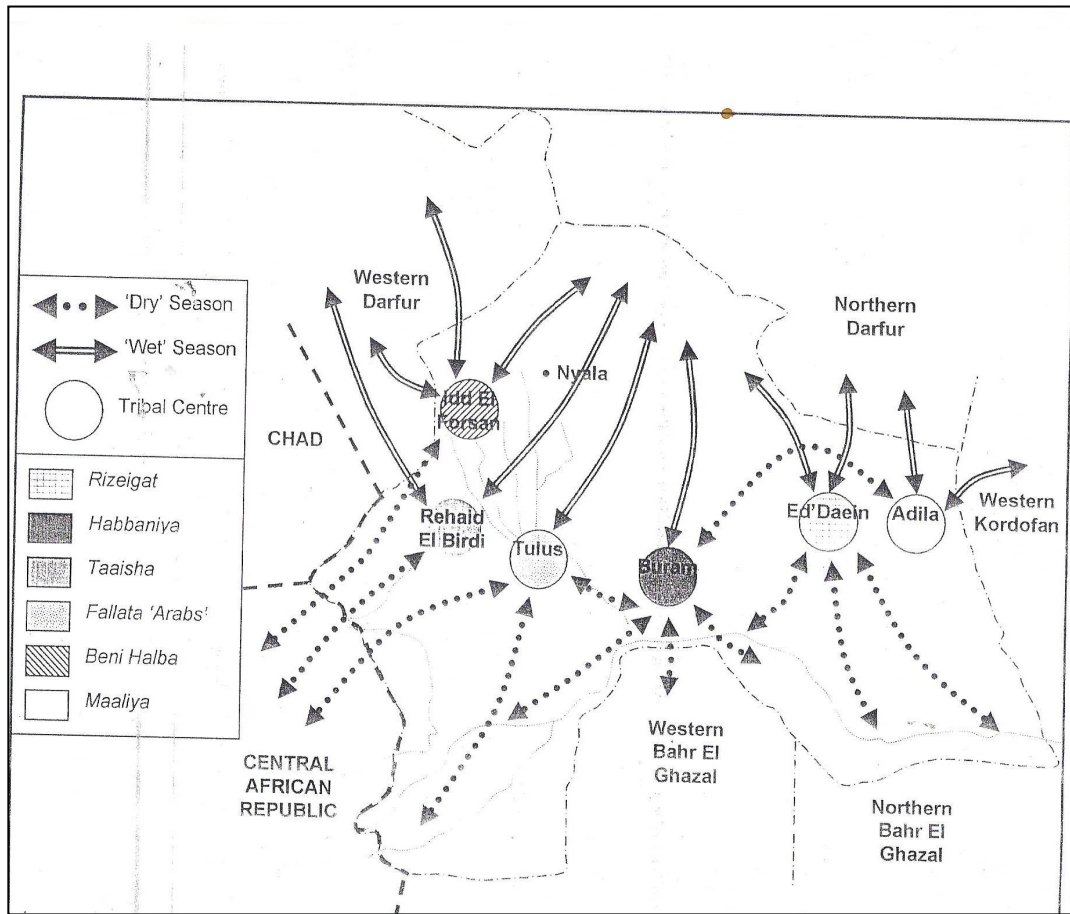
¹² An interview with Mahadi Hesain Asola. West Darfur Commissioner for nomad. Khartoum 2.8.2011

¹³ A phone report by Tayib Said Gadal. The economic advisor of North Darfur State. 4.8.2011.

true as high profile political representatives overtime tend to become increasingly detached from their own people, and at times manipulate their positions and the resources devoted to pastoral development to their own self-interest. This indicates that pastoralists might become vulnerable to the risk of elite capture, and unless pastoralist communities are genuinely empowered to effectively participate in decision-making and claim their rights, the elite capture problem is bound to seriously undermine the potential of appointing pastoralist leaders in key ministerial positions.



Annex 1
Distribution of Baggara tribes in South Darfur



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