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Kwesi Sansculotte-Greenidge

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# Power as Peace

## Change and continuity among Darfuri refugees in Tchad

Kwesi Sansculotte-Greenidge

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submitted for the degree

of Doctor of Philosophy

Department of Anthropology

2009

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18 MAY 2009

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## A. ABSTRACT

The thesis examines resilience and change in traditional systems of authority, with a specific focus on traditional systems of administration and conflict resolution. The aim is to examine social change and social continuity among the BeRà refugees in Tchad by looking at the effects of conflict and conflict induced migration on their traditional forms of leadership. The thesis focuses on leadership expressed through the ability of elders to be *Ajawiid* (mediators) and thus to achieve *Judiyya* (amelioration). This work will theorize conflict and conflict resolution without removing it from its environmental, historical, cultural and political setting. The thesis will also historicize regional conflict and examine how current conflicts affect the lives of Darfuri refugees and their leadership in Eastern Tchad. This kind of analysis can best be accomplished if one takes a broader look at regional phenomena before trying to decipher the meaning of locally or culturally unique elements. Key findings of this work include the fact that *Judiyya* has continued in spite of four years in the refugee camps. Figures in *Idara Ahalia* [Native Administration] from Darfur, though unable to form reliable links with counterparts in Tchad due to ethnic rivalries and tensions, have been able to establish working links with Tchadien civil authorities, much as existed in Darfur prior to the war.

## B. PREFACE

This thesis is the culmination of close to eight years of engagement with the Horn of Africa as a whole and Darfur in particular. I initially travelled to Egypt and the Sudan to hone my Arabic skills in summer of 2001. However, what began as a short trip to Egypt and the Sudan during the final year of my undergraduate degree at Durham, soon evolved into a research career long engagement with the region. My time in north Darfur laid the foundations for much of my post-graduate research.

Embarking on this PhD was no small task. Many of the universities I had applied to told me bluntly, that *no university would send a researcher to Darfur or Tchad with the situation being what it was*. Others had claimed my research was not '*anthropological enough*', and belonged in the halls of a stuffy smoke filled political sciences department, *somewhere else*. Both of these had been recurring themes I had been dealing during my Master's research in Ethiopia in 2002. Refused a research permit for the Sudan in 2002; I decided to do my Master's research in Ethiopia instead. My hope was that the research on ethnic federation would be useful to both Sudan and Ethiopia. To make sure it was useful to planners and thinkers in both sides of the border I decided to cross this border illegally and share my findings with SPLA commanders and Sudanese dissidents. Thus, I began honing some of my more clandestine research skills: forging documents, dealing with gatekeepers and crossing borders (illegally).

Less than a year later, even before I had finished my master's, Darfur was engulfed in flames as the central government utilized a combination of scorched earth and ethnic cleansing to deal with a regional rebellion. In 2004 I enrolled on a PhD in program at Durham University and became even more determined to return to Darfur to document the local tradition of conflict before it was totally wiped out. Looking back now I am not sure that the university

really understood what I was proposing to do: *enter a conflict zone to document a system of conflict resolution and local administration by interviewing refugees*. I assumed they thought I would do a library based study, if the situation in Darfur did not change for the better.

The situation did not change and as a result, my supervisors and I agreed that a cross border study would probably be impossible. The plan was for me to travel to Tchad and conduct research there if the situation in Darfur did not improve. *None of us realistically expected the situation to change*. As a result, this research has dual focus on both Tchad and Darfur.

During my time in Tchad I faced numerous hardships, including, but not limited to: knifings, hijackings and being shot at. Numerous colleagues were kidnapped and others seriously injured. It seemed I had arrived in Tchad at a particularly inopportune point in time. The period 2005-2006 saw Tchad convulsed by violence as numerous rebel groups tried to overthrow the ruling party. Like the Darfuri refugees I was a reluctant spectator. Without ethnic, tribal or clan alliance in Tchad, both I and the refugees among whom I worked, were at times targets of various competing groups.

Immediately prior to leaving for Tchad I co-authored a report on conflict resolution in the Sudan. (Mark Bradbury, John Ryle, Michael Medley & Kwesi Sansculotte-Greenidge. Local peace processes in Sudan: a baseline study (Rift Valley Institute, May 2006) [http://www.riftvalley.net/documents/Local\\_Peace\\_Processes\\_in\\_Sudan\\_-\\_May\\_2006.pdf](http://www.riftvalley.net/documents/Local_Peace_Processes_in_Sudan_-_May_2006.pdf)).

Sections of this report written by this researcher, particularly those on Darfur, have been updated and appear in this thesis **pages 108-130 and pages 217-227**.

### C. ACKNOWLEDGEMENTS

The material presented in this thesis is by no means the fruit of the labour of one Durham student. It contains a part of the history of both Ouaddai and Darfur. As it is with works of this nature there are many whose efforts and help go unseen, is to them that I dedicate this work.

I would like to thank my family for their support and unwavering belief that I could accomplish this. Special thanks go to my supervisors Professor Robert Layton and Dr. Peter Collins for their help, guidance and encouragement throughout the work on this thesis. I also would like to express my deepest gratitude to those who helped with the planning of my research, in particular Steve Reyna, Jan Coebergh and Andrea Behrends. I must also thank those who saw in my work something of value and were willing to fund me: the Dean of the Graduate School Douglas Halliday, the Emslie Horniman Anthropological Scholarship Fund and the Royal Anthropological Institute. I thank those in Tchad who helped with my research: Khalil Allilo, Ismael Mahamat Adam and Khassim Mahamat Assad. Fellow researchers who were willing to provide me with much needed guidance and comradery, Marielle Debos, Babett and Tim Janszky as well as Grit Jungstand. Thanks also go to CARE staff members Nedjilem Mayade, Samir, Issaka, Khalil, Jessica, Carine Malardeau, Martin Masumbuko, Jean-Claude and Juma, along with Emmanuelle of UNHCR and Amadou of PAM.

Lastly, I wish to thank those who were willing to accommodate me, those who acted as my impromptu translators, guides, and most importantly, friends. To those who took active part in my work- this research is as much yours as it is mine. To the inhabitants of Mile and Am Nabak, in particular Salih Haroun and all the *Old Sheikhs*, I say... *Shukran Kathir, Kadai*.

This work is dedicated to two close friends from the camps that died before this work was completed: Omda Tahir Hariga Boyo, who died in 2006 and Shirley Case, a CARE staff member, friend and colleague from Tchad, killed in Afghanistan on 13<sup>th</sup> August 2008.

## CHAPTER 1

### INTRODUCTION

#### PATTERNS REOCCUR... AGAIN ...AND AGAIN

*In order to convey the historical explanations with clarity, it is often the case that one has to assume or glide over the exposition of the formal interrelations between variables*

(Wallerstein 1974: 347).

Presented in this work is an analysis of social change and resilience in the face of conflict-induced displacement. In the vast majority of cases, the movement of refugees and internally displaced persons is a complex and often chaotic affair. The events prior to during and after their flight leave them scarred both emotionally and physically. In addition to mental trauma refugees suffer from the very real loss of country, community, family, prestige and property. Social bonds and familial relations are often torn asunder, frequently this leads to a decline in the moral authority of traditional leaders. As a result displacement can become the focus for far reaching social and cultural change and upheaval, thus any study of displacement is inherently a study of societies in change and cultural adaptation. This thesis will focus on conflict-induced forced migration and the processes of adaptation and change they have forced on Darfuri refugees in Tchad.

The pattern of conflict in Africa is perhaps best described as cyclical and resilient; with not only weapons but also personnel traversing borders and frequently taking part in numerous separate, but linked conflicts. The history of the Greater Ouaddai-Darfur Region is perhaps the most striking example of this phenomenon.<sup>1</sup> The history of this region has been dominated by conflict. In both the pre- and post-colonial eras, the region has been the scene of periods of

---

<sup>1</sup> By Greater Ouaddai-Darfur Region the writer means Darfur, the Tchadien border regions of Ouaddai, Wadi Fira, and the eastern borders of B.E.T. (mainly the Ennendi sub region).

intense warfare. The most recent of these conflicts began on the 18<sup>th</sup> October 2005, a mere four days after the commencement of this case study in N'Djamena. As a result I had a ringside seat to this, the region's latest struggle in a string of bloody conflicts.

*Map 1: Sudan and Tchad*



Key: Map highlights the 12 camps for Darfuri refugees and 2 camps for Central African refugees in Tchad

(UNHCR Darfur Maps)

This however, is not the first time the Tchad-Darfur/Sudan border has been engulfed by conflict. For the past forty years, this porous border has served as the lynchpin in a network of covert, and some not so covert, rear bases for regional insurgency movements. This network connects governments, military officials, opposition figures, insurgents and plain old bandits from Darfur<sup>2</sup>, Tchad, Sudan, Egypt, Libya, Ethiopia, Eritrea and the Central African Republic. In fact, most of the region's conflicts have been linked to, or form integral parts of wider international conflicts. As a result the term 'civil war' is one that is increasingly peripheral to the understanding of conflict in the region.

While local level conflict is no new to the region; over the past forty-five years many long standing grudges and some brand new sources of animosity have resulted in large scale and wide-ranging violence. Some of these instances of conflict are clearly related to competition between pastoral and agricultural communities. Many however arise from a complex array of what can be seen as a mix of '*greed and grievance*' (Collier and Hoeffler 2004). This array includes historical grudges, economic deprivation, asymmetrical access to resources and a lack of democratic political competition. In this region many of these factors have been used by both internal and external actors as a reason for violent competition.

In spite of this, few analysts have placed Tchad and the current 'Darfur Crisis' in their proper place. Instead, most analysis of Darfur has centred on issues of marginality, resource conflict and ethnicity (Abdalla 2006, Ali-Dinar 2003, Ali-Dinar 2004a, Ali-Dinar 2004b, Bromwich 2007, Ibrahim 2004, Suliman 1994, Suliman 1997 and Suliman 1999). Those who work in or on Tchad have tended to stick to discourses of weak states, greed and grievance and

---

<sup>2</sup> Darfur has been separated from the rest of the Sudan for sake of analysis and because the region in its current form and its political and historical evolution is very different from the rest of the Sudan. This form of analysis need not be deemed a radical departure as many have attempted to analyze the political trajectory of Southern Sudan by first acknowledging the fact that southern Sudan is political and culturally distinct from Northern Sudan. The same can be said of Darfur.

monopolization of state resources (Marchal 2005 and Azevedo 1998). While these discourses are not invalid the lack of analysis of the wider border region and its international connections and ramifications leave the analyses unable to consistently explain the changes being witnessed. To understand the resilience of traditional systems in Darfur, one must first come to terms with four salient features of the region -. These are:

1. The complex nature and history of states in this region
2. The role of traditional leaders
3. The necessity of alliances between the state and traditional leaders
4. The cyclical nature of conflict in the region's history

These four phenomena can be seen as the only constants in the region's history, both pre- and post-colonial. That is, in the various pre-colonial states that have emerged, expanded, flourished, declined, decayed and died in the region - the pattern of alliance between the state and traditional leaders, fragmentation and warfare has proved to be a resilient, if not defining, feature of the region, and the border regions in particular. Burr and Collins in their work on conflict in the region write:

*The routes across the Sahara today are the same as they were when the camel replaced the bullock in the fourth century; the four wheeled vehicle is simply a modest improvement at the end of the twentieth century* (Burr and Collins 1999: 3).

This resilience means that the roots of conflict in the region are difficult to comprehend and the trajectory even more complicated to discern. Thus, one must frequently step back (historically) and look at the wider picture (thematically) to gain a clear understanding of what may initially appear to be an isolated local level phenomenon. Seen in this light conflict, ethnic

fragmentation, a volatile international border and violent conflict in the region need to be re-examined and cast as integral parts of the region's historical trajectory.

As a result of this resilience one can discern certain reoccurring themes in history of the Greater Ouaddai-Darfur Region. One can argue that even the recent massive displacement caused by the Darfur conflict and the political instability that has characterized post independence Tchad, are not only linked to each other, but they are also linked to events that extend far back into the pre-colonial period. Thus, conflict must be seen as an integral feature of Central Saharan history and as a result local conflict resolution becomes an important feature in understanding the region's past and predicting future trends. These four themes: state formation, the role of traditional elites, the cyclical nature of conflict and changing alliances have not only shaped the region but have also shaped the way the region's inhabitants have reacted to, and coped with upheaval and indeed with each other on a day to day basis.

This work is best described as an examination of resilience and changes in traditional systems of authority, with a specific focus on traditional systems of administration and conflict resolution. The aim is to examine social change and social continuity among the BeRà refugees in Tchad by looking at the effects of conflict and conflict induced migration on their traditional forms of leadership. The thesis focuses on leadership expressed through the ability of elders to be *Ajarwid* and thus to achieve *Judryya*. This work will theorize conflict and conflict resolution without removing it from its environmental, historical, cultural and political setting. The thesis will also historicize regional conflict and examine how current conflicts affect the lives of Darfuri refugees and their leadership in Eastern Tchad. This kind of analysis can best be accomplished if one takes a broader look at regional phenomena before trying to decipher the meaning of locally or culturally unique elements.

The analysis presented in this work will be divided into two sections:

- *Section A:-* will examine the current anthropological literature on conflict and conflict resolution, as well as the methodology of the ethnographic research.
- *Section B: -* will provide a historical overview of pre-colonial and linguistic links between Darfur and Eastern Tchad (Ouaddai). It will provide the reader with an ethnographic and historical outline of the BeRà people, the focus of this work. It will also examine the various ways in which power has been *creditized* in the region- creating *Idara Ahalia*, as well as the pre-war and current role of traditional leaders in mediation and conflict resolution, both in Darfur and now in Tchadien refugee camps.

## **SECTION A**

### **LITERATURE REVIEW AND METHODOLOGY**

## CHAPTER 2

### LITERATURE REVIEW

Today there are more than 8.4 million refugees registered with UNHCR, the Sudan is second to Afghanistan for having the largest number of its nationals registered as refugees in other countries.

**Table 1: Major Refugee Populations**

| ORIGIN OF MAJOR REFUGEE POPULATIONS – 1 JAN 2006 |   |           |
|--|---|-----------|
| [Four Largest]                                   |   |           |
| Origin   | Main Countries of Asylum                                    | Total     |
| Afghanistan                                      | Pakistan / Iran / Germany /<br>Netherlands / UK             | 1,908,100 |
| Sudan  | Tchad / Uganda / Kenya / Ethiopia<br>/ Central African Rep. | 693,300   |
| Burundi  | Tanzania / DR Congo / Rwanda /<br>South Africa / Zambia     | 438,700   |
| DR Congo   | Tanzania / Zambia / Congo /<br>Rwanda / Uganda              | 430,600   |

UNHCR <http://www.unhcr.org/basics/BASICS/3b028097c.html>

Along with refugees UNHCR's mandate also covers some 6.6 million IDPs (internally displaced persons).

**Table 2: IDP Populations**

| MAJOR IDP POPULATIONS OF CONCERN TO UNHCR |           |
|---|-----------|
| [at 1 January 2006]                       |           |
| Country                                   | IDPs      |
| Colombia (UNHCR estimate)                 | 2,000,000 |
| Iraq                                      | 1,200,000 |
| Sudan                                     | 841,900   |
| Azerbaijan                                | 578,500   |
| Somalia                                   | 400,000   |
| Sri Lanka                                 | 324,700   |
| Serbia & Montenegro                       | 246,400   |
| Liberia                                   | 237,800   |
| Georgia                                   | 234,200   |
| Bosnia & Herzegovina                      | 182,700   |

UNHCR <http://www.unhcr.org/basics/BASICS/3b028097c.html>

The Sudan again features in the top five. In fact the Sudan along with Azerbaijan are probably misrepresented in the above statistics, since the UN statistic only include refugees and IDPs registered with the UNHCR. Thus, the vast majority of Darfur's 2.5 million IDPs who have no assistance from the UNHCR do not feature on the above chart. A more realistic estimate of the world IDPs is close to 25 million. The Sudan alone is home to more than 5.5

Million IDPs. Added to this is a probable refugee population of 9-10 million (Internal Displacement. 2005: 6).

**Table 3: IDP Key Facts 2005**

|   |   |
|---|---|
| Total IDP population:   | 23.7 million (December 2005)  |
| Number of countries affected  | At least 50   |
| Number of separate IDP situations monitored   | 63  |
| Worst affected continent:   | Africa (12.1 million IDPs in 20 countries)  |
| Largest internal displacement situations:   | Sudan (5.4 million IDPs), Colombia (up to 3.7 million), Uganda (2 million), DRC (1.7 million), Iraq (1.3 million)   |
| Number of conflicts generating displacement in 2005:  | 27  |
| Major new displacement during 2005:   | Zimbabwe, DRC, Colombia, Iraq, Sudan  |
| Major return movements during 2005:   | DRC, Sudan, Liberia, Iraq   |
| Worst displacement situations:  | Burma (Myanmar), Sudan, DRC, Zimbabwe, Côte d'Ivoire, Colombia, Iraq, Somalia, Uganda, Nepal  |
| Estimated number of IDPs at risk of death through violence:                                     | 14 million  |
| Governments or occupation forces directly or indirectly involved in displacing people in 2005:  | Burma (Myanmar), Central African Republic, Colombia, Côte d'Ivoire, Indonesia (West Papua), Iraq, Mexico, Nepal, Pakistan, Israel (Palestinian Territories), Philippines, Russian Federation (Chechnya), Sudan (Darfur), Togo, Turkmenistan, Zimbabwe |
| Estimated number of IDPs without any significant humanitarian assistance from their governments | Nearly 6 million in at least 12 countries   |
| Estimated number of IDPs unprotected by their governments                                       | 6 million in at least 13 countries  |
| Number of countries without UN involvement in IDP assistance or protection                      | 16 (nearly one third of all countries affected)   |
| Proportion of women and children among IDPs   | 70-80%  |

(Internal Displacement. 2005: 5-6)

A very different picture emerges when one moves away from the official statistics of the UNHCR and looks at the overall situation. The major distinction between *refugees* and *IDPs* is not only locational, but also legal. The term *refugee* means that the individual has fled their country of legal residence and is now seeking refuge in another country, whereas the term *IDP* means the individual is still resident in their own country but has left their home or region. As the term states they are *internally displaced*. It is often much easier for the UN and other aid agencies to provide assistance to refugees than it is for them to assist IDPs, because in many instances individuals are actually fleeing their own governments. In such cases governments may obstruct the flow of aid or even commandeer aid for their own purposes, as in Somalia during the early nineties. As a result refugees often have better legal protection and better access to aid.

This holds true, not only for Darfuri refugees and IDPS, but also in most situations of displacement, as Barbara Hendrie's work on refugees in IDPs and refugees from Tigray in Ethiopia highlights (Hendrie 1996). In the mid to late 1980s Tigray refugees fled war in Ethiopia and moved to the Sudan with little to no external assistance, as the province was a military theatre. Those in government controlled regions of the Ethiopian province had some access to aid but those in rebel held areas were forced to either fend for themselves or make the dangerous journey to the Sudan where they could receive some international support (Hendrie 1996: 37-39).

An in depth analysis of the war in Darfur would be beyond the scope of this work, however this is not an attempt to gloss over or minimize the real suffering caused by the conflict nor the wanton disregard for human life shown by Khartoum, its proxies and the rebels. Though a more in-depth account of the factors that led up to the conflict will be examined, for the time being it is sufficient to say that in 2003 Darfuri rebels took up arms against the

Khartoum regime which responded with disproportionate force and its now notorious *Jarjanweed* proxies.

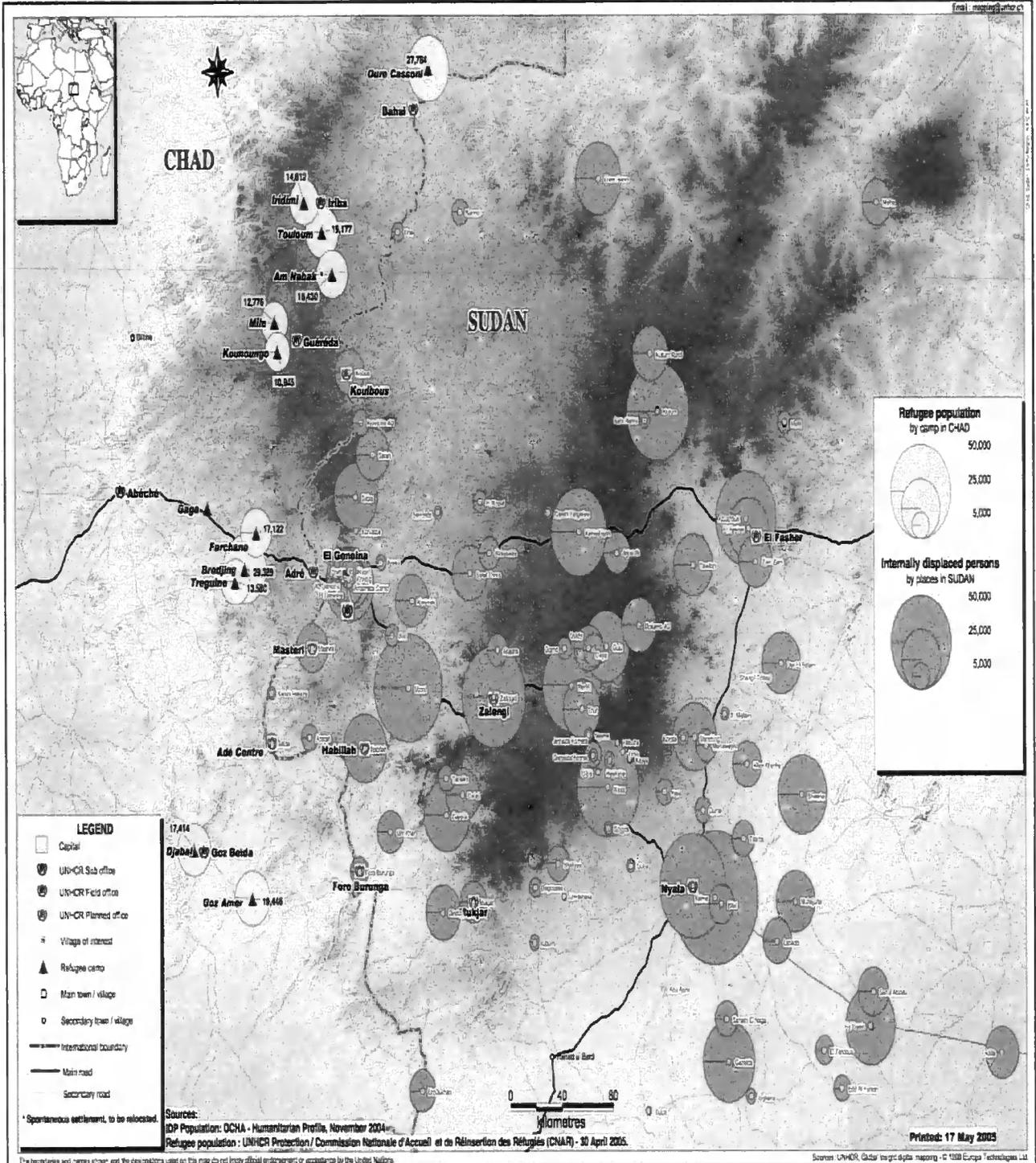
Map 2



# Chad - Sudan, Refugee and IDP population

PGDS in DOS  
Population and Geographic Data Section  
Division of Operational Support

As of 30 April 2005



[http://www.reliefweb.int/rw/fullMaps\\_Af.nsf/0/AC6BED4A49FE1EE9852570820070E0F4/\\$File/unhcr\\_IDP\\_tcd-sdn170505.pdf?OpenElement](http://www.reliefweb.int/rw/fullMaps_Af.nsf/0/AC6BED4A49FE1EE9852570820070E0F4/$File/unhcr_IDP_tcd-sdn170505.pdf?OpenElement)

Darfur itself is home to 2.5 million IDPs, who eke out a living in the region's 75 or so IDP camps. Another 235,000 have fled to Tchad. Here in the Tchadien regions of Wadi Fira and Ouaddai 210,000 Darfuri refugees have found some sanctuary in 12 refugee camps, while another 25,000 try to survive along the border with little or no assistance from the outside world. It is among the Darfuri refugees in Tchad and more specifically those in the camps of Mile and Am Nabak that this research took place.

The humanitarian crisis in the region has grabbed international headlines, but this attention has not been translated into action. Estimates of the human cost of this manmade disaster vary from 150,000 to 300,000 casualties. In addition over 250,000 Darfuri have fled to Tchad, while another three million are internally displaced (ICG 2004). What began as a rebellion in February 2003 evolved into what the United Nations called the "*worst humanitarian crisis in the world today*" when the Khartoum regime and allied militias launched a scorched earth tactic. It is among the 250,000 or so Darfuri that fled to Tchad that this research took place.

Darfur, a border region in the far west of the Sudan, is an area larger than Kenya, France or Texas, and displays a high degree of geographical and ethnic diversity. Darfur borders the former province of Kordofan in the east and the Tchadien regions of Ouaddai, Wadi Fira, and Borkou-Ennedi-Tibesti in the west. It extends southward to Bahr el Ghazal and northward to the Libyan Desert. The far north of the region is primarily desert, the south is savannah land. The central region is dominated by the Jebel Marra massif and this region is one of the most fertile rain-fed areas in northern Sudan.

Before its incorporation into Sudan in 1916, Darfur was an independent polity with three successive dynastic traditions, culminating in the Fur Sultanate from the 1650s. In 1874 it was briefly incorporated into *Mahdist* Sudan. After the fall of the Mahdi, Darfur was once again

recognized as an independent state (O'Fahey 2004: 1) and it was only in 1916, two years before the end of World War I, that the Sultanate finally lost its independence. Up to that point Darfur had been one of very few African territories, along with Ethiopia and the nominally sovereign states of Liberia and Egypt, which remained uncolonized. This history of independence has conditioned relations between the region and the Sudanese nation state. Due to these realities Darfur must be seen less as a normal part of the Sudan and more as a region with its own history and regional identity. Darfur's history as an alternative centre of state power contributes to local understandings of its conflict with Khartoum.

The current rebellion in Darfur emerges from a history of small and medium-scale local conflict. Since the independence of the Sudan there have been more than thirty-five small and large-scale armed disputes (Mohammed 2002: 1). Many of these conflicts are clearly related to competition between pastoral and agricultural communities. They also bespeak an array of issues that can be contained under the rubric of "*greed and grievance*" (Collier and Hoeffler 2004). These issues include, local rivalries, historical complaints against the central state, lack of services and a perceived absence of political representation.

Many of the conflicts in the region have been articulated along ethnic and linguistic lines, but such ready-made divisions often mask deeper societal fractures. This is illustrated by the conflict between the *Fulani* and the *Gimr* of south Darfur in 1984. The initial spark was a murder; both groups were soon engaged in a series of raids and counter raids, that left dozens dead. However upon closer examination the murder and subsequent acts of violence were merely the spark that ignited already smouldering tension that lay beneath the seemingly peaceful surface. Indeed much of the hostility stemmed from local and national politics, in particular the proposed division of the Fulani and neighbouring Gimr rural districts (Morton 2004: 11). The aim of this administrative re-organization was to allow those Fulani who farmed traditionally

Gimr lands to be incorporated into the Fulani district at Tullus rather than remain in the Gimr district at Katalia. Actors on both sides of the divide, while repeatedly asserting that the occasion for violence was this murder, did not deny that local power rivalries also played a role. Ethnicity was used as a ready-made principle of mobilization (Fukui and Markakis 1994), thus illustrating how battles for resources- and by extension group survival- tend to be expressed in terms of ethnicity.

It must not be supposed that local conflict is the norm in the Greater Ouaddai-Darfuri Region. Even today, when large parts of the region are verging on anarchy, there are other areas where small-scale local mediation continues to be effective. As far as it is possible to tell from the historical record, during much of the earlier era of the Sultanate, there was less violence and more cooperation along fault lines where ethnic groups met. The latter featured the exchange of goods and services and the rule-bound sharing of renewable resources, such as water and grazing. Competition over resources has intensified in the last few decades due to a combination of political, social and economic pressures coupled with environmental changes and degradation. All of these factors have been exacerbated by administrative incompetence and in many cases deliberate *ethnic gerrymandering*. In the face of this sustained onslaught, rules for the sharing of scarce resources that have previously prevented rivalries from becoming full-blown conflicts have increasingly broken down.

Even when violence could not be avoided, the rules of engagement, disengagement and compensation have acted as checks on the level of conflict. In Islamic Northern Sudan in general, this system of communal mediation and peace building is known as *Judiyya* (amelioration). A group of elders acting as *Ajaruid* (mediators) preside over a *Mutammarat al Sulh* (reconciliation conference). Generations of intermarriage and coexistence between ethnic groups have also led to a common understanding of these institutions. But only a few instances

have been documented in detail. An examination of particular cases of *Judiyya* and *Mutamarrat al Sulh* is therefore the central feature of this case study.

In recent years anthropologists have been challenged to reconsider both what they study and the methodology of their discipline. Strides made in development, governance and peace studies have highlighted shortcoming in anthropological research. However, our greatest intellectual stimulation and indeed competition has taken place because of innovations made in the fields of economics and political science. Though anthropology has a long history of comparative research, anthropology and anthropologists have excelled at exploring microcosms. References to the wider economic and political world are often neatly confined to the introduction or the field setting sections of anthropological works. By almost exclusively looking at local culture many anthropologist have been unable to explain, or even see, those aspect of local culture that are responses to external stimuli. Having said this, the top down '*world view approach*' espoused by political scientists fails to fully explain the variation in local level responses to the same stimuli. Unlike anthropology's micro level approach, the macro oriented works of political scientists and economist have until relatively recently, rarely engaged with units smaller than states.

Thus, a gap has been developing between studies located at the local level on one hand and their global connections, on the other. The necessity of combining both approaches can be clearly seen in the shortcomings of the anthropological study of conflict. One of the aims of this research project is to provide a case study that is sufficiently connected to global phenomena to be useful in a comparative sense.

The study of conflict and conflict resolution has been a key feature of anthropology since the early days of Malinowski. Epstein, Turner, along with Godfrey and Monica Wilson's early

studies were unable to break from the simplistic notions of 'tribal wars' or 'ethnic strife'. Gluckman (1955; 1965) argued that conflict resolution was an important vehicle for studying culture because it gave a glimpse as to how a society reproduces its norms and values.

The growth of counter culture in the 1960s and the increase in publications that could be called Marxist Anthropology, led to an increase in the study of social conflict (Ferguson 1984: 5-7). The anthropological study of borders and frontiers can be traced in part to the work of Fredrick Barth (Barth 1969). Though his work focused on ethnic and group boundaries, he laid the foundations for the study of border peoples and border regions. As the discipline grew, researchers began to investigate more problematic topics. Thus the discipline has a long record of tackling such topics as nationalism, political economy, class, migration, stateless societies, violence and political conflict and as a result, a body of work both on group and international borders emerged.

It seems that though anthropologists study societies in which war occurs, or people engage in warfare, thus until relatively recently they rarely studied war itself. Therefore, what emerges is a picture of 'tribal conflict' between 'isolated ethnic entities' with no connection to state structures. Proponents of this approach regard warfare and conflict as inherent in social relations. It is in peoples nature to engage in conflict unless they are restrained by the institutions of social control. This approach reflects both the Hobbesian and Durkheimian perspectives. The former paints a picture of a *human propensity for conflict*, which must be mitigated and controlled by the state through violence, or the threat of violence. This human propensity towards violence in pursuit of self-interest is a fact of human nature, hence the purpose of the state is to keep various forces in check. The latter, Durkheimian view holds that the source of peace and order in society lies in the moral authority exerted by the group over its members.

Contemporary anthropology has gone a long way in showing the shortcomings of these approaches. The very nature of fieldwork allows anthropologists to see the state as do its citizens and in some cases its victims. According to Kenyan Scholar E. Njeru the defining feature of the anthropological study of conflict and conflict resolution it focus on attempts to explain armed conflicts as a universal feature of the human condition manifesting itself in culturally specific terms (Njeru 1998:4).

Georg Simmel was perhaps one of the first academics to conduct an in-depth study of conflict and violence from a culturally EMIC point of view. His 1902 work that focused on violence as a synchronic event in the relationship between individuals and groups striving to achieve certain implicit goals though simplistic, can nonetheless be viewed as the forerunner of the modern anthropological study of confrontation and confrontational groups. As this basic structural approach was modified and refined, however the field has become more and more fragmented.

Building on Simmel's approach Schmidt and Schroder (Schmidt and Schroder 2001: 1) argue that the *more one tries to categorize conflict the more unwieldy the categories become*. In an attempt to add validity to their work, the authors highlight the fact that all of these strategies make certain assumptions. Namely (Schmidt and Schroder 2001: 3):

1. Violence is never completely idiosyncratic.
2. Violence is never completely senseless or more correctly meaningless especially to the participants, observers and victims.
3. Violence is never totally isolated.

It is also important to realize that implicit in all forms of conflict is the notion of performance, that is, without an audience violence is meaningless. Therefore, for violence to be effective it must be real as well as symbolic (Schmidt and Schroder 2001: 6). Taylor in his 1999 work on the Rwandan Genocide highlights how acts of violence and torture are locally symbolic '*since social systems inscribe law unto the bodies of their subjects*' (Taylor 1999: 104-106). During the 1994 genocide the world was flooded with images of corpse-choked rivers. According to the author even this was a symbolic act, since it was only the rivers that flowed north, to the 'mythical homeland' of the 'Tutsi invaders', into which the extremists dumped their victims (Taylor 1999: 128-130).

The same is true in the case of Sierra Leone, where Richards highlights the fact that the severing of villagers' hands had a dual purpose. It firstly deterred voting and stopped the harvesting of rice which threatened the *Revolutionary United Front's* (RUF) ability to recruit what Richards called '*hunger conscripts*' among the starving rural populace. It also to serve as a warning to locals to remain loyal to the rebellion and as a message to their enemies that attack and similar punishment is always imminent (Richards 1996: 6). Such a locally symbolic form of violence is also common in Darfur and now in Tchad, where Arab militias frequently bind their victims in a form reminiscent of the slave raids of the past. Directed towards the region's African communities who as Muslims had never been subject to such raids, their purpose is to negate, not only the history of these populations, but also to disinherit them from them protection afforded to them as Muslims against such raids, even during times of open warfare.<sup>3</sup>,

Margaret Mead described warfare as a state in which '*the conflict is organized and socially sanctioned, and the killing is not regarded as murder*' (Mead 1968: 215). According to Schmidt and

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<sup>3</sup> In fact many of the region's African populations were responsible for raiding and enslaving non-Muslim populations to the south.

Schroder '*War in the simplest sense, is a state of confrontation where the use and more importantly the perpetual threat of violence are regular and legitimate*' (Schmidt and Schroder 2001: 1). George Elwert, in his 1997 work, used the term '*markets of violence*' to describe states of long-term upheaval, during which norms and overarching power structures are absent. During these periods, rational actors will employ violence as a means of achieving certain goals, such as access to resources or power (Elwert 1999). In common with most Game Theory oriented analyses of war, those who commit acts of violence are merely pawns in the power games of elites. All actors are culturally motivated, that is, the values attached to the benefits of violence are culturally relative, in the same way as specific acts of violence may be culturally relative. The benefits of Elwert's approach are that it allows for a more permanent character to episodes of war and conflict.

Günter Schlee however argues that the drawback of this approach is the myopic focus on what is contested and not '*who fights whom*' (Schlee 2004: 150). According to him the problem with the 'Markets of Violence' approach is that the state is not an actor, it is merely the referee. However, in today's complex wars this is simply not the case. In many instances states themselves are either participants in markets of violence or prizes to be won. Other drawbacks of the Markets of Violence approach lie in its focuses on the actions of individual actors, while ignoring the role of larger socio-cultural structures and forces.

During the cold war era, a rise in violent conflict led to a pressing need for thorough analysis of conflict by both academic and development planners. As a result, a host of think tanks, institutes and centres of conflict resolution sprang up throughout the world's metropolitan centres. Many were attached to well known universities, and boasted a multidisciplinary approach to the study and analysis of conflict. One of the earliest works of this period was Thomas Schelling's '*Strategy of Conflict*', which took a game theorist approach to the study of

conflict and exposed how in some situations actors may act irrationally to gain the advantage (Schelling 1960).

No two works are perhaps more representative of the pessimism and hyper-hysteria that characterized the late cold war than Huntington's *Clash of Civilizations* and Kaplan's *The Coming Anarchy: How Scarcity, Crime, Overpopulation and Disease are Rapidly Destroying the Social Fabric of Our Planet*. These two works, though extreme in outlook, do however touch on two important points - the role of environmental scarcity in increasing conflict and the flawed foundations of most nation states.

*Consider the map of the world, with its 190 or so countries, each signified by a bold and uniform color: this map, with which all of us have grown up, is generally an invention of modernism, specifically of European colonialism. Modernism, in the sense of which I speak, began with the rise of nation-states in Europe and was confirmed by the death of feudalism at the end of the Thirty Years' War—an event that was interposed between the Renaissance and the Enlightenment, which together gave birth to modern science. People were suddenly flush with an enthusiasm to categorize, to define. The map, based on scientific techniques of measurement, offered a way to classify new national organisms, making a jigsaw puzzle of neat pieces without transition zones between them. 'Frontier' is itself a modern concept that didn't exist in the feudal mind. And as European nations carved out far-flung domains at the same time that print technology was making the reproduction of maps cheaper, cartography came into its own as a way of creating facts by ordering the way we look at the world" (Kaplan 1994).*

In his book *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (Anderson 1991), Benedict Anderson demonstrates how the map enabled colonialists to think

about their holdings in terms of a '*totalizing classificatory grid... It was bounded, determinate, and therefore -in principle-countable.*' To the colonialist, country maps were the equivalent of an accountant's ledger books. Kaplan takes this point even farther when he argues that maps, '*shaped the grammar*' that would make possible such questionable concepts as Iraq, Indonesia, Sierra Leone, and Nigeria (Kaplan 1994)

Tainter's work in the volume *The State, Identity and Violence* argues that rather than screaming that the sky is falling, a quick examination of the historical record shows that periods of collapse and reconstitution are the norm (Tainter 2003: 67-74). Kay Warren argues in the same volume that conflict and violence are not exceptional moments in history, but rather integral parts of the social fabric (Warren 2003: 105).

Much of this period was characterized by the dissipation of the optimism that had permeated early post cold war writing. Confronted with the global realities of internal, regional, ethnic, religious and state level conflict many academics, writers and indeed planners began to speak of a new global chaos. With the dramatic series of state collapse and incessant warfare in the Balkans, Caucuses, Colombia, Central, South and South East Asia, the Great Lakes Region, Tchad, Liberia, Sierra Leone, Somalia and the Sudan, the topic of state building and redesigning the state cannot be considered merely an academic debate. Given the poor record of state consolidation and the inability of many states to effectively project power, it becomes clear that debate must begin in order to find out what are the alternatives. The question must be asked: *Are all of the current states in the post-colonial world, especially in Africa, viable in the long term?*

Though there is a growing literature on failed states in the fields of economic and political science, these are mainly geared towards putting failed states back on track as quickly as

possible. Most of the literature fails to address the root causes of state collapse, that is, the genesis of African states. Acknowledging this reality McRae and Zwi argue that:

*the viability of reinventing and imposing the Western democratic tradition is sorely questioned in the current African context. Models of development which fail to acknowledge the presence of powerful actors who have a vested interest in undermining the productive capacity and development of large regions, or seek to disempower distinct population groups, ignore the potential for conflict that exists and the subsequent threat to sustainable and equitable development, (McRae and Zwi 1994: 22).*

With this as a backdrop, access to and control over resources becomes even more important in maintaining a way of life and since the central government in a sense holds all the keys, the struggle for control of this resource (the government) has become more violent. The nature of and rewards to be had from, conflict have changed dramatically in post-colonial Africa and as a result, the objective of the central government is to secure its own position not only by defeating a foe on the battlefield but more importantly by removing its ability to mobilize. One can see the dilemma this creates when mobilization is along ethnic lines.

Political scientists McAdam, Tarrow and Tilly have coined the term *contentious politics* to describe struggles for the state itself. They describe contentious politics as:

*episodic, public and collective interaction among makers of claims and their objects when (a) at least one government is claimant, an object of claims or party to the claim and (b) the claims would if realized affect the interests of at least one of the claimants (McAdam et al 2001: 5).*

The authors divide political contention into two broad categories: *contained vs. transgressive* or *institutional vs. unconventional*. The distinguishing feature between the two kinds of contention is

that in the former the actors involved are already established as political actors, while in the latter at least some of the parties are '*newly self identified political actors and or at least some of the parties employ innovative collective action*' (McAdam et al 2001: 5). According to these authors action is innovative if it includes means of collective action that are deemed unprecedented or illegal by the governing regime. One can argue that the modern history of the African continent has been a contentious one, in which political innovation rather than conformity has been the norm.

Ferguson takes the idea of contentious politics even further and argues that the state itself must be seen as not only an actor but also as a political innovator. The resource reallocation role of the post-colonial state, with its swollen civil service, cannot be denied, but more importantly this role makes the state itself an inviting target for those who seek to:

1. alter who controls the state
2. alter who the state controls
3. alter how a government rules

Thus, William Reno's argument that government weakness causes internal violence is not totally correct (Reno 1998), since the government itself is the prize. Ferguson argues that conflicts in which capturing the government is the objective, usually follow three trajectories (Ferguson 2003: 30):

1. radically altering or replacing the social base of those who rule and the premises of government
2. tearing apart old states into new domains with different geographic centres of government
3. the retraction of rule away from peripheral areas of the state

Klaus Jurgen Gantzel points out that such conflicts are far more intractable than interstate wars since, firstly, the international community lacks a well defined procedure for dealing with them and secondly, internal wars are usually fought with small arms which means that decommissioning is easily avoided when a settlement is reached. The third and perhaps most important difference between inter-state and intra-state wars is the fact that the latter are particularly detrimental to the lives and livelihoods of civilians who are invariably the main targets. Thus while in WWI and WWII civilians accounted for 10% and 52% of all casualties respectively, it has been estimated that in contemporary intra state wars civilians account for as much as 90% of all fatalities (Turton 1997: 1-3). The reasons for this phenomenon lies in the fact that intra-state wars are usually fought with irregular poorly trained and paid infantry (notable exceptions are the American and Spanish civil wars), thus looting and crime become legitimate methods to obtain personal wealth. Also, the ability of fighters to blend into the local populace makes leaders of both side suspicious of, and insensitive to ,crimes committed against the civilian population (Kalyvas 2001: 5).

What becomes apparent from the literature is that a comparative analysis of all aspects of conflict has been lacking. That is, conflict can be divided into causes, incidents, and results, which can all be studied in conjunction or analyzed comparatively as entities in their own right. More recently, anthropology has moved away from this form of analysis, which is rapidly becoming the norm in Political Science. In the former discipline a more EMIC view of conflicts has become fashionable, that is, the analysis of the insiders' experience of violence as opposed to the imposed categories of types and results of violence. Though both approaches have their benefits and drawbacks, it cannot be denied that an approach that utilizes strides made by both disciplines will be far more beneficial. When seen in a multidimensional light one can tie various

elements to themes relating to nationalism, and ethnicity since these are the most common causes of large scale violence.

The upsurge of ethnic conflicts described previously has elicited a wide variety of theoretical explanations from scholars with a whole host of differing theoretical and ideological backgrounds. To some, violent and non-violent conflicts between different ethnic groups within a given state are a normal phenomenon, which emerged in the late 1980s and early 1990s as violent manifestation of a people's quest for self-determination- based on cultural perceptions of difference. In many cases, violent conflict can therefore be understood as a manifestation of the political and cultural failure to ameliorate or resolve societal cleavages through negotiation or other forms of accommodation.

Just as culture is an important component of many conflicts it is also an important element in conflict resolution (Burton & Dukes 1990; Kozan 1997; Bryne & Irvin 2000). Burton affirms that culture and more importantly cultural symbols are vital because they are easily recognizable and important to most members of a given community. He argues that traditional societies are more inclined towards rituals and symbolism that leads to co-operative problem solving, rather than the confrontation and 'power bargaining' which has become the vogue in the west (Burton & Dukes 1990).

Lederach and Coner in their 1990 work also advocate the necessity of culturally sensitive and indigenous approaches to conflict resolution. In the African context, this would involve incorporating various traditional practices and approaches into the contemporary mechanisms of conflict resolution (Lederach and Coner 1990). Augsburg argues that in traditional cultures, there exist what he calls 'pathways' in the ethnic wisdom for managing conflicts, which can easily

be eroded by outside interference or political manipulation (Augsburger 1992). The latter is particularly resonant with this work on Darfur.

Choudree, in a similar vein, argues that the role of such culturally specific forms of conflict resolution is to restore balance settle as well as conflicts (Choudree 1999: 11). He suggests that a key feature of the success of such 'informal litigation' is the role and position of traditional leaders.

*The headmen or chiefs who preside over traditional courts are generally charismatic and familiar with the populace that use the courts, are revered to an extent that judges are not, are wont to play an active role in the proceedings and are not shy to suggest mediation at almost any point in the proceedings in matters susceptible to that form of resolution (Choudree 1999: 14).*

The management of conflicts is thus dependent on understanding not only the causes of conflict, but also the culturally specific method of conflict management. In Africa traditional forms of conflict resolution have tended to be communal affairs. According to Grande dispute resolution in the Horn of Africa is only *incidentally individual*, what matters is the communal peace within the group and with its neighbours (Grande 1999: 64).

Today African societies as a whole, and those displaced Darfuri in particular, are undergoing a socio-political transformation that involves a change in values, often reflected in loss of traditional reference points. In states such as the Sudan and Tchad there is an uneven and unequal distribution wealth and power, coupled with the competition for scarce resources, in some cases conflict becomes almost inevitable. In the case of the Sudan, the problem is further complicated by a number of other factors including, but not limited to cultural, ethnic and religious divisions. As is to be expected in conflict prone societies forms of conflicts mitigation

have emerged. In northern Sudan, particularly in the Darfur region, the practice is known as *Judiyya*. The people who act as mediators are called *Ajarwid* – singular *Ajwadi*. According to Adam Azzain Mohamed a Darfuri expert on conflict and conflict resolution in the Sudan:

*In its historical context, Judiyya is performed by the tribal elderly who are versed in customs and traditions and are reputed for their impartiality and peace loving. In general, in rural Sudan the elderly used to enjoy high regard from all members of the local community. Their words of wisdom are rarely disputed. Over the course of time Judiyya acquired sanctity. To fail to respect Judiyya rulings subjects one to considerable communal pressure. One will be labeled as "deviant" – a detrimental verdict in situations where group solidarity and support are vital for one's security and well-being (Mohamed 2002b).*

CHAPTER 3  
METHODOLOGY

*Fieldwork is a form of inquiry in which one is immersed personally in the ongoing social activity of some individual or group for the purposes of research. Fieldwork is characterized by personal involvement to achieve some level of understanding that will be shared with others*

(Walcott 2001: 66).

In his 2001 work, Kevin Avruch argued that relative to the number of conflicts, there are surprisingly few anthropological accounts of *'war, conflict, and violence or, in the more fortunate cases in which the conflicts have gone inactive'... of post conflict transformations, reconciliation and peace building* (Avruch 2001: 638). The aim of this work is to help fill this gap by theorizing social change, conflict and conflict resolution without removing them from the environmental, historical, cultural, political and indeed human setting, in which they lay. This kind of analysis can only be accomplished if one steps back and takes a broader look at regional phenomena before trying to decipher the meaning of local or culturally unique elements. This work will historicize regional conflict and examine how current conflicts affected the lives of Darfuri refugees and their leadership present in Eastern Tchad. The aim is to examine the effects of long term displacement in Tchad on traditional structures of authority among Darfuri refugees.

The ethnographic research for this PhD took place between October 2005 and August 2006, a period of just over nine months. For the majority of my research I travelled six days a week with the CARE staff to the refugee camps of Mile and to a lesser extent Am Nabak and conducted about 3-6 interviews a day. I had hoped to stay in the camp permanently but this was dismissed out of hand, because of security concerns. It was not until much later when I had

proved the value of my research and also built up a rapport with the CARE staff in the camp and more importantly with the managers in Abéché, that permission was given for me to live in Mile camp. I did so for two periods of about a month each. While in Mile I shared a tent with my interpreter Salih and his brother Ahmat. Salih would become the engine that drove my research and his enthusiasm and indeed knowledge about *Idara Ahalia* proved invaluable.

Throughout the research period, frequent trips were made to Abéché to buy supplies and brief CARE and the UNHCR on my research. My arrangement with CARE was a straight forward one. In exchange for being allowed to conduct my research in the camp I would share my results with the NGO and conduct research for them if they required. As a result, I would return to Abéché for short periods to brief them on my research. However, in spite of the fact that both Abéché and Mile were both comparatively safe, the road between them was not and I was often stranded in Abéché for long periods. The research period can be broken into the following phases:

- Phase 1: three weeks in N'djamena for permits
- Phase 2: three weeks in Abéché for contacts with NGOs
- Phase 3: 4 days in Darfur
- Phase 4: 4 months of daily research in Mile and Am Nabak
- Phase 5: 2 periods of just under a month each living in Mile

During these phases, 74 formal but open ended interviews were conducted and numerous conversations and informal interviews recorded. The interviews can be divided according to the interviewee.

*CARE staff*

*7 individuals for a total of*

*11 interviews*

|                                  |                       |                      |
|----------------------------------|-----------------------|----------------------|
| <i>Tchadien host communities</i> | <i>18 individuals</i> | <i>5 interviews</i>  |
| <i>Other NGO staff</i>           | <i>2 individuals</i>  | <i>2 interviews</i>  |
| <i>UNHCR staff</i>               | <i>4 individuals</i>  | <i>7 interviews</i>  |
| <i>Refugees</i>                  | <i>16 individuals</i> | <i>52 interviews</i> |

The types of interviews I conducted can be divided into three categories:

- Background interviews with NGO and UNHCR staff
- Information ‘gathered’ on Tchadien politics and rebel movements
- Research in the Refugee camps

*Background interviews with Ngo and UNHCR staff*

The earliest and perhaps the most structured of the interviews conducted during the course of the research were interviews with the staff of international NGOs and UNHCR. These interviews were organised around ten or so key questions and designed to get as much information as humanly possible from these busy officials. They usually lasted about thirty minutes and were conducted in English and consisted of me asking fairly general background questions about the NGOs work in Tchad.

*Information ‘gathered’ on Tchadien politics and rebel movements*

By the end of my research period the information I had come to possess on Tchad’s political and military situation constituted a large portion of my work. One simply cannot be in a country and not be bombarded with information on the politics of that state. Some of the

earliest notes I made in fact were on the origins of a military revolt that started a mere three days after I entered the country. Due to the sensitive nature of the topic no interviews were conducted to collect information on this revolt and subsequent civil war, rather I reconstructed newspaper reports and UN security briefings and corroborated rumours. However my main sources of information were informal unrecorded conversation with Tchadiens, most of whom were willing to talk about politics and the various rebellions, but in private. Being ad hoc and informal, any information gleaned from these sources had to be corroborated either by other such sources or by events on the ground.

In addition to information from ordinary Tchadiens, due to pure happenstance over my time in Tchad I was able to form friendships with Tchadien rebels and government military commanders, who were surprisingly open with the information they provided me. I would regularly update UNHCR safety and security officials on what I had learned and in turn they would do the same to me. Government officials, military personnel, reporters, and ordinary Tchadiens provided me with blow-by-blow accounts of the political and military situation in Tchad.

### *Research in the Camps*

Perhaps the most ethnographic of the various categories of information gathered, was research on camp life. This was made up of first hand ethnographic accounts of life in the refugee camp as I saw it and through my interactions with refugees, as well as interviews with key sources.

In his work on interviewing, Collins notes that the dichotomy between structured and unstructured interviews is somewhat misleading since even the most unstructured interview is structured to some extent and vice versa (Collins 1998). With my own research I was not an

objective or disengaged interviewer; I was living in the camp with the refugees and on many occasions it was not the researcher, but the refugees who directed the course of the interview. People would come to my tent 'to talk with me' about subjects they hoped would be interesting or useful to my research. When I initiated the interview, I usually had a few core questions or issues I wanted to discuss. I kept these to about ten per interview, since I noticed that with ten core questions and the inclusion of other follow up or tangential questions and topics the interview would last just under one and a half hours.

Most of the research was conducted through interviews and conversation with just over a dozen key residents of Mile refugee camp and three such members of Am Nabak. I call them key members because of their knowledge of *Idara Ahalia* or *Judhiyya* or the administration of the camp made them the focus of my research. Most were experts in one area, i.e. *Idara Ahalia* or the administration of the camp, and a handful were knowledgeable in all areas.

**Table 4: Key Residents Interviewed**

| Name          | Ethnic and tribal affiliation | Village and Region | and Position in Idara In/In the Camp            | Notes  | No. of Interviews |
|---------------|-------------------------------|--------------------|---|--|-------------------|
| Musa Jibril-  | BeRà-Kaliba                   | Kerenga-Kormoi     | <i>Mandubl Sheikh</i><br>head of the<br>Mahkama | <i>Mandub and Sheikh</i> of<br>Kerenga   | 2                 |
| Narja Khalif- | BeRà-Kurru                    | Kerenga-Kormoi     | <i>Mandubl Sheikh</i><br>sits on the<br>Mahkama | 74 years old, has been <i>Sheikh</i><br>for 53 years since 1952. He is<br><i>Sheikh</i> for 8 villages<br>Abu dam, Gureada, Koy ba,<br>Naimti, Kerenga, Optilli,<br>Mujur and Salti. | 2                 |

|                        |            |                      |             |   |   |
|------------------------|------------|----------------------|-------------|---|---|
| Haroun Suliman<br>Gani | BeRà-Kurru | Abu Gamra            | <i>Omda</i> | <i>Omda</i> in Abu Gamra since 1990. 72 years old. In an unusual case two names here put into a bag and one selected to be the <i>Sbeikh</i> . At the time he was a wealthy trader and did not want to be <i>Omda</i> but was told he could not refuse by his family. | 1 |
| Tahir Hariga Boyo      | BeRà-Baga  | Iridi-Kamo-<br>Komoï | <i>Omda</i> | 96 year old when I met him, died in 2007, born in Irdi close to Kamo. Appointed as <i>Omda</i> in the late 1940s.   | 3 |

|                                |            |                 |               |  |   |
|--------------------------------|------------|-----------------|---------------|--|---|
| Idriss Abdul<br>Rahman Harba   | BeRà-      | Saref Omra      | <i>Sheikh</i> | 74 years old born in Abu<br>Gamra. He moved to Saref<br>Omra at the age of 60 and was<br>a <i>Sheikh</i> there for 24 years.<br>He was subordinate to <i>Omda</i><br>Diah Abdullah of the Hotiyya. | 3 |
| Munsar Madi Nil                | BeRà-      | Hilaliya-Kormoi | <i>Sheikh</i> |  | 1 |
| Abdullah<br>Muhammad<br>Gadem- | BeRà-      | Abu Gamra-      | <i>Sheikh</i> | <i>Sheikh</i> of Abu Gamra, has<br>been <i>Sheikhs</i> since the death<br>of his father in 1991  | 1 |
| Mahamod Anu                    | BeRà-Kapka | Habilah         | <i>Omda</i>   |  | 1 |

|                          |            |              |   |   |   |
|--------------------------|------------|--------------|---|---|---|
| Hassan Borgo             | BeRà-Kapka | Tundebay     | Sultan                                  |   | 1 |
| Abdul <i>Malik</i> Bahar | BeRà       | Girgira      | Amir                                    |   | 1 |
| Yousuff Nour<br>Terayo   | BeRà-Baga  | Iridi- Komoï | Member of Komoï<br>court and<br>Mahkama | 66 years old from Iridi. Went<br>Qur'anic school in Kuttum at<br>the age of 13 for 11 years of<br>training in Islamic<br>Jurisprudence. Upon his<br>graduation he married and<br>few years later he was selected<br>by the government to sit on | 2 |

|                         |             |                                   |                         |  |   |
|-------------------------|-------------|-----------------------------------|-------------------------|--|---|
| Salih Muhammad<br>Shumu | BeRà-Baga   | Adar-Kepkabia                     | <i>Omda's secretary</i> | the <u>Koroi</u> court to represent the Baga tribe.<br><br>Educated, and was a high school teacher and secretary of <i>Omda</i> Abakr Bashar of Adar who was <i>Omda</i> for 6-7 years prior to the conflict. Salih was secretary for 4 years. | 4 |
| Adam Abdul<br>Rahman    | BeRà -Kurru | Girgo Rahat<br>Kasha-<br>Kepkabia | Deputy <i>Omda</i>      | Born in Umm Burro moved permanently to Rahat Kasha in 1983. He was the Naib of <i>Omda</i> Abakr Bashar of Adar who was <i>Omda</i> for 6-7 years prior to the conflict. Adam  | 2 |

|                               |                            |                              |                                    |  |          |
|-------------------------------|----------------------------|------------------------------|------------------------------------|--|----------|
| <p>'Doctor' Adam<br/>Musa</p> | <p>Fur-Kunjara</p>         | <p>Shau Shau-<br/>Kuttum</p> | <p><i>Omda's aide</i></p>          | <p>was Naib for 3 years.<br/><br/>Trained as a doctor's assistant in Darfur, he also served as <i>Omda</i> Naib for Yahyia Muhammad Adam, the latter was <i>Omda</i> for 5 years and the former assistant for 3 prior to the war. The <i>Omda</i> had 20 <i>Sheikhs</i> under him.</p> | <p>5</p> |
| <p>Zelil Ibrahim</p>          | <p>Tama<br/>(Tchadien)</p> | <p>Mile</p>                  | <p>Chef de village de<br/>Mile</p> | <p><i>Sheikh</i> of Mile village for the past for 34 years. He took the role after his father was replaced by the army of Hissene Habre because he</p>   | <p>2</p> |

|                             |                        |                   |                      |  |          |
|-----------------------------|------------------------|-------------------|----------------------|--|----------|
| <p>Nour Adam<br/>Dunkas</p> | <p>Arab (Tchadien)</p> | <p>Toluk-Mile</p> | <p><i>Sheikh</i></p> | <p>did not speak Arabic well enough to act as a liaison between the military and the village. At the time his father had be sultan for over 45 years and was more than 90 years old. He had inherited the position when his own father died.</p> | <p>2</p> |
| <p>Sadiq Arhab</p>          | <p>BeRà-Baga</p>       | <p>Abu Gamra</p>  | <p>Chef de Block</p> |  | <p>1</p> |

|                           |      |                                  |                                      |  |   |
|---------------------------|------|----------------------------------|--------------------------------------|--|---|
| Nourene Suliman<br>Adam   | BeRà | Kas-Kormoi                       | CCf community<br>service assistant   |  | 1 |
| Makboul<br>Muhammad Abakr | BeRà | Bir Karsaid -<br>Kormoi - Kormoi | President of<br>women's<br>committee |  | 1 |

All participation in the project was voluntary. No participant received any form of monetary compensation. All participants were approached directly either by myself or my interpreter Salih and briefed about the research project in Arabic or BeRà depending on who was doing the briefing. Interviews were organized into sittings. During the first interview I gave them a detailed biography of myself in Arabic and outlined the purpose of the interview. The first interview usually lasted between 30 – 60 minutes. If the interviewee had to leave, to complete a task or anything else, the interview would end and be resumed the following day.

Interviews were conducted in a mix of Arabic, BeRà and English with a BeRà to Arabic interpreter present. My interpreter Salih, who was fluent in BeRà, Arabic and English, had previously been employed in the camp as an interpreter for an international NGOs. In addition to being professional, Salih was very knowledgeable about the issues of *Idara Ahalia* and was genuinely interested in the research. On numerous occasions he actively sought out individuals to be interviewed, even carrying out preliminary interviews in some instances.

Questions were usually asked by the researcher in Arabic and responses given in Arabic by most of the interviewees. The fact that the vast majority of the BeRà speak Arabic as a second language meant that almost all of the inhabitants of the camp had some knowledge of standard Arabic -or the Ouaddai-Darfuri Arabic dialect at least. Some however, notably many of the older interviewees and a large portion of the camps' female population, felt more comfortable speaking in BeRà. In these instances questions were asked in English through the interpreter and BeRà responses were translated into English by the interpreter. All interviews were written up in English by hand and typed up the same night.

All names and identifiers were removed and respondents given pseudonyms to make them unidentifiable. Interestingly all of my key interviewees wanted their names to be included

in the study. For them it was a matter of pride having helped to ensure the longevity of their culture. Most asked me to make sure they were mentioned and took pains to make sure I spelt their name properly. Thus, I continued to use ciphers and pseudonyms for all respondents, except my key sources.

Since I was living in the camp and also collecting ethnographic information on the BeRà and their life a large portion of the interviews and of my daily routine was dedicated to issues relating to problems in the camp. Many of the refugees knew me, or had learnt of my research and they saw me as a first point of contact when there was a problem. Since I made regular trips to the field office in Gureada I was seen as being close to the CARE bosses. This meant that many refugees would seek my assistance with their daily problems. My policy on offering assistance was clear from the start. Any help or assistance I could offer the refugees I would. As a result I was frequently involved in bringing their complaints to the attention of CARE and the UNHCR. In most instances I was able to bring a satisfactory solution to problems ranging from: the non-payment of refugee salaries to the construction of more latrines and the refurbishment of schools.

The fact that I was willing to live in the camp and take the refugees' complaints to the CARE officials meant there were some questions asked by the Tchadien staff in the camp. They could not understand why someone would want to put themselves through such an experience. The generally poor relations between the refugees and the Tchadien camp staff meant that when I highlighted problems to the CARE management it seemed as though I was taking the side of the refugees. To combat this I tried to spend as much time with the camp staff as possible when I was not in the camp. However time spent with the Muslim staff meant that Christian staff members, who already thought of me as a Muslim sympathizer, because I wore a *jallabiya*, were

less willing to socialize with me. The fact that I do not speak French also meant that the Southerners who worked in the camp could not readily socialize with me.

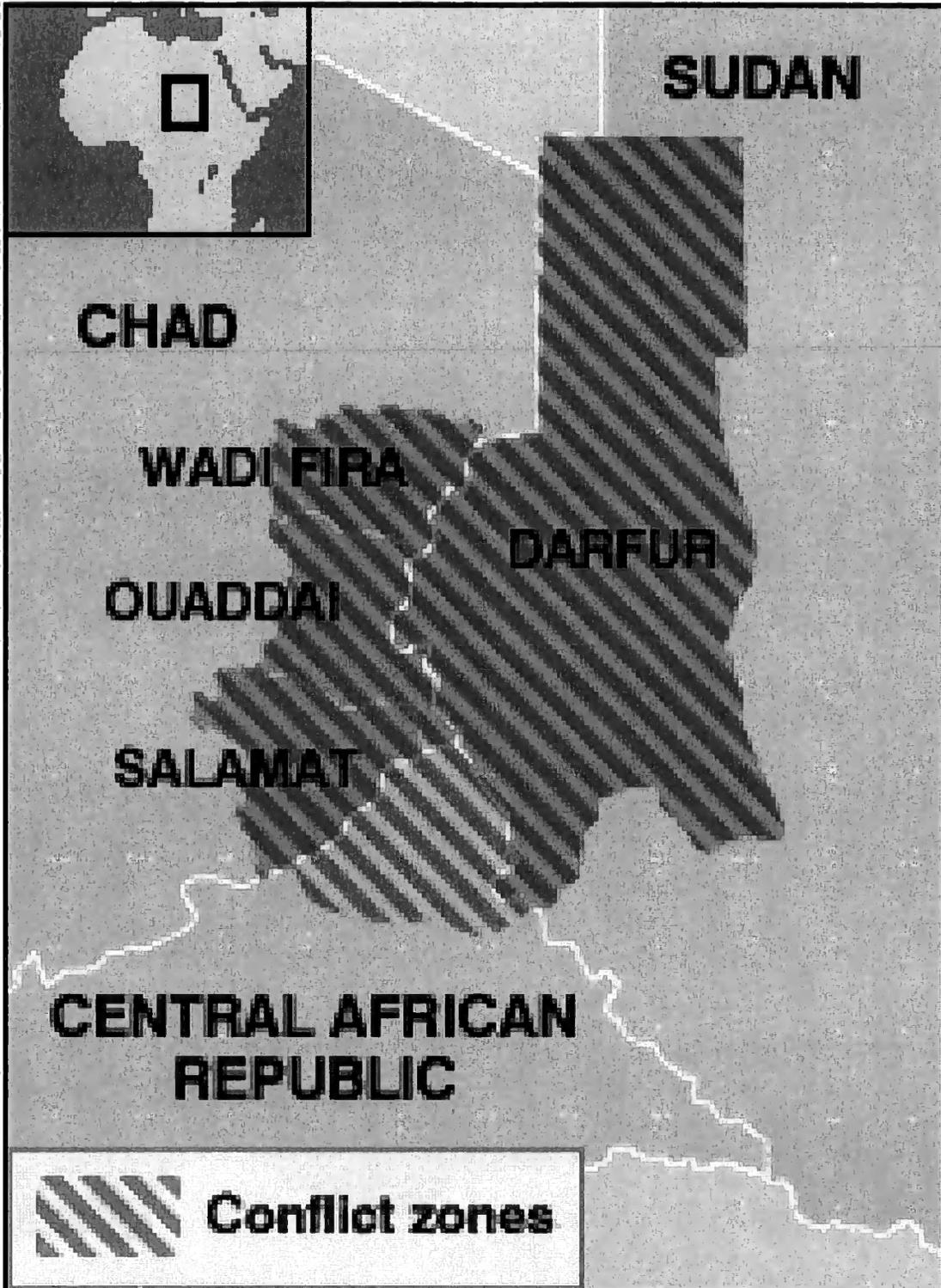
In the camp I was not fully an outsider. I ate meagre rations communally with the refugees, lost weight with them when food supplies were low, and had parched and cracked lips when the water pumps did not work. I walked the camp freely and took part in all aspects of camp life, sports, visiting, and socializing in addition to conducting my research. However I was never really an insider. Though I was knowledgeable about Islam I did not pray, I could not speak BeRà, even with all the effort I devoted to learning the language. My position was best characterized by the nephews of my interpreter Salih who never learnt my name (I had Arabized it to Kwaisi which means *good* or *O.K.* but they did not speak Arabic). They initially called me *Salih-ow* (*Salih's person*) and later *tou-ow* (*Our person*). Not quite a BeRà but ours none the less.

Thus, a complex picture of shifting alliances and definitions of self, other, insider, outsider is painted. Research and writing on such situations will never be a simple matter. Speaking on research in (and or on) conflict situations Robben and Nordstrom argue that '*Vested interests, personal histories, ideological loyalties, propaganda and a dearth of firsthand information ensure that there are many definitions... and negotiated half-truths*' (Robben, A. & Nordstrom, C. 1995: 5).

CHAPTER 4

RESEARCH SETTING

Map 3: The Greater Ouaddai-Darfur Region



*BBC news website*

## 1. *Physical Setting*

*Rather than determining social practices, ecology seems to provides a wide framework for quite distinct patterns of adaptation* (Schlee 2004: 141).

The Greater Ouaddai-Darfur Region lies between 22 and 8 degrees latitude north and 27 and 20 degrees longitude east. The area encompasses the Tchadien Regions of B.E.T. (the Ennedi sub region only), Wadi Fira, Ouaddai<sup>4</sup> and Salamat; moving from north to south and the Sudanese States of North, South and West Darfur (the historical Darfur<sup>5</sup> region). The Greater Ouaddai-Darfur Region is broken up by numerous mountain ranges that typically run on a north to south axis. These include the Jebel Marra Massif in Darfur (13.0N, 24.5E), which towers to 3042 meters at its highest point. West of this is the smaller Kapka range. Still travelling west one encounters the Ouaddai Highlands running 50km from north to south, averaging between 500 and 1000 meters in height. These Highlands mark Tchad's eastern border and also divide the Tchad and Nile watersheds (Ministere Du Plan 2005:10). The picture is basically of a highland core and wooded savannas and forests to the south, the Sahara to the north and lowland savannas to the east and west. The entire region is generally arid with one rainy season from July to August when as much as 36 millimetres of rain can fall. During the cold winter, November to January, temperatures can drop to 33 degrees. The hottest time of the year is May when temperatures can reach 46.

The region can be divided into three geographical and climatic zones that run in horizontal bands:

---

<sup>4</sup> The name Ouaddai refers to both the pre-colonial state (1650s-1905) and the modern Tchadien region. The latter occupies and the truncated southern portion of the former.

<sup>5</sup> The name Darfur refers to both the pre-colonial state (1400s-1916) and the modern region in the Sudan which includes West, North and South Darfur

### *The Saharan Band:*

Covers all land north of approximately 15 degrees north. Most of this area receives only traces of rain during the entire year; some areas as little as three centimetres as year. Scattered oases and *wadis* provided water for the regions agriculture, mainly millet/*dakhan*, Gum Arabic, and date palms. This region covers most of North Darfur, Wadi Fira and all of the Ennedi sub-region of the B.E.T.

### *The Sahelian Band:*

A 500km wide band of semi-arid land runs south of the Sahara and includes all of Ouaddai and the vast majority of Darfur. The dominant life forms are thorny shrubs and acacia tree which grow wild and date palms and Gum Arabic which are cultivated around oases. The region is also home to numerous species of drought resistant grasses and small shrubs and receives about 15 to 50 centimetres of rain a year.

### *The Soudanian Band:*

The Soudanian region is predominantly savannah or plains covered with a mixture of subtropical grasses and woodlands. Though plants grow well here in the rainy season, the land become brown and dormant during the dry season November to March. It is wetter than the Sahelian Zone with greater expanses of grassland broken by islands of shrubs and trees.

Permanent open water sources are not found in the Saharan, or Sahelian Zone; in fact even in the Soudanian Zone the Bahr Salamat is the only permanent water source. Following the rainy season, water may flow through wadis for a few days or weeks. The most important Wadis in the region are the Batha, and the Wadi Howar known as the Wadi Kobe, Shedi and Kornoï in its various courses.

2 *Ouaddai and Wadi Fira: The Reluctant Hosts*  
*The Lands of the Big Stone*

*You have seen this place... Tchad is a vast country; from here to N'djamena how many kilometres is that? In some parts I am even told there are trees and water that is in rivers all the time. Places where the sons of Adam do not have to dig for water. Why not take the refugees there. Here the refugees are like a big stone on our heads and now the agencies want to bring more, add another stone on top of that. This is not just!*

Tchadien Chef de Village, Wadi Fira Region, 2006

The Tchadien Regions of Wadi Fira and Ouaddai have played host to the Darfuri refugees for almost five years. The first camp for Darfuri refugees in Tchad, *Konoungu*, was opened in January 2004 and the last, *Gaga*, became operational in 2<sup>nd</sup> May 2005. Today close to 250,000 Sudanese refugees from Darfur reside in 12 refugee camps, scattered in the Regions of Ouaddai and Wadi Fira close to the Darfur border. The name Ouaddai sometimes encompasses both Wadi Fira and Ouaddai, since Wadi Fira was previously a part of the Sultanate of Ouaddai and was only separated from the latter in 1949 by the French colonial regime.

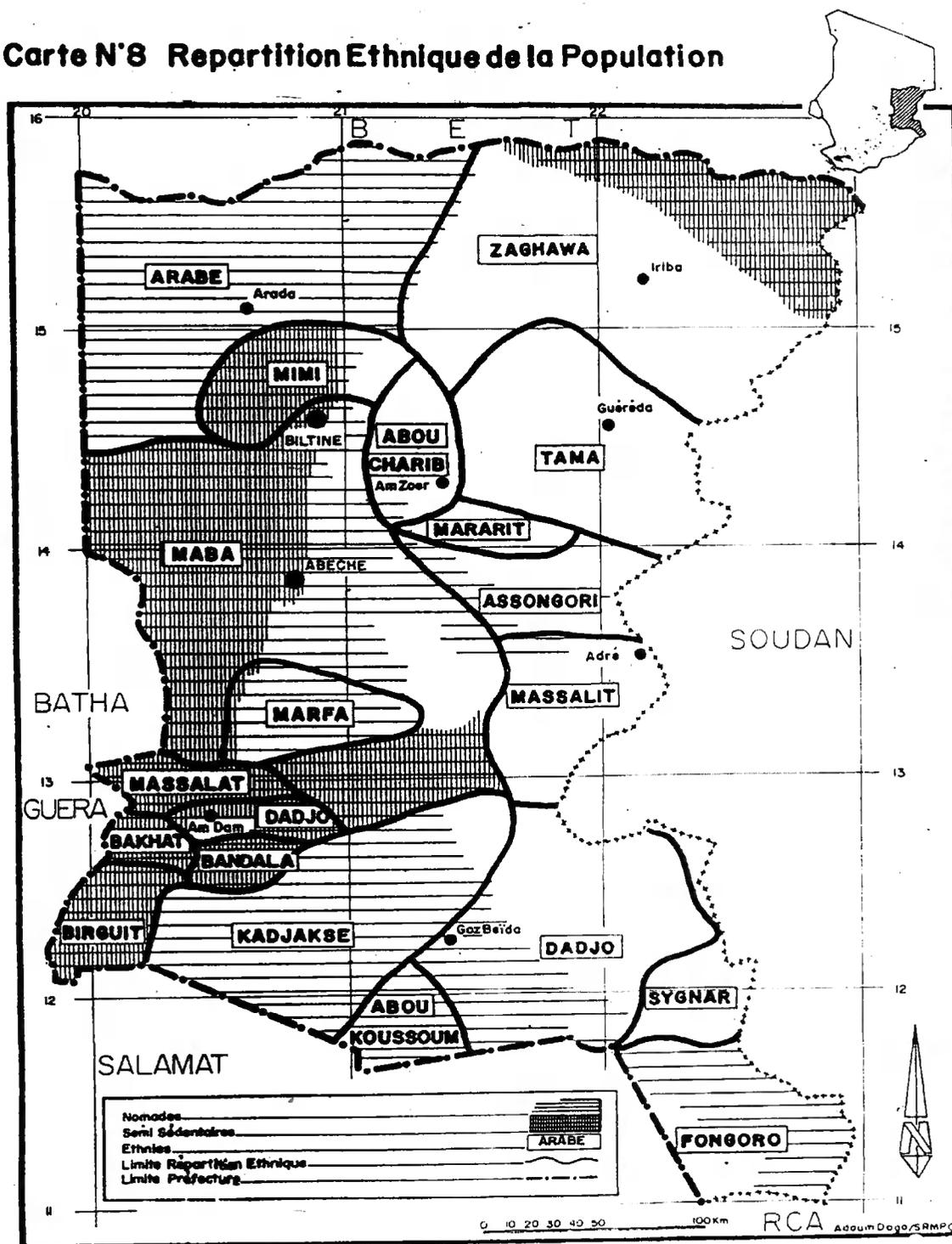
Prior to the arrival of the Darfuri refugees, the two host regions had a very low population density, on average less than seven inhabitants per km<sup>2</sup> (Ministere Du Plan 2005: 23). The host regions of Ouaddai and Wadi Fira were home to 48,058 nomads in 1998, representing some 13% of the total nomad population in Tchad (Ministere Du Plan 2005: 22).

Wadi Fira is home to some 15,708 nomads representing some 8.5% of the region's population (Ministere Du Plan 2005: 22). The remainder of the population is almost entirely rural and Muslim. The vast majority of the population, some 86% are illiterate. Male illiteracy

stands at 72%, while female illiteracy stands at some 96%. The region is thus just below the national average of 89.2% illiteracy (Ministere Du Plan 1998: 43-45).

Map 4: Ethnic groups in Ouaddai and Wadi Fira

**Carte N°8 Repartition Ethnique de la Population**



(Ministere Du Plan 2005: 22)

This multi ethnic region is home to numerous ethnic groups the most important being: The BeRà, the Tama, the Arabs, the Maba, the Abu Charib, and the Mimi (Ministere Du Plan 1998: 12). Since 2002 Tchad has been divided into 18 Regions, which are composed of 50 departments and 202 sub-Prefectures. The region Wadi Fira where this research was conducted is administered as follows:

**Table 5: Administrative system in Wadi Fira**

| Region <sup>6</sup>  | Department        | Sub prefecture                    | Canton |
|----------------------|-------------------|-----------------------------------|--------|
| Wadi Fira<br>184,807 | Iriba<br>35,562   | Iriba<br>Tine<br>Matadjana        |        |
|                      | Gureada<br>58,262 | Gureada<br>Kalonga<br>Serim-Birke |        |

<sup>6</sup> Note: All population statistics are approx and taken from the 1993 census (Ministere Du Plan 2005: 22).

|  |                          |   |  |
|--|--------------------------|---|--|
|  | <b>Biltine</b><br>90,000 | <b>Am-Zoer</b><br><b>Arada</b><br><b>Biltine</b><br><b>Mata</b> |  |
|--|--------------------------|---|--|

### 3. *The Camps*

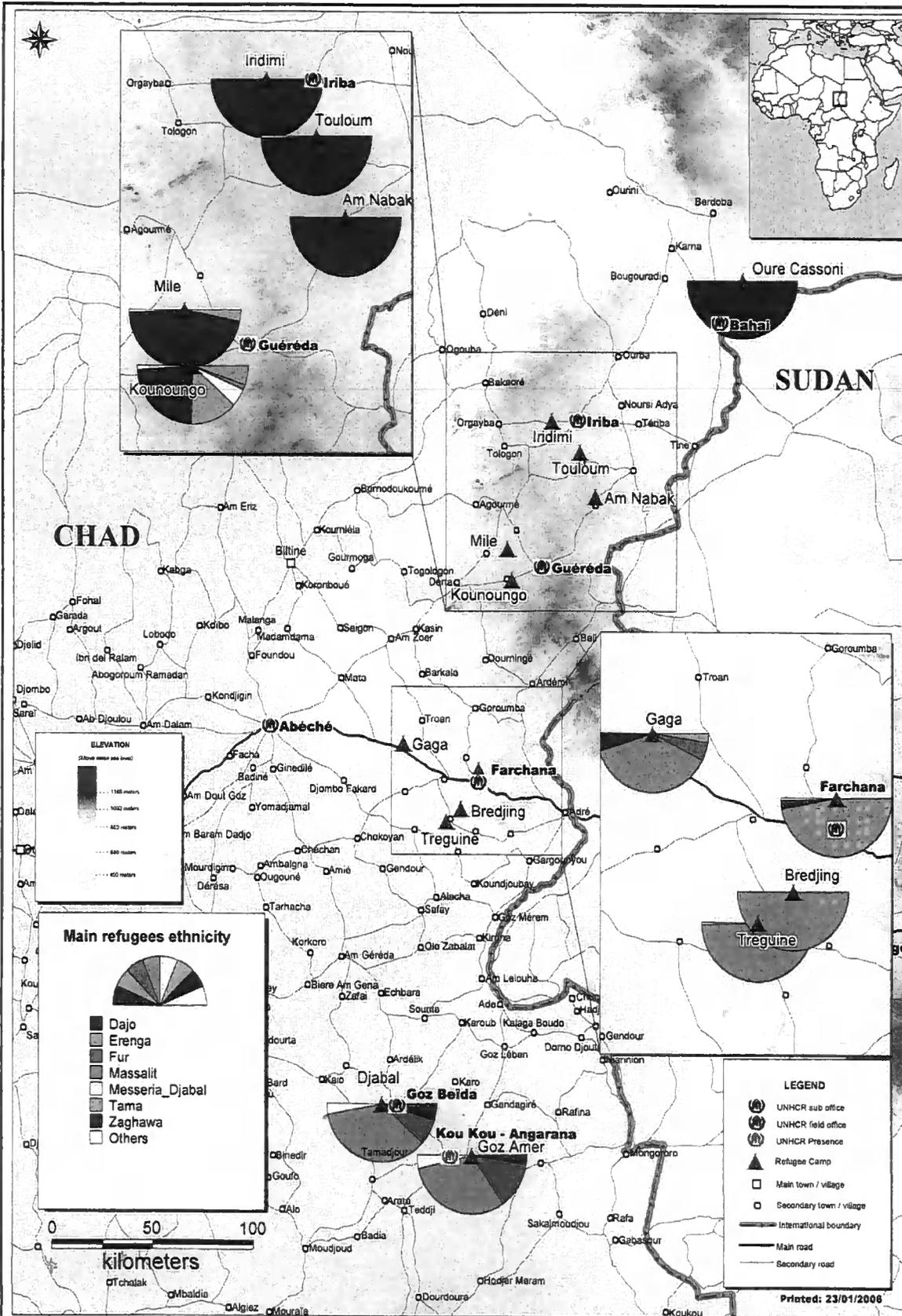
When the Darfuri refugees arrived, the UNHCR and the various NGOs in eastern Tchad were primarily concerned with the four key areas of refugee welfare: food, water, shelter and health care. The unspoken rule of the UN seemed to be that camps should be kept at a population of around 10,000 and the agency tried to ease this pressure by opening new camps when necessary and feasible (Black 1998: 104). As a result twelve relatively small camps are now located in the Ouaddai and Wadi Fira Regions. The distribution of these camps in Tchad can be divided into five distinct zones:

1. Dar Sila Camps of:
  - a. Djabal
  - b. Kou Kou
2. Dar Assoungha Camps of:
  - a. Gaga
  - b. Farchana
  - c. Treguine
  - d. Bredjing
3. Dar Tama Camps of:
  - a. Mile
  - b. Konoungu
4. Dar Kobe Camps of:
  - a. Iridimi
  - b. Tollum
  - c. Am Nabak
5. Dar Bideyat Camp of:

a. Oure Cassoni

# Map 5

As of Jan 2006



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Sources: UNHCR, Global Insight digital materials © 1998 Firma Technologies, Inc.

### *The Dar Sila Camps*

Located in the department of Sila, in southern Ouaddai, are the camps of *Djabal* and *Kou Kou*. These two camps are positioned in the area known as Dar Sila; the home region of the Daju ethnic group. The majority of the refugees in these two camps are Masaalit but there are also minorities of Fur and Daju. Relations between the Daju and the Darfuri refugees are generally good. The main ethnic group in the region, the Daju, actually claim to have lived in Darfur en route to Dar Sila from Yemen. Their history tells of their flight from Darfur when their kingdom was conquered by the Tunjur. The story may have some truth in it. Though they would have been Daju in Dar Sila long before the collapse of the Daju kingdom in Darfur, it is probably true that their royal family fled to Tchad as refugees and set up a new kingdom in Dar Sila.

As a result of their own status as migrants, refugees if you like, the Daju royal family has always tried to shore up their own position by integrating migrants into the Daju ethnic group thereby increasing the taxable population and the potential military. As a result of this assimilatory approach, the Daju are willing to have outsiders in their midst as long as they abide by Daju rules and show some willingness to integrate into the society. The low population density in Dar Sila and the availability of both land and water means that there is little conflict between the modern refugees and Daju. However, conflict between the refugees and the region's Arabs, the second largest ethnic group in Dar Sila, is an ever present problem. The largest Arab group in the area the *Salamat* live on both sides of the Tchad Sudan border. Those of the Sudanese side have become a major part of the *Janjaweed* that drove the refugees from their homes. Those of the Tchadien side have sided with anti-government rebels who have allied with the Janjaweed to attack government forces and unarmed refugees. In an attempt to counter this growing threat the Tchadien government has created and armed the Daju militias. Thus, the

cycle of violence and retribution, previously confined to the northern portions of the Tchad-Darfur border, has now spread south. The camps are managed by the Italian NGO INTERSOS from a field office in Goz-Beida run by 54 staff members and 35 staff members from other NGOs.

### *The Assoungba Camps*

In the Department of Assoungba in eastern Ouaddai are the camps of *Gaga, Treguine, Bredjing and Fardhana*, which are located in the home region of the Masaalit and Asungur (Tama) ethnic groups. In this region the both the majority of the refugees and the majority of the people in the host community are Masaalit. A high level of cross border contacts and intermarriage prior to the conflict has meant that relation between the refugees and host communities are very good. The camps are run by the 25 staff members from the NGO COORD and 35 staff from the UNHCR and other NGOs.

### *The Dar Tama Camps*

Located in the department of Dar Tama, in the south of the Wadi Fira Region, are the camps of Konoungu and Mile. The camps lie in the boundaries of the home region of the Tama ethnic group. The majority of the refugees in these camps are BeRà but there are also large minorities of Tama and Fur. Relations between the Tama and the Darfuri refugees are strained and the problems associated with this will be discussed in subsequent chapters. The camps are managed from the Gureada field office, although prior to January 2007 Mile was managed by CARE and Konoungu was managed by SECADEV (the local Tchadien branch of the Catholic NGO Caritas . Today both camps are managed by SECADEV.

### *The Dar Kobe Camps*

Located in the department of Kobe, in eastern Wadi Fira, are the camps of *Iridimi*, *Tollum* and *Am Nabak*. These three camps are located in the area known as Dar Kobe which is the home region of the Kobe subsection of the BeRà ethnic group. Almost all of the refugees in these camps are BeRà of the Tuer dialectic group. However, unlike the camps in Assounga where relations between the refugees and the host community of the same ethnic group are good, this is not the case in Kobe camps. These camps are run by CARE with 20 or so staff members and another 24 from UNHCR and other NGOs; the field office is located in Iriba.

### *The Dar Bideyat Camp*

Located in the department of Bahai, the camp of Oure Cassoni falls in the home area of the Bideyat subgroup of the BeRà. Relations here are even more strained than in the Kobe department due a long running blood feud between the BeRà of Bahai and their Darfuri counterparts. The Camp is managed by the IRC from a field office in Bahai.

#### 4. *Research Site:*

##### a: *Mile Refugee Camp: Not just Another Hilla*<sup>7</sup>

For the more than 2.5 million Darfuri who are internally displaced in Darfur and the 230,000 or so who are refugees in Tchad; their becoming displaced is invariably seen as a turning point in their lives. Entire communities lost everything they had accumulated and sacrificed for over the course of generations. The loss of livestock, property, land and relatives were a few of the negative impacts. However, displacement often allowed many Darfuri their first contact with the world beyond Sudan. For most, this was the first time they had to depend on the outside world for their very survival. Being unable to plant crops or herd animals they became totally dependent on the NGOs and UN organizations.

In many respects, the site of a refugee camp is of paramount importance in predicting the nature and indeed the severity of a whole host of problems that a camp and its population will encounter. Since the initial movement of people from Darfur into Tchadien refugee camps was over a year after the first refugees arrived, the camps are well planned and well managed when compared to larger camps in Darfur, Southern Sudan and Ethiopia. The exception is Am Nabak, which is considered a 'spontaneous camp' or 'transit site'. The primary concern in the selection of sites for permanent camps is the location of underground aquifers.

The camps of Am Nabak and Mile were chosen as case studies rather by accident, as they were the only camps where the implementing partners were willing to work with researchers. However, in the long run, the camps of Mile and Am Nabak, work excellently as comparative case studies, due to their similarities:

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<sup>7</sup> Hilla being the Tchadien Arabic word for a small village or hamlet

- Both are run by the NGO CARE
- Both are predominantly inhabited by BeRà
- Both have similar administrative structures

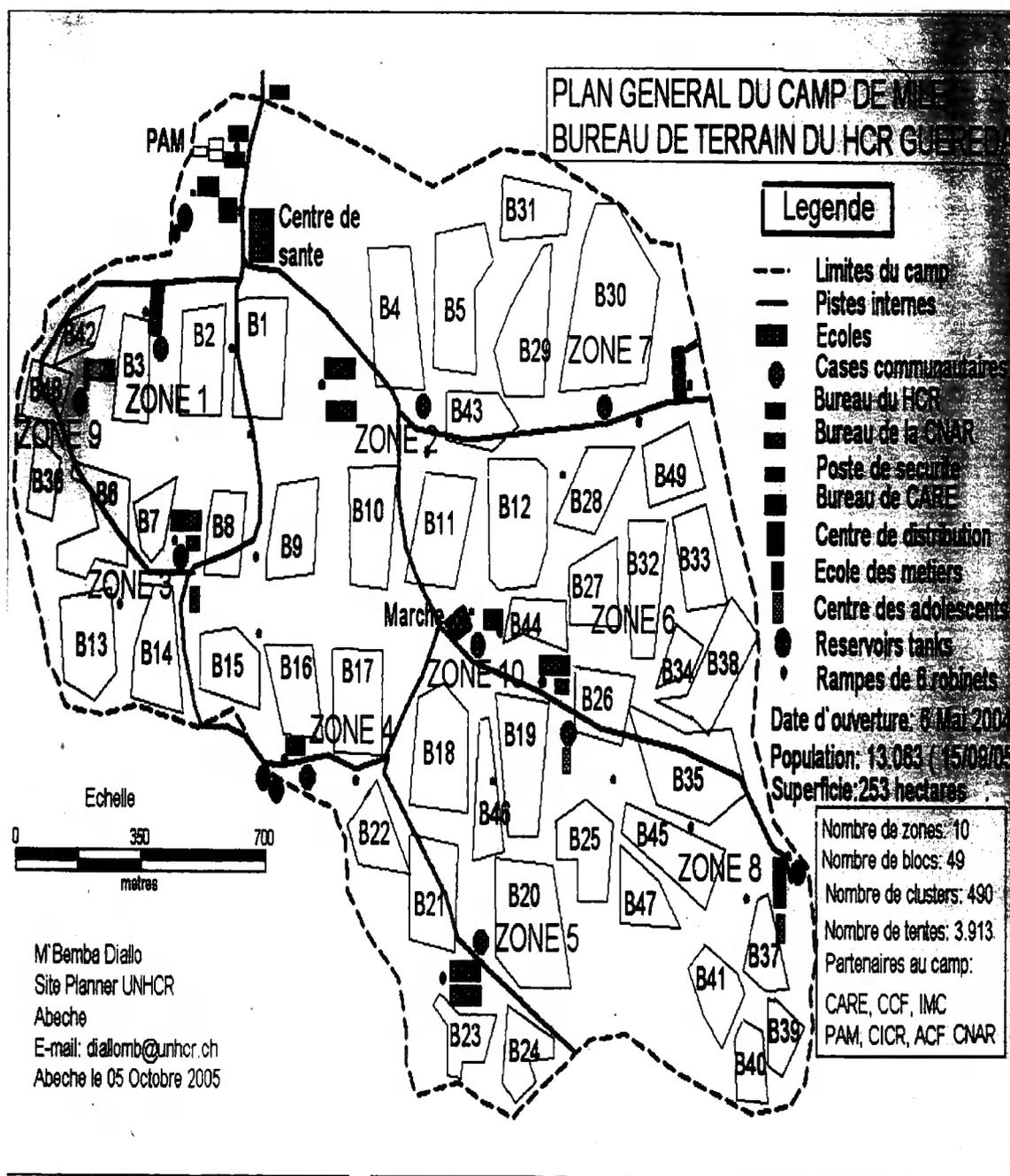
But also because they exhibit numerous differences:

- Mile is surrounded by the Tama ethnic group on whose territory the camp is located
- Am Nabak is surrounded by the Kobe tribal section of the BeRà ethnic group
- Mile is an established camp whereas Am Nabak is classified as a transit camp
- Mile is dominated by the Tuer-Galla dialectic group of the BeRà
- Am Nabak is dominated by the Kobe-Kapka dialectic group

It is these differences, that make the two camps an ideal comparison, in terms not only of the basic administrative structures but also with regard to the role of traditional leaders in the camps. The camp of Mile is located in Wadi Fira, in the Department of Gureada, in the subprefecture of Gureada/Lima and the Canton of Koursige. The campsite was selected by the UNHCR simply because of the underground aquifer, which was located some 2km from the Tama village of Mile. The camp's location was based on the underground aquifer and did not take into account the long-standing and often violent nature of conflict between the BeRà and the Tama, in whose heartland Mile is located. There are also numerous Arab, Bideyat, and Gur'an nomad camps in the vicinity and relations between the refugees and the nomads are not much better. The Canton of Koursige has some 31 *Hilla*. Mile is located some 22km north west of the capital of Gureada Department, Gureada.

Mile refugee camp was opened on the 6<sup>th</sup> May 2004., after a three way 'Memorandum of Understanding' was signed between CARE, the Government of Tchad and the UNHCR. The Community service program was initiated on the 1<sup>st</sup> June 2004. In late 2005 when my research was undertaken the camp had a population of 13,419 persons (interviews with Camp Manager 2005).

Map 6: Mile Refugee Camp



Mile and Am Nabak are managed by CARE Canada, on behalf of the UNHCR. The CARE administration consists of 45 staff members based in Gureada, who make trips to the camp every weekday from 0830 to 1530- security situation allowing. On paper, Mile camp is divided into 10 zones, each with five blocks of approximately 80 tents or 350 inhabitants. Each zone is headed by a *chef de zone* or *Sheikh al- zone*, and each block by a *chef de bloc* or *Sheikh al harr*.

The *Sheikh al- zone* are selected from among the *Sheikh al harr*. The camp has a Principal Committee or Majlis al-Sheyuk, which has 16 members the 10 *Sheikh al- zone* and six other 3 of whom are women (Interview with Ibrahim Idriss Sabil and Fatima Muhammad Khamis; Mile, Tchad 23/12/2005)

The vast majority of the refugees in Mile are Darfuri BeRà who came from at least 50 different villages and arrived chaotically over a long period. As a result, many do not know if their *Omda* or *Sheikh* is present in the camp. The fact that each of these villages would have had a *Sheikh* of their own means that finding or including any of these traditional leaders in the of the camp is not wholly feasible.

Am Nabak was established in May 2004 is known by the care staff who work there as *Kandahar*.<sup>8</sup> However, the camp came into existence some time before this as a spontaneous transit camp. In most respects, Am Nabak is very different from Mile and the other camps. Firstly, since the area of Am Nabak contained no underground aquifers water had to be trucked from 43km away in Gureada to supply the camp's needs. As a result the UNHCR and the implementing partners are constantly planning to move the camp to a better location farther north. This move is opposed by both the refugees and the host community. Further, because the camp is not seen as a full blown refugee camp like Mile means that the budget allocated by UNHCR is much smaller and that there are no permanent structures, only tents. Due to security problems on the road between Am Nabak and the field office in Gureada, the management of the camp was moved from Gureada to the Iriba field office, which was already in charge of management of the camps of Iridimi and Tollum.

Unlike Mile, Am Nabak is divided into 10 zones each with 4 blocks. However, the camp is organized into 4 clusters which represent the home villages of the refugees. The refugees of Am Nabak, unlike their counterparts in Mile, are from the Kobe dialectic group of the BeRà. The majority of the Kobe reside on the Tchadien side of the border. There are only a handful of Kobe villages in Darfur, the largest being Tine. Links across the porous border are strong among the Kobe and as a result when the Darfur conflict began the inhabitants of four border villages of *Tine, Girgira, Habila and Tundeby* were invited to ride out the conflict with their kin and neighbours in Am Nabak. The fact that many Darfuri Kobe had very close kin in Am Nabak, and that annual migration routes brought the herders of Am Nabak and the four villages to the

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<sup>8</sup> Due to the large amount of BeRà rebels -both Darfuri and Tchadien- who use the camp as rest spot and logistical hub. Since the Darfuri rebels took to calling themselves *Tora Bora* -after the hills in southern Afghanistan where Osama Bin Laden was thought to be hiding in early 2004- the name Kandahar has been applied to camp and its inhabitants who maintain contact with Darfuri rebels still present in the mountains to the west of the camp.

Wadi Sheadi in Darfur, meant many of the inhabitants of Am Nabak knew the refugees personally and thus were willing to have them take up residence in the village. The refugees arrived with their *Sheikhs* and *Omdas* and as a result there are interesting differences between the camps, both in terms of the CARE administration in the camp and the role of traditional leaders.

**SECTION B:**

## CHAPTER 5

### A HISTORICAL SURVEY OF THE GREATER OUADDAI-DARFUR REGION

*'How can I tell', said the man, 'that the past isn't a fiction designed to account for the discrepancy between my immediate physical sensations and my state of mind?'* (Adams 1980: 166).

A number of wider issues are germane to in the study of Tchad and Darfur. Before we can understand the current conflicts in Tchad and Darfur we must first understand their roots. These conflicts are best discussed in a chronological and thematic manner. The following chapter will deal with:

- The pre-colonial links between Greater Ouaddai-Darfur Region
- the BeRà ethnic group

#### *1. Pre-colonial Links in the Ouaddai-Darfur Border Region The More Things Change the More They...*

The development of states in the Sahel and central Soudanian region of Africa is a fascinating phenomenon. Though the introduction of Islam and the opening up of linkages with the wider Islamic world played a significant role in this process, state formation in the region has much deeper history. The introduction of the camel to the Sahara and Sahel 4000-6000 years ago was integral to this. The Beja of the Sudanese Red Sea coast were the first to see the potential of the Dromedary. Their use of camels during their raids against Egypt and Nubia made a lasting impact on both states, but it was not until much later that populations came to appreciate their true value, when the camel helped Trans-Saharan trade to flourish and allowed for the spread of urbanization.

Salt, gold and enslaved peoples were the main goods traded across the Sahara. As may have been expected, the capture of such slaves was an endeavour that involved high levels of violence, so much violence that a wise ruler would not visit this on his own population but rather on a neighbouring states or society. Thus, from about the thirteenth century onwards, state formation and expansion in the Sahel and into the Sahara was an increasingly violent affair (Azevedo 1998: 22).

Nowhere was this clearer than on the periphery of the state. Here at the border between states or at the zone where the state met stateless societies, violence and conflict were at their worst. In anthropology, a debate has been raging as to the universality of war and conflict. Authors like Duffield (1994 and 2001), Warren (2003) and others argue that war and conflict are universal. Duffield presents a seductive argument that conflict is ever present in human societies and is used both to construct barriers between self and others and to reorder the social, cultural, economic and political spheres of communal life. Thus, one must see war as a foci of innovation and change. For a group to avoid defeat, and all that it entails, it must match and indeed counter, the innovations of its adversary. According to Duffield, warfare, or more correctly, the threat of warfare, has been an important force in the global spread of scientific, economic and political innovations and of the nation state (Duffield 2001: 13).

Though Duffield's argument on the role of war as a force for innovation is compelling, it is incorrect to assume that warfare or the threat of conquest was the major catalyst in the development of 'the modern and centralized nation state'. The sheer preponderance of contradictory examples renders this thesis void. The work of numerous anthropologists on warfare in stateless societies such as the Nuer, Dinka, Hamar, Kayapo, Yanomami, Dani, Omo river and a host of others, shows that even in regions where warfare and raiding are endemic or ritualized, parts of 'everyday life,' the nation state, or indeed any other form of the state, is not

the main form of political association. Duffield's almost structuralist need to explain the role of war in human life can be seen as part of a wider trend in the modern study of -and the study of modern- conflict, rarely takes into account the role played by alliance and fragmentation of alliances (Schlee 2004 being a welcome exception).

The earliest written references to the Greater Ouaddai-Darfur Region come to us from Arab geographers. These records are lacking in detail for many reasons, including:

- Arab geographers were more interested in the affairs of the states like Kanem-Bornu rather than Ouaddai or Darfur, and paid even less attention to the border regions.
- Arab travellers arrived in the 16<sup>th</sup> century, almost a millennium after states first emerged in the region.
- As Muslims, many of the early Arab explorers were either, not interested in, or painted the pre-Islamic origins of local states or painted them in an unimpressive light.
- Very few outsiders spent long periods in these volatile border regions.

As a result of these shortcomings most historians tend to rely on sources from the late nineteenth and twentieth centuries. These sources take the form of colonial manuscripts and correspondences. For the purposes of this work these records have been examined and also found lacking due to many of the same reasons as the Arab sources. Though largely beyond the scope of this work some kind of historical background is necessary, so presented here is brief history of the region focusing on interactions between pre-colonial states.

The earliest state to emerge in the region was without a doubt Kanem, which originated in the ninth century AD to the northwest of Lake Tchad. The kingdom is credited as being founded by the BeRà. The state probably began as a confederation among BeRà, Daza and Kanembu tribes who today live in the far north of Tchad and southern Libya. In fact the word

'*Kanem*' is actually a Dagaza word meaning 'south'. The Kanembu people and language are closely related to the Daza and the Daza interviewed in the course of this study believed the former to be nothing more than sedentary Daza. Whatever their origins the Kanembu and Daza were the originators of the state of the Kanem under the first *Mai* (king) of the *Magoumri* clan, thus beginning the *Sayfawa* dynasty (Encyclopaedia Britannica Concise. 2007).

Kanem was at the peak of its power in the middle of the thirteenth century when it was able to exact tribute from Ouaddai, Darfur and the Hausa kingdoms of Nigeria and Niger (Azevedo 1998: 25-32). During the fourteenth century however, internal conflict and pressure from the *Bulula* forced the *Mai* Umar Idrismi to abandon the capital city of *Njimi* and move large portions of the population to the southwest into Bornu (Encyclopaedia Britannica Concise. 2007). After conquering and assimilating the Bornu a new ethnue was created from the merger of the Kanembu and the Bornu, the Kanuri; much in the same way that the Kanembu were probably a merger of the Daza and some earlier people present in Kanem. During this period Kanem, now known as *Kanem-Bornu* lost control of Ouaddai and Darfur. However, even today, there are the large number of locations with known, or probable, Kanembu and Kanuri names. Menaweshi in Darfur, Abéché Tchad, and even Al-Fashir are all important towns that attest to the presence of the Kanembu or Kanuri in the region.

The last two states to occupy the Greater Ouaddai-Darfur Region were the Sultanates of Ouaddai<sup>9</sup> and Darfur<sup>10</sup> along with their numerous tributary petty states. What we know of the history of these two states is surprisingly similar in nature to the relationship between Darfur, Sudan and Tchad today. In the era before European colonization both were part of a string of Sudanic states, stretching from Tukrur along the Senegal to Sennar and the Funj located along

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<sup>9</sup> The name Ouaddai refers to both the pre-colonial state (1650s-1905) and the modern Tchadien region. The latter occupies and the truncated southern portion of the former.

<sup>10</sup> The name Darfur refers to both the pre-colonial state (1400s-1916) and the modern region in the Sudan which includes West, North and South Darfur.

the Nile. Three such Sudanic states were located within the borders of modern Tchad, Kanem, Bagirmi, and Ouaddai; while Darfur, Talodi, Sennar and Funj were located in modern day Sudan. The histories of Darfur and Ouaddai were characterized by intense struggle for control of the border itself, as well as the petty sultanates that sprung up in this no man's land, that extended along their unstable frontier regions (O'Fahey 1980).

The current political situation in the region can be described, in a word, as *unstable*. There are numerous rebel groups operating along the Greater Ouaddai-Darfur Region and deep into both Darfur and Tchad, with varying levels of popular and cross border-support. Both regimes support insurgents in the hope of either using them as a means of obtaining concessions from the other, or as an option for regime change. Even this does not differ much from the pre-colonial era.

Initially ruled by the Tunjur<sup>11</sup> until 1635 (Azevedo 1998: 26) Ouaddai was reconstituted as an Islamic Sultanate supposedly by *Abd al Karim a Ja'ali* Arab from Shendi on the Sudanese Nile. Some sources tell us that Abd al Karim was a *Wali* (Governor) in Ouaddai under the *Tunjur* (Zeltner 1997). The archaeological and historical records show us that the Tunjur established their capital in *Kourbuon*, just south of Biltine. Abd al Karim may have been a petty chieftain who ruled over the *Siliba* clan of the *Maba* in the vicinity of *Kadama* (Tubiana et al 1978: 6). Over a week's march south of his Tunjur overlords Abd al Karim would have had a great deal of autonomy. It is claimed that he led a revolt against the Tunjur due to their un-Islamic practices and drove them out of Ouaddai. After he ejected the Tunjur, they fled to Kanem under the leadership of their King *Daud* (MacMichael 1922).

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<sup>11</sup> The Tunjur, are widely credited as being one of the earliest dynasties in the Central Sahara. Most likely Nubian refugees from the Nile region, the Tunjur probably arrived in the region in the mid 1300s and took control of both Darfur and Ouaddai through intermarriage with the local dynasties. They were expelled from Ouaddai in the 1650s and fled to Kanem to become integral figures in the court of the Kanembu Mai/king. Tunjur can still be found in the Kanem region of Tchad today. The Darfuri Tunjur intermarried with the Fur who finally superseded them,. Today there are large numbers of Tunjur in North Darfur.

Abd al Karim himself probably ruled over the Maba from around 1635 or so (Tubiana et al 1978: 5). The Maba are divided into a number of tribes the largest being the *Kodoi, Arulad Djema, Malnga, Mandaba, Mandala and Kondongo*. The *Kajanga, Karanga, Kabga, Garyanga, Kashanre and Marfa* are Maba speaking tribes that are said to have been assimilated some time in the past (Doombos & Bender 1983: 50).

On the early history of Ouaddai, Works writes:

*'The importance of the Maba core group in the foundation traditions and later court practice of Wadai reflects a characteristic distrust of strangers. Custom requires that any candidate to the throne after Abd al Karim be the son of a full blooded Maba and that the four official wives of the Sultan come from the same group',* (Works 1976: 47).

This tension between xenophobia and the need to encourage immigration and foster trade links has been recurrent throughout Ouaddaian history; and still appears to be a defining feature of modern Maba/Ouaddai identity.<sup>12</sup> This tension even showed itself in the selection of a spot for the capital of the new state. In the case of Darfur, Kobbei was chosen, since it was a trading post and the start of the *Darb al Arbiy'en* or 40 days' road to Egypt. Later the capital was moved to Al-Fashir, but this too was out of economic necessity. In Ouaddai the motivation was different; the first capital was *Wara* and the name said it all; in Maba it means '*inaccessible*'. In 1850 Sultan Muhammad Sharif moved the capital to Abéché, a small camp utilized by Arab and Fulani nomads (Works 1976: 57). However, the move was forced upon the Sultan, as the underground aquifer at Wara had run dry (Interview with 'Ustadh' Saleh Solouem. April 2006 Abéché).

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<sup>12</sup> The Maba the largest ethnic group in Ouaddai, consists of a number of related tribes that speak the Maba language which is closely related to Masaalit, and they number approx 350,000.

Historically, Darfur was an important independent centre for both trade and religion.

Three different dynasties were decisive in its development:

- *Daju dynasty*, whose political centre lay in the south east of Jebel Mara. This ethnic group ruled from about the thirteenth century to the fifteenth century
- *Tunjur dynasty*, whose centre of power lay north of Jebel Mara. They ruled over Darfur until the seventeenth century
- *Keira/Fur dynasty*, whose centre of power was in Turra in Jebel Marra and later in El Fashir. The core group in the Keira dynasty were the Fur.

Darfur's first dynasty was the *Daju*, whose first ruler *Gitar or Kosbur* expanded the kingdom until they were capable of exacting tribute from the Fur and others. Their last ruler Ahmad al-Daj was deposed by the Tunjur in the 1400s and is said to have fled to the Dar Sila region of Tchad on the back of a gazelle (Nachtigal vol iv: 108-109). The most interesting fact, other than his means of transport, was where he fled to Tchad. He thereby set in motion a series of events that would reoccur throughout the region's history, with peoples crossing the border to seek refuge or to establish a base from which to threaten their home regions.

Even the Tunjur who deposed the Daju were themselves refugees from the Nile region. The name of the founder of the Tunjur dynasty was Ahmed al-Makur. Usually it is given an Arabic translation as *Ahmed the Lame*. In spite of this 'Arab washing' it is far more likely that the name *Makur* was in reference to *Makurria*, one of the three great Nubian kingdoms located along the Nile, the others being Alwa and Soba. The rise of the Tunjur in Darfur and Ouaddai corresponds closely with the fall of Makurria to Arabs in the 14<sup>th</sup> century (Tubiana et al 1978: 7). By the early 1600s however, the Tunjur empire fragmented into the states of Darfur and Ouaddai ruled by local ethnic groups.

In the east Tunjur were in turn superseded by the Fur in the 1650s. Actually even the foundation of Darfur's *Keira* or Fur Sultanate is a story of cross border insurgency. The founder of the Keira dynasty was *Solongdungu und Kirro* 1655-1680 also known as *Suleiman Solong*. Tunjur on his paternal side, he was the link between the Fur and the preceding Tunjur dynasty. However, he was denied the right to rule by his great uncle, the reigning monarch Shau Dorshid. In a pattern of flight, mobilization, insurgency, conflict and eventual seizure of power that would be repeated over and over in the region, Solongdungu and his mother fled to Ouaddai (Robinson 1928: 359).

Local traditions tell us two similar stories as to why this occurred. In one his mother was either part or full blooded Masaalit, of the Surbang clan from Ouaddai (Kapteijns 1985: 19). Whatever his ethnic origins, Solong spent his youth in Ouaddai. It is hard to believe that royal refugees from Darfur would have escaped the attention of the authorities in the Ouaddaian dynasty. What is clear is that either with Ouaddaian assistance, or without their overt interference, Solong launched the region's first cross-border insurgency while still safe from the retaliation of his great uncle.

Following the Sultanate's expansion from the Jebel Mara region into other areas of Darfur, the state grew exponentially through incorporation, both peaceful and coercive, of other territorial and ethnic groups. However in 1787, blocked by a resurgent Ouaddai to the west, the seventh Sultan, Mohammed Tayrab, extended the Fur Sultanate as far east as the Nile by conquering the province of Kordofan. This was a turning point- literally- in Darfur's history. The sultanate now had access to the Nile and more importantly controlled the trade routes to Egypt. This opened the region to greater trade and cultural links to the Arab world rather than with West Africa.

With their strategic position between the Nile and West Africa, Darfur and Ouaddai attracted a constant flow of migrants from both east and west. Unlike the Maba, a central strategy of the Fur Sultanate was to encourage immigrants. Immigrants from West Africa, the Nile Valley and other locations included holy men (*fugara*), scholars (*ulama*) and travelling merchants (*jallaba*), as well as poorer immigrants. Many of these groups were encouraged to settle, with the granting of land and positions by the sultans. At the same time, a process of cultural assimilation was set in motion to incorporate other groups and territories. Thus, there was great competition and confrontation between Darfur and Ouaddai for the loyalty and tribute of peoples in the border regions.

With their close proximity, similar ethnic make up and remarkably similar history, Darfur and Ouaddai exhibit similar trends in terms of the role and nature of the state and its various mechanisms for obtaining and rewarding loyalty. In Darfur this took the form of land grants known as *Hakuna*, whereas in Ouaddai estates were granted to loyal individuals and communities. These traditions continued right up until the early 20<sup>th</sup> century, when in 1912 Ouaddai was defeated by the French forces after years of bloody resistance. Darfur was not conquered until 1916 when the last Sultan Ali Dinar was shot by a British patrol. An offshoot of Darfur, Dar Masaalit was not 'incorporated' into the Sudan until 1923. Thus Ouaddai (1912), Darfur (1916) and Dar Masaalit (1923) were the last African states to fall under colonial rule and as a result give us useful examples of the projection of state power, both pre and post-colonial in the region which is now host to millions of displaced peoples and refugees.

## 2. *The BeRà and their place in the region*

No matter how much we may protest, the basic unit studied by the majority of anthropologists is the ethnic group. In its simplest sense, an ethnic group is either a collection of people who share a common culture, collective institutions and rites; or a community that inhabits the same moral geography and has a defined and ethnocentric consciousness.

According to Fredrik Barth “*ethnic groups are categories of ascription and identification by the actors themselves, and thus have the characteristic of organizing interaction between people*” (Barth 1969: 10). Barth believed the object of study should be the “*ethnic boundaries that defines the group, not the cultural stuff that it encloses*” (Barth 1969:15). He argued that there were two orders in the cultural content of ethnic dichotomies:

- *the first are overt signals and signs that broadcast one’s ethnic identity, such as language, dress, house type etc..*
- *the second are basic value orientations, that is the standards of morality and excellence by which performance is judged.*

Thus, two members of the same ethnic group will expect each other to share the same cultural norms and standards (Barth 1969). More recently political scientist have argued that ethnicity can be seen as a form of social capital that can be used to mobilize individuals and groups into action (Bates 1999).

Though created and sustained by rural village life, ethnic groups are often mobilized by actors and activists in urban settings. In fact, ethnic groups are more often than not mobilized by the elite members of disadvantaged groups that find themselves shut out of the urban circles

of power (Bates 1999:13). Thus, one can see a link emerging between a lack of educational or employment opportunities in the rural areas on the one hand and ethnic out migration and protest on the other. The latter is a product of competition between urbanized educated elites from various ethnic groups as they jostle for positions and jobs. This leads to urban ethnic mobilization, which is linked to rural political activism. Urban elites strive to prepare their 'country cousins' for 'big city life' by preaching the virtues of education and seek to dispel myth in urban centres that people from their region are lazy or backward. Convinced that they will never come to power in the undivided state, they seek independence, in some cases to their own economic detriment (Horowitz 1997: 425). Ethnic mobilization can therefore be seen as a matrix produced by the intersection of the skills and aspirations of educated urban elites on the one hand and the material and political desires of the rural masses on the other (Bates 1999: 17-18).

*In this situation ethnic groups evolve into something more than 'primitive associations'. They become what I call politicized or contestable capital. Like all forms of capital, contestable capital is immensely attractive to political elites who can mobilize ethnic groups by co-opting their urban educated elite. Not only is there competition between political elites to capture this capital but there is competition between ethnic elites to be the legitimate representatives of the regional or ethnic group. In doing this they try to show their ability to redistribute resources to their ethnic homelands, which Gluckman labelled 'tribalism' (Gluckman 1960). The term 'tribalism' is a loaded and misleading one, used as it is, to conjure up images of primitive and detrimental (to society as a whole that is) associations. Gluckman's paper *Tribalism in Modern British Central Africa* juxtaposed numerous terms like *tribalism, modern, British and African* for maximum effect, but fails to highlight any of the benefits of said *negative* associations, such as education and rural development that are gained from this 'tribalistic behaviour'. In fact, Bates' research shows that*

ethnic mobilization is not necessarily problematic until it is used to exclude others from power (Bates 1999: 27-29). In such a situation, when power of specific resources are concentrated in the hands of a particular cultural community individuals have a choice of either entering into conflict or alliances with such communities.

It is at these borders that ethnic and cultural lines of demarcation intersect, and it is here that people meet to co-operate or compete (Suliman 1997). According to Gunnar Haaland this interdependence emerges not only from people's interactions with one another, but also through their interactions with their environment (Haaland 1991: 10). Since adaptations to ecological habitats produce certain manifestations in material culture, i.e. forms of organization, ritual and language the major markers of ethnic identification, differences are highlighted and heightened when quarrels arise over the allocation of resources. What emerges is a picture of ethnic groups that are identified with their subsistence patterns (Haaland 1972). As a result, conflict over trivial issues often mask larger hostilities. As actors endeavour to attract maximum support, ethnicity is the most appealing mobilization force, a fact highlighted by Fukui and Markakis (Fukui & Markakis 1994). Thus battles for resources and by extension survival, are often iterated in terms of ethnicity. However, it must be noted that conflict at these intersections is not the norm.

In the past, the prevailing tendency was for people to cooperate along such boundary zones, exchanging goods and services and sharing the use of renewable resources. In recent years, competition over resources and natural services has intensified because of environmental, governmental, social and economic pressures. In the case of Darfur, such competition is often manifested in terms of violence and conflict. However, rules for the sharing of scarce resources prevent these rivalries from becoming full-blown conflicts. Hutchinson points out that even when violence cannot be avoided the rules of engagement, disengagement and compensation act as checks on the level of conflict, not only between ethnic groups but also within them

(Hutchinson 1991: 105). This phenomenon can be seen amongst the BeRà, the subject of this study.

The *BeRà* are an African ethnic group who straddle the northern portion of the border between Darfur and Tchad. They speak a Nilo-Saharan language of the Saharan super-family. As a member of the Eastern sub-family their language is closely related to the extinct *Berti* language and more distantly to *Daza* known as *Gur'an* of the *Teda* sub-family. Although they call themselves *BeRà* (pl. BeRAh) and their language *BeRà Ah* (BeRà Mouth/Tongue) they are more commonly known by the Arabic name *Zaghawa*. The *Daza* or *Gur'an* know them as *Ana* or *A'nuu*, whereas the *Fur* call them *Mereeda*. To the *Erenga* they are *Kinyuk*, but to the *Daju* and *Birgid* they are known simply as *Zaghawa* and *Zague* respectively.

The highlands occupied by the *BeRà* rise to about 1000 meters and lying as far north as they do, are exposed to the gradual but steady southward march of the Sahara. The *BeRà* inhabit a particularly harsh climate. To the north, west and to a lesser extent the east they are boxed in by either the Libyan or Sahara desert. To the south, any lands that are even remotely suitable for agriculture are held by the *Minni*, *Mararit* and *Tanu* of Tchad and the *Gimr*, *Turjur* and *Fur* of Darfur travelling west to east. To their west in Tchad, live the *Mahamid Arabs* of the *Arada* plains, whereas to their east in Darfur live the *Midob* camel herders of *Jebel Midob* and the *Berti* of the *Jibaa* *Tagaabo*.

The northernmost limit of the *BeRà* home land consists of the *Ennedi* range which rise to between 650 meters and 1400 meters and this area is the home range of *TobarA* or *Bideyat* nomads. This relatively well-watered region serves as a gully, channelling water into the *Mourdi* depression. To the north of the *BeRà* lies the Sahara desert which is only frequented by the *Daza* on the Tchadien side of the border. On the Darfur side a host of camel nomads travel

there in the winter to pasture their herds on the *Jizzu* grasses. The rainy season which runs from late May to September is known to the BeRà as *gœa* and brings about on average 300 mm of rain water.

For the *BeRà*, the archetypical members of their ethnîe are tough desert dwelling camel herders. Though camel herding maybe a sustainable and even profitable mode of production in the deep desert home of the northern sub-sections of the *BeRà*; in the desert fringes, occupied by the majority of the *BeRà*, a mixed economy is more suitable. As a result, most *BeRà* groups practice a mixture of animal husbandry and agriculture, growing millet, *Dukhum* in Arabic, known locally as *Eish* and as *Baga* in *BeRà Ah*. In the past most *BeRà* kept cattle, camels, goats and sheep; however, due to the droughts of 1969 and 1972 most *BeRà* lost their cattle and were forced to depend more than ever on their camels (Tubiana et al. 1968, Tubiana, M. & Tubiana. 1977. And Tubiana 1985). An interesting feature of the region's geography is that the farther east one travels, the more arid the land becomes and thus more suitable for camels' delicate feet which cannot tolerate long period of being waterlogged. As a result the *BeRà* who live in Darfur have always been more dependent on camels than their Tchadien counterparts.

As little as 30 years ago the *BeRà* of Tchad and to a lesser extent their counterparts in Darfur, were primarily cattle rather than camel herders (M. & J. Tubiana 1977: 41). Today the general preference on both sides of the border is for camels, followed by sheep and goats then cattle. Due to the mixed nature of the *BeRà* economy, the exact population of the *BeRà* is hard to ascertain. The fact that large parts of the population of a given village or town will be out tending to herds makes population estimates and even census figures suspect. The Tchadien census of 1993 counted just over 77,000 *BeRà Ah* speakers while Marie-Jose Tubiana claims that the Darfuri *BeRà* numbered as many as 255,000 at the time of the 1970 Sudanese census (M. & J. Tubiana 1977: 99). A conservative estimate of their population today is 300,000-350,000 in both

countries.

Many believe that the *BeRà* under the name *Zagharuu* were first mentioned in the writings of the Arab explorer and geographer el Mas'wudi in about 943, however this report and the dozen or so that follow prove contradictory. Every explorer in the region seems to produce another conflicting report about the *Zagharuu*. Some claim the *Zagharuu* are western migrants, while others claim a Berber origin, others state that they inhabit the deserts on the borders of Nubia, while others claim they were in Kanem during the earliest days of the state. However these accounts are reconciled by the work of Makrizi who around 1400 writes:

*“all nations between Abyssinia on the south, Nubia on the east, Barka on the north and Takrur on the west are called Zaghai”*(Mac Michael 1922: 56).

The first account of the Zaghawa even close to their present location and exhibiting similar cultural practices to the modern *BeRà* is a early 16<sup>th</sup> century excerpt from Leo Africanus (1528) who speaks of the Zaghawa and cognate Gur'an who harass travellers between Cairo and Bornu, he continues:

*“the king of Nubia maintaineth continuall warre partly against the people of Goran (who being descended of the people called Zingani, inhabite the deserts and speake a kinde of language that no other nation understandeth) and partly against certaine other people ”*( Mac Michael 1922: 56-57).

The *BeRà* are really composed of a number of dialectic groups, regional groupings, tribes, branches and clans each claiming to be descended from the true *BeRà*, the Bideyat. In fact all groupings claim to somehow be more *BeRà* than all others except the archetypical

Bideyat.

Perhaps the best way to classify the BeRà is with the four tiered system that they employ when classifying themselves. Thus they divide themselves into:

- *four mutually intelligible dialectic groups (Dirong-Guruf, Kobe-Kapka, Tuer-Galla, Bideyat-Borogat)*
- *14 regional groupings {Dar Guruf, Dar Dirong, Dar Kapka (Tchad) , Dar Kobe (Tchad), Dar Kapka (Darfur), Dar Kobe (Darfur), Dar Galla, Dar Tuer, Dar Unai/Dar Artaj, Dar Arelad Diggin, Dar Sueri, Dar Funnung, Dar Anka, the desert lands of the Bideyat and the Borogat.*
- *Numerous tribes Be A Ab or Tribes*
- *And a host A irr Ka Be or branches*



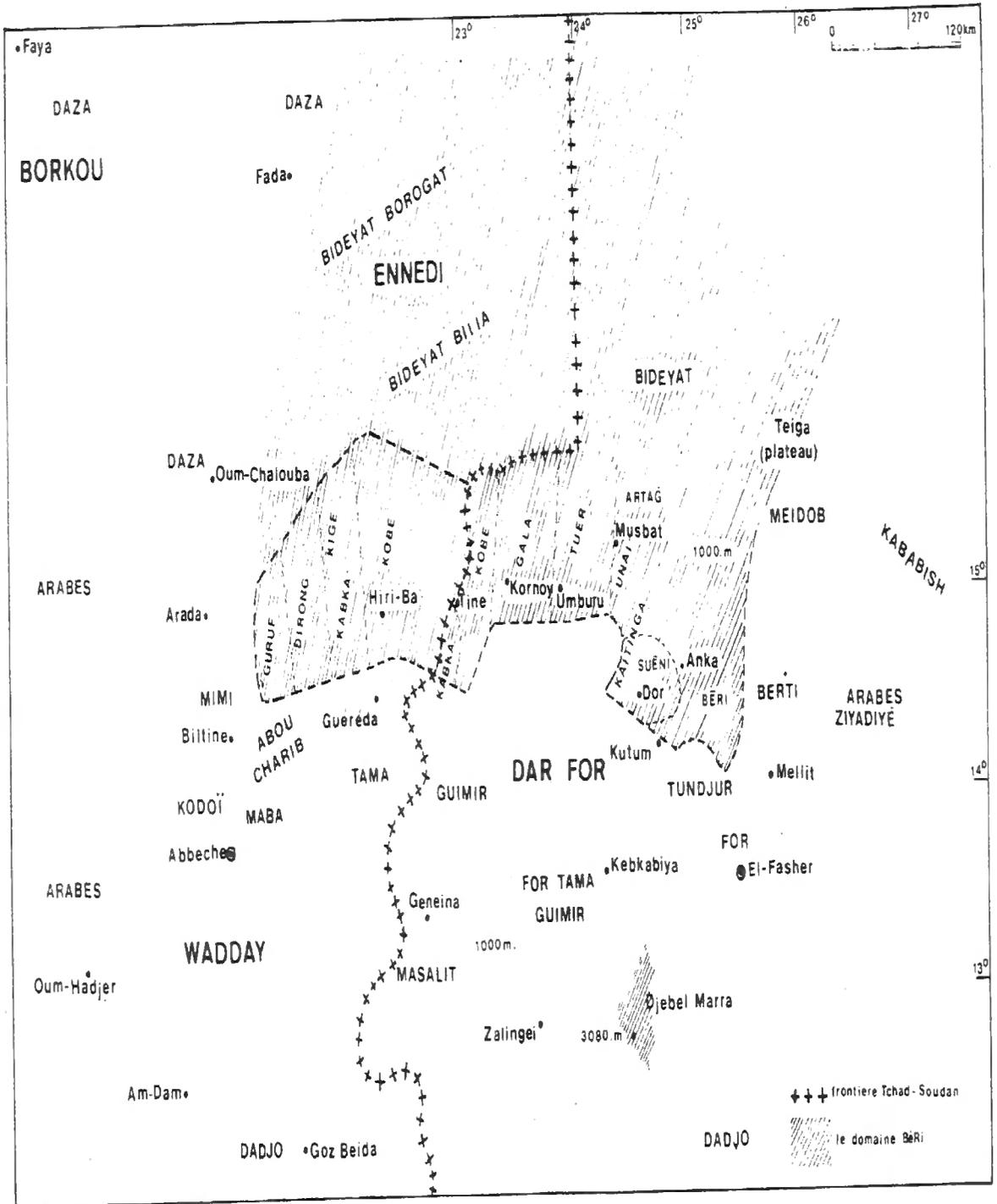
**Table 6: BeRà Regional Groups**

| Dialectic Group        | Region                    | Capital               | Main Regional and tribal groups | Ruler                            | Ruling Clan | Current Ruler               |
|------------------------|---------------------------|-----------------------|---------------------------------|----------------------------------|-------------|-----------------------------|
| <i>Dirong-A-Gurufa</i> | Dar Gurufa                | Borku                 |                                 | Under the leadership of Dar Kobe |             |                             |
|                        | Dar Dirong                | Teri-Ba               |                                 | Under the leadership of Dar Kobe |             |                             |
| <i>Kobara-Kapka</i>    | Dar Kapka                 | Key-Hay               |                                 | Under the leadership of Dar Kobe |             |                             |
|                        | Dar Kobe                  | Hiri-Ba /a.k.a. Iriba | KobarA                          | Sultan                           | Angajyra    | Muhammad Abdurrahman Haggar |
|                        | Dar Kobe                  | Tine                  | KobarA                          | Sultan                           | Ijyra       | Dawsa Abdurrahman Firti     |
|                        | Dar Kapka                 | Tundebay/ Tontoubay   | Kapka                           | Sultan                           | Kapkare     | Hassan Bargo                |
| <i>Tuer-Galla</i>      | Dar Galla                 | Kornoi                | Galla                           | <i>Shartai</i>                   | Kaliba      | Adam Sabi Tijani Al-Tiyb    |
|                        | Dar Tuer                  | Um Burro              | Tuer                            | <i>Malik</i>                     | Agaba       | Adam Rahman Muhammadin      |
|                        | Dar Unai/a.k.a. Dar Artaj | Um Haraz              | Unai                            | <i>Malik</i>                     | Ila Shiara  | Abakr Hassan Nabi           |
|                        | Awlad Diggin              | Muzbat                | Awlad Diggin                    | Bazi                             |             | Salim Dagal                 |
|                        | Dar Sueni                 | Dor                   | Sueni and Kaitinga              | <i>Malik</i>                     |             | Adam al Tir                 |

|                    |             |            |                           |              |        |  |
|--------------------|-------------|------------|---------------------------|--------------|--------|--|
|                    | Dar Furnung | Fato Barno | Korra-Beri<br>(Fur -BeRa) | <i>Malik</i> |        | Ahmat Mahamat<br>Maro Janga                      |
|                    | Anka        | Anka       | Beri                      | <i>Malik</i> | Negere | Adama Ali Kaka                                   |
| TobarA-<br>Borogat | Dar Bideyat | Bahai      | Bideyat and<br>Borogat    | Sultan       |        | Deby (younger<br>brother of Idriss<br>Deby Itno) |

List and chart compiled with information from Idriss Abdul Rahman Harba, Tahir Hariga, Salih Haroun and Salih Muhammad Shumu

Map 7: Location of the BeRà



2. Les Beri et leurs voisins

 divisions administratives correspondant en gros à des tribus ; elles portent le nom de canton au Tchad, de *dar* « pays » au Soudan.

 zones de transhumance des Beri.

(Tubiana 1985: 16).

However, it should be noted that *the above is the social organization of the BeRà according to my hosts the Tuer of Dar Galla and to a lesser extent the Tuer of Dar Tuer.* Another important feature to note are the various names applied to the different regional groupings, both by themselves and other such groupings..

**Table 7: The Names of the BeRà**

| Regional/Dialectic Grouping | Own Name | Tuer name | Kobe name | Bilia name |
|-----------------------------|----------|-----------|-----------|------------|
| Bideyat                     | Bilia    | TobarA    | TobarA    |            |
| Tuer-Galla                  | BeRà     |           | Tuer      | Waggi      |
| Kobe                        | BeRi     | KobarA    |           | KobarA     |
| Kapka                       | BiRi     | KapkarA   | KapgarA   | KapkarA    |
| Dirong                      | Dirongda | Dirong    | Dirong    | Dirong     |
| Guruf                       | Gurufta  | Guruf     | Guruf     | Guruf      |

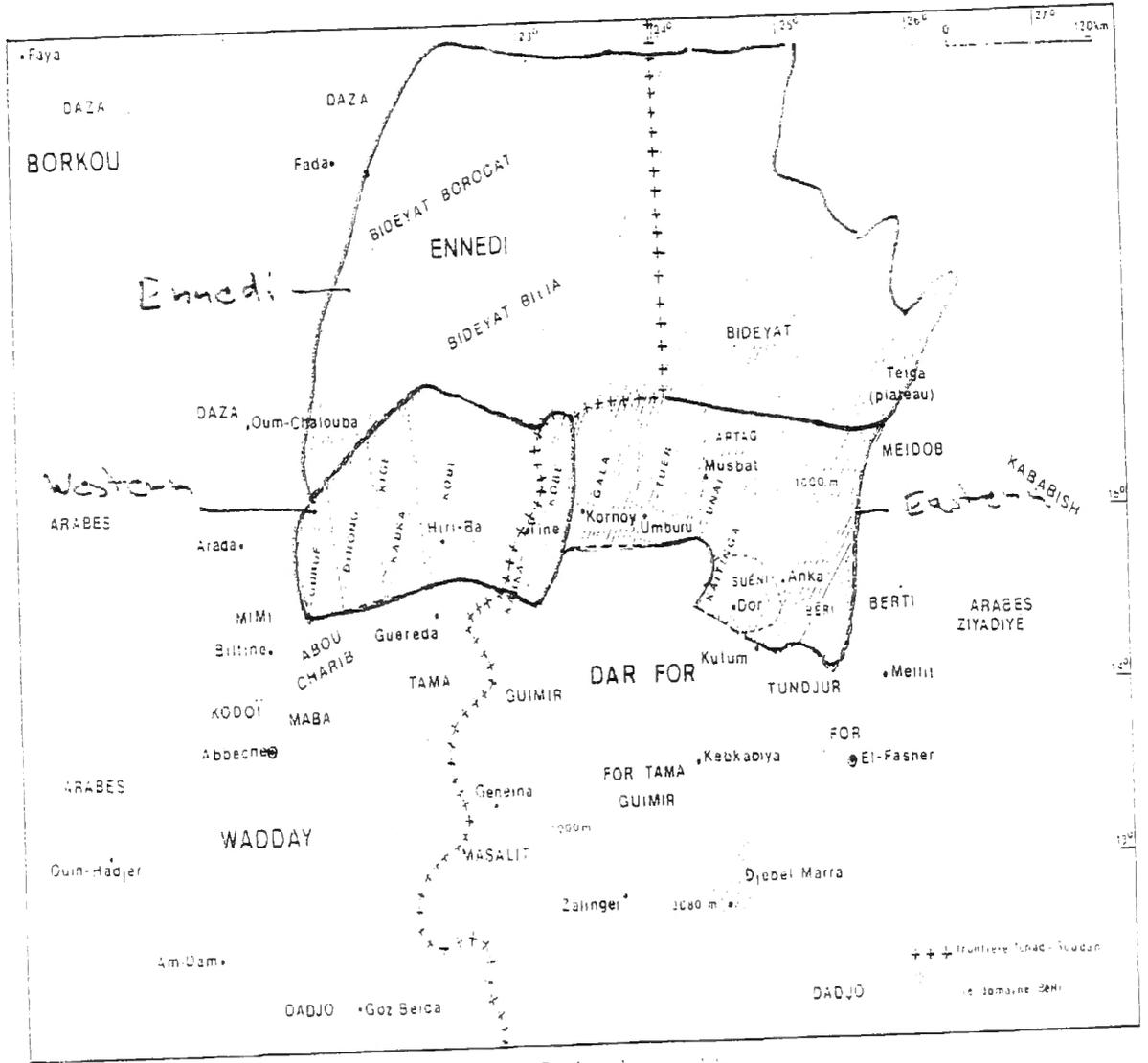
Thus, each group thinks of themselves as descendents of the original BeRà the Bilia or Bideyat. An important point to note about the BeRà regional and even dialectic groups is that most only know of their neighbours. Thus, the *Unai* in the far east of the BeRà home region know very little or nothing of the Guruf. In fact few Galla know of the Dirong or Guruf and most think Tchad is home only to the Bideyat and the Kobe.

The world inhabited by the BeRà can be conceived of as five interlocking zones:

- *The Western BeRà lands* -which is the domain of the *Gurufta, Dirongda, KapkarA* and Kobe dialectic group and lies almost totally in Tchad, except for the villages of *Tine* and *Tundeby/Tontouby* in Darfur.
- *The Eastern BeRà lands*— home to the various Tuer groups

- The Northern Ennedi Groups- the desert home of the Bidyat dialectic groups the Bilia and the Borogat who as camel nomads frequent all other zones.
- The Diaspora- consist mainly of villages created by the BeRà after the famines of the 1960 and 1970 and will be discussed in the chapter on Idara Ahalia.
- The BeRà of the camps— Today the majority of BeRà occupy this zone as either refugees inside Darfur or displaced persons in Tchad. It is with the latter that this thesis takes place.

Map 8: BeRà Zones



2. Les Beri et leurs voisins

 divisions administratives correspondant en gros à des tribus : elles portent le nom de canton au Tchad, de dar « pays » au Soudan.

 zones de transhumance des Beri.

(Fubiana 1985: 16)

## The Western Lands

The Western Lands consist of all BeRà lands in Tchad, except the desert home of the Bideyat. From east to west it is the home of the:

- Gurfuta who inhabit less than a dozen villages,
- Dirongda who occupy just over a dozen villages
- KapkarA who inhabit about 20 villages
- Kobe just under 50 villages.

Oral histories of the Kobe BeRà collected by Marie-Jose Tubiana in the 1950s-1970s tell us an interesting tale about the origins of Kobe, Tama and Daju. These stories tell a tale of three brothers who accompanied their elderly father to Dar Sila around the time of the founder of the Ouaddai, Abd al Karim. The father, Ahmat Daikt, died en route and was interred in Dar Sila, while the sons parted company and became the progenitors of the three ethnic groups. Diroso, the eldest, became the leader of the Daju, while Tamarga travelled north to found a village called Boru from which all Tama originated. The youngest brother Abdullahi travelled north from Boru to Dar Kobe where, in exchange for the *Nabus* or royal copper drum, he taught the people to cook meat and thus became the chief. His name *Abdullahi Boru*, combined his first name and his original Tama village (Tubiana 1964: 28). The current Kobe royal family and by extension all the BeRà of Tchad, are said to be descendants of *Abdullahi Boru* (Tubiana 1964: 28-29).

A similar tale was told to the German researcher and scholar on the Tama, Babet Janszky by Tama elders in 2005. In this more stylised version many more details were presented than in the original. In this history the original Tama came from a hither unidentified region or town in called Timin, in Saudi Arabia. They came to Tchad via the Sudan and settled near

mount Nyeri in Dar Tama. In another version told to Janszky the progenitors of the Tama, Daju and Kobe were all brothers who settled in the various areas on their way to Borno. Hamdu became the first Tama Sultan followed by Dajuk while his brothers became rulers of the Daju and Kobe. The kinship link is used to explain why there is no *Diya* or blood money payment between the Tama and Daju to this day, and why as the Tama claim the same was true between the Kobe, Tama and Daju (18-04-06 Gureada Babett Janszky. Recounting on an interview with Tama elder on the history of the Tama Sultanate).

The interesting feature of both tales is what has changed over time. Stories of single founder events for entire ethnic groups is relatively new to Saharan culture, but the norm among Northern Semitic speaking groups. In cases where such histories are found in Saharan speaking groups they are invariably the result of cultural borrowings. Thus, rather than being actually an accurate historical tale of the ethno-genesis of the Tama, Kobe and Daju they are probably more correctly interpreted as tales about the coming of Islam. Both tales mention that the 'brothers' brought Islam to their respective peoples and arrived in the region around the time Abd al Karim started the Ouaddai Sultanate. It is not unlikely that many ethnic groups in the region use the coming of Islam as milestone in their history. What is presented is a narrative on the effects of acceptance and non acceptance of Islam on communities. Conversion to, or resistance to, Islam tore apart existing ethnic ties and and created new ethnic groups in their wake. Forging new alliance among Muslim communities and tearing apart links with non-Muslims.<sup>13</sup> Janszky in an unpublished paper on the Tama writes:

*The whole foundation of the Dar Tama is linked by its inhabitants to the creation of the sultanate. Accordingly, the sultan was one of three brothers who came from Yemen or at least the Middle East region. On their way from the*

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<sup>13</sup> A similar tale can be found in the appendix relating to the origins of the Fur and Fertit ethnic groups in Darfur.

*centre of Chad to the east one of them settled in Dar Dadjo, another in Dar Tama and the third continued to Dar Zaghawa, where he founded the Zaghawa sultanate. Arrived in Dar Tama one of the brothers called Hamdou founded the Tama sultanate. He himself was appointed to be the Tama first sultan by the local residents as he was an educated man and "had distributed food to the people". According to oral history, Tama arriving in the area from then on settled and intermarried with the local population. Unfortunately, further details are unclear and dates cannot be specified as a written history does not exist' (Janszky 2006).*

Interestingly none of the Darfuri Tuer BeRà refugees I interviewed claimed to have ever heard this story. In spite of this, all readily admitted to me that the Kobe are of Daju extraction. The fact that the Tuer BeRà refugees disavow any knowledge of a link between the Tama and the BeRà is not surprising, in light of the tensions that exist between the refugees and the Tama. It may be that the refugees are now re-imagining their own history, albeit without the Tama.

The Kobe Sultanate based in Hiri-Ba (Iriba) which now dominates the *BeRà* lands of eastern Tchad, obtained its current borders between 1930 and 1936. Through conquest and absorption of other petty Tchadien *BeRà* sultanates and chiefdoms, it united these various polities into single centralized Sultanate. Prior to this the Sultan Dar Kobe was theoretically appointed either the Sultan of Ouaddai or Darfur. The process of appointing a Sultan depended not only on the relative strength of Darfur and Ouaddai, but also the strength of Dar Kobe itself. Thus, while the leadership of the *BeRà* of Darfur was installed by the Fur Sultans, the leadership of the *Dirong* and *Guruf* was installed by Ouaddai. Dar Kobe on the other hand was hotly contested and as a result was able to maintain a relatively high degree of autonomy (Tubiana 1964: 14).

The last leader of the original and much smaller Dar Kobe, Abdul Rahman Firti, died in battle against his rival Muhammad Haggar in 1912. However, Abdul Rahman's line did not end there, as a small contingent of Kobe established a new sultanate in Tine, Darfur. At that time the *Wadi Tine* or Tine river marked the edge of French influence and the beginning the independent Sultanate of Darfur. This new sultanate was established just inside Darfur and was led by *Davusa Abdul Rahman Firti*, the son of Abdul Rahman Firti. In this way the new of Tcahdien Dar Kobe (Haggar) expanded the Sultanate of Iriba while the son of the previous Sultan fled to Tine Darfur to create a new, greatly reduced, state. The French who, like the British were looking for competent interlocutors, turned a blind eye to Haggar's expansionist agenda in Dar Kobe (Tubiana 1964: 13). The process was advanced in 1937 when *Sultan Abdullay Sabr* of Dar Kapka, the western neighbour of Dar Kobe, became destitute and Dar Kapka became part of rapidly expanding Dar Kobe with the sons of Sultan Haggar as *Maqdums* (Tubiana 1985: 21). As the new Sultan, Haggar did much to consolidate his position and when he died in 1939 his son *Abdurrahman Haggar* continued the process and expanded the Sultanate further.

In 1957 Dar Kobe was divided into three cantons Kobe, Kapka and Dirong with brothers of *Abdurrahman* occupying the paramount position in all three. Another change came in 1959 when the Sultanate was made a sous-prefecture of the Biltine Prefecture. Today the Sultanate consists of *Dar Kobe* as well as the remains of *Dar Kapka* and its dependant *Dar Kige* which were conquered by Haggar, along with *Dar Dirong* and *Dar Guruf*. Dar Kapka is governed by a *Maqdam* usually drawn from the Sultan's immediate family, while *Dar Dirong* and *Dar Guruf* each have a *Malik* drawn from local lineages (Tubiana 1964:13).

Though ethnically Kobe the villages of Tine and Habilah along with the Kapka villages of Tundebey/Tuntoubay and Girgira lie just across the border in Darfur and were originally

settled by those who had lost positions of power during Haggar's rise to prominence in Dar Koba. This practice of fragmenting to form new alliances, or a sultanate in this case, is a central feature of the *BeRà* system of leadership. Disgruntled leaders, or those who have become disenchanted with the political leadership, have the option to break off and form new sub groups, a phenomenon that have continued up to the present.

### The Northern Ennendi Lands

The Sahara desert is really only home to a few ethnic groups: the *Maures* of Mauritania, the *Tuareg*, the *Daza* tribes, a few Arab tribes in Sudan's Kordofan province, the *Beja* of the eastern Sudan's Red Sea Hills and the *BeRà*; or more correctly the *Bideyat* dialectic grouping of this ethnic group. Known as the *Bideyat*, an Arabic name meaning *Nomads*, they divide themselves into two groups.<sup>14</sup> The northernmost is called the *Borogat* and the southern group called the *Bilia*. To the other *BeRà Ah* speaking groups they are known as the *Tobara* a name which means *Daza* in *BeRà Ah*. This may in part be due to the *Bideyat's* unique history.

Nomads par excellence, the *Bideyat* occupy the deep desert roaming as far north as Libya in search of water and markets for their camels. They also travel as far south as Abéché and Al-Fashir in bad years. They are known to be a tough adaptable people, who are not above camel rustling and outright banditry during lean times. Prior to 1989 the name *Bideyat* was used by outsiders to refer only to the southern *Bilia*, while the northern *Borogat* were often grouped with the *Daza* known in Arabic as the *Gur'an*. The reason for this and the subsequent change is simple enough- *Alliances*. Although the *Bilia* speak a *BeRà Ah* dialect that is mutually intelligible with all other *BeRà Ah* speakers, the *Borogat* spoke both *BeRà Ah* and Dagaza (the *Daza*

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<sup>14</sup>The term *Bideyat* is actually based on the *BeRà* word *Bilia*, which to the Arabic ear sounds similar to *Bideyat* the Arabic word for nomad.

language).<sup>15</sup> For wider communication with their neighbours the Daza and the BeRà, the Borogat use the language of their speaking partners. This dual linguistic ability has led to an ambiguous dual ethnicity, with most *Bilia* claiming the *Borogat* are of mixed *Bilia* and Daza heritage, most western BeRà claiming the Borogat are Daza and most eastern BeRà groups unaware even of their existence.

The Borogat themselves marry freely with both the Daza and BeRà, showing a preference for the Anakaza and *Bilia* sub-groups respectively. A key strategy, and of the one of the most well known characteristics of the Borogat, is that they always 'back a winner', so to speak. During the many rounds of Tchadien Civil War the Borogat (and the BeRà) were the only two participating groups that always happen to be on the winning side. During the final phases of the war various Daza dialect groups and their non-Gur'an allies fought for control of the Tchadien state. At the time the Borogat supported Hissene Habre and his Anakaza forces against Goukouni Oueddei and his Teda forces. The BeRà, led by the young Idriss Deby Itno, also threw their support behind Habre. When Habre and Deby began to clash in 1989 the Borogat withdrew their support for Habre and threw their weight behind Deby. It was at this time that most Tchadiens began to reimagine the Borogat as a BeRà group.

### The Eastern Lands

Across the border in Darfur the situation is somewhat different. Here the BeRà are divided into a number of Dars or domains, which correspond to tribal divisions. Darfur is home of the Tuer BeRà who are by far the largest of the dialectic groups in terms of relative numbers and lands occupied. Their homeland stretches from the Tchadien border in the west to the

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<sup>15</sup> In a similar way, the Gurfuta speak a mixture of *BeRà Ah* and *Mimi*, the language of their western neighbours.

north western Darfur in the east and will be discussed in the following chapters as will the BeRà Diaspora.

### *The Zagharua of the Camps*

When the Darfuri refugees first entered Eastern Tchad, after the outbreak of conflict in western Sudan, in 2003 the local population welcomed them with open arms. The reasons were obvious enough. Firstly, when most Darfuri refugees crossed this, one of Africa's most porous borders, they took up residence with ethnic kin in Tchad. For some, like the Masaalit refugees, this was not the first time they had fled Darfur in the face of indiscriminate government, or at least government sanctioned violence. The previous instance in 1996-1999 was due to violence unleashed by the Khartoum regime, after the Masaalit opposed the division of their traditional *Sultanate*.

Since numerous Tchadien ethnic groups spent long periods in Darfur, either as economic migrants or transhumant herders looking for pastures in the case of the Tchadien BeRà, also meant that the refugees weren't seen as intruders (at least at first). Many Tchadiens had travelled to Darfur as drought refugees, as was the case with the Tama. Others crossed the border fleeing violence and persecution in Tchad, including numerous Arab groups from the 1970s to the present, the BeRà from the late 1980s to early 1990s, Masaalit in the mid-1990s, and the Tama in the late 1990s to the present. Since in 2003 neither the refugees nor the host community thought the refugees would be in Tchad for an extended period, host communities were generous with the assistance to the refugees and worked together to overcome the host of problems they faced during these early days.

Finally, in stark contrast to the previous instances of cross-border migration, it was assumed that the Darfuri refugees were not going to be a burden on the host community. Unlike refugees of the 1990s, the Darfuri refugees were not to be supported by their own efforts and host community largesse, but rather by the international community. Most refugees and locals thought that the international community would meet all of the refugees' needs and in doing so minimise the disruption to the local area. Yet, in less than a year the relations between the refugees and the host communities in Mile camp would be in tatters, while the same had not taken place in Am Nabak a few dozen kilometres north.

It should be noted that though relations between the Tama and the BeRà have never been friendly, both groups admit that in the past, they were at least cordial. All this changed with the ascendance of Idriss Deby Itno and the BeRà to power in Tchad. Since 1991, the Bideyat-dominated Tchadien military has been the bane of the Tama's existence. The impunity with which not only military personnel but also the average Tchadien BeRà routinely conduct their affairs has led to a whole new economic opportunity for enterprising BeRà: banditry. Though not an exclusively BeRà occupation, the majority of the perpetrators of attacks on the Tama are either the BeRà, or their northern neighbours the Gur'an. As a result the Tama are not as welcoming of BeRà refugees as they would have been of others. This hostility has led to numerous incidents in the area around the camp and most refugees confess that they do not feel safe when they travel beyond the borders of the camp.

Numerous attempts have been made by the UNHCR to repair the relationship between refugees and host communities in Eastern Tchad, but few have had any real success. The reason for their failure lies in the increasingly intractable position taken by the local Tchadien leadership and the inability of the refugee leadership to negotiate with the local Tchadien leaders as equals. The position of the Tchadien traditional leadership has hardened over the years towards the

refugees due to livestock thefts, competition for natural resources and more importantly patronage, from both the State and aid agencies. This hostility is nonetheless perplexing considering that a large portion of the Tama population is (or at one time was) resident across the border in Darfur. In many cases these Tama live in urban areas or far away from the border regions where most Darfuri Tama reside. Even today, most Tchadien Tama still have at least one male relative who is resident in Darfur.

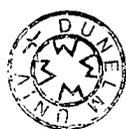
The hostility of the Tama to the refugees is only mitigated by two factors. Firstly, the assistance they received from CARE and other NGOs; which is directly connected to the continued presence of the refugees. Secondly, large amounts of villagers in the host communities are '*moonlighting*' as refugees. Every month these *moonlighters* trek to the camps to collect 'their' rations. Many Tchadien Tama villagers claim to be Sudanese Tama. The fact that the Tama of Darfur are supporters of the Khartoum regime and thus have not been forced from their homes seems lost on UNHCR staff. The Tama moonlighters live in fear that at any point the refugees will inform the authorities of their scam. The refugees, for their part, keep quiet in the hope that allowing the practice to continue will temper the opinion of the Tama towards them.

These impostors, who the UNHCR admits consume as much as 10-15% of food allocated for the refugees (the number may be as high as 40% in Konoungu refugee camp) all benefit from a thriving trade in UNHCR standard issue refugee supplies, such as: tents, tarpaulin, and CSB (an unpopular corn soya blend given to the refugees). Most products are sold to the Tama by refugees who need Tchadien hard currency to purchase meat, which is not provided to them by the UNHCR. In addition to contributing to growth of local markets, the presence of the refugees and the aid agencies have also contributed to local sources of employment for the Tama.

In late 2005 Eastern Tchad and Dar Tama in particular, was the centre of a Tama-led rebellion against the BeRà dominated government. The heavy-handed tactics of the Tchadien army forced many Tama from their homes and swelled the ranks of the opposition. Those who did not join the rebellion were none the less radicalised by the excesses of the military and looked to their traditional leadership for guidance in this new struggle. Those leaders that were not seen as 'pro-Tama' were accused of being either in the pay of the BeRà dominated government or even worse the UNHCR.

Inside the camps, the status of traditional leadership has varied. In Mile, the traditional refugee leadership has been sidelined by new UNHCR sanctioned leaders. These young, largely semi-literate men, have relegated the traditional leaders to an almost negligible role. Giam Kibreab, an authority on the experiences and history of the Eritrean refugees in the Sudan, argues that the breakdown of the role of traditional leaders is due to the fragmentary nature of refugee life (Kibreab 1996: 61). This social fragmentation has led to the weakening of the roles and authority of traditional leaders, who in the past governed through their ability to get others to follow their lead and advice due to the social capital they had built up over the years.

In both Mile and Am Nabak there is little to no means for refugees to sustain themselves other than by rations provided by the *WFP* (World Food Program). The accumulation of material capital can only be accomplished through wage labour. However, employment opportunities for refugees are rare since camps are located too far from major towns to make employment feasible. Refugees in Gaga, as well as Tollum and Iridimi have however been able to find work in the towns of Abéché and Hiri-Ba/Iriba respectively, due to the proximity of the camps to these towns.



UNHCR statistics show that most of the refugees now present in Tchad and the IDPs in Darfur were rural farmers or herders. Though there are opportunities for farming in the Assoungha and Dar Sila Camps and to a lesser extent in Konoungu and Am Nabak, there are no such opportunities in Mile, Tollum, Iridimi and Bahai. This lack of farming is not due to availability of lands, but is a result of insecurity, which is in itself a product of the breakdown in the relationship between refugees and the host community. The result is that refugees in the above camps are unable to supplement their rations with food they have grown themselves making their survival even more precarious.

In the Tchadien camps many of the gender roles that regulated the relations between men and women in Darfur have also been altered, due to this labour migration of young males wishing to make money. Due to UNHCR stipulations about the employment of women over men many women have been breadwinners for families. In other areas, such as Tollum and Iridimi Darfuri BeRà women have taken jobs as servants or labourers for wealthy Tchadien BeRà. In the refugee camps, due either to war, or to male labour migration, there are a large number of female-headed households. As a result males find that opportunities for social advancement through the accumulation of capital severely curtailed in the camp due to these UNHCR stipulations, many become depressed and there is a camp wide malaise that is almost palpable.

Kibreab argues, in relation to Eritrean refugees, that after only a few years as refugees in the Sudan the traditional forms of social organization began to break down (Kibreab 2000). As with the case of Darfur refugees in Tchad, the breakdown of social cohesion and especially the sidelining of traditional leaders was exacerbated by the aid agencies. The preference for literate young, males who act as interlocutors with their communities led to the sidelining of traditional

leaders. As a result a dual system developed with the new young *Sheikhs*, called *Nasara Sheikhs* by their fellow refugees and the old, *Sheikhs* from Darfur.

As the balance of power between ethnic groups vis a vis the state and the state vis a vis its rivals in the periphery of the state have ebbed and flowed, so too have the push and pull factors for individuals and groups to form alliances with other individuals and ethnic groups. In the past the nomads like the BeRà with their large herds were wealthier than their neighbours who were sedentary farmers. In recent years however drought has decimated these herds and forced many nomads to settle and take up farming. Others were forced to sell their stock at low prices to survive as grain prices shot up during droughts (Runger 1987: 43). In both situations individuals turn to alliance in their own ethnic group for assistance.

In many parts of the Nile region of the Sudan, and along the Chari in Tchad the forces of market, economic and religious integration have taken place centuries ago. However away from the core zones of the state these processes have really only begun relatively recently. Dennis Tully in his work on market integration in Dar Masaalit labelled this process into the wider economic world, albeit through Sudan, *Sudanization*. He chooses this term, not *Arabization*, since Arabs in areas away from the Nile were now also experiencing the same changes. Tully uses the term *Sudanization* to describe a complex set of interconnected forces that manifest itself in: wage labour, abstinence from alcohol, segregation and seclusion of women (Tully 1988). This *Sudanized* life style is conveyed by the Jallaba, Riverine traders who operate lucrative business in the peripheral areas of the Sudan and increasingly in Wadi Fira and Ouaddai in Tchad. Tully highlights the fact that this process of integration in what he calls Sudanese, what others have labelled Riverine and what I prefer to call the Statal/Core axis is not a new process but rather the continuation of a long established market integration in the outer regions of the Sudanese state.

What is new however is the speed and penetration of this process in BeRà daily life. Thus, rather than being a well bounded social unit with common goals, the BeRà seem to be made up of a number of corporate *Be A Ab* who compete even during times of conflict and drought induced uncertainty for power and prominence. This competition means however that the various *Be A Ab* and *Air Ke Be* are well positioned, with each choosing the strategy that will ensure their own prosperity, in time of crisis.

## CHAPTER 6

### TRADITIONAL FORMS OF LEADERSHIP AND AUTHORITY IN THE GREATER OUADDAI-DARFUR REGION

*Even if there are only five people one can still be Sheikh. The Hukuma (government) that is for the people of the town and cities, Idara Ahalia (civil administration) that is for the people of the Hilla (villages)... they need their Hukuma too.*

Omda's Secretary Adam Musa of Chau Chau near Kuttum: Mile, Tchad 02/02/2006)

*Ex Africa Semper Aliquid Novi - Out of Africa Always Something New.*

Pliny the Elder

*1 Land, Land Tenure and Administration in the Greater Ouaddai-Darfur region- From Nabus and Hakura to Dar and Amirate:*

The engine that drives much of the reliance of traditional institutions in Darfur and Ouaddai is the traditional system of administration. A key facet of these institutions is the land tenure systems of the region. The conflict over land in Darfur is hence in part a conflict over these systems of land tenure. This struggle is perhaps most visible in the struggle over and for *traditional forms of leadership and authority*, which will be discussed in this chapter. It is here, with traditional rulers and post holders, that the power of the state can either be manifested or hemmed in by more powerful local forces. Thus, to fully understand the role of figures in traditional authority and the changes to this role brought about by displacement one must first come to grips with the relationship between the state, local regional powers and traditional leaders. Key to this is the system of land ownership.

a. *Land Ownership in the Sultanate of Darfur*

Land tenure systems are best thought of as the institutional frameworks that govern the distribution, use and inheritance of land and its resources. Several factors that will determine land tenure systems can be highlighted, these include:

- Climate
- Quality of land
- Water resources
- Mode of Production
- Descent patterns
- Population density
- Level of political cohesion

The above factors need no explanation except for the last, which is connected to the resilience and adaptability of traditional forms of land ownerships. Throughout this chapter it will become clear that, though the names of particular institutions may change, their form and underlying function will remain largely the same. One such institution the *Hakura* 'estate or grant', is key to understanding the region's history and complex land tenure system. The region's land tenure system is best described as an adaptive institution, intrinsically connected to the cultural, economic, political and social conditions of the society. Hence, traditional communal land tenure cannot be seen as static, but rather constantly adapting itself to the changing social and technical situations and advances along with the economic realities of the region.

Not only do terms like 'customary law' and 'customary tenure' refer to systems present in pre-colonial oral cultures, but they also encompass modern systems, '*produced out of colonial*

*misunderstandings and politically expedient appropriations and allocations of land*' (Peters 2004: 272). In many cases, it is clear that colonial authorities neither fully understood the symbiotic relationships between African rulers and their subjects, nor the relationships between these two groups and land. They often interpreted *territoriality* in terms of *sovereignty*, in other cases they misinterpreted ritual roles. In other cases where the colonial rulers could not identify a 'chief', they simply created one. As a result, land tenure and ownership systems in Africa are a fascinating and complex topic, with the Sudan and Tchad being no exceptions. Due to their unique history and their late encounters with the colonial enterprise, the regions of Wadi Fira and Ouaddai in Tchad bear many similarities, in regards to land tenure, to Darfur. Having said this one cannot overlook the fact that in the region land tenure systems may vary between ethnic groups and show significant regional variances.

Though many classify rights in the wider region as 'communal' (Manger 2006), this does not mean that every member of a particular ethnic group will have the same rights to land. One's right to any tract of land in the region varies according not only to one's ethnic group, but also one's clan, lineage, and residence status. Thus, certain clans may have stronger claims to land than others, and one may have to be resident in a community for a period of time before one can be considered an insider and granted land rights. However, many of these rules and norms governing land rights have always been contested, particularly by those who lose out under the current assemblages.

*Idara Ahalia*, usually translated in English as *Native Administration* is perhaps best rendered *Civil Administration*. However it is interesting to note that the term was originally coined in the 1920s by British officials as *Native Administration* and *Idara Ahalia* was used as the Arabic equivalent. The fact that *Ahalia* or more precisely *Ahalian* is not an exact match for the word *Native* does have repercussions that reverberate to the present day. Most Darfuri see *Idara Ahalia*

as a legitimate branch of authority whose relationship with and to central state structures varies depending on whom one speaks to and who is in office. *Idara Ahalia* is perhaps best described as a system of administration that in some cases exists just below the state or government administration, and in other cases parallel to it. Integral to the understanding of the *Idara Ahalia* is the traditional system of land allocation and ownership which operated almost uninterrupted from the 1600s to the late 1970s.

The land tenure systems in Darfur are the result of long historical evolution and changing political, economic and social organizations. The cornerstone of this system was the concept of the *Dar* (“home”, “homeland”, or “abode”). An ethnic group’s *Dar* is its inviolable homeland, from which it cannot be removed. By the same token, large numbers of outsiders from other *Dar* cannot settle there without the expressed consent of the *Dar*’s leaders. Small groups of pastoralists like the (Camel) *Abballa Rizeigat*, Terjim, Hotiyya, Otriyya, Mahadi or Dorok who did not possess their own *Dar* and indeed some larger pastoral groups that do, may have been granted rights allowing them access to water and pastures at certain times of the year. These rights are enjoyed on the basis of purely local agreements.

Another key feature of land tenure in Darfur is what is known as *Hakura* an *estate* or *grant*. The *Hakura* was a grant of land given by the Fur Sultans to an individual, clan or lineage group over a tract of land. Though some grants more closely resembled the European feudal estates, most were part of a complex system of administrative structures that governed the Sultanate. Records of *Hawukir* (the plural of *Hakura*) being granted appear very early in the Sultanate’s history, in fact during the reign of the third Sultan Ahmed Bakr (1700-1720) (O’Fahey 1980: 50). Thus, from the time the Sultanate spread from the Jebel Marra, home region of the Fur, the *Hakura* system was already well established.

The *Hakura* system, consisted of two kinds of *Hawukir*. The first granted limited rights to either a community or a large area of land, while the latter *Hawukat al-Jah* or *estate of privilege* granted more extensive rights to a smaller area of land (O'Fahey 1980: 51). The former was designed to give administrative rights to individuals who would govern outlying areas in the name of the Sultan, whereas the latter was a means of incorporating influential newcomers and providing income for the nobility (O'Fahey 1980: 51).

Whether it was inherited from the Tunjur or even the Daju for that matter, Darfur had a complex three-tiered system of administration. The highest level of organisation were the four provinces *Dar Daali* in the east, *Dar Takanawi* in the north, *Dar Aba Diirna* in the southwest; and *Dar Abbo Umno* in the southeast. Each was further subdivided into a number of *Shartiyya*, each headed by a *Shartai*<sup>16</sup>. The *Shartai* was the Sultan's representative in the area and as a result had the power to exact taxes, administer justice and raise levies when requested by the Sultan. The position of *Shartai* was hereditary, in the Sudanic sense that is, with the *Shartaiship* being passed to one of the brothers of a deceased *Shartai* or the eldest son of his eldest sister. Each *Shartiyya* was further divided into a number of *Dimlijjya* headed by a *Dimlij* (Young et al 2005: 15).

The term *Dar* is now used to describe the cluster of rights in a particular area of land that is held by a community with an ethnic base. Formerly the term was used as a broader geographical category, such as the four provinces of the Darfur sultanate (*Dar Takanawi*, *Dar Umno*, *Dar Daali*, *Dar Diirna*). It was also further used to describe tributary regions such as *Dar Fia* and *Dar Kerne* in Western Darfur. At the same time it was used, under the Sultanate, presaging its meaning today, to describe areas in which the Sultan had granted rights to an ethnically-based elite to administer justice and collect taxes, e.g. *Dar Gimr*, *Dar Masaalit* and *Dar*

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<sup>16</sup> *Shartai* is a corruption of the Daju term *Chone* which has the double meaning of *drum* and *chief* (O'Fahey 1980: 71)



The *Hakura* system played an important part in the creation of ethnic groups in Darfur. In the south the system meant that many of the smaller ethnic groups were led by chiefs appointed by the Sultan. However in most parts of the Sultanate the Hakura system was not an explicitly ethnic one. Hakura holders were appointed by the Sultan to collect tax and were able to become so influential that in many ethnic groups patronage networks were built around *Hakura* holders (Flint & De Waal 2005: 8).

The first Fur Sultanate was destroyed when Sudanese slaver and adventurer Zubeir Rahama Pasha defeated the Fur Sultan during the battle of Menaweshi in 1874. However, Zubeir was cheated out of rule in Darfur by the Turkish Khedive of Egypt and in this way Darfur became an unwilling part of the Ottoman Empire, while Zubeir was detained in Cairo. His lieutenant Rabih Fadlallah nonetheless saw the writing on the wall and escaped with a section of their Zande and Nuba slave soldiers to begin a reign of terror in Africa that saw him conquer Dar Runga, and many of the Fertit ethnic groups, before being defeated by Ouaddai. Rabih then conquered Bagirmi and finally became the Mai in Kanem-Bornu. His adventures were only ended when he was killed in battle by the French at Kousseri near lake Tchad in 1900. In 1883 Darfur began to convulse under rebellions of Fur *Shadow Sultans*. Later that very year the Turks were driven out by the Mahdist forces and Darfur became a part of the Mahdist state until 1889. After the fall of the Mahdist state to the British a Fur nobleman named Ali Dinar returned to Darfur from Khartoum to establish the Neo-Keira dynasty, which was conquered by the British in 1916.

Throughout this period in Darfur's history land and access to its resources was controlled by lineages (La Rue 1989: 4). Barth also explored this lineage based system in his 1967 work *Economic Spheres in Darfur*. Though Barth's work focused on Fur lineage groups, similarities exist between many groups in the region including the BeRà. For instance in both the Fur and BeRà

descent groups are generally non-linear, that is they are composed of groups of kinsmen who are usually endogamous (Barth 1967: 152). Though members of these groups may claim that membership is patrilineal, matrilineal descent and inheritance through one's grandmother hint towards a history of matrilineal association in the Pre-Islamic era (Barth 1997: 152). Barth argues that such a group is possible since communal rights rather than being corporate are vested in a title holder, a *Sheikh*, *Omda*, or *Dirlij*. Thus rights to land can be transferred from the title holder to individuals (Barth 1967: 152).

Remnants of the system still survive. Ahmed Diraiqe, Governor of Darfur in the 1970s and more recently a protagonist in one of the attempts to bring peace to the region, was hereditary ruler of a large Fur subsection located in Zalenji and was entitled as such to collect taxes and allocate land in that region. In the nineteenth century, as the Sultanate took on a more Islamic character, elites (either local ethnic chiefs or court loyalist placed in positions of authority by the Sultan) were granted *Hakura*. All these terms were used concurrently. Today the idea of a *Dar*, borrowing from the historic notion of *Nabus* (possession of royal drum as a symbol of authority) and *Hakura*, combines the idea of an administrative unit, estate and ethnic homeland.

b. *The Anglo-Egyptian Condominium in the Sudan and the Creation of Native Administration*

The policy of the British colonial regime and the often contradictory policy steps of their successor regime in the early post-independence era have also had a far reaching effect on the land ownership system of the region. The expansion of extractive commercial ventures, in both Tchad and Darfur has also led to changes and conflicts as *traditional* and *modern* systems of land tenure have clashed. The colonial powers, by and large, did recognize the Usufructury system or *Manafa'a* in Arabic, that allowed the use and possession of land that actually belonged to another. Thus, even today the right to graze, to water animals, to cultivate and cut wood are not necessarily evidence of land ownership.

The long and complex history of the allocation of land in Darfur did not end when the British killed Sultan Ali Dinar in 1916 and attached his state to the Sudan, as punishment for his supposed answering of the Ottoman call for an Islamic uprising against the British during WWI. However, it is widely acknowledged that the British had eyes on Darfur long before they invaded the Sultanate in 1916. Africa's last independent state, Dar Masaalit, which had thrown off the yoke of both Darfur and Ouaddai during the Mahdist uprising was incorporated in 1923. In both of these states the British found an established and respected system of tribal governance. The British used this system as the blueprint for their own *Idara Ahalia*, starting in 1923. The concept of *Dar* fit easily into the doctrine of indirect rule developed by the British elsewhere in Africa. The possession of a *Dar* allowed its inhabitants to monopolize the use and allocation of natural resources in that *Dar*. The rights of minorities in the *Dar* varied but by and large they were denied the right to claim ownership of land in another *Dar* and were thus left without the means to play an active political role (UNICEF 2003a: 27).

In the pre-condominium era (the Anglo-Egyptian Condominium lasted from 1899-1955), leaders of various sections of a tribe had prestige but relatively little authority, in part because those who did not like them had ample opportunity to vote with their feet and leave. The colonial authorities stabilized the floating power positions in the traditional system. For purposes of taxation, justice and public order, the new government needed the co-operation of representative authorities over identifiable groups. Locality could not serve as a basis of authority in a nomadic society, so the government settled on the leaders of patrilineal descent groups and gave them a formal power they had previously lacked, in this way creating dynastic traditions in many places where they had never existed and restructuring those that did exist.

For the British like so many other Saharan state builders and conquerors the question was, as ever, how to govern effectively in this often hostile zone. The actual policy on Darfur was drawn up long before the invasion of the Sultanate. In 1915 Captain Harold MacMichael was sent to El-Obeid in Kordofan, the Sudanese province neighbouring Darfur to formulate the policy for Darfur after the overthrow of Ali Dinar (Pettersen 1986: 33). Initially the British played around with two ideas: firstly replacing Ali Dinar with a British colonial official and secondly replacing Ali Dinar with another member of the *Keira* dynasty who could be controlled via a British Resident. The former represented direct rule, in the manner that the way the rest of the Sudan was ruled and the latter represented indirect rule. In the end British opted for a compromise, which looked somewhat more like direct, rather than indirect rule. While the colonial government abolished the Fur sultanate, they retained many of the institutions from the old sultanate in the period between 1916 and the Nyala Uprising and Milner report of 1921.

The British relied upon a form of indirect rule based on a model developed by Frederick Lugard, the British High Commissioner in Nigeria. The *Lugardian* model was basically a form of *colonial administration on a shoe string*. This was accomplished by leaving the local population free to

manage their own affairs through their own rulers; under the guidance of the British officials. Hence, on July 16 1916, the British proclaimed that all established heads of tribes who declared obedience to the colonial regime would be allowed to keep their positions, however they would “*remove those who prove themselves unsuitable*” (Pettersen 1986: 36). Above these tribal heads were British District Commissioners and other colonial officials.

The early period of Condominium British policy in Darfur was mainly focused on security and stopping the spread of Mahdist-inspired uprisings in the region. However once the British had consolidated their position in the region a series of reforms were implemented between 1921-1931. This series of ordinances, sparked by the 1921 Milner report which recommended leaving administration invested in ‘*native authorities*’, ‘*Native Administration*’ was born (Morton 1992). The system was gradually developed and finally legalized after a series of ordinances in 1922, 1925, 1927 and 1928 and eventually consolidated in the *Native Courts Ordinance* of 1932, which regulated the administrative and police powers of tribal *Sheikhs* and established a hierarchy of local courts in the Anglo-Egyptian Sudan. Judicial powers were granted to the *Sheikhs*, although their jurisdiction was restricted to the individual tribe including the power to fine and imprison. These steps were taken partly because of a need for stricter economizing during the Depression and by the need to fill the gap left by the expulsion of Egyptian administrators for political reasons in 1924 (Pettersen 1986: 36).

During the colonial period, the *Hakura* system was altered and *Harukir* combined to form a new administrative unit, the *Omdiyya*, headed by an *Omda*. Many *Hakura* holders became *Sheikhs* and their powers were reduced or usurped by the new rank of *Omda* (Runger: 1987 52). The British hoped that by the creation of an intermediary position between the now strengthened paramount ruler and the comparatively weak *Sheikhs* a new power balance would be struck (Morton 1992). The British introduced the *Omda* as a sub-district administrator who

combined the roles of tax collector and judge (Flint & De Waal 2005: 12). The term actually entered the Sudan via Egypt and ultimately the Ottoman Turks. The British used it in Darfur for the position previously held by the *Dimlij* under the Keira-dominated Sultanate of Darfur.

The British system of *Native Administration* was in no way a unified, overarching set of policy goals, but rather a series of ad hoc decrees and conflicting policy, governed more by needs on the ground rather than a desired outcome. Therefore, even as the British upheld and legalized established land allotments, with some exceptions they made numerous changes to the native system of administration. Most of the changes made were justified in terms of administrative convenience. So, while even the four-fold division of Darfur dating to the Tunjur period was upheld, the numerous clans of the *Abballa Rizeigat* were at first made subordinate to the Madibu lineage, the *Nazir* of the historically-related but geographically distant Southern *Rizeigat*. Later they were granted their own independent *Sheikhdoms* (De Waal 2004a).

As the ruling family of the *Rizeigat* from the early nineteenth century, the *Nazir* Madibu and his kin have become skilled in sensing coming changes in the political winds of Darfur. They allied the *Rizeigat* with Darfur's enemies and helped overthrow the Fur Sultanate on two separate occasions, first by siding with the slave trader Zubeir Pasha in 1874 then by siding with the British against the last Fur Sultan, Ali Dinar, in 1916. During the interim period they were allies of the Mahdist, however when the tide turned against the Mahdist *Ansar* forces they sided with the British. After independence they became prominent members of the *Umma Party*, which was headed by the great-grandson of the very Mahdi they had fought against. Today a younger brother of the current *Nazir* serves as an elected member of parliament in Khartoum, while another brother is *SLA* commander for south Darfur. The allegiance of the Senussi ruling family of the Ta'aisha Arabs of southeast Darfur is also another barometer of the power of the various actors in the region. *Nazir* Ali Senussi was originally a *Malik* under his brother-in-law Ali

Dinar, but this however did not stop him from betraying his hideout to the British when the chance arose (Morton 2004: 6).

The British also moved the two subgroups of the Beni Hussein to their present Dar north of Kepkabia and united the two sections of the Beni Halba, though these had been diverging both geographically and politically for some time (De Waal 2004a). Many of the *Baggara* groups ruled by various *Maliks* subordinate to the Sultan saw their *Maliks* renamed *Nazirs* and their powers greatly increased (Morton 1992). The term *Nazir* was given to the paramount chiefs of the Arab tribe. Six were given to the Arabs with *Haraukir*, namely the *Ta'aisha*, *Habbaniya*, *Beni Halba*, *Rizeigat*, *Beni Hussein* and *Zeyadiya* (Flint & De Waal 2005: 13).

Colonial administrators also changed the traditional leadership of the *Birgid*, who had no paramount ruler (De Waal 2004a). They also united the various groups north of the *Masaalit*, in what is now *Dar Erenqa* (Flint and de Waal 2005: 192-193) and the *Hamar* in El Nahud, Kordofan (Davies 1957). To the south the *Fertit* were also united and an attempt was even made to move those who lived in Kifa Kinga and En-Nahus in southern Darfur across the river to *Bahr al Ghazal* province (De Waal 2004a).

Such also was the case in Kordofan among the nomadic Kababish camel and sheep herders, who were a loose confederation of tribes fluctuating in size, composition, and location. The acceptance of the *tribe* as a single unit by the colonial authorities and the appointment of an ambitious and more importantly an extremely intelligent and capable *Nazir*, led to a major change in the social and political structure of north Kordofan. Another factor that played into the hands of the Kababish was that they were staunch opponents of the Muhammad Ahmad Ibn as-Sayyid Abdullah *the Mahdi* who had driven the British out of the Sudan. As a result the Kababish of Kordofan and the Shukria of the Blue Nile became favourites of the British and had

numerous smaller groups attached to them for administrative purposes during the Condominium period (Morton 1992).

Under the British the Hakura system was reorganized. Hakura holders were reduced to village *Sheikhs* and *Hawakir* amalgamated into *Omodiyya*. This led to the disappearance of the Hakura from the *legal* but not *communal* lexicon. The system of *Idara Ahalia* provided security with minimal staff and finances. However even as early as 1930s the shortcomings of *Native Administration* were apparent to those British officials working in urban areas and along the Nile. With the realization that the Sudan was changing and that *Native Administration* was becoming outdated in many areas the British set about trying to make *Native Administration* more representative. Thus in the late 1930s elected councils were introduced, and in a few areas *Sheikhs* and *Omdas* were elected by village councils (Morton 1992). The model was modified over time, the local government frame work was introduced in 1932, and municipalities, townships and rural areas and councils created in 1937. However, traditional tribal leaders with their executive, financial and legislative power remained an integral part. A further development took place in 1951 with the establishment of a new Local Government Ordinance (Mohamed and Badri 2005). The purpose of *Idara Native/ Native Administration* in this new framework was according to Mohamed and Badri (2005) to:

1. Assure good management of tribal local community affairs.
2. Allocate land for agriculture and grazing (*the Hakura*).
3. Look after security
4. Communicate with local council, the province and state level.
5. Collect taxes and other levies.
6. Settle conflicts of local tenure.
7. Mobilize communities
8. Chair tribal/sub-tribal local courts (*Judiyya*).

The period immediately after independence was a period of great change and uncertainty with regards to traditional lands throughout the colonized world. In Africa, in particular, there were numerous land acts and even more reforms and amendments to these acts. Some states such as Kenya, Cote D'Ivoire and Zambia opted for private land ownership patterns, while others including Tanzania and Ethiopia took the road of collectivization and state ownership of lands. Tchad occupied a middle ground; while there was private ownership of land, it was controlled by large multinational or para-statal firms, such as *Coton-Tchad* and *CNST* the state sugar company, in the south.

The Sudan followed yet another path. Initially communal land rights were more or less upheld, then after the 1964 *October Revolution*, Native courts were placed under the central government judiciary and many posts in *Idara Ahalia* were abolished. The system of communal *Dar* and *Hakima* was recognized by post-independence governments up until 1970. After the 1969 *May Revolution* traditional systems of land ownership were once again altered when in 1970, the Numeiri regime issued *The Unregistered Lands Act*. This Act, placed all land under state control and ownership. According to the new law, all Sudanese citizens were entitled to equal access to government lands (Mohamed and Badri 2005). This *de jure* access to land clashed with the *de facto* communal ownership of land in Darfur. Issues surrounding ownership in Darfur has festered for decades, with successive governments neither implementing nor repealing the *Land Registration Ordinance*. In some areas the state was able to expropriate land and use it for mechanized farming, as it did in the Nuba Mountains and Shilluk areas around the town of Malakal (Suliman 1997). However, traditional forms of land ownership and tenure continued without much state interference in Darfur. In these regions, as in the Nuba mountains, the presence of the Sudanese state is limited to the bare necessities of surplus extraction.

The establishment of the Mechanized Farming Corporation (MFC) in 1968 is perhaps the best-known example of state appropriation of traditional lands. The Corporation was initially set up as a Para-Statal to allow the Sudanese government to implement a market oriented agricultural drive. Mohamed Suliman argues that this drive was in part stimulated by the IMF and World Bank loan repayments, which forced the Sudanese regime to become even more predatory in its extraction of surplus from the zones away from the Statal/Core. In this way, unregistered lands which were in fact being utilized by nomads in their various seasonal migrations was put under intensive and unsustainable cash crop production. The nomads, forced off their lands and trying to find pastures for their herds, encroached on the lands of settled farmers and as a result conflict between the two groups became the norm (Suliman 1997).

Ferguson argues that such spatially structured inequalities are key to the creation and perpetuation of local identities and thus are key to mobilization (Ferguson 2003). Pottier's work on Rwanda shows that even conflicts that were perceived as solely 'tribal' or 'ethnic' in character had much deeper roots. The collapse of external patronage networks and the shrinkage of the economy in the late 1980s and 1990s, the concentration of power in the hands of the northern Hutu elite connected to president Habyarimana and the alienation and persecution of Rwandan refugees in Zaire and Uganda, all played a role in the subsequent genocide (Pottier 2002). Gallagher's work shows that the same is true of the Yugoslavia, where economic collapse of the late 1980s led to a shrinkage of patronage and forced elites to seek new means of legitimizing their rule (Gallagher 1997: 47-75).

Duffield highlights this as the pattern of conflict between *Hunr* and *Dirka* in the *Bahr Al Ghazal* region south of Darfur, when the former were forced off their lands to make way for mechanized farming (Duffield 1994: 53). Suliman shows the exactly the same trend of escalating conflict in the Nuba mountains, between the Nuba and their Arab neighbours with the former

losing their land to mechanised farming and being forced to farm marginal lands previously utilized by herders (Suliman 1997). Both cases highlight a process of marginalization and land appropriation Duffield labels *local asset transfer* (Duffield 1994: 53). This has the effect of creating the landless underclass, who would work for low wages, which was necessary for mechanized farming to be successful in the first place.

The Numeiri government finally abolished *Idara Ahalia* in 1971. In its place a complex administrative system was introduced, with all organs being controlled by the *S.S.U. (Sudan Socialist Union)*. Village, Rural, Town and Provincial Councils were introduced, though with few staffers to replace the myriad of posts created by *Idara Ahalia*, the Act was only lightly implemented in Darfur. In practice, tribal leaders continued to be acknowledged heads of their group, and the ethnic group became a political base to promote its members to senior positions in local councils, as well as members of the regional and national assemblies as a result.

In spite of the reforms in 1971, land in Darfur is still considered to be communally owned by one ethnic group or another and the possession of individual titles or deeds is rare, except that is, in the Kuttum area where titles and deed to lands are common (Tanner 2005: 9 and De Waal 2004). Pressure for changes to land rights comes from groups that are outside the *Dar* system. The Sahelian droughts of the 1970s produced an increase in migration from one region of Darfur to another. According to customary law, leadership and political power in a *Dar* or *Shartiyya* should be restricted to descendants of the original inhabitants of that *Dar*; incomers can be settled and absorbed relatively easily as long as they submit themselves to the established leadership (UNICEF 2003a: 27). But incomers, as opposed to original settlers, have increasingly come to frame demands for access to resources and political position under the terms of a more recent political dispensation, one that is potentially at odds with the *Dar* system,

i.e. their rights as Sudanese citizens. Similar disputes are found elsewhere in Northern Sudan (Suliman 1997, Morton 1992, Mohamed undated, Babiker 2002).

In the late 1970s and 1980s hundreds of thousands of inhabitants of northern Darfur sought refuge and a new life in the more fertile central and southern regions. At first the traditional leadership and populace of the central and southern *Dars* were welcoming and allocated vacant land to the newcomers. The migrants were expected to attach themselves politically to the owners of the *Dar*, the advantage to the latter being that newcomers increased the numbers and political clout of the *Dar's* original inhabitants. However the sheer numbers of drought refugees and the political aspirations of some meant that traditional systems could not always cope with the competing demands from the two groups. The fact that the new generations of migrants settled on vacant lands and lived in separate villages meant that their absorption was relatively slow. In some areas, incomers came to outnumber the *Dar's* original inhabitants. They sought to gain control of their own rural councils and representation in the central government based on these demographic realities.

The situation in Sudan and Darfur, in particular, should have improved in 1986 when *Idara Ahalia* was reinstated by the new *Umma Party* government of Sadiq al-Mahdi, but it did not (Egiemi et al: 2003). The reasons for this failure lay in Darfuri political changes that started in the 1960s. In the early 1960s, intellectuals and activists from across Darfur's ethnic and political divide formed the *Jabhat Nahdat Darfur* 'The Darfur Development Front' (*DDF*). Its main objective was to protect and lobby for the interests of the indigenous Darfuri in the political scramble for power at the centre (Ali-Dinar 2003). This can be seen as a milestone in the relationship between Khartoum and Darfur. In 1981 the Darfur Development Front was able to stage a popular and largely peaceful uprising, that forced the Khartoum government to appoint its leader Ahmed Diraige as the governor of Darfur and which reunited the province, which had

been divided into North and South Darfur in 1974. This was the first time since the death of Ali Dinar in 1916 that a native Darfuri had held the reins of power in the region. This signalled a distinct change in policy towards the region. What one notices, unfortunately, is a clear attempt by Khartoum to bypass this newly established regional authority.

Some Darfuri Arab intellectuals saw the DDF as a movement dominated by leaders from African ethnic groups, which had been able to gain influence because Darfur's Arab constituency was divided. The DDF however, did include a number of prominent intellectuals of Arab, mainly *Baggara* and *Zeyadiya*, origin. Many of these Arabs had high ranking positions in the organization and the subsequent regional government. The *Abballa* Arabs however, were not well represented, but this may have had more to do with the fact that as nomads they did not have the same access to educational opportunities as the settled *Fur* or *Baggara* who had Dars and a capital where schools could be built, rather than a policy to overlook them. Whatever the reality, an alternative political strategy was embraced by another group of Arab intellectuals, who believed that they should form an alliance with the Fellata<sup>18</sup> and BeRà and thus take political control of the province. To this end the "*Gathering of the Arabs*" or "*Arab Gathering*", was created. This underground group began by distributing leaflets that called for the name of Darfur to be changed and other programs that would discriminate against the region's non-Arabs.

The rise of the *Arab Gathering* can be seen as a second milestone in the relationship between Khartoum and Darfur. Emboldened by the absence of government intervention following a series of small scale robberies and attacks in their name, the Arab Gathering members wrote an open letter to Present Sadiq al-Mahdi in 1987. The letter, which was published in a prominent newspaper and signed by some 27 Arab leaders from Darfur, made various claims and demands, the most interesting being that Darfur was more than 70 % Arab

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<sup>18</sup> Specifically the Fulfulde speakers of Tullus

and that as a result Arabs should control the region politically, economically and socially (Flint & de Waal 2005: 51). The Sudanese president's response was unsympathetic and he appointed Tijani Sese, a Fur, as the new Regional Governor.

The Arab Gathering then began to take matters into their own hands. Directives known as *Qoreshi 1 and Qoreshi 2*, released in 1988 and 1998 respectively, called for a covert war against the *Zurga*. The Arab Gathering called for cells to infiltrate the Congress Party, an organization it claimed was dominated by *hybrid Nubian-Arabs* from the Nile region. The true Arabs, according to the directives, were the nomadic peoples of the West, the Juhayna nomads, whose homeland stretched from Kordofan to Lake Tchad (Flint & de Waal 2005: 52-53). Despite this divisive rhetoric, it is clear that the Arab Gathering had support even among the *hybrid Arabs* of the Nile region that dominated the Sudanese state apparatus.

The arming of Rizeigat and Misseriya tribal militias to fight the *SPLA* (Sudan People's Liberation Army) began in 1986, under the government of president Sadiq al-Mahdi (Ibrahim 2004: 3) and was continued by the NIF regime when it came to power in the 1989. However, under the NIF the various militias were consolidated into the PDF.<sup>19</sup> The subsequent ascendancy of the military security cabal under the NIF led to the establishment of parallel institutions whose purpose was to execute central government directives without the interference of the regional government in al-Fashir, or Juba for that matter. The logic behind the creation of the militias however had changed. This change was manifested in the two recruitment drives that took place in Darfur, both of which had the effect of preferentially arming fighters from Arab tribes perceived by national military authorities as loyal to the central government. Many of the new *Murhleen* militiamen were Darfuri, mainly Rizeigat fighters loyal to the Umma party and the al-Mahdi family. Many had served with the party in Gaddafi's *Islamic Legion* in Tchad (de

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<sup>19</sup> Popular Defence Force, essentially the militia-like reserve for of the Sudanese army

Waal 2004). Now they used their weapons during inter-communal conflict such as that between the Rizeigat and Ma'ali in 1999 and 2002. In 1992 the Government commissioned another militia force *al-Fursat*<sup>20</sup>, made up mainly of Beni Halba fighters (Ali-Dinar 2003).

After the NIF came to power, the Khartoum Government pursued two policies in Darfur. One was a conventional divide-and-rule strategy, designed to shore up the authority of the centre. The other involved an attempt to construct a new, wider alliance for the Islamist project. In its early years in power the was to remould the Sudan into a state in which political Islam was the route to enfranchisement and citizenship (Flint and de Waal 2005: 191). Efforts were made to bring more Darfuri people into the political fold (Tanner 2005: 17). The particular target was the Fellata inhabitants of the region who, prior to the 1989 coup, were not citizens and could not vote and as a result had no political representation. In the final analysis this Islamisation program turned out not to be whole-hearted, it was a rallying call, rather than a serious political project. Nevertheless, the NIF, under the guidance of Hassan al-Turabi, did form links with influential elites from some ethnic groups in Darfur, mainly the Kobe BeRà and Berti from the north-west, who were already active in the *Islamic Brotherhood* and radical Islamic circles in Khartoum University. They formed part of the NIF's "*alliance of the faithful*", intended to unite Darfuri Africans, Fellata and Arab Nile Valley Islamists.

When the ruling group split in 1999 and Hassan al-Turabi was driven from power, one of the casualties was this alliance. From the original *Congress Party* General Omar Basher formed *al-Mutamar al-Wattani* (the National Congress), while the Turabists formed *al-Mutamar al-Sha'bi* (the Popular Congress). Most of the members of the formerly marginal groups in the new elite — those from drawn from the Fellata and other Darfuri groups — sided with Turabi, the architect

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<sup>20</sup> Horsemen. The term was used to designate the Beni Halba horse mounted militia men who fought against the SPLA incursion into Darfur.

of their inclusion in the power structures of the centre and joined his Popular Congress. Some later formed the Justice and Equality Movement (JEM), one of the two main rebel groups in the present conflict in Darfur (de Waal 2004: 6-7).

After Turabi's fall from power, central government strategy reverted to the previous divide-and-rule pattern in Darfur. Militias drawn from Arab tribes were armed and given tacit license to raid non-Arab settlements. Impartiality was progressively abandoned. Militias were also formed for self-defence among non-Arab groups, some of whom had military experience or martial traditions. Many BeRa militia men, for example, had fought alongside - and then against - the Libyans in Tchad, or as mercenaries in Mauritania and Burkina Faso or against the SPLA, in the Nuba mountains and against the Ugandan Army in Equatoria. It was these militias that later formed the core of the Sudan Liberation Army (SLA), the main rebel group in the current civil war.

The radical militarization of the non-Arabs in Darfur, however, can be traced back to a local conflict that occurred before the polarization of interests in the central government. In 1987, 27 Arab tribes, from Kordofan and Tchad, as well as Darfur, formed an alliance against the Fur, declaring war on 'the *Zungu*'. The objective of raids on Fur villages was to seize fertile Fur land permanently and warnings were to be given in advance in the hope that the Fur would abandon their ancestral land without a fight (International Crisis Group 2004: 6). This was the time that the term *Jarjara* entered common usage to describe the hordes that attacked villages and massacred inhabitants. In defence the Fur organized their own militias composed of retired army and police officers.

A Government-sponsored peace conference, organized in 1989 to resolve the conflict, provided only a brief respite as neither party disarmed or demobilized their militia forces,

claiming that the central government was not in a position to guarantee their security. The agreement became one of a number that were never implemented (de Waal 2004: 195). This lack of follow-up from the Government became part of the wider slide towards impunity for Arab militias in Darfur and led to a growing perception among non-Arab groups that the Government itself was part of the problem.

Of the factors in the conflict cited by the members of the reconciliation committee, one of the most striking is their stress on the burgeoning of weaponry in the region. In the 1980s and 1990s the proliferation of firearms in the region gave rise to a level of lawlessness and banditry to which there was no comparison in Darfur's history. This, in turn, produced an amplification effect as the population of the region formed militias to protect their property and lives. The power of established tribal authorities over such militias became problematic. Many of their recruits were young men who had lived away from the reach of traditional leadership, either in urban centres or as famine migrants. Confronted with this, traditional methods of conflict mediation struggled to maintain their effectiveness. Increasingly, it was a militia leader, not the *Omda* or *Nazir*, who took the decision as to when to take action in a conflict (Mohamed and Badri 2005: 23). In some cases, though, the forms of traditional authority were transformed in the new era: a new kind of *Omda* began to emerge, one whose influence came primarily from leadership of an armed group. Musa Hilal, the pro-Government Abballa leader of the Um-Julul section of the Northern Rizeigat, who has come to prominence during the current war in Darfur, is the best-known example of this.

In February 1994, the Khartoum regime embarked on a radical transformation of government structures. In what must have seemed like a nod and a wink to the Arab Gathering the Sudan was divided into 26 federal states. Darfur was divided into three, North, West and South Darfur, with El Fashir, Genneina and Nyala as the respective capitals of the three new

states. The redivision of the states was a thinly veiled attempt to do exactly what the Arab Gathering had been asking for since the 1980s. All over the Sudan people were waking up to find a raft of new civil service and *Native Administration* agencies had been created and filled with Arab cronies of the NIF. However, the re-division may have prompted by a failed revolt in Darfur by ex-NIF security cabal member Yahiya Daoud Bolad. Bolad, a Fur, had become disenfranchised within the NIF and joined the southern rebel movement SPLA and tried but failed to start a revolt in the Darfur region.

At this time, the *N.A.C Native Administration Council* was created in Darfur as a overarching agency to deal with and coordinate Khartoum's policy on *Idara Ahalia* (de Waal 2004a). The Government also created a new office called *Amir* and an administrative division, smaller than a *Dar*, called an *Amirate*. The *Amirate* was a term that was new to Darfur. The *Amir* was, typically, interpolated between the highest tribal authority and the *Omda*, this previously the second-highest, was now relegated to third position (Young and others 2005a: 121).

In an episode of national ethnic Gerrymandering, the likes of which have rarely been seen, ethnic groups that had carved up empires and dominated regions for centuries found themselves in rump regions or disenfranchised. In Darfur, the Fur, the region's largest single ethnic group and the region's leading political force since the 1650, found their homeland divided into three states, worse yet, they were a minority in all three states. The new states were thus created at the expense of groups such as the Fur, while others who were deemed worthy received states, or *Amirates* of their own. The administrative divisions were manipulated to reward or punish particular groups. On the one hand, the reorganization of local government can be seen as giving recognition to unrepresented communities. On the other, it can be seen as a divide-and-rule tactic, one that recurs in Sudanese history as the power at the centre struggles to control the periphery.

The above historical narrative highlights a process by which ethnic or communal groups become contestable capital that can be manipulated by political elites, a process I have labelled the creation of *contestable ethnic capital*. However, this process is by no means unique to Darfur. Ferguson in his 2003 work on mobilization warfare called these conflicts in which mobilization is along perceived lines of identification, *identerist conflict*, and argues that they have four phases (Ferguson 2003: 30):

1. the creation of a core identerist group
2. the creation of mutual foes or a security dilemma
3. polarization and projection of negative attributes
4. calculated violence

Remarkably, the above sequence specifies the exact process that took place in Darfur:

1. the creation of ethnic capital;
2. followed by the perceived political dominance of the province by Ahmed Diraige and the African ethnic groups. This was countered by the creation of parallel security institutions to curtail regional power and led to even more alienation and finally the Bolad rebellion. The central government then armed the Arab groups in the region and the African groups began to do the same;
3. the rise of the Arab Gathering, Qureshi I and II and the smaller conflicts that merged into the current crisis
4. calculated violence

Bette Denich in her work on the collapse of the Yugoslav state, highlights a similar trend in which regional conflicts are used as lightning rods by notables in the political centres of power as means to either advance their own careers or entrench their own powers and vice versa (Denich 2003: 186). This can be seen in Darfur with the amalgamation of the local and national -and the global, with the involvement of Libya, France the United States and Tchad-. In Darfur this lightning rod was in many instances *Idara Ahalia*.

## 2 *Traditional Leadership in Eastern Tchad: Dar Tama*

Most of Eastern Tchad was under the control of the Sultanate of Ouaddai prior to the latter's conquest by the French in 1905. As a result of historical and cultural similarities with Darfur, the system traditional administration in the Greater Ouaddai-Darfur region bears striking similarities to each other. In Tchad this leadership is known as *Ndbim al-Hilla* or the village system, while in Darfur it is known as *Idara Ahalia* or native administration. In Dar Tama the system of *Ndbim al-Hilla* is headed by a paramount Sultan. The current post holder Sultan Haroun Mahamat has been in office since 1987.

Comprising about 10,000 km<sup>2</sup> and rising to about 1000 meters, Dar Tama occupies the tract of land north of Ouaddai and south of Dar Kobe (Tchad). To the east, across the Sudanese border lies Dar Gimr, to the west the Mararit and Abu Charib and to the south the Maba and Masaalit. Tama is actually a Nilo-Saharan language of the eastern Sudanic family; as part of the Western Branch of this language family Tama is closely related to 11 other languages (Ethnologue 4):

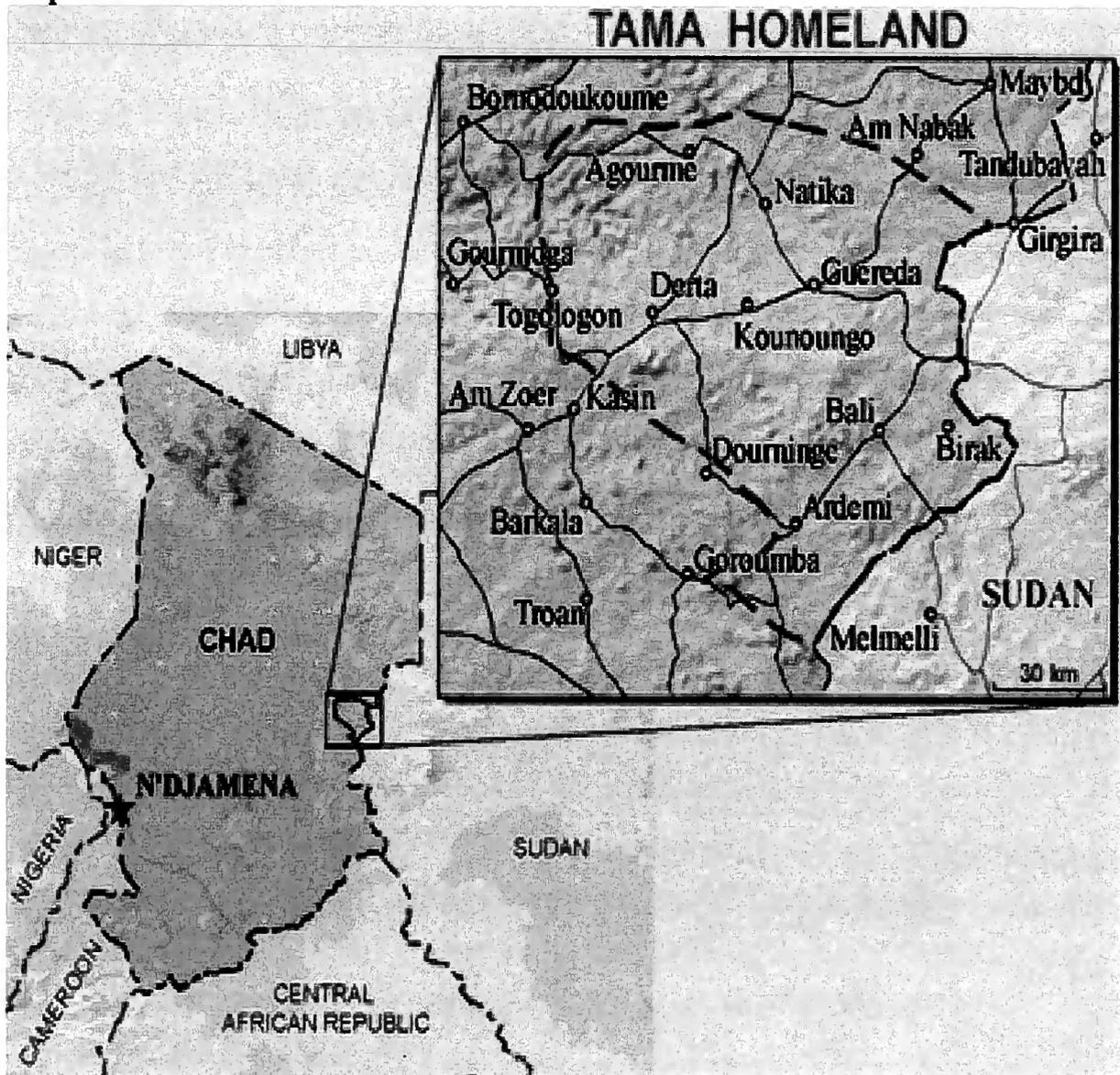
- Daju 7 languages
- Nymining 2 languages
- Temien 2 language

Tama itself is divided into 3 languages

- Mararit of Am Zoer, Tchad which includes Abu Charib close to 50,000 speakers
- Asungur-Erenga of Darfur close to 40,000 speakers
- Tama proper close to 70,000 speakers

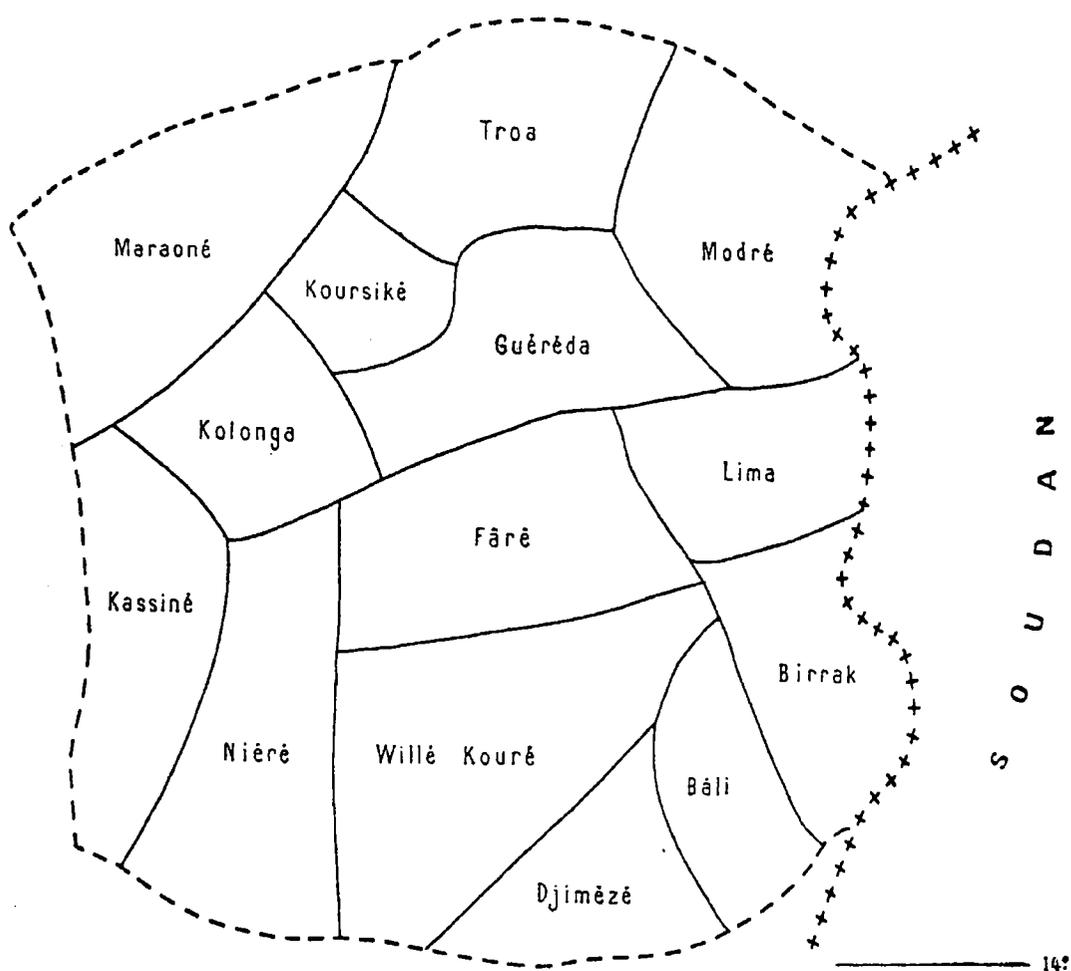
Dar Tama was hotly contested by both Darfur and Ouaddai for most of its history. At some points in time, the unfortunate Tama, were forced to pay tribute to both of their neighbours. Le Rouvreur confirms that at least as far back as the 1960s, there was an oral tradition of a dynastic link between the Daju, Tama and BeRà going back to the 15<sup>th</sup> century when the Daju were the dominant ethnic group in Ouaddai and Darfur. Like Darfur and Ouaddai and Kanem, Dar Tama was divided into four provinces, with the names of the provinces and much of the court functionaries taken from Ouaddai to the south (Le Rouvreur 1962: 155-156).

Map 10: Location of the Tama



The Tama are agriculturalists, who rely on farming and breeding cattle for their livelihood. Though in past many of the northern Tama clans owned camels, raids and thefts, which increased with the lawlessness of the Tchadien civil war, means that today most Tama have been relieved of such livestock. In the rest of Dar Tama the inhabitants farm millet known in Arabic as *Dukkun* and locally as *Eish*. Most Tama aspire to own a few head of cattle since manure, which acts as a fertilizer, increases annual crop yield higher. However such advancement is not without cost, as raids by Daza/Gur'an bandits, who can take stolen cattle to markets in volatile Darfur, are a constant threat. Due to the poor natural resources and economic conditions of the region, migration from Dar Tama across the border to Darfur is a enticing prospect for many Tama.

Map 11: Cantons of Dar Tama



(Le Rouvreur 1962 :155).

The Department of Dar Tama is divided into 19 *Cantons*: (*Gureada-Ouest, Gureada-Est, Faré, Koursigué, Moudourré, Djimézé, Troa I, Troa II, Oulikouré, Birak, Morossabizé, Lirra, Bali, Kolongua, Nanounga, Niéré, Kassiné, Koukouré*). Each Canton is head by a *Chef de Canton* known in Dar Tama the Arabic term *Aguid*. In the past the *Aguid*, a member of the dominant clan in the canton, was selected by the Sultan. Today however, they are chosen by the *Prefect*, after consulting the Sultan and local political officials (Janszky 2006). According to Tama expert Babet Janszky the role of *Aguid* is to act as an intermediary, not only between the Tama people and Tchadien state officials, but also between the village *Sheikhs* and the Sultan (Janszky 2006). Like *Omdas* in Darfur he is also responsible for the collection of taxes and also plays a prominent role in the dispensing of traditional justice.

Below the level of *Aguid* are the *chef de villages* or *Sheikh al-Hilla*, village *Sheikhs*. As in Darfur, the term *Hilla* or village, actually refers to the main village, as well as any nearby hamlets occupied by villagers. As with the appointment of the *Aguid*, the Tchadien state plays a much larger role than its Sudanese counterpart in appointing *Sheikhs*. Generally *Sheikhs* are supposed to be appointed by the Sub-prefect, however in practice the inaccessible location of many villages means the most the Tchadien state can do is confirm the appointment of *Sheikhs*. This is especially the case in Ouaddai and Dar Tama, where the *Sheikh* is a hereditary position, passing from father to son or younger brother (Interview with Zélil Ibrahim *Sheikh* al Hilla Mile, Tchad 16-03-06 & Janszky 2006).

Though members of the traditional administrative system in the region have faced numerous problems in the past, it is the new ones thrown up by the presence of refugees in their midst that have caused them the most aggravation recently. In addition to cases of theft of Tama property or fights with refugees the Tama leadership have now found themselves challenged by their own people to stand up to the UN and the NGOs and stop the influx of

BeRà into their lands. Many Tama are deeply concerned about the number of BeRà refugees who have been placed in camps on the outskirts of some of their villages. Many in the Tama leadership complain that although during the initial stages of the refugee influx, when sites were being selected and refugee numbers were low, they were consulted extensively, this participation was superficial:

*You know when the camp was built.. I was called into every meeting with CARE and HCR. I was in the middle and my people thought I ate millions to let the refugees come here... I have not received one CFA not one Franc... my people even went to see the Sultan and he said it is not true he has not eat any money. Zelil Ibrahim Sheikh de village Mile, Tchad 16-03-06.*

In a push for 'host community participation' UNHCR held numerous meetings with villages in Dar Tama and their traditional leadership. Though the meetings gave the appearance of community participation, they were little more than window dressing, since all the meaningful decisions were taken by representatives of the Tchadien state and the UNHCR. What the meetings did manage to achieve was the appearance that the *chef de villages* were complicit, if not actively involved, in the inundation of Tama lands with Darfuri refugees.

Many Tama used the presence of the refugees to take their complaints to the Tama Sultan. By Tama tradition, if the majority of males in a community agree, they can petition the Sultan to have their *Sheikh* removed. However this has rarely taken place with the position of *chef de village* passing from father to son or brother, in line with the Islamic traditions of succession. Recently however, there have been a few cases of villagers taking petitions to their Sultan to have *Sheikhs*, whom they suspected of being too close to the NGOs or refugees, removed. Though none of the petitions have been successful, the threat of being removed has had the effect of

hardening the opinions of many Tama traditional leaders and has given them more reasons to oppose the presence of the BeRà refugees in their midst.

In addition to the refugees the Tama have also had to cope with the presence of significant number of well-armed nomads. Daza, Bideyat BeRà and to a lesser extent Arabs have always traversed Dar Tama on their way to camel markets in Abéché or the Sudan, or during their annual migrations. However, many Tama claim that during the 1970s and particularly during the Hissene Habre government (1978-1992), the number of Daza/Gur'an and BeRà nomads who began to settle more or less permanently in Dar Tama increased dramatically (Interview with Zelil Ibrahim *Sheikh* de village Mile, Tchad 16-03-06).

These well-armed nomads, with very good links to the Daza/Gur'an and BeRà military officials, presented problems to the traditional system of administration, not only because their control of the means of violence meant they did not have to abide by traditional practices regarding use of communal lands. More importantly, many of the nomads had left their home areas in small groups of 10-15 men and their families. Upon arriving in Dar Tama many selected their bravest or most ambitious member as their *Sheikh*, and as a result Tama local authorities found it difficult to negotiate with the representatives of the nomads as violence between nomads and farmers became increasingly commonplace.

The origin of the various dynasties in Dar Zaghawa is somewhat murky. What is known is that by the late seventeenth century the *Fur Sultanate*, based in the Jebel Marra region of central Darfur, was already entrenched in the *BeRà* areas of northern Darfur, while the Maba of Ouaddai were already present in northern Tchad around the same time (O'Fahey 1980: 34-35). This initial incorporation of Dar Zaghawa into the Fur Sultanate was not as violent as one would imagine. The Fur utilized another, more subtle, tool of statecraft- marriage. Marriage alliances proved a useful tool to integrate disparate *BeRà* 'big men' and other local elites (O'Fahey 1980: 36-37).

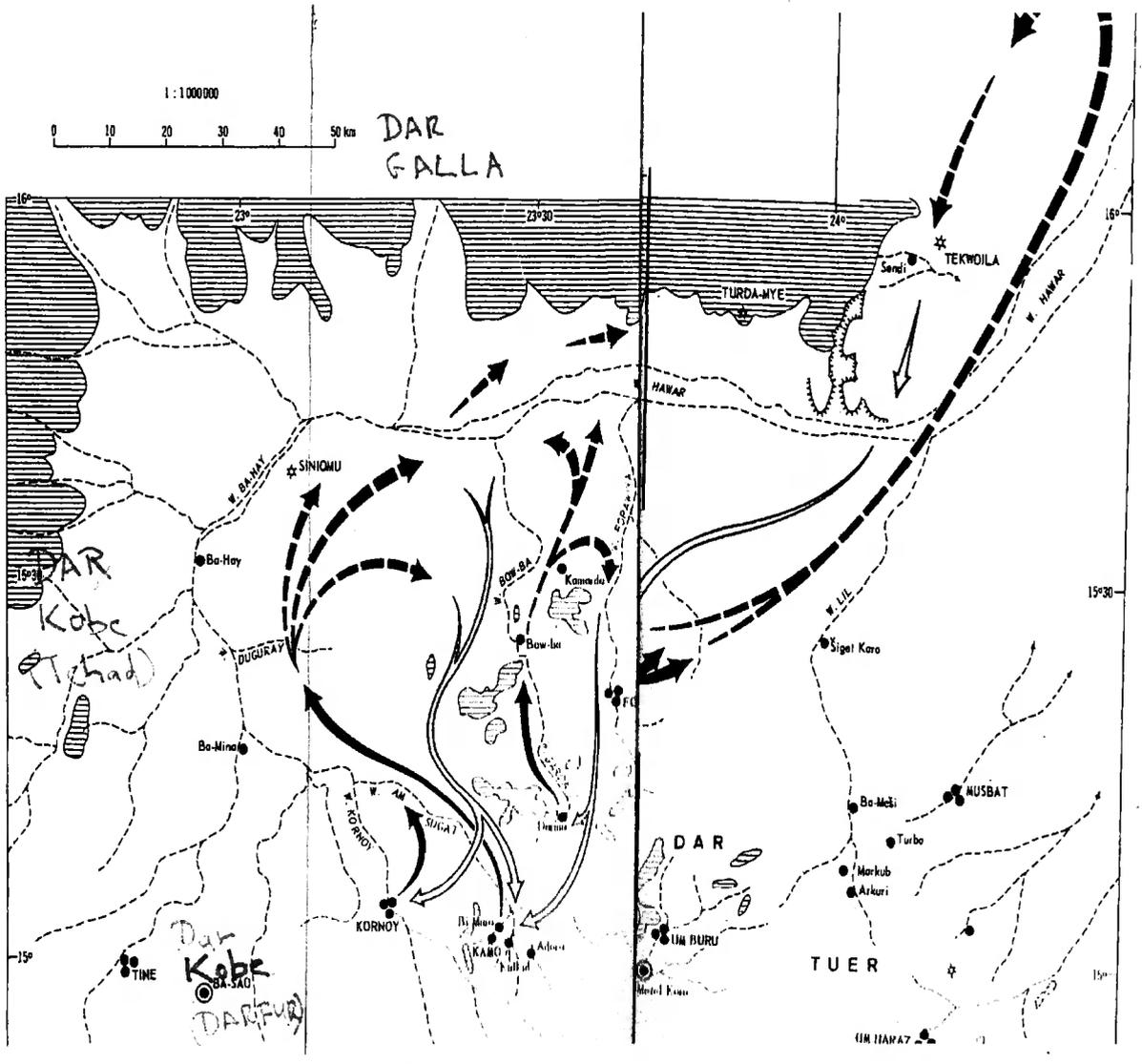
In this way Ahmed Bakr (1700-1720) the third Fur Sultan, married the daughter of the ruling Kobe family named Kaltoum (O'Fahey 1980: 36-37). A generation later his half Kobe *BeRà* son Muhamad Darwa would become Sultan. Next Muhamad's son Umar Lel would hold the position, before another son of Ahmed Bakr and Kaltoum- and brother of Muhamad Dawra- Abdul Qasim (1739-1752) became Sultan. The half *BeRà* Abdul Qasim appointed a *BeRà* named Bahr as his *Wazir* when he became Sultan. This appointment caused so much resentment among the Fur nobility that during an invasion of Ouaddai they abandoned their Sultan, Abdul Qasim, on the battlefield (O'Fahey 1980: 36-37).

With the Sultan's untimely demise, his position passed to his brother Muhammad Tayrab (1752/1753 1785/1786). Thus, for the third time in less than two generations the position of Sultan was occupied by a son of Kaltoum. The new Sultan immediately made his maternal uncle Kharut Ibn Hilan, Sultan of the Kobe *BeRà*, granting him a *Nabus*. Numerous other Kobe were given high position in the Sultanate. When Muhammad Tayrb's son Issaq (1785/1786-1787/1788) became Sultan the Fur nobility expressed their discontent, complaining that they had had enough of rulers who were more *BeRà* than they were Fur. Issaq's position was rather

precarious, as his father was half *BeRà* and his mother a full blooded *BeRà*. His appointment of numerous *BeRà* to positions of power did not help him win over the Fur nobility. In the end Abdel Rahman, the brother of Muhammad Tayrab (and son Ahmed Bakr to a Fur wife) and uncle of Issaq, rallied the Fur nobles to his side and a civil war ensued. The south became the domain of the Fur under Abdel Rahman and the north became a hold out for Issaq and his *BeRà*. The civil war was brief and Issaq was killed. He made his final stand not far from the modern *BeRà* settlement of Girgo west of Kepkabia (O'Fahey 1980: 38).

Not only were the *BeRà* traditional leaders susceptible to influences from the centralized states to the south, so too were the endogenous leadership structures in which they operated. Dar Galla, with its capital in Kornoï north Darfur, is bordered to the west and south west by the Sultanates founded by those who fled the advance of Sultan Haggar, namely Dar Kobe (Tine) and Dar Kapka (Tundebey). To the east it is bordered by Dar Tuer. Like all of the Darfuri regional groupings Dar Galla was initially part of a much larger Dar Tuer which fragmented into smaller and smaller territories, a process that began under the Fur Sultans and continued during the Anglo-Egyptian Condominium in the Sudan.

Map 12: Dar Galla



(adapted from Tubiana 1977: 67)

(Arrows show the winter migration routes of BeRà nomads)

Dar Galla itself is a region made up of numerous Be A Ah/tribes and Air Ke Be/Branches. The region is also composed of numerous *Hawakir*, one for each tribe BeRà of the BeRà who live there (Interview with *Onda* secretary of Salih Muhammad Shumu of Adar close to Kepkabia: Mile, Tchad 04/02/2006). Presented here is the first full list of those *Be A Ah*/tribes, along with their *Air Ke Be*/Branches, origin stories and camel sign. The list was compiled with information from *Onda* Tahir Hariga Boyo of Kornoi, Yousuff Nour Terayo member for the Mahkama of Kornoi and *Sheikh* Idriss Abdul Rahman Harba of Saref Omra,

Kepkabia. The information was gathered in Mile refugee camp in Tchad in 2006. My interpreter and friend Salih Haroon Soleyman also proved to be very knowledgeable of the tribal histories of Dar Galla and became a key source in this area. These men, though interviewed separately agreed on almost all information they provided me with. In fact only in three cases did Yousuff Nour suggest a different name for the same camel sign.

TABLE 8

## SOCIAL ORGANIZATION OF DAR GALLA

| <u>BE A AH</u>  | <u>AIRR KE BE</u>                       | <u>CAPITAL</u>   | <u>HISTORY</u>   | <u>CAMEL SIGN</u>   |
|-----------------|---|------------------|--|---|
| <u>bedeyara</u> | Etinga<br>Koriyara<br>Borongga<br>Orora | <b>Musteraya</b> | Of Tunjur origin<br>descendants of<br>Hadji Karo Suliman<br>Terteba  | Herti abo—the horse<br>  |
| <u>Baga</u>     | Iridi<br>Adar<br>Indere<br>Tedebe       | <b>Kamo</b>      | Of TobarA/Bideyat<br>and Midob (called<br>Degede grey in<br>BerA Ah) origin.<br>After a murder a<br>group of Midob<br>known as the Baga<br>refused to pay the<br>Diya or blood<br>money and moved<br>to Kamo in Dar<br>Galla. Those that<br>paid remain in Dar<br>Midob in the far east<br>of Darfur to this day | Dtandoi-horse<br><br> |
| <u>Kaliba</u>   | Humr<br>Zuruk                           | <b>Miski</b>     | Bedeyara Origin  | Bedi-horse<br>   |

|                 |                              |        |  |  |
|-----------------|------------------------------|--------|--|--|
| <u>Okurra</u>   |                              | Darong | Of Maba origin                                     | Guydey- crow foot<br><br>^                           |
| <u>Dawa</u>     | Hap<br>Jidu<br>Nimeiri       | Da Be  | Of Daza/Gur'an origin form Borku in northern Tchad | Thamint-asar wa mai (118<br>^^                       |
|                 | Murguni                      |        |  | )  |
| <u>Gelegara</u> | Darma<br>Jawa<br>Ima<br>Mani | Darma  | Of Arab Awlad Zeit origin form Hilaliya            | Mamur- ring (the ring of Abu Zeit Hilaliya)<br><br>< |
| <u>Sinna</u>    |                              | Urgui  | Of KobarA/Kb origin                                | Bado targoi- gazelle hoof<br><br>U                   |

|                              |  |                        |   |  |
|------------------------------|--|------------------------|---|--|
| <p><u><b>Shagara</b></u></p> | <p>Migera<br/>Dekorra<br/>Boyo<br/>Jardaberi</p> | <p><b>Togoi</b></p>    | <p>Of Daza/Gur'an origin</p>  | <p>Hede Shuei- 2 horses</p>         |
| <p><u><b>Tabara</b></u></p>  |  | <p><b>Jirbokiy</b></p> | <p>Of Daza/Gur'an origin</p>  | <p>Berrr Sherou- a cross</p>        |
| <p><u><b>Gola</b></u></p>    | <p>Awlad Diggin</p>                              | <p><b>Gelabe</b></p>   | <p>Of Gelegara origin</p>   | <p>Mamur- ring</p>                |
| <p><u><b>Baage</b></u></p>   | <p>Dar Sueni</p>                                 | <p><b>Hilaliya</b></p> | <p>Of Misseriya origin brought to Dar Galla form Am Timan in Salamat Tchad as captives during a war between the BerA/Zaghawa ad the Misseriya (more</p> | <p>Bado targoi- gazelle hoof</p>  |

|                        |  |                   |   |  |
|------------------------|--|-------------------|---|--|
| <p><u>Tamina</u></p>   |  | <p>Taman bede</p> | <p>likely a war between BerA/Zaghawa forces of the Sultan of Darfur and the Misseriya or Misseriya forces of the Sultan of Ouaddai.</p> <p>Of Arab Awlad Kemedi from Salamat Tchad. Their ancestor came to Dar Galla as a Faki.</p> | <p>Guydey- crow foot</p> <p>NI</p>   |
| <p><u>Mira</u></p>     |  | <p>Hilaliya</p>   | <p>Of TobarA/Bideyat origin</p>   | <p>Kunjara-a sickle</p> <p>↷</p>   |
| <p><u>Kanagara</u></p> |  | <p>Darma</p>      | <p>Of KobarA/Kobe origin</p>  | <p>Meri Wutit (throwing stick) or Deri Dera (not straight). Latter suggested by Yousuff Nour.</p> <p>S</p> |

|                     |  |                           |   |  |
|---------------------|--|---------------------------|---|--|
| <u>Ila Dabo</u>     |  | <b>Kornoi</b>             | Of Gelegara origin  | Mamur- ring<br>         |
| <u>Awlad Diggin</u> |  | <b>Dildia</b>             | Of Kanuri-Kanembu origin  | Guydey- crow foot<br>  |
| <u>Burra</u>        |  | <b>Hilaliya</b>           | Of KobarA/Kobe origin   | Timsa - crocodile<br> |
| <u>Eli Birra</u>    |  | <b>Hadjer<br/>Koburra</b> | Maba attacked the BerA/Zaghawa took a large group of women with them back to Ouaddai. Some time later the women escaped and returned to Dar | Sayif-sword<br>       |

|                 |  |                 |  |   |
|-----------------|--|-----------------|--|---|
| <u>Bey Bera</u> |  | <b>Gasimaba</b> | <p>Zaghawa pregnant.<br/>         Their offspring were<br/>         not accepted and<br/>         formed their own Be<br/>         A Ah.</p> <p>Of Daza/Gur'an<br/>         origin</p> | <p>Bur sham- a cross</p> <p>+</p>                       |
| <u>Kotora</u>   |  | <b>Bow Ba</b>   | <p>Of TobarA/Bediyat<br/>         origin</p>   | <p>Meri wutit- throwing<br/>         stick</p> <p>2</p> |
| <u>Mamia</u>    |  | <b>Darma</b>    | <p>Of TobarA/Bediyat<br/>         origin</p>   | <p>Bore- sticks</p> <p>   </p>                          |

|                |  |            |                          |   |
|----------------|--|------------|--------------------------|---|
| <u>Orrodio</u> |  | Jaba Kurra | Of KobarA/Kobe origin    | Mamur- ring<br>                  |
| <u>Agaba</u>   |  | Gatak      | Of Tuer origin           | Guydey- crow foot<br>            |
| <u>Obera</u>   |  | Umm Bora   | Of TobarA/Bediyat origin | Kunjara-sickle<br>             |
| <u>Nuera</u>   |  | Manyi      | Of TobarA/Bediyat origin | Meri wutit- throwing stick<br> |

|               |  |          |                             |  |
|---------------|--|----------|-----------------------------|--|
| <u>Kurra</u>  |  | Furawiya | Of TobarA/Bediyat<br>origin | Mamur -ring<br>                               |
| <u>Kobora</u> |  | Idit     | Of Arab Misseriya<br>origin | Berhsan or salib - cross<br>                  |
| <u>Odebey</u> |  | Guskari  | Of Arab Taliba<br>origin    | Sabali sunduk- cowering<br>rabbit<br>       |
| <u>Hodera</u> |  | Motio    | Of KobarA/Kobe<br>origin    | Mamur kafo -blind ring<br>(closed ring)<br> |

|                |  |                     |                              |                      |
|----------------|--|---------------------|------------------------------|----------------------|
| <u>Toginye</u> |  | Katiya and<br>Miski |                              | Bedi- Horse<br><br>E |
| <u>Mina</u>    |  | Abdel<br>Kharowey   | Of KobarA/Kobe<br>origin     | Sayf- sword<br><br>4 |
| <u>Sbea</u>    |  | Furawiya            | Of Arab Awlad Zeit<br>origin | Mamur- ring<br><br>V |

Erdibara

Eridi close to  
Kamo

Of TobarA/Bediyat  
origin

Timsah- crocodlie



To many of the peoples of the Sahara and Sahel camel signs are more than just brands or intricate scarification bestowed upon camels to show ownership. They constitute a symbol the ethnic group or, in the case of the BeRà, the *Be A Ah*. For instance, the various *Be A Ah* are not territorial groups, in that they are not found in specific areas only. In fact, rather like the *Rendille* and *Samburu moieties* and *phmatris* (translated as sections) in Spencer's work on East African nomads of the Kenya, Somali, Ethiopia border (Spencer 1973: 29), *Airr Ke Be* and on occasion entire *Be A Ah* are found in numerous pockets throughout Dar Zaghawa and farther afield. This *segmentary descent system* is held together by a belief of common origin of people in the same *Airr Ke Be* and *Be A Ah*. The various camel signs are a testament to this common origin. The *Baga*, for instance whose largest pocket is found in Dar Galla also have pockets in Dar Kobe, among the Midob and even among the Bideyat. The same *Be A Ah* is found among numerous regional groupings and ethnic groups in the region. Thus, in addition to being segmentary, the BeRà descent groups are also dispersed and multi-locational groups.

John Davis in his 1987 work on Libyan politics argues that the key feature of segmentary societies is, that *the will to oppose always rest with others*. As Davis put it "They wish to dominate, and so they call forth our solidarity to oppose them", (Davis 1987: 104). What therefore develops is a system of fluid ever changing alliances and allegiances. Gunther Schlee in discussing the *Elemo* sub-clan of the *Rendille* mentions a similar process. The *Elemo* were descendants of *Oromo* who were captured by *Rendille* warriors. In 1992 the *Gabra Oromo* raided the *Rendille* and the *Elemo* bore the brunt of the attack losing most of their camels. The *Elemo* were forced to seek refuge among their original *Gabra* clan brothers who gave them a grant of camels. Thereby crossing the fluid *Gabra-Rendille* ethnic boundary twice (Schlee 2004: 145).

The BeRà origin stories are confirmed, in part, by Tubiana. Her work claims an eastern origin for the Kobe, a Bornu origin for the Tuer, Bideyat for the Galla, and a Fur origin for the

Kaitinga (Tubiana 1985: 23). De Waal in his work on famine in the region also examines this form of ethnic adoption briefly. He notes that in some Darfuri tales Ahmed al Makur is not Tunjur, but an Arab who marries a Tunjur princess named Keira, thereby starting the Fur dynasty known as the Keira dynasty. De Waal also recounts the story of an abandoned Arab baby, found in a *wudi*, who grows up to become the leader of the Fur of Dar Enga (De Waal 1989: 48). Even today there are the Tunjur-Fur of Dar Furnung, the BeRà-Fur known as the Kaitinga, the Turra-Fur of Turra and the Arab-Fur of Jebel Si who attest to these mixed heritages.

The various *Air Ke Be* and *Be A Ah* of Dar Galla have, from time immemorial, been ruled by local big men known by a host of names, the oldest of these terms is *Ilu*. Currently the ruler of *Dar Galla* is known as a *Shartai*, a term bestowed upon the ruler of the region by the British, in 1914. The line of the *Shartai* of Dar Galla in Dar Zaghawa goes back nine generations according to both *Onda Tahir Hariga Boyo* of Kornoï and *Yousuff Nour Terayo*.

- Abdel Karim
- Salih Nur
- Abdel Shafi
- Bush
- Al-Zaain
- Hassan
- Salih Al-Tiyyb
- Tijani
- Adam Sabi Tijani Al-Tiyyb

The first five rulers of Dar Galla were in fact little more than petty chiefs known in Dar Galla as *Hor* (Interview with *Sheikh* Idriss Abdul Rahman Harba of Saref Omra, Kepkabia: Mile, Tchad 02/02/06). Though not the largest or the most powerful *Be A Ab* in Dar Galla, the *Kaliba* had used their close links with the Fur Sultans to see off any contenders to the position and distribute largess to those who could be co-opted (Interview with *Omda* Tahir Hariga Boyo of Kornoi: Mile, Tchad 08/02/06). The *Hor* of Dar Galla like many other BeRà chieftainships was subject to the *Malik* in *Um Burro* in *Dar Tuer* to the east. In this way the *Hor* had little more responsibility than a modern *Sheikh* (Interview with Yousuff Nour Terayo member traditional court at Kornoi: Mile, Tchad 26-04-06).

This all changed with the coming of colonization. After the defeat and subsequent murder of the last Fur Sultan Ali Dinar in 1916, the British District Commissioner appointed a new *Hor* and moved the capital of Dar Galla from *Morsbey*, with its poor wells, to *Kornoi* (Interview with Yousuff Nour Terayo member of the traditional court at Kornoi: Mile, Tchad 26-04-06). At this time they also gave the *Hor* the title of *Shartai* (Interview with *Sheikh* Idriss Abdul Rahman Harba of Saref Omra, Kepkabia: Mile, Tchad 02/02/06). The British had decided that Dar Tuer was too large a unit to be administered effectively and that smaller units would be easier to deal with in terms of taxation and political control (Interview with Yousuff Nour Terayo: Mile, Tchad 26-04-06). In this way Dar Galla was created with Al-Tiyyb as *Shartai* equal to the *Malik* of a now smaller Dar Tuer. In doing so they entrenched the *Kaliba* leadership and greatly increased the power of the ruler of this, a hitherto little known backwater province of the Darfur.

The actual process of fragmentation of Dar Tuer may have begun during the reign of Ali Dinar who elevated the *Hor* and other petty rulers as a means to counteract the power of the *Malik* in Um Burro (Interview with Yousuff Nour Terayo: Mile, Tchad 26-04-06). If this was the

case the British may have only finished a process started by the last ruler of independent Darfur. Prior to these changes, Dar Zaghawa had only two seats of power:

At the time of the death of his protégé Al-Tiyyb, Moore appointed his son Tijani Al-Tiyyb as the new *Shartai* (Interview with Yousuff Nour Terayo member of the Mahkama at Kornoi: Mile, Tchad 26-04-06). Moore also appointed numerous *Omdas* and *Sheikhs* throughout Dar Zaghawa, replacing those he thought were loyal to Ali Dinar, with their sons. One such *Omda* appointed by DC Moore was *Tahir Hariga Boyo*. Born in *Iridi*, in *Kamo* district, he had been a *Omda* in Kornoi for more than fifty-five years by the time of the conflict. As a youth like most BeRà of his time, he was a herder and trader, taking cattle, sheep and camels to Malha in Dar Midob (where the Baga claim to have originated) to trade for salt block which he sold in Al-Fashir, Nahud and El-Obeid. He also travelled regularly to the salt-flat in the north of Borkou-Ennedi-Tibesti Region in what is now Tchad. Around 1948 he was appointed *Omda* of the *Baga Be A Ah* and made their representative in Kornoi. The four *Airr Ke Beh* of the *Baga* – the *Iridi*, *Adar*, *Inderu*, *Tedebe* – each have a term appointing an *Omda* to represent the *Baga*. The *Tedebe*, *Inderu*, *Adra* must have had no idea in 1947 that the representative of the *Iridi*, *Tahir Hariga Boyo* would still be occupying the post of *Omda* until his death in 2006 almost 60 years later.

Salih translates from BeRà- *he say(s) that before in Dar Galla they did not have a Shartai. It was made by the British, by Moore. Before this the Kaliba ruled Kornoi and Morshey. Moore made Al-Tiyyb the Shartai. But once when Al-Tiyyb was visiting Um Borro the people laughed at him and said "how can you be Shartai if you do not have a Nabus/drum?" So when he came back to Dar Galla he called a meeting and told each family they must give their best heifer so they could get a Nabus (drum) of their own. Tahir's uncle, Bagid, who was Baga by his mother's side and Kaliba on his father's side was selected to go to*

*Nyala to buy a drum. Tahir Hariga Boyo went with him and that is how Dar Galla got its drum and the Shartai became respected.*

Interviewer- *He saw all of this! This is a story from when he was young?*

Tahir Hariga Boyo *Yes*

Interviewer- *How old was he at the time*

Salih- *He thinks he was 12 or so*

(Interview with *Onda* Tahir Hariga Boyo of Kornoi: Mile, Tchad 08/02/06).

If we accept the above narrative, and there is no reason not to, *Onda* Tahir Hariga Boyo who was 96 at the time of this interview in 2006 would have been born around 1910 and the British would have killed the Fur Sultan Ali Dinar in 1916 when he was about 6 years old. Salih Al-Tiyyb was appointed as *Shartai* before 1934 and it is possible that a few years later once the *Shartai* had begun to collect taxes he decided to purchase a *Nabus*- the ultimate symbol of power in Darfur.

Below the level of *Shartai* in Dar Galla, the next post is the relatively new position of *Mandub*. The term *Mandub* makes its first appearance during the reign of Ali Dinar who had borrowed the term from the *Mahdists* who had ruled prior to his arrival. The term, which is best translated as an *agent*, was used extensively by Ali Dinar who appointed slaves, eunuchs and generals to the position to monitor other officials (O'Fahey 1980: 90).

The next level is that of the *Omda*, who is the head of a *Be A Ah*. The word *Be A Ah* which actual means *mouth (doorway) of the house*-meaning those who speak the same dialect-corresponds with the term tribe. Each tribe is headed by an *Omda*, the *A irr Ke Be* is however not headed by a particular leader since they may be present in more than one area. Rather villages or groups of villages are headed by *Sheikhs*.

In Darfur the appointment of *Sheikhs* runs the entire gamut of selection processes. In the majority of cases *Sheikhs* are selected by some kind of popular vote. In many instances this vote simply serves to confirm an already established line of succession, in which a son will take over from his father. Even in these cases there must be some kind of popular vote. In other cases however, there are heated contests between two or more candidates for the post of *Sheikh*. In yet other instances someone may have the position of *Sheikh* thrust upon them by village without their consent. In some extraordinary cases *Sheikhs* may be selected by more unusual means.

*Me? When I was made an Omda a meeting was held and two names were put in a bag, the name they pull out was mine and I became Omda... to be honest I did not want to be Omda as I was already a wealthy man but my family told me I could not refuse. Omda Haroun Suleiman Gani of Abu Gamra: Mile, Tchad 23/12/2005)*

Regardless of the process when a *Sheikh* is selected *Omdas* and *Sheikhs* from the local area usually attend a simply ceremony, in which the name of the new *Sheikh* is announced and he is told of his role and responsibilities. At these ceremonies the *Omdas* are just observers and have no power to interfere with the selection or appointment of sheikhs.

**Table 9: Idara Ahalia in Dar Zaghawa**

| Position               |
|------------------------|
| <i>Shartai</i>         |
| <i>Mandub</i>          |
| <i>Omda</i>            |
| <i>Sheikh/Hor/Ilu/</i> |
| <i>Iru/Ina</i>         |

Though most Darfuri will not make a distinction, *Sheikhs* frequently divide themselves into two groups *Sheikh al Idara* (*administrative Sheikhs*) and *Sheikh al Dufia/Darib* (*tax Sheikhs*). In smaller villages the *Sheikh al Idara* will fulfil both roles but in large villages, or in areas where one *Sheikh* has jurisdiction over a large number of villages, there may be two or more *Sheikhs*, one being the *Sheikh al Dufia/Darib*.

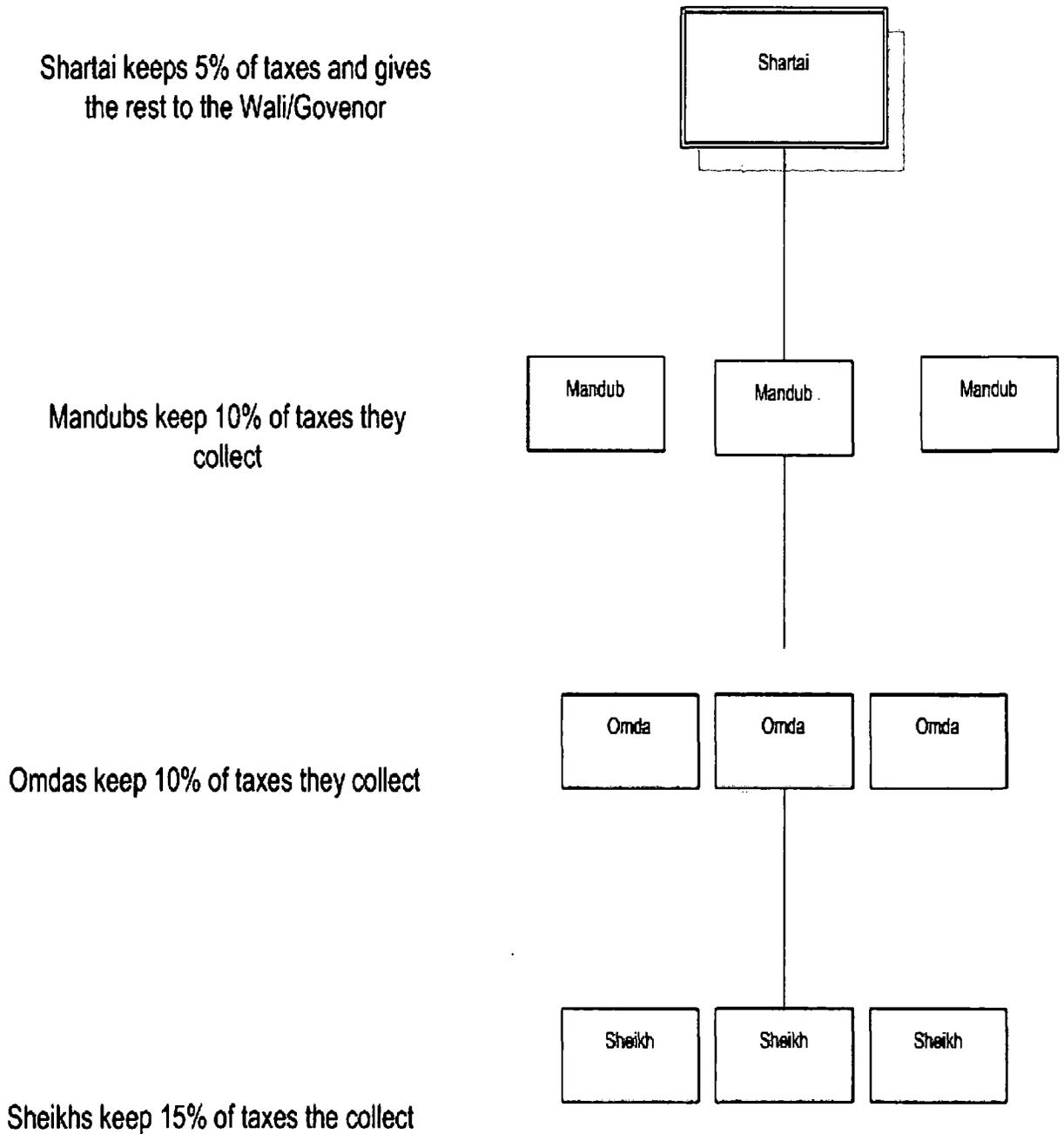
In relation to taxation, all *Sheikhs* follow similar rules. A *Sheikh* keeps a register of taxable persons in his village and once or twice a year he collects taxes, in the form of currency or produce. *Sheikhs* are entitled to keep 20% of that revenue as their own and the rest must be given to his superior, the *Omda* in Dar Zaghawa. The *Omda* will receive taxes from all his subordinate *Sheikhs*. Before passing this up to his own superior he will be allowed to keep 10% for himself. The rest is then passed on the *Shartai*, in the case of Dar Galla, or the Sultan in the case of Dar Kobe etc. At this, the last level of *Idara Ahalia* the paramount rulers can take 5% of the tax revenue as their own and the rest is passed on to a government official, usually the *Mahafis* Provincial head or *Wali* state governor in Darfur or the Prefect in Tchad.

It should be noted that due to a long history of civil strife, the system of tax collection by sheikhs has been almost nonexistent in Tchad. In some areas there has been no real taxation via

*Ndhirn al-Hilla* for at least forty years. Another key role of the sheikh is in dealing with land claims and divorce proceedings. They are in a sense the first port of call in the village when there is a dispute of any kind and the custodians of customary law.

Chart 2

Idara Ahalia and Taxation in Dar Galla



At each administrative level the official is only supposed to get his '*salary*' if all the designated taxes have been collect and accounted for. This, however, is rarely the case, as many tax rolls are deliberately keep out of date, so that the difference can be pocketed in some areas. Recently the government of Sudan has stipulated that *Sheikhs* should only be allowed to keep 15% of the taxes they collect not the 20% they had in the past. However the war in Darfur postponed the implementation of this decree (Interview with *Omda* secretary of Salih Muhammad Shumu of Adar close to Kepkabia: Mile, Tchad 04/02/2006)

#### 4. *Idara Ahalia in the BeRà Diaspora:*

##### *IDARA AHALIA FACILITATES THE GOVERNMENT'S WORK*

*(As articulated by Omda's secretary Salih Muhammad Shamu)*

Drought, famine and conflict-induced migrations were already common in Darfur and Ouaddai prior to the current conflicts, however the patterns of migration varied according to how different groups were affected by famine and the options open to them.<sup>21</sup> The major famines to affect the region include the *Karo Tindel-Fur* for *eating bones* (from carcasses) in the middle of the 18<sup>th</sup> century and the *Buz-Fur* for *everywhere* or *widespread* in 1828/29. The period between 1874 and 1909 bears special attention. This period, sandwiched between the destruction of the Keira dynasty under Sultan Ibrahim Garad by the forces of the Sudanese slaver and adventures Zubeir Rahman Pasha and the point when Ali Dinar was able to defeat the ruler of Kepkabia and finally bring all of Darfur under his control, saw a number of severe famines, during which as much as half of Darfur's population may have perished (De Waal 1989: 62). The first famine of this period, the *Karo Fata* or white bone famine, was caused not only by poor rainfall, but was also due to constant clashes between the forces of Zubeir Pasha and the Fur shadow Sultans, which devastated the countryside. When the Mahdist forces wrestled Darfur away from the Turkiyya in 1882, they initiated a new period of suffering due to the Khalifa Abdullahi al-Ta'aisha's policy of forced migration to Omdurman.<sup>22</sup> This migration coupled with their constant fighting with shadow Sultans causing untold suffering.

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<sup>21</sup> For fascinating discussion on the concept of famine in the Sahel see De Waal 1989.

<sup>22</sup> Abdullahi was actually a Fulani who, in a process common in the region, had lived among, and become a Ta'aisha Arab of South western Darfur. It may have been Abdullahi, continuing a well established messianic tradition among the Fulani, who influenced the Mahdi and not the other way around. What is clear it that with the Mahdi's death in 1895 Abdullai became the new leader and it was he who instigated the policy of eastward migration to Omdurman. Many Fulani in Darfur believe that rather than being a political or economic move it may have been the Khalifa's interpretation of the Fulani's own eastward migration.

Famines continued under the restored neo-Keira dynasty of Ali Dinar with the 1913/1914 *Julu* meaning *wandering* famine (De Waal 1989), followed by the 1969-1974 Sahelian Drought and the 1984/1985 drought. Each of these famines caused large numbers of deaths and led to large scale migration. The BeRà and north Darfur as a whole, seem to have been affected by most of the region's drought and famines. Fouad Ibrahim (1998) compared the migration behaviour of two groups from north Darfur, the Midob and the BeRà, pay particular attention to the droughts of the 1970s and 1980s. During this time more than half of the BeRà and Midob migrated southwards to the towns. Despite the similarity of their livelihoods based on agro-pastoralism in both cases, the BeRà migrants were considered more economically successful than the Midob. The reasons for this are in part due to BeRà social organisation. Fouad Ibrahim argues that:

*The Zaghawa started their out-migration earlier than the Midob. Thus, they could establish ethnically based networks in Libya and the Gulf countries, to which Zaghawa migrants can resort to make a good start in their destination areas. By the time the Midob started their migration in the 1980s, the conditions of employment in the Arab oil countries had worsened. The Zaghawa show a strong dan solidarity. They readily lend money to young members of their dan to cover the high costs of travelling to the Arab oil countries for work, where many of them have already established themselves. The Midob, both in the Sudan and abroad, have much less resources available. The only country open for them outside the Sudan is Libya. Lacking capital, the Midob go there on camels, mostly illegally (Ibrahim 1998).*

This, once again illustrates the varying fortunes of people in Darfur, as influenced by their tribal affiliation and alliance networks and resilience of traditional institutions. The BeRà who migrated southward settled not only in rural areas, but also in the major towns. Today the BeRà living in these areas outnumber those living in Dar Zaghawa itself.

Once such area with large of amounts of BeRà migrants is Kepkabia Province in North Darfur state. The BeRà village of Girgo lies to the west of the provincial capital Kepkabia. The BeRà first began to settle in the Kepkabia area in the early 1960s due to a prolonged drought in their home area (Interview with *Omda* Naib Adam Abdul Rahman of Girgo near Kepkabia: Mile, Tchad 07/02/06). These early waves of drought induced migration were largely peaceful and happened without national or international assistance (Ali Dinar 2004b: 4). The BeRà simply left the far north of Darfur, travelling to areas they had visited during their annual migration or to locations where they knew local residents. In the majority of cases they settled on vacant land on the outskirts of established villages.

**Map 13: Key sites in the BeRà Diaspora**

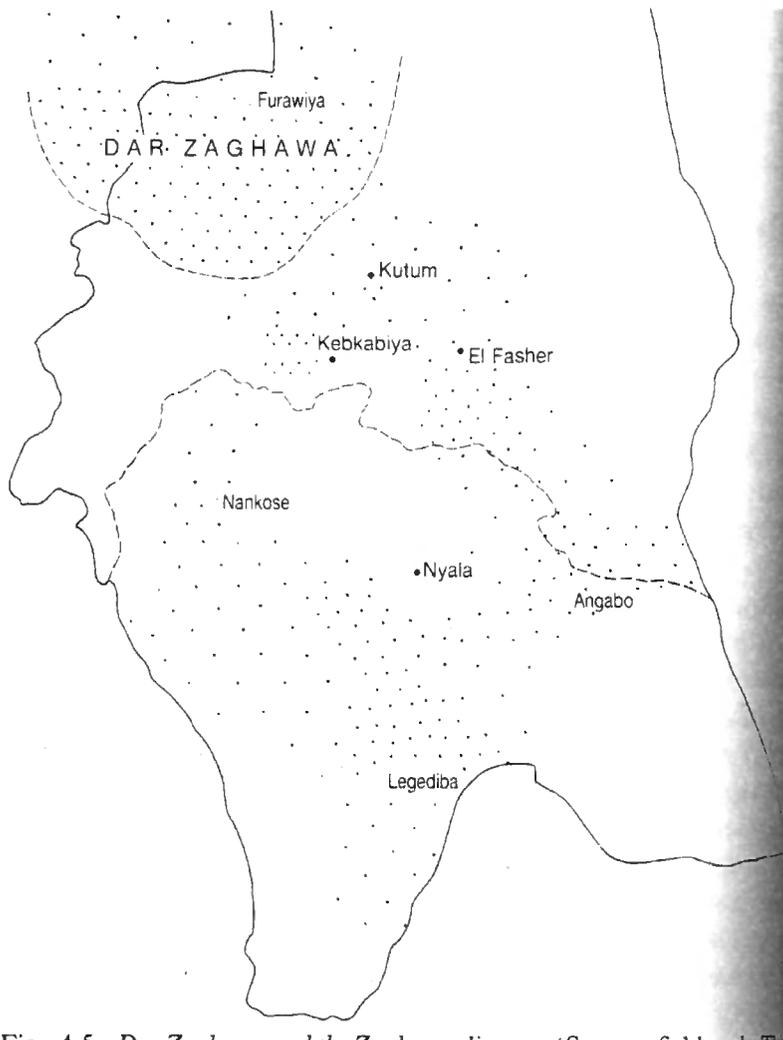


FIG. 4.5 Dar Zaghawa, 1973-1980. Modified from De Waal 1989: 92

(De Waal 1989: 92)

a. *The case of A dar, Kepkabia and Jebel Si Region, Kepkabia Province*

*Onda Naib (Onda's assistant)* Adam Abdul Rahman and his family first came to the village of Girgo in Kepkabia province in 1973 to escape the drought that was plaguing his home town of Umm Burro in Dar Tuer.<sup>23</sup> The location of Girgo was chosen because Adam's maternal uncle had been a trader, bringing sheep, cattle and camels from Umm Burro to Kepkabia for sale. During his regular trips to Kepkabia he became friends with many Fur from the village of Girgo and when the famine struck he was invited to stay in the region (Interview with *Onda Naib Adam Abdul Rahman of Girgo near Kepkabia: Mile, Tchad 07/02/06*). In fact, 'invited' maybe too strong a term. The truth may have been that there were no objections to him settling on the vacant land on the edge of the village. This willingness of drought and environmental refugees to migrate to other areas according to JoAnn McGregor, is tied to the ability of migrants to find members of their social network in that region (McGregor 1993: 159). Thus, as in the case of Adam Abdul Rahman, people will be more willing to abandon one site for another if they know they have connections or kin in that region. Also, migration to more fertile areas has long been a coping strategy of pastoral and agro-pastoral groups in the Sahel. Black writing on African refugees in general takes this argument further when he states that

*The picture is one of migration as an essential part of the economic and social structure of the region, rather than a response to environmental decline – a picture that is reinforced by numerous other studies that have confirmed the critical role of migrant remittance in households and regional economies (Black 1998: 28).*

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<sup>23</sup> De Waal argues that this famine was known as *Sarat Kruul*. The years of Kruul, the latter being the sound made when luggage grates against the ribs of emaciated camels as people migrate to escape drought (De Waal 1989: 93)

This out migration was part of a wider phenomenon affecting Dar Zaghawa. De Waal estimates that in 1970 there were 250,00 BeRà, 150,000 of whom lived in Darfur, by 1983 only 82,000 people lived in Dar Zaghawa (de Waal 1983: 93). As highlighted by the Girgo example Dar Zaghawa's links with this ever growing diaspora are extremely strong, reinforced by migrants returning to their villages, or the villages of their parents, to find spouses and new migrants constantly arriving in villages like Girgo. Whether for purely environmental or economic reasons, in 1973 Adam Abdul Rahman and many of his relatives moved with his maternal uncle to Girgo, where they were each given a grant of land by the local Fur *Omda* in exchange for which they would give him 10% of all their produce (Interview with *Omda* Naib Adam Abdul Rahman of Girgo near Kepkabia: Mile, Tchad 07/02/06).

Interviewer- *And did they have to pay for the land*

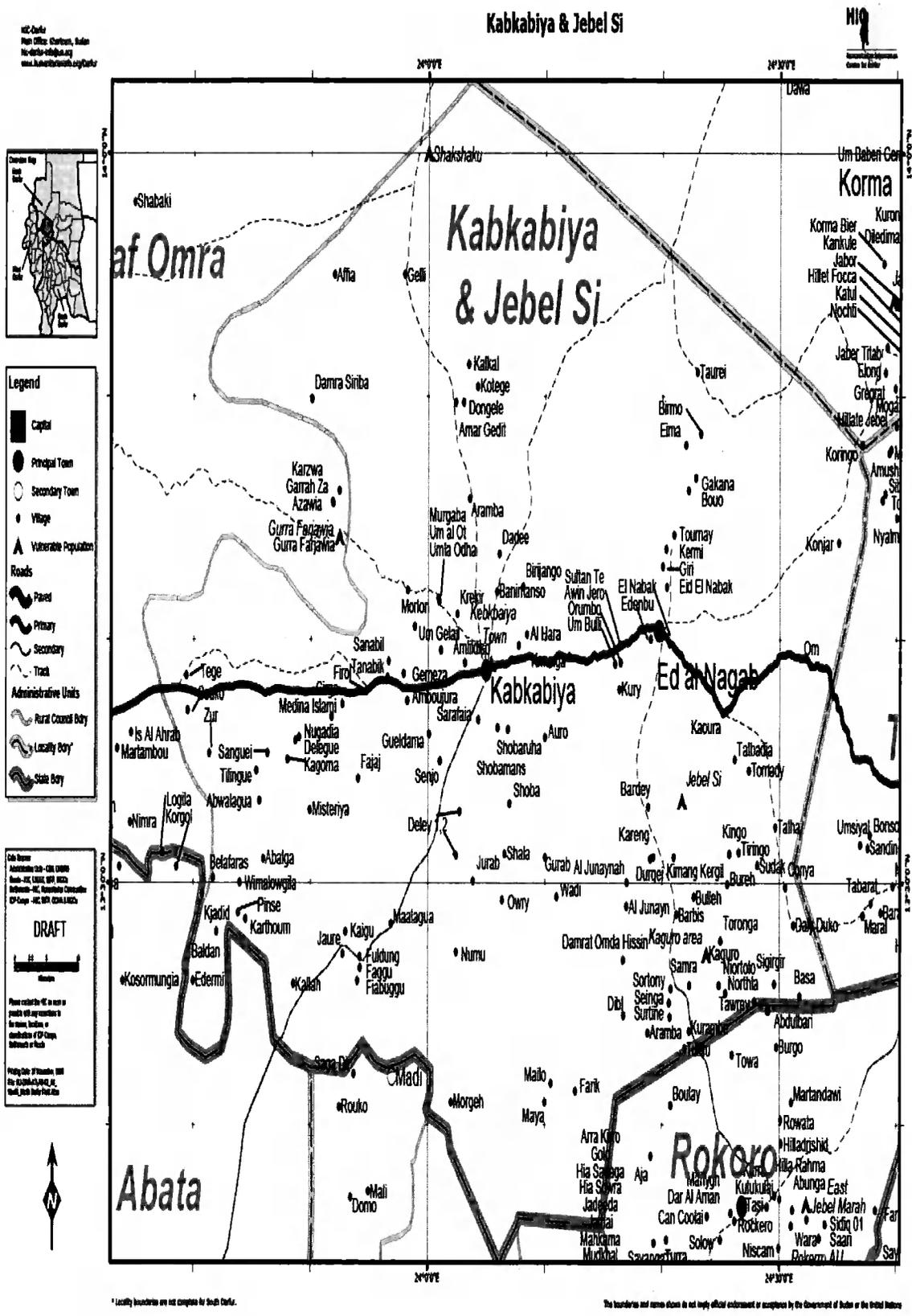
Adam Abdul Rahman- *no we didn't*

Interviewer - *and how much land did you get*

Adam Abdul Rahman- *it varied some got 6 others 5 feddans; but if it was close to the Wadi then they got 2 or 3.*

(Interview with *Omda* Naib Adam Abdul Rahman of Girgo near Kepkabia: Mile, Tchad 07/02/06).

Map 14: Girgo and surrounding villages



[http://www.humanitarianinfo.org/darfur/uploads/maps/Field%20Atlas/North%20Darfur%20Field%20Atlas\\_A4\\_Dec05.pdf](http://www.humanitarianinfo.org/darfur/uploads/maps/Field%20Atlas/North%20Darfur%20Field%20Atlas_A4_Dec05.pdf)

Initially, they stayed in Girgo for about a year and a half, before returning to Umm Burro when the drought had abated. However, in 1983, many of them, including Adam Abdul Rahman made the decision to move permanently to Girgo. This entailed many changes for the BeRà migrants. Most had spent most of their lives in Umm Burro as cattle and to a lesser extent camel herders. However the land in Girgo, with its loose wet soil, was unsuitable for camels; and cattle could not be kept in large numbers lest they ate the crops of Adam and his relatives' Fur neighbours. As a result the BeRà of Kepkabia province turned to farming (Interview with Onda Naib Adam Abdul Rahman of Girgo near Kepkabia: Mile, Tchad 07/02/06).

Interviewer- *and was it easy to move from cattle herding to farming*

Adam Abdul Rahman- *yes because in Um Borro we farmed in the summer months and herd in the spring and winter. We were always doing some farming in Umm Burro but when we moved to Girgo farming become our lives.*

Interviewer-- *what did you grow?*

Adam Abdul Rahman- *onions, tomatoes, griga, fowl, hay and other crops.*

Interviewer - *and these were for selling?*

Adam Abdul Rahman- *Yes. Traders would come to Girgo market, they have a big market there to buy the surplus and sell it in other places*

The switch from herding to farming, as alluded to by Adam Abdul Rahman is almost the mirror opposite of process of social change highlighted by Haaland (Haaland 1972). In his work on the *Fur-Baggara* ethnic boundary, Haaland highlights a process by which sedentary Fur farmers, constrained by a lack of alternatives for the accumulation of wealth, turn to cattle herding. This requires them to become attached to an already established herding 'Arab camp' (Haaland 1972).

Since land in Darfur is communally held, the accumulation of cattle is the most attractive way to amass wealth. Cattle however, do not thrive in agricultural areas during the rainy season. Therefore, those with over 8 to 10 head of cattle will be pressured to leave the village and become nomadic herders (Haaland 1978: 191). Haaland argues that though many Baggara become Fur, by adopting a settled lifestyle, more Fur take up nomadism. As a testament to the attractiveness of this alternative, Haaland estimates about 1% of the population of the western lowlands leave the village every year to become nomad herders (Haaland 1972: 152). However, there is no nomadic Fur subgroup, since nomadic Fur are considered Baggara by both ethnic groups (Haaland 1978: 191).

The same can be seen in the *Dor* area, where the inhabitants claim to be genealogically Fur but culturally BeRà. In Darfur, individuals, families and indeed entire ethnic groups can move across the ethnic boundaries and assume a new identity even though their new ethnic kin recognize them as coming from a different group (Haaland 1978: 192).

These systems of integration however vary from group to group and over time. Takana's work in 1986 shows the Habbaniya of Buram south Darfur assimilate smaller units as sub sections of the wider Habbaniya ethnic group, with all the rights and responsibilities of Habbaniya. While their neighbours the Rizeigat rarely assimilate other groups, though others

may use their land, such rights are not considered permanent and the land is seen as always being in the domain of the Rizeigat (Runger 1987: 37).

The difference in the two systems lies in the nature of their modes of production. As cattle nomads the Rizeigat are keenly aware of the carrying capacity of the land. To cattle nomads an area's value is connected to pastures and watering holes, both finite resources. Thus, allowing non-ethnies access to these resources is not in the best interest of the individual or the tribe. The Habbaniya on the other hand, though a Baggara group, have at least since the last century, perhaps longer, been primarily farmers (MacMichael 1922: 279). As a result the best farming lands are already claimed by Habbaniya farmers, thus allowing new comers to settle and have access to unwanted land would not necessarily upset the local balance of power. One can see a similar process in the case study from Dar Hotiyya which will be explored later in this chapter, where a newcomer, as with every other member of the tribe, has the right to cultivate a plot for himself as an individual holding despite the land being tribally held. This however is not a permanent right, but depends on continuous possession and use.

The fact that land claims are framed in terms of continuous possession has implications for the close to 2.5 million Darfuri internally displaced peoples and the 250,000 or so refugees in Tchad. Many are incredibly nervous about the fact that Sudanese land law grants the right to land ownership to inhabitants after only one year of use. After a further nine years the land becomes the permanent property of the inhabitants (Wax: Washington Post 2004). Thus land, which was at the centre of the current crisis is likely to prove problematic in the future, especially in the arid regions of north Darfur, the home of the BeRà, where good land is at a premium. In many ways adaptive processes to drought and the encroachment of the desert, have led to a system in which modes of production and by extension ethnicities, have created fluid boundaries.

Like most BeRà migrants, Adam and his relatives were compelled to switch from herding to farming as their primary mode of subsistence. However due to the comparatively good soils in the Kepkabia area many of the migrants were able to raise a surplus which could be sold in local markets and enabled them to meet their commitment to pay their Fur *Omda*, 10% of their produce and still have enough to sell in the local market, either in Girgo or in Kepkabia. They did all this with the help and expertise provided to them by their Fur neighbours (Interview with *Omda* Naib Adam Abdul Rahman of Girgo near Kepkabia: Mile, Tchad 07/02/06).

Initially the BeRà of Kepkabia were still subject to the *Shartai* of Dar Galla in Kornoi where the majority of the migrants had come from. The *Shartai* was not, for numerous reasons<sup>24</sup>, a popular man. His policies on taxation and his selection of people from only his *Airr Ke Beh* as *Mandubs* had long made him unpopular with the people of Dar Galla. Now that they had moved away from his domain many felt that it was time to break free from his overlordship. This however was not to be, since a decade after the first BeRà arrived in the area, the Jafaar Numeiri regime abolished *Idara Ahalia* in the now infamous 1971 proclamation. Though *Idara Ahalia* continued largely as normal during the Numeiri period no new *Omodiyya* was created for the BeRà of Kepkabia and as a result they were considered subjects of the *Shartai* of Dar Galla, who was represented by a *Mandub*.

Since the migrants paid taxes to the *Shartai*, through his *Mandub*, rather than try to block migration away from Dar Zaghawa, the *Shartai* and many of his *Mandubs* encouraged it. Since if these migrants did well in the diaspora they could contribute more revenue in the form of taxes to the *Mandub* and his Sultan. In this way, a conflict emerged between the *Shartai* and his *Mandubs* who worked in the south and the *Mandubs*, *Omdas*, and *Sheikhs* of Dar Zaghawa. The

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<sup>24</sup> Today he is accused of being a close associate of General Omar Basher. With some suspecting that he passes information to the Sudanese regime about certain key individuals. As a result he was been kidnapped twice by the SLA during the early stages of the conflict, only to be released later.

former encouraging and in many cases facilitating migration and the latter desperately trying to stop the flow of wealth and youth out of the region. Matters were only made worse by the fact that taxes from the diaspora did not reach the home villages of the migrants, but rather went from the *Mandub* to the *Shartai* and to the government.

This state of affairs lasted until 1995, when the BeRà of Kepkabia began to agitate for their own *Idara (administration)* independent of Kornoï. Finally, after three years of negotiations, Abakr Bashar was made *Omda of Adar*, a new *Omodiyya* which included most of the BeRà villages of Kepkabia. In 1999 Adam Abdul Rahman was appointed his *Naib (vice/deputy)*. The former was based in Adar and the latter in Girgo. At the same time a school teacher named Salih Muhammad Shumu was made *Omda's Secretary* (Interview with *Omda* secretary of Salih Muhammad Shumu of Adar close to Kepkabia: Mile, Tchad 07/02/2006).

The creation of an *Omodiyya*, for the BeRà of Kepkabia was part of a wider NIF strategy to create more local government and *Idara Ahalia* posts for NIF cadres to fill. Kepkabia was not the only area in which this took place. In the south of Darfur the Ma'ali were given their own Nazirate which meant that they were no longer subject to the Rizeigat Nazir, a position they despised. The Ma'ali were initially given their *Nazir* by the British in the 1920s but he was deposed by the British, who viewed him as incompetent (and a drunk) and subordinated the Ma'ali to their larger neighbours the Rizeigat, a situation which led to numerous clashes and conflict (Morton 2004: 7). In the East of Darfur the number of Berti *Omodiyya* jumped from three to twenty-three.

The experiences of the Berti of North Darfur are a particularly good example of these processes of alliance and fragmentation. In the mid 1990s they developed 'a *comprehensive plan for taking possession of the local government administrative offices in Darfur i.e., those of the governors, ministers,*

*executive administrators, etc., at the state and province levels. The first practical step done by the Berti was that they increased their Berti Omodiyya from three to twenty-three ones. This meant increasing the number of constituencies in elections for political and legislative offices in the interest of the Berti group. Coincided with this were publications undertaken by Berti elite: "Berti and Land", "Berti and Geography", and "Berti and History", which were intended to prove Berti's rights in the ownership of land and the participation in authority' (El Tom 1998).*

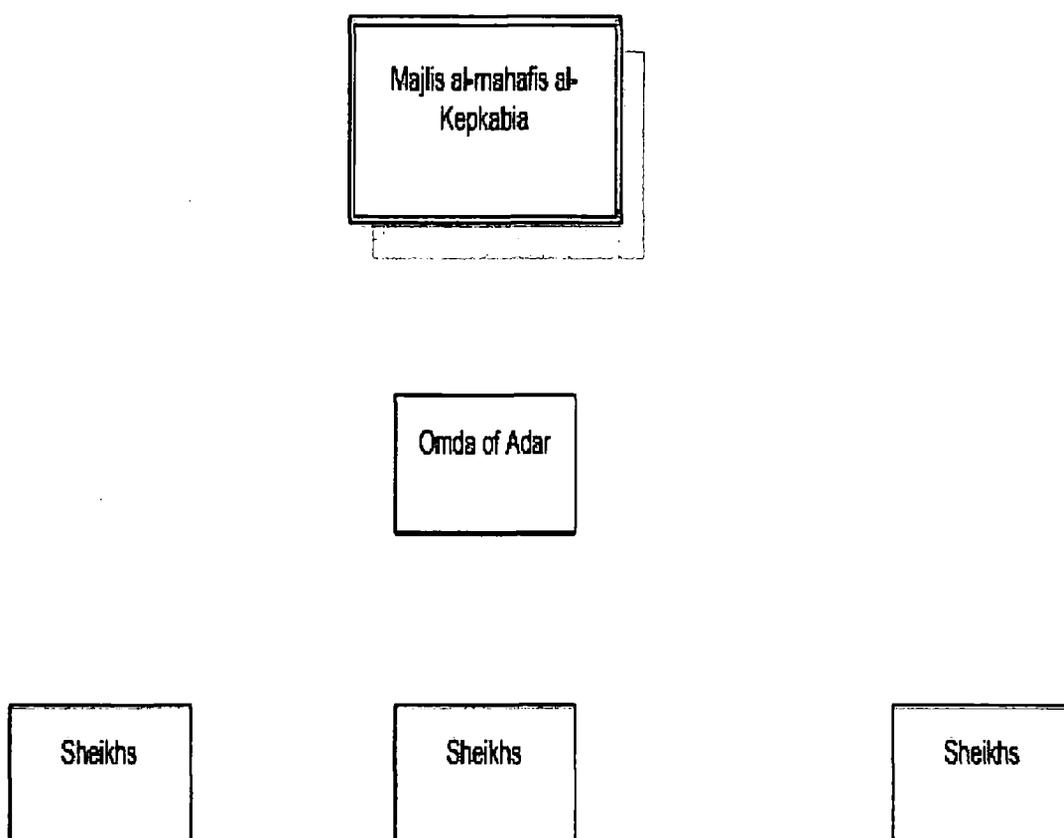
Darfuri scholar Abdullahi Osman El Tom, himself a Berti, writes, that the present Berti identity is a conscious reflection of their subordinate position vis-à-vis the kingdoms and states which have dominated Sudan over the past few centuries. It would appear that Berti, one of Darfur's larger ethnic groups, have been successful in their endeavour of redressing this historical imbalance. The past two governors of north Darfur have both been Berti and the Berti are the majority group of MPs in the National Assembly representing north Darfur, occupying 6 out of the 16 MP seats for North Darfur. Also Berti areas appear to have suffered fewer GoS and *Janjareed* attacks than other areas, during the current conflict.

Prior to the changes of 1997, the *Omda of Adar* reported to the *Shartai* in Kornoï, but this all changed around 1997. From the time the BeRà arrived in Kepkabia they had been subject to the *Shartai* in Kornoï, Dar Galla. He was represented locally by a *Sheikh* and a *Mandub* both of whom travelled to the area periodically to collect taxes and settle any disputes the BeRà were having (Interview with *Omda* secretary of Salih Muhammad Shumu of Adar close to Kepkabia: Mile, Tchad 07/02/2006).

Due to the peculiar nature of the *Omodiyya of Adar*, in that they refused allegiance to the paramount *Shartai* in Kornoï and did not want to be an *Omodiyya*, subject to the Fur *Demangi* of

Kepkabia, it was decided that the *Omda* of Adar should report directly to the *Majlis al-Mahafis al-Kepkabia*/Provincial Council of Kepkabia.

Chart 3  
Idara Ahalia in Adar

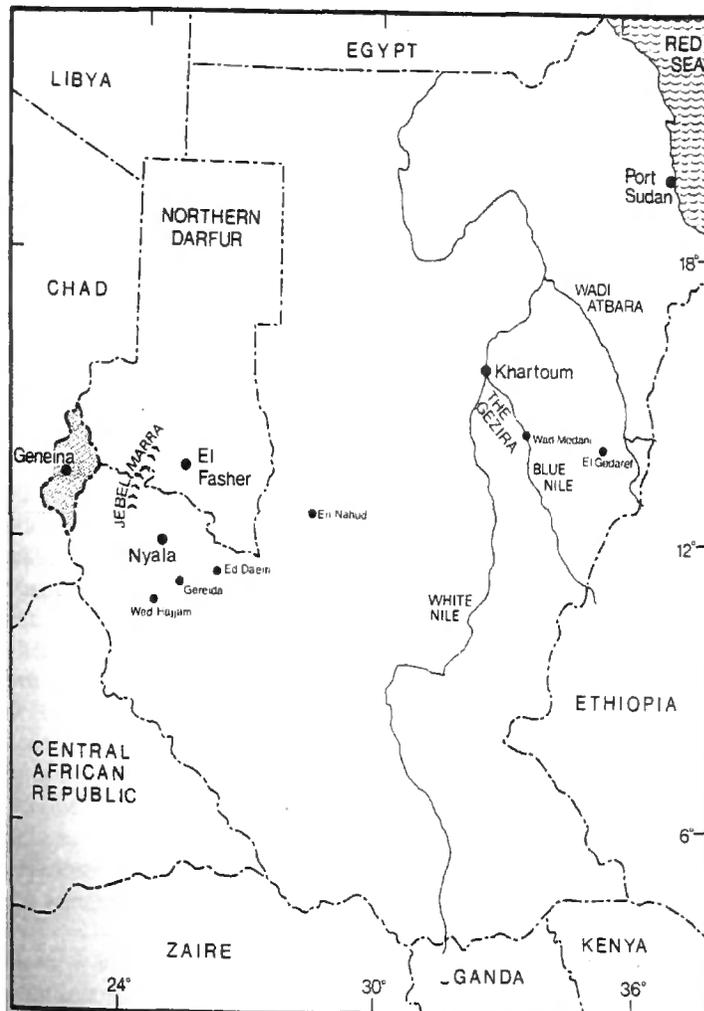


The new *Omodiyya*, which was established in 1998, consisted of about 20 BeRà villages in the Kepkabia area with a BeRà population of about 12,000 before the war (Interview with *Omda* secretary Salih Muhammad Shumu of Adar close to Kepkabia: Mile, Tchad 07/02/2006). Abakr Bashar was selected as *Omda* because of his good relations with the *Mahafis*, Khartoum and the local BeRà (Interview with *Omda* Naib Adam Abdul Rahman of Girgo near Kepkabia: Mile, Tchad 07/02/06).

This case study highlights some of the key features of the BeRà diaspora, namely that the diaspora and Dar Zaghawa remained linked through the figures in *Idara Ahalia*. The disputes regarding where taxes should be paid is not unique to Girgo. De Waal in his work *Famine That Kills*, highlighted similar disputes in *Legediba* in southern Darfur where the BeRà settled among the *Habbaniya* Baggara. There, the BeRà wanted to continue to pay taxes to their leaders in Dar Zaghawa but the Habbaniya believe that the BeRà *Sheikhs* should be incorporated into the *Idara Ahalia* of Dar Habbaniya.

b *Idara Ahalia in the BeRà Diaspora: the case of Dar Hotiyya, Sireaf and Saref Omra region, Kepkabia Province/Dar Masaalit*

Map 15: Dar Masaalit



(Tully 1988:15)

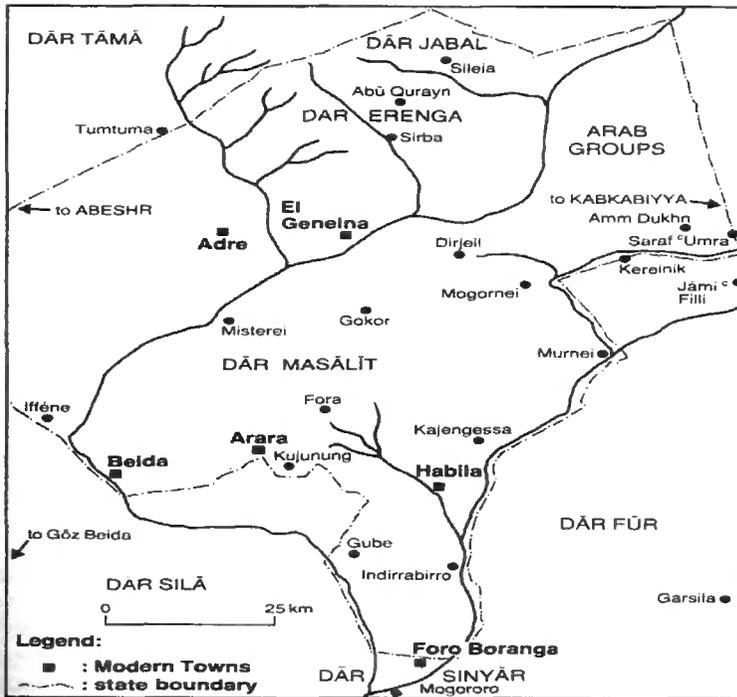
*Dar Hotiyya* lies to the far west of *Kepkabia province*, in the *Sireaf and Saref Omra region*, the latter being the capital of *Dar Hotiyya*. The *Hotiyya* are a small Arabic-speaking ethnic group that are primarily cattle herders. Along with the *Terjim*, *Otriyya*, *Mahadi* and *Dorok* they occupy a tract of land to the south of the Beni Hussein, to the east of the *Masaalit* and the various *Tamu* groups and to the west of the *Fur*. Little is known about these five related Arabic speaking ethnicities. The *Hotiyya* themselves claim a common ancestry with the *Gimr*, *Sa'ada*, *Terjim*, and *Korobat*, in that they are all supposedly either, descendants or followers of *Gimr Hassaballah*, a *Ja'ali* Arab who came to western Darfur area from Metama along the Nile over one hundred years ago, who established a state based in *Nokat* in Dar Tama (O'Fahey 1980: 84).

**Map 16: Ethnic groups in Dar Masaalit**



(Tully 1988: 17)

**Map 17: Historical Extent of Sultanate of Dar Masaalit**



Map of the Masālīt Sultanate c. 1900

(Kapteijns 1985: xvii)



*Dar Masaalit*, to which *Dar Hotiyya* is often attached, lies to the south-west of Dar Hotiyya proper in West Darfur State. It is perhaps the most populous of the border sultanates. The history of the Sultanate goes back to 1874 when the Masaalit threw off the yoke of both Ouaddai and Darfur and established what would be the last Sudanic state under their *Fursha* Hajjam Hassaballah (Kapteijns 1985: 18). In 1883 as the Mahdist forces closed in on Darfur Hajjam Hassaballah was deposed by Ismail Adb al-Nabi, a religious scholar and leading Masaalit follower of the Mahdi (Tully 1988: 21).

The current line of Sultans claims descent from Ismail Abd Al-Nabi, whose son, Abakr broke free from the Mahdists and established the region as a Sultanate in 1888, and went on to conquer the Jabaal, Erenga and several Arab groups. However in 1912 the fourth Masaalit ruler was forced, after years of warfare with the Fur, French and remnants of the Mahdists, to cede the western region of his kingdom to the French who had conquered Ouaddai (Kapteijns 1985: 18). The remaining region of the Sultanate was occupied by the British in 1923.

Prior to incorporation into the Sudan Dar Masaalit's system of administration was as follows

|                |   |
|----------------|---|
| Sultan         | paramount ruler   |
| Fursha         | appointed by the Sultan as heads of groups of clans         |
| <i>Malik</i>   | relatives of the Sultan or heads of clans or lineage groups |
| <i>Sheikhs</i> | little more than village head men                           |

The distinctions between each position were very vague (Tully 1988: 26). Soon after the British conquest the reigning Sultan Andoka had become the protégé of D.O. Reginald Davies.

A firm believer in Indirect Rule, Davies immediately set about recreating Dar Masaalit's native institutions through which the British would rule indirectly. In this endeavour he had a most unlikely ally, the Sultan himself. Andoka, being no fool, could see that what Davies was attempting was to create a centralized system, with the Sultan as the intermediary between the British and the Masaalit. For this to succeed the position of Sultan would have to be strengthened at the expense of his rivals, mainly his relatives and other members of the Sultan's clan. In this way the powers of taxation and justice were brought under the remit of the Sultan (Tully 1988: 25), in a similar tax pyramid scheme as the rest of Darfur. However by 1936 the administration was in disarray as the number of *Furshas* expanded to more than 30. After a joint purge of the 'more useless' Fursha by Davies and the Sultan, the number dropped to 26 in 1938 of which 17 were Masaalit (Tully 1988: 25).

These reforms meant that most of the administrative roles were now being carried out by the *Furshas* and *Sheikhs* as the position of *Maliks* became redundant. The immigration of large numbers of Tchadien Masaalit also reduced the importance of clan heads like *Maliks* as clan and lineage lines became blurred. So much so that by 1988, when Tully carried out his research in Dar Masaalit, most of the region's inhabitants had no idea about the borders of their clan's territory or even the identity of their *Malik* (Tully 1988: 27).

Today there are 20 Masaalit *Fursha* and eight non-Masaalit *Fursha* (Tully 1988: 27). However, in 1994 the non-Masaalit Fursha were elevated to the position of Amir along with 4 Masaalit. There is a Masaalit *Omda* of Genneina, and 24 Arab *Omdas*. Together they govern over 1500 *Sheikhs*.

**Table 10: Idara Ahalia in Dar Masaalit**

| Position           | Role  | Current Post Holder  |
|--------------------|---|--|
| Sultan             |   | Haroun   |
| Amir <sup>25</sup> | 8 to 12 Arab 4 Masaalit                           | Babi Deen  |
| Fursha             | 20 to 28Masaalit 8 others, 1 Sultan of the Gimr   |  |
| <i>Omda</i>        |   | Diah Abdullah<br>One of 24 Arab<br><i>Omdas</i> in Dar<br>Masaalit |
| <i>Sheikh</i>      | 1500 +<br>36 under the <i>Omda</i> of the Hotiyya | Idriss Abdul<br>Rahman Harba                                       |

<sup>25</sup> Note: The position of Amir unknown in Darfur. Actually tried and discarded by the British in Zalenji west Darfur in the late 1928-1932 (Pettersen 1986: 128). It was reintroduced by the NIF regime in the late 1990s

The BeRà began to arrive in this area a little later than they did in the Kepkabia and Girgo areas, only really arriving in substantial numbers in the 1970s. Though there is a well established BeRà community in Genneina, the capital of Dar Masaalit, Dar Hotiyya with its small market and distance from the main roads was not initially settled by large amounts of BeRà migrants. However, since the Hotiyya were semi nomadic cattle herders and the Dar had a relatively low population density, there was an abundance of land available for the BeRà farmers, like Idriss Abdul Rahman Harba.

*Sheikh* Idriss Abdul Rahman Harba was seventy-five years old at the time of my interview and was born in Abu Gamra in Dar Zaghawa. He moved to Saref Omra when he was about fifty years old.

Interviewer-

*why did you leave Abu Gamra*

*Sheikh* Idriss Abdul Rahman Harba

*My children had finished school and I did not have to stay in Abu Gamra anymore. You have seen Dar Zaghawa, the land was not good in Abu Gamra.*

Interviewer-

*you had been there before*

*Sheikh* Idriss Abdul Rahman Harba-

*yes I had gone to sell animal there many time*

Interviewer

*Do you remember when the first time you went to the area was?*

*Sheikh* Idriss Abdul Rahman Harba-

*Sorry, no.*

Interviewer-

*so of all the places you travelled to why did you chose Saref Omra.*

*Sheikh* Idriss Abdul Rahman Harba

*because the land was good that was the reason and even my children liked it.*

Idriss Abdul Rahman Harba had been *Sheikh* in Saref Omra for some twenty-four years before the conflict. He took up his position less than a year after he arrived in the area. When he was appointed *Sheikh* of the BeRà in Dar Hotiyya he was give a grant of 30 *feddans* of land by the paramount *Omda* of the Hotiyya, Muhammad Hussein. This huge grant of land was a mark of his position. After his death, Muhammad Hussein was succeeded by Diah Abdullah (Interview with *Sheikh* Idriss Abdul Rahman Harba of Saref Omra, Kepkabia: Mile, Tchad 02/02/06).

In the past twenty-five years Dar Hotiyya has become a magnet for drought and economic migrants. The *Omda* of the Hotiyya has an unusually high number of subordinate *Sheikhs* for such a small ethnic group, some 36 in 2002. This was an unusual situation that meant that in Dar Hotiyya there were not only more non-Hotiyya than Hotiyya, but also that the immigrants came from almost every ethnic group in north and west Darfur. Many, like *Sheikh* Idriss Abdul Rahman Harba, represented communities of migrants that have taken up residence in the Hoityya's communal Dar, while others represent sections or tribes of the Hotiyya ethnic group. *Sheikh* Idriss Abdul Rahman Harba admitted he knew of *Sheikhs* from the following:

- BeRà
- Gimr
- Tama
- Otriyya
- Awara
- Marasa
- Dorok
- Beni Hussein
- Fur
- Masaalit

In addition there may have been others he was not familiar with (Interview with *Sheikh* Idriss Abdul Rahman Harba of Saref Omra, Kepkabia: Mile, Tchad 02/02/06).

The large number of immigrants in Dar Hotiyya may be unusual, but the accommodation of immigrants by host communities is not unheard of. In the far east of the Sudan, along the Red Sea coast, a similar situation exist between the *Hadendowa* tribe of the *Beja* ethnic group, the original Cushitic speaking inhabitants of the region, and the *Rashaida*, nineteenth century immigrants from the Hejaz in Saudi Arabia. Peaceful coexistence between the *Rashaida* and *Hadendowa* was confirmed by an agreement between the two tribes signed in 1933, during the period of British rule. The agreement, which was negotiated and signed by both the *Hadendowa* and *Rashaida* leaders and notables, safe guarded the interests of the two ethnic groups and maintained peace and security between them (El Amin 2004: 10).

In some cases migration is not always this peaceful, and it seems that government intervention can have a negative effect. Thus, when Arab groups from other parts of Darfur and even Tchad and Niger settled in Dar Masaalit they had been given a *Sheikh* or *Omda* subordinate to the Masaalit *Sultan*, as was the custom. In 1995, however, Dar Masaalit was divided into thirteen *Amirates*; five went to Arab groups and only eight to the Masaalit themselves (International Crisis Group 2004: 7). The Masaalit opposed the division of their traditional *sultanate*, first peacefully, then by violent means. The Government then claimed that Masaalit insurgents were in league with SPLA rebels in the South. There followed a coordinated attack on the Masaalit by the army and militiamen drawn from Arab groups in Darfur. The conflict, which ran from 1996-1999, forced a large number of Masaalit to flee to Tchad. In the ensuing violence close to two thousand Masaalit were reported killed and many villages destroyed (Mohamed and others 1998). This was one of the contributory causes of the current war in Darfur.

The Government established special courts to try those accused of instigating the violence in Dar Masaalit, and fourteen were sentenced to death. A Government-sponsored tribal reconciliation conference was also convened at which it was reported that 292 Masaalit and seven Arabs had been killed, 2,673 houses burnt, large amounts of livestock had been looted, and that the Masaalit had borne the brunt of the violence and losses. Compensation was agreed, but the Arab tribes refused to pay and were not forced to do so by the central Government (International Crisis Group 2005). This pattern of unenforced agreements was to recur in Darfur in subsequent years.

In Adar, the BeRà immigrants were happy enough to have their own *sheikh* subordinated to the Hotiyya *Idara*. Like all the other immigrant communities in Dar Hotiyya they were obliged to give 10% of their produce, either in the form of crops, livestock or cash to their *Sheikh*, who

in turn passes it on to the *Omda*, who in turn takes a portion (Interview with *Sheikh* Idriss Abdul Rahman Harba of Saref Omra, Kepkabia: Mile, Tchad 02/02/06). Dar Hotiyya became a hotbed for *Janjareed* activity during the Darfur war mainly because many Hotiyya had become concerned about the numbers of immigrants living in their *Dar*. The Hotiyya not only attacked the BeRà and other non-Arab immigrants, but also asked many of the region's Arab immigrants to leave the Dar.

These four case studies – Dar Tama, Dar Zaghawa, Girgo and Adar- each give us a bit more insight into the structure, history and change of forms of governance in the peripheral zones of the state. They all also show us the resilience of these systems, even during times of turmoil and conflict. An interesting feature of *traditional administration* in the region is the similarities in Darfur and Tchad. As a result of this more hands on approach to traditional leadership, albeit inherited from the British, endogenous systems of leadership have been far more politicized in Darfur than they have been across the border in Tchad. Therefore it is not surprising that the struggle over traditional leadership and traditional administration has become deeply intertwined with the current Darfur conflict.

Though I have only examined one Sultanate in Tchad (Dar Tama) and three areas in Darfur (Dar Galla, Girgo and Dar Hotiyya) it is clear that there are numerous similarities in terms of taxation, organisation, history and development. In fact the main difference between the two areas seems to be the appointment of *Chef de Cantons* by the Tchadien state while *Omdas* are appointed or elected by the local populace. This, in itself, may be more a facet of the similar intrusion of the central government to the region, rather than a difference between the two systems- insomuch as there is no evidence of the election of *Idara Ahalia* post holders before the reforms introduced by the military regimes in the Sudan. Thus, this difference in the

appointment and selection of post holders tells one more about the role of the state in regions, than it does about the differences between *Idara Ahalia* and *Ndbim al-Hilla* in the region. This is just one of many superficial differences imposed by the various colonial rulers in the region.

The three case studies from Darfur highlight the role of traditional leaders in facilitating migration from Dar Zaghawa. An interesting aspect of the Dar Hotiyya and Girgo cases are that, even though in Girgo the BeRà settled among Fur farmers and in Dar Hotiyya they settled among nomads the general practice and structure of *Idara Ahalia* was generally the same.

One of the main effects colonial policy had on BeRà society was to 'freeze frame' many of the lucid and often contradictory posts and titles that existed in the pre-colonial era. Many of these posts were in themselves a reflection of Dar Zaghawa's connection to regional and global currencies of power. In this way *Ilu Mirma* (*petit chiefs*) and *Ilu Bugutti* (*big chief*) became *Shartai* and *Maliks* (Tubiana 1976: 57) under the influence of the Keira Sultans whose own currencies of power had been moulded by both Islam and the Tunjur.

Today the following is the system of Administration in Dar Tama

*Sultan*

*Mandub*

*Aguid*

*Sheikh*

While in Ouaddai it is as follows:

*Sultan*

*Maqdan*

*Malik*

*Aguid*

Across the border in Darfur the system is as follows:

*Paramount Sultan (vacant since 1917)*

*Sultan, Shartai, Demangi or Malik*

*Maqdam or Mandub*

*Omda*

*Sheikh*

Over the years the Sudanese state has passed numerous laws and made numerous pronouncements on the issue of land ownership and in particular the abolition of customary law and land ownership. What is apparent however, is that customary law applies to any area of land that the state has not claimed as its own for development purposes (Runger 1987: 25). The May Revolution of 1969 opened the way for greater land seizures. In 1970 the Unregistered Land Act was passed stating that all unregistered land belonged to the state. This was followed by the Local Government Act in 1971. This new act was an attempt to abolish *Idara Ahalia* (Runger 1987: 30). The act created rural, village and nomad councils that in most cases had the same boundaries as the former Dars (Runger 1987: 36). The Act though often seen as a milestone in Sudanese history was not a complete success as it did not do away with *Idara Ahalia* since there were no civil servants to take the place of the *Omda* and *Nazirships* that had been abolished.

Prior to the Darfur conflict, four tiers of land ownership existed in Darfur:

1. *At the communal scale, each tribe has a given land as a Dar.*
2. *Within the tribal Dar, there is the dan ownership with a known boundary.*
3. *At village level, there is the village land where each villager practices his private ownership, which is*

*respected by all.*

4. *Unclaimed land, used as range land or allocated to 'strangers' (migrants) by the village head* (Mohamed 2004: 61).

Land allocated to an individual cannot be withdrawn unless he/she leaves the village for an extended period. When this happens, the abandoned land reverts to the village community to be allotted to someone else. In all cases, the owner of the land is free to hire out part of his land or dispose of it in the way he likes and after death, the land is inherited by his children or relatives (Mohamed 2004: 61). Thus an individual's right to any give piece of land is conditional on the prolonged and continued use. However, individuals can establish control over land through the opening up of a new areas by clearing and preparing it for agriculture.

The terminology of the *Native Administration* in Darfur is complex, as a result of having accommodated a number of variants of tribal authority. In the case of the Fur, each section had a *Shartai*, or more commonly a *Demangi*, however in urban areas like Kuttum, Al Fashir and Nyala, the Fur had a *Maqdam*. The Masaalit were ruled by a paramount leader known as a *Sultan*, who ruled over a number of *Furshas*, who in turn commanded a number of *Omdas* who govern even more *Sheikhs*. The Arabs of Darfur had their own three tiers of authority. At the apex of which were the *Nazirs* as the heads of tribes, below them *Omdas* who were the heads of a tribal subsections and at the bottom the *Sheikhs*, village or camp heads. All had specific rights and duties towards the Government. Many of these offices survive while some have fallen into desuetude.

What emerges is a picture in which:

*Many of the supposed central tenets of African land tenure, such as the idea of communal*

*tenure, the hierarchy of recognized interests in land (ownership, Usufructury rights and so on), or the place of chiefs and elders, have been shown to have been largely created and sustained by colonial policy and passed on to post-colonial states... In addition, the so-called customary rules reflected only some of the voices of indigenous society... what came to be the content and procedures of customary law were generated out of a compromise and uneasy alliance between the power holders of African indigenous societies and colonial powers (Whitehead & Tsikata 2003: 75).*

Thus, like later post-independence concepts such as *African Socialism* of Mboya and *Ujamaa* of Nyerere, many of the key concepts of *traditional administration* were either invented or reinterpreted to suit the purposes of those in power (Grillo 1993). The purpose of these initiatives, in many instances, was to allow central governments to effectively project state power into the peripheral areas, without having to compete with already established actors and local forces. In this way positions of power or influence, as with the *Sheikh* in Darfur or indeed chief in Tanzania, were recast and reinvented in a way that makes their power seem not only necessary but timeless.

Perhaps the most important feature of this *shallow* or *short-term temporal historicity* is that once such alternative forms of power, such as traditional paramount rulers, have been destroyed, new leadership quickly fills the power vacuum. Thus, in Darfur once Ali Dinar was killed the various *Demangi*, *Shartai*, *Mandub*, *Omda* and *Sheikh* became exponentially more powerful, without the Sultan imposing his authority on them. It has to be remembered that many of the figures in Idara Ahalia in the Fur Sultanate were descendants of local rulers who had created their own petty states. One such state was Dar Masaalit, which became a full-fledged state when its overlord (Darfur) was weakened by the forces of Zubeir Pasha.

This ability to reinvent and reinterpret history also extends to land tenure and

administrative systems in the region, which is seen as coherent, static and overly legalistic. The problem lies in the fact that customary law, as it emerged as a concept, was thought to be 'a different kind of primarily legal system carrying out many of the same functions as formal [Western] law' (Whitehead & Tsikata 2003: 75). It is that kind of perception that some influential policymakers, policy-making bodies and more importantly local scholars and lay people are today rediscovering.

This is in stark contrast with what anthropologist and historians have been trying to tell policy makers, with very little success, for over fifty years. Both sets of academics acknowledge that:

*African systems of land access were ... created by use and negotiated, and that to some extent they remain so today. ... Community-level patterns of land access were not rigid, but flexible and negotiable... Within kinship groups and households, claims to use were made by men and women for land inherited within these social groups, while between them, claims could also be made on a number of bases. Partnering, pledging and loaning provided access to land for use without undermining the flow of land through inheritance and most communities also had ways in which in-migrants could make claims to land that was not already assigned. (Whitehead & Tsikata 2003: 76-77)*

Rather than seeing these systems as set in stone one must acknowledge that they are culturally relative and fluid, as well as socially embedded.

## CHAPTER 7

### JUDIYYA AS THE MIDDLE GROUND:

#### COMPENSATION BASED JUSTICE AND CONFLICT RESOLUTION IN THE GREATER DARFUR OUADDAI REGION

*Judiyya is not like a court of law and it is not exactly Sharia or religious law. It is a means of solving conflicts by the middle ground. It is the middle road system.*

Omda's Secretary Salih Muhammad Shumu of Adar, Kepkabia: Mile, Tchad 07/02/2006

#### *1 Pre- and Post-Islamic Traditions of Conflict Resolution*

As previous chapters have shown, there are numerous possible causes of conflict between and among ethnic groups, which coexist in the same area or interact frequently. However, even in the face of such conflict, various ethnic and communal groups, the world over, have developed mechanisms to mitigate conflict. Some are even specifically designed to ensure peaceful coexistence in spite of resource competition and fragmentary alliances that characterize the Sahel and Sahara. These traditional mechanisms rely not only on common cultural heritage, regarding the areas in question, but are also on subscription to a particular set of norms, for them to work. Subscription to these norms will vary over time and from place to place and though some aspects may be contested, it is the adherence to the core principles that makes mediation and conflict resolution possible.

Though the role that competition plays in violent conflict needs to be stressed, it seems it can easily be over stressed. A number of non-violent forms of competition and an even larger number of non-violent forms of conflict resolution exist. The fact that such settlements i.e. relocation, exchange and territoriality, may not be as effective as violence in obtaining and

securing resources, is offset by the fact that they are less costly in terms of energy and indeed lives.

There is a considerable body of literature on conflict resolution and peace accords between states, or states and their constituent regions, or even states and their subjects (de Silva and Samarasinghe 1993, Woodhouse & Ramsbotham (eds) 2000, Burton 1990, Becker & Mitchell 1991 etc). However, there is comparatively little written on communal conflict resolution. This chapter will help to bridge that gap, by focusing on communal conflict resolution, while drawing on inter- and intra- state examples.

When a conflict exists between two parties there are a surprisingly limited amount of options available to those parties to bring about a peaceful solution. Namely:

- **Domination-** where one group forces its will on the other
- **Capitulation-** where one side allows itself to be dominated by another
- **Withdrawal-** where one party refuses to be part of the conflict any longer
- **Negotiation-** direct talks between parties to the conflict
- **Mediation/ Arbitration-** third party negotiation

(Rubin 1997: 6).

This chapter will focus on the practice of third party negotiation known in Northern Sudan as *Judiyya*. It must be noted however, that third party negotiation only becomes necessary, and indeed possible, when the conflict has either reached a point of deadlock, or when one of the parties feels secure enough to seek external mediation. More importantly, direct negotiations must either have run their course unsuccessfully, or be ineffective or impossible for some other reason.

It is clear that many aspects of conflict resolution during the pre-Islamic period or *Al-Jahiliyyah*<sup>26</sup> were continued later during the Islamic period and transferred to Darfur during the regions earliest encounters with Islam. The *Bayinah* or deliverance of proof by the plaintiff and *Yamin*, the oath given by the defendant, are both still widely used to open conflict resolution processes. Even today among Darfuri refugees in Tchad, a plaintiff is asked to submit *Bayinah*, if none is forthcoming the defendant will then be asked to swear *Yamin* on the Qur'an. Declining to do the latter is the same as an admission of guilt. However if the defendant does swear then proceedings will begin to determine the validity of the claims put forward by the conflicting parties. It should be noted, however, that all forms of Islamic conflict resolution are considered *Ilzam Manawi*, morally binding, rather than *Ilzam Qanuni*, legally binding.

Another important, perhaps central, feature of Islamic conflict resolution is the payment of *Diya* or *blood money*. Interestingly enough, the most often cited reason for the failure of contemporary mediation revolves around the payment of *Diya*. The term *Diya*, often translated as *blood money* is actually a colloquial contraction of the word *Fadiyya*, which means *the sacrifice*<sup>27</sup>. In murder cases *Diya* is always set at a price that the defendant can feasibly pay and the circumstance of the crime, and the social status of the victim are also taken into account (Khuri: 1997: 123). According to the *Malakia* school of *Fiqh* or Islamic jurisprudence, the relatives of the murderer must pay one-third of the entire *Diya* sum regardless of the contribution of other relatives and allies.

*Diya* is paid to the blood relatives of a murdered person, or the wronged party if they were injured or suffered loss of property; usually as part of a settlement relating to the

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<sup>26</sup> The word *Jahiliyyah* actually means ignorant, and *Al-Jahilian* the (time) of ignorance i.e. the pre Islamic period

<sup>27</sup> *Fadiyyen* the plural of *Fidiyya* was the name a corps of soldiers used by Saladin during the Crusades and also the crack troops of Saddam Hussein's Iraqi army

normalization of relations between conflicting parties. In cases of homicide, it is the relatives of the murderer who are bound to pay *Diya* to the relatives of the victim (Khuri 1997: 132). However, they are expected to receive help from their relatives and in some cases co-ethnics or even non-ethnics, with whom they have an alliance. Thus, tracing descent through the generations, even fictitiously, implies historical importance, as well as a wider range of potential relatives and supporters.

In cases of homicide the murderer is usually given sanctuary in another area, in order to facilitate the diminishing of tensions. In more recent times murderers are remanded in police custody, not as a punishment, but for their own protection while tempers are hot and relatives prone to violent retributions. Later, after *Judiyya* proceedings have begun, the murderer will be released into the custody of his local *Sheikh*, whose task it will be to ensure that he does not flee from justice. The murderer however, is free to carry on with his life as normal, while the *Ajawid* try to come up with a suitable *Diya* amount.

The economic situation of the parties involved is reflected in the going rate of *Diya* compensation, which varies from region to region and from ethnic group to ethnic group. Prison sentences were rare even during the Condominium Period (Pettersen 1986: 86). Among the BeRà of Darfur the *Diya* allocated for specific offences is fixed and widely known -especially for cases of *homicide*.

In cases where there is large scale conflict, or when the killer has escaped to the safety of his tribe or for some other reason cannot be brought to justice, then the tribe will be forced to pay the *Diya*. In the latter cases the paramount head of the region, or of the tribe, will organise the *Diya*, dividing it up between his *Omdas* and *Sheikhs* so the burden does not fall on one particular section (Interview with *Omda's* secretary Salih Muhammad Shumu of Adar close to

Kepkabia: Mile, Tchad 09/04/2006). In Darfur the standard *Diya* price for the loss of one male is 100 *Taniya*, where:

**Table 11: Taniya System in Dar Galla**

| Animal          | Taniya Value |
|-----------------|--------------|
| 1 Adult Camel   | 3 Taniya     |
| 1 Young Camel   | 2 Taniya     |
| 1 Cow           | 1 Taniya     |
| 7 Sheep         | 1 Taniya     |
| 4 goats/3 sheep | 1 Taniya     |

66 1/2 % of the Diya is paid to the paternal family of the victim

33 1/2 % of the Diya is paid to the victim's maternal relatives

(Interview with *Omda's* secretary Salih Muhammad Shumu of Adar close to Kepkabia: Mile, Tchad 09/04/2006).

Though *Diya* is measured in terms of *Taniya*, which itself is based on the value of specific animals, recently, more and more *Diya* is being paid in cash, reflecting a general trend of market integration taking place throughout the Greater Ouaddai Darfur Region<sup>28</sup>. The animals, or cash, once collected are brought to the *Ajaruid* for inspection before being distributed. However, not all of the *Diya* goes to the immediate relatives of the victim. Of a typical *Diya* of 100 *Taniya*, the father of the victim will get 12 *Taniya* and the rest will go to other relatives and figures in *Idara Ahalia* (Interview with *Omda* Haroun Suliman Gani of Abu Gamra: Mile, Tchad 21/12/2005). In this way all the relatives who would have been involved in hostilities or who would have

<sup>28</sup> For more on Market integration in the region see (Tully 1998).

benefited from the labour, marriage and children of the victim, are compensated. If the victim's family agree to the *Diyā* the problem is considered solved and after payment no further action is needed. Otherwise the matter will be transferred to the state run court system.

Much of Islamic conflict resolution has its origins in the *Sulh*, *settlement/resolution* techniques of *Al- Jahiliyyah* or pre-Islamic period (Moussalli 1997: 44). *Al- Jahiliyyah* was characterized by periods of intense inter- and intra-tribal warfare and feuding. As a result complex systems of *Sulh* developed including *Wasæet* mediation; *Tabkim* arbitration and *Judiyya*.

## 2 *The Place of Judiyya and Ajarwid in Pre-war Darfur*

*Judiyya* is an established mediation tradition in northern Sudan, conducted by a *Faki* wise man, or a *Native Administration* leader known as *Ajarwid*. The *Judiyya* system is based on third-party mediation, with the mediators known as *Ajarwid* (sing. *Ajarwidi*). The root verb *Jud* means *good*, but the same word also forms the root of such words as *magnanimous* and *generous*. For *Judiyya* to take place the *Ajarwid* must be accepted by all conflicting parties, this acceptance is based on their reputation as wise and knowledge of the traditions. Traditionally, *Judiyya* ends when a settlement of some sort is reached; this settlement need not be all encompassing, but should re-establish some sort of harmony through the payment of compensation. To achieve this, the rhetorical skills of the *Ajarwid* are important, appealing to the wisdom of the parties and to their honour, but the process is also political because pressure is put on the parties to agree.

In Darfur the *Ajarwid* are, by traditional practice, elderly people who are versed in communal customs and customary laws. They are however, not neutral in the Western sense of the term. Their practice is to exert pressure on the party resisting a settlement until they accept the recommendations the *Ajarwid* have settled on (Mohamed and Badri 2005). In this way *Ajarwid* act as facilitators, mediators and arbitrators depending on what is needed. According to Ali Ali-Dinar (Ali-Dinar 2004: 4), a scholar who is himself from the lineage of the sultans of the Fur, the *Ajarwid* form part of a system for the regulation of group land rights and ethnic boundaries that was unquestioned until very recent times:

*Disputes were resolved in traditional reconciliation conferences Mutamarat al Sulh whose rulings were always respected and honored. Even at times when the government was involved, it served as a facilitator and not as an enforcer. Government neutrality contained ethnic conflicts not only in Darfur but also in Kordofan and in the south (Ali-Dinar 2004: 4).*

a. *Government-Sponsored Judiciary*

A distinction needs to be made between *communally* and *government-sponsored Judiciary*. The latter has its origins in the Condominium period. The colonial government (1898-1956) authorities recognized the system of *Native Administration* and made some modifications to it, as discussed in the previous chapter; so that they could more easily control the Sudan's often-unruly natives. Communities and community members were forced to live within the limits of their *Native Administration* area and could not go beyond them, except in the case of drought and war. Even then they were expected to return to their *Dar* once the cause for leaving it was resolved. Key to this system of colonial control was the creation of *Native* and *District Courts*.

In the colonial period, law enforcement institutions such as courts, police stations and prisons were established, but also traditional, *Native (Administration) Courts*. In a situation reminiscent of the colonial government's creation of *Idara Ahalia*, *Native Courts* were created, below government courts. When the Sudan gained its independence in 1956, post-colonial governments also continued the tradition of organizing *Mutarrarat al- Sulh* or reconciliation conferences, to settle persistent or reoccurring conflicts.

In this way, the colonial government (1898-1956 Sudan as a whole, 1916-1956 Darfur and 1923-1956 Dar Masaalit) adopted two policies that greatly lessened inter-group violent conflicts (Mohamed 2002b):

- a heavy-handed pacification policy and
- the standardization of the system of tribal administration, which would become known as *Idara Ahalia/Native Administration*.

By definition, colonization implied pacification, so that extraction of economic resources would be possible. Disturbing law and order was made punishable and in most cases individual responsibility replaced the traditional communal responsibility for dealing with crimes (Mohamed 2002b). Thus, the Anglo-Egyptian Condominium government in the Sudan established a system of urban and rural courts that also covered Darfur (Pettersen 1986).

The first government-sponsored *Judiyya* in Darfur was organized by the colonial government in 1932, under the name “*The Protocol*”, and sat outside of the jurisdiction of the government courts (UNICEF 2003a: 48). During the Condominium period such tribal meetings were usually sponsored by the Government. It was the responsibility of the Government, as the convener, to arrange the location and time of the conference, as well as using the security apparatus at their disposal to prepare a list of deaths, injuries and other losses. The colonial government also selected and notified the *Ajaruid*, and determined the number of representatives each party in the dispute would put forward. A fairly senior public official would chair the entire proceeding (Egiemi and Pantuliano 2003), thereby ensuring that the interests of the colonial government were served. The fact that government officials organized the conferences meant that they could select only those whom they felt they could trust or who they could manipulate into representing their interests, or at least not opposing them. This partial assimilation into the apparatus of government has endured, with variations, to the present. Thus, in government-sponsored *Judiyya* today, *Ajaruid* are selected by Khartoum or State governors in an attempt to impose their authority — and in some cases their will — on the conference.

Before a government-sponsored peacemaking conference is convened, preparatory measures will be taken by the government authorities, including: deciding the time and place for the conference, directing security forces to prepare lists of deaths, injuries and material losses;

selecting and notifying the *Ajaruid*; asking the parties in conflict to select their representatives; and arranging how the conference is to be managed. A fairly senior public officer, believed to be capable and acceptable to the parties in conflict, will be designated as chairperson for the conference and will be assisted by a working group. Of course, it is the government that meets the financial obligations for the conference.

When the conference is convened, the procedure runs as follows:

A moderator will ask one of the saints to recite verses from Qur'an and the *Hadith*. Citations will normally concentrate on verses and *Hadith* that commend living in peace for individuals and communities. Listeners are also reminded of the mischievous consequences for engaging in feuds and homicide. Then the chairperson addresses the conference acknowledging the difficulty of the task at hand, but indicating his confidence in the *Ajaruid*, whom he is sure have the ability to solve the problem and restore brotherly relationships between parties in conflict (Mohamed 2002b).

The next step is the 'story telling' by representatives of the conflicting groups. Each party will try to demonstrate how the other party was the one responsible for starting and worsening events leading to violence. As a way out, each party will lay down extreme conditions for the other party so that the conflict might be resolved (Mohamed 2002b). A written statement will be read out by a representative of each party and will be submitted to the *Ajaruid* and government authorities as a conference document. The floor will then be open for more 'story telling' by representatives of each group, confirming in most cases what the group had decided to focus on in its written document. The meeting will then be adjourned so that the *Ajaruid* might sit alone by themselves and deliberate on how they may proceed with the mediation.

The government authorities will have already decided who should be the *Ajareid* chairperson. The *Ajareid* will then meet with each party, in caucuses, for deliberations on the issues they raised and solutions they suggested (Mohamed 2002b). The *Ajareid* will be careful not to indicate sympathy for either side. Rather, they will express their understanding of the points parties made, and would advise them to be lenient on certain issues that might block the reconciliation process. Again, the *Ajareid* will sit alone and agree on what they perceive to be the solution for the problem. They go back and forth between the parties, after having assigned roles for the "doves" and "hawks" (Mohamed 2002b). Their tentative judgments will by now be clear and their most difficult task is convincing parties to accept their judgments.

This process of convincing might take hours and sometimes days in which not only the *Ajareid*, but also the government authorities, will put pressure on the party refusing settlement conditions. Certainly, no side will want to be labelled as the obstacle to making peace or the one refusing the wisdom of the *Ajareid* (Mohamed 2002b). The representatives of parties in conflict will normally find themselves in the difficult situation of having to accept *Ajareid* judgment while fearing grassroots reaction to what may be perceived as unjust problem solving. This is one of the reasons why increasingly government-sponsored peacemaking conferences have failed to put an end to inter-group conflicts. *Judiyya* judgments might not always be properly and honestly conveyed to people at the grassroots level.

b. *Communally Sponsored Judiciary*

By communally sponsored *Judiciary* I mean conflict resolution meetings that are organised and implemented with little or no-direct state involvement (we will define what constitutes state involvement later). Secondly this section -as with the entire thesis- mainly deals with *Judiciary* and *Idara Ahalia* among the BeRà unless otherwise stated.

In its traditional form, once a mediation conference has been convened, it follows a fairly standard course. The moderator asks a ranking religious figure to recite a suitable verse from the Qur'an or Hadith, stressing the need for the nations of man to live in harmony. After the chairman has spoken, the parties lay out their cases, each usually accusing the other of starting hostilities. Each party then submits a list of complaints and demands, the satisfaction of which would, in their view, resolve the conflict. The *Ajareid* then retire for discussion. Their role is to try to convince both parties to stand down from demands that would block a settlement. Once they have agreed on a solution, they return to the meeting and try to cajole the two sides towards an agreement. The *Ajareid* may also ask the government to apply pressure on the party that is not willing to accept the settlement put before them (Egiemi and Pantuliano 2003). In this way the role of the state in communally sponsored *Judiciary* is to facilitate the smooth running of *Judiciary*, by acting as a fall back when mediation fails, or with the threat of sanction for those who break agreements.

Communally-sponsored *Judiciary* are similar in form to the government-sponsored mediations, but with some critical differences. In the case of communal *Judiciary*, the *Ajareid* may be religious leaders or others of high social standing within their respective communities. In this form of *Judiciary*, the *Ajareid* decide on a place and time of meeting. Mediation usually takes place in the house of the one of the *Ajareid* who comes from a group that is not party to the conflict.

Like government sponsored *Judiyya* the proceedings begin with a prayer (Egiemi and Pantuliano 2003: 20).

The key difference between the two is who are selected as *Ajaruid*. In communally sponsored *Judiyya* only elderly, respectable, wise and experienced people are chosen to be members of the council. In Darfur there is a preference for figures in *Idara Ahalia* to act as *Ajaruid* when a *Judiyya* council is convened. However, the exact nature and make up of each council will vary depending on the nature of the conflict. The various council members will have different tasks depending on what needs to be done, thus some will perform the functions of arbitration, mediation and reconciliation between conflicting parties.

Another key difference between government and communally sponsored *Judiyya* is the types of conflict they are used to address. The former is used exclusively for large-scale inter-ethnic or communal conflicts, which have turned violent. Communally sponsored *Judiyya* however, can be used to address all levels of conflict, at the family level: between members of the same household or family; at the clan level: between two clans belonging to the same ethnic group; at the tribal level: between two tribes from the same ethnic group, or two clans from different tribes in the same ethnic group; or at its highest level between two ethnic groups or two clans belonging to different ethnic groups.

At each level and indeed between them, there is a system of escalation and referrals that allows minor cases to be dealt with by minor figures in *Idara Ahalia* while more serious cases can be dealt with by higher ranking officials. At the family level a local *Ajaruid* council would first tackle a case. This council, usually headed by the village *Sheikh*, endeavours to bring the conflicting parties together and tries to reach a fair settlement, just compensation and reconciliation. In cases where the council fails to reach a settlement, the matter would be

referred to the *Omda*, who as a higher ranking official in *Idara Ahalia* would try to find a solution to the problem.

When the conflicting parties come from different *Airr Ke Beh*, or branches, then the responsibility of dealing with the conflict will fall on the *Omda* of the *Be A Ah*. In the case of a conflict between members of different *Be A Ah*, or tribes, then the paramount ruler of the region- the *Shartai* in the case of *Dar Galla*- would take responsibility for organising a *Judiyya*. The members will likely include the *Omdas* of the opposing *Be A Ah* or tribes.

The role of the *Ajareid* is to act as go betweens once both parties have agreed to mediation. Once trust has been restored and tempers cooled a *Judiyya* council is to be convened. This council will include the *Ajareid* as well as the conflicting parties, each of whom would be given an equal chance to present their cases. In many cases several meetings and mediation sessions can take place. However, if a peaceful settlement cannot be reached, the case will be transferred to a state court of law.

In Darfur two types of courts existed before the current conflict, state courts and local/native. State courts were headed by qualified judges, versed in the Sudanese criminal and civil code. Local courts have undergone numerous and significant changes over the years. Generally they are connected to *Idara Ahalia* and are based in the capital of regional entities- for example the Kornoï court serves the whole of Dar Galla, as the court in Tine serves Darfuri Dar Kobe. These courts are usually made up a number of *Qadi*, or judges, trained in *Fiqh* or Islamic Jurisprudence. In previous years the paramount head of the region appointed these scholars due to their training, with a special eye to having one representative from each *Be A Ah* in his realm. Recently however, the Sudanese state has begun limiting the number of judges and even going as

far as vetoing certain appointments (Interview with Yousuff Nour Terayo member for the Mahkama and Head of the Mahkama at Kornoi: Mile, Tchad 21-04-06).

Both kinds of mediation continue to take place in contemporary Darfur, and recorded instances have increased strikingly in number. However, it is interesting to note that only one major government-sponsored mediation conference was held in Darfur under the Condominium (i.e. between 1916 and 1956), whereas between 1957 and 1997 twenty-nine such conferences were held in Darfur, with six taking place in 1991 alone (Mukhtar 1998). This does not mean that *Judiyya* is becoming more effective, rather the opposite, since many of the peace meetings had to be repeated in subsequent years. Out of these conferences, five were between the same groups (the Kababish and camel-herding Berti, Midob and Zeyadiya of North Darfur). Conflict in Darfur is repetitive, occurring on the same social fault-lines, as a result peace conferences seldom bring lasting peace. But *Judiyya* is still the institution that is turned to in a crisis.

### 3. *Conflict Resolution in other Islamic Societies*

#### a. *Hezbollah as Lebanese arbitrator and enforcer*

Today Islamic jurisprudence and conflict resolution techniques are practised in societies from the mountain retreats of Morocco to the islands of Mindanao and Moro. Two such examples will be discussed in this section, the first from Lebanon and the second from the Red Sea region of Sudan. These two examples have been chosen for a variety of reasons. Firstly the Lebanese case of Hezbollah sponsored mediation shows us two things:

- What conflict resolution looks like when supported by a impartial mediator/arbitrator.
- How conflict resolution can be accomplished between non-state actors with no state intervention.

Both of these are important in the context of Darfur. The latter since, as discussed before, communally sponsored *Judiyya* takes place with little state intervention; the former because it hints to the role which the Sudanese state should be playing in Darfur. The brief outline of Hezbollah style mediation and arbitration in Lebanon, which follows, is taken from Nazir Hameh's 1997 work. It shows Hezbollah acting as impartial mediator; a role the Sudanese state has not played in some time. The Beja case study shows how conflict resolution is achieved among members of the same ethnic group without the need for state or external intervention.

In Hezbollah-controlled areas of Lebanon, Hezbollah is frequently called upon to settle disputes between families, clans and even large tribes. When conflicts emerge and Hezbollah is involved there are two forms of conflict resolution that can be employed, arbitration and mediation.

By definition, arbitration, involves parties to a conflict deferring to a neutral third party for a settlement. The main difference between arbitration and other forms of conflict resolution lies in the fact that the ruling of the arbitrator is binding and in most cases there is no recourse to appeal. Though parties may be allowed to take part in the selection of arbitrators, there is very little direct communication. In a sense, arbitration is seen as a more legalistic form of conflict resolution. In Lebanon, Hezbollah uses arbitration for everyday conflicts: such as those between members of the same family, disputes of goods or the price of services. In these instance Hezbollah *Sheikhs*, whether judges or *Imams*, act as arbitrators.

Mediation, on the other hand, is used by Hezbollah for large intra-Shia conflicts, either between families, clans, or tribes. The difference between the two is that a mediator tries to come to a settlement not by imposing his views of Islamic Jurisprudence on conflicting parties but rather by cajoling them away from violence and hostilities and towards reconciliation. In cases of mediation, Hezbollah *Sheikhs* follow a well-known procedure:

1. Once Hezbollah is asked to mediate in a conflict, the mediator will visit the home and family of the victim. The purpose of this visit is for the mediator, usually a prominent Hezbollah affiliated *Sheikh*, to get a list of demands from the victim's father and uncles. This group of relatives, collectively known as the *Wali al-dam*, are of the utmost importance since they would be the ones responsible for either avenging the death or allowing the conciliation process to continue. After hearing the demands, the mediator will usually give the *Wali al-dam* two options. The matter can be solved through negotiation and a settlement, or it can be taken to the *Sharia* court. In his work with Hezbollah *Sheikhs* Nizar Hamzeh states that most *Wali al-dam* choose the former (Hamzeh 1997: 111).

2. The next step would be for the *Sheikh* to prevent *Tha'r* or vendettas. In this stage the moral might of the *Sheikh* and the real threat of (violent) sanction by Hezbollah, which he represents, go hand in hand. Though Hezbollah mediators claimed they tried not to use force to prevent vendettas, they did admit that on occasion force was necessary to put an end to retaliatory killings (Hamzeh 1997: 111). If the mediators do use force to bring parties to the table or to stop revenge killings, it puts them in a difficult position. Since the pursuit of vendettas is not prohibited, but rather an integral part of the shared moral code of the region, preventing a wronged party from carrying out such actions compromises Hezbollah. However, as the only thing even closely resembling a functioning 'government' in large parts of Lebanon, Hezbollah's interest lies in peace and more importantly stability. Intra-Shia violence is a threat to such stability and as a result in such cases where Hezbollah is compelled to use force to bring about stability, the third party can no longer be seen as a mediator but rather as arbitrator.

3. Once both parties have agreed to Hezbollah involvement as a mediatory or arbitratory agent, the next step pursued by the Hezbollah *Sheikh* is to hold the accused (Hamzeh 1997: 112). The purpose being not to punish the culprit, but rather to protect him (invariably him) from retaliation. It is here that Darfur and Lebanese tribal custom vary. Whereas it is the role of the clan or tribe to protect members, even those who have committed murder in Lebanon (Hamzeh 1997: 112), it would be immoral for the same to take place in Darfur. One's tribe can give sanctuary but only until conflict resolution begins, then one must be turned over to face judgment. The role of the state in both cases is minimal, since both parties in conflict could end formal legal proceeding once reconciliation had been achieved and *Diya* agreed upon.

4. When the level of conflict and distrust has been lowered, the Hezbollah mediator then starts a process of extensive consultations with both parties. Usually the *Sheikh* will consult the parties separately and listen to their version of events. Two main issues are discussed at such consultations the fate of the accused and the *Diya*. The most common call from the family of the victims in Lebanon is for *Nafi* exile of the accused and a large *Diya* payment. In some instances if the accused's family cannot afford the entire *Diya*, it is not unheard of for Hezbollah to pay a portion of the amount demanded (Hamzeh 1997: 113). The same often happens in Darfur, with the government either paying a portion of the *Diya*, or more frequently lowering the amount. The difference between the two cases is, whereas Hezbollah applies this external assistance even handily, the same cannot be said of the Sudanese government.

5. When the fate of the accused and the amount of the *Diya* have both been decided, Hezbollah mediators announce that the conflict is at an end. Interestingly, this is not done by a general proclamation but rather by visiting all the members of the two parties as well as the clan and tribal leaders personally, to notify them as to the end of the conflict and the particulars of the settlement (Hamzeh 1997: 114).

6. Finally, the mediators bring together tribal, clan and Hezbollah leaders for a *Musalaha*. Where, through speeches, the need for Shia unity, Hezbollah's leadership and distrust of Israel and the West are reaffirmed. In some cases, the *Musalaha* is also the time for the parties that were previously in conflict, to show their largess and piety by returning all that which they demanded as a condition for the *Musalaha*. Thus, *Diya* may be returned as a gesture of true reconciliation.

Through the above process, Hezbollah mediated over 200 clan conflicts in a ten-year period. Most were due to homicide and surprisingly over two thirds were claimed to be resolved, that is the conflict did not reoccur (Hamzeh 1997: 111). Hezbollah mediation and arbitration share many similarities and even Nizar Hamzeh admits the difference between the two can often times be little more than the interpretation of the *Sheikh*.

Al-Krenawi in his 1999 work on Bedouin conflict resolution argues that mediation among the Bedouin, much like among Lebanese clans occurs in two ways. The first is a method to instil a sense of mutually agreed upon justice and the second is a method to restore stability and harmony to social relations (Al-Krenawi 1999 160-164). In the case of Lebanon the *Musalaha* fulfils the role of the latter, while the role of the Hezbollah Sheikhs is to achieve the former.

b. *The Beja conflict resolution methods*

As previous stated, the use of *Judiyya*, as a means of conflict resolution is common throughout northern Sudan. The *Beja* of the Red Sea region of eastern Sudan provide a second example of conflict resolution in Islamic societies. The *Beja* have been chosen since we are somewhat familiar with them having discussed their system of *Idara Ahalia* in the previous chapter. Unlike multiethnic Darfur, the Red Sea region is composed of four primary ethnic groups: the *Beja*, the area's indigenous inhabitants; Riverine Sudanese Arabs, mainly migrants from the Nile region; other Non-Arab Sudanese migrants, mainly Sudanese Fellata and Hausa and finally the *Rashaida* Arabs, who migrated to the region from the Hejaz region of Saudi Arabia in the 1800s. The *Beja* people, though a single ethnic group sharing a common language, are

composed of a number of frequently conflicting tribes. This sub-section will focus on peacemaking between Beja tribes.

When news of a homicide spreads, it is the duty of the *Sheikh* and *Omda* of the killer's tribe to calm the situation and prevent further escalation. This is typically done by apologizing to the *Sheikh* and *Omda* of the deceased tribesman's community and getting their *Gullad* or word of honour, that they will abide by a *Wagab* a truce (El Amin 2004: 16). According to Beja tradition, the rejection of a conflict resolution solution put forward by tribal leaders, representing both parties is considered highly unacceptable. In fact, the very act of involvement of mediation teams from the other Beja tribes is tantamount to the recognition of the right of the injured tribe to an apology and a demonstration of respect, to which the injured tribe normally responds positively (El Amin 2004: 16).

If *Gullad* is given and a *Wagab* accepted, any revenge attacks or killings are reported to *Sheikhs* who will submit the names of the murderers to the regular state-run legal system for punishment (El Amin 2004: 16). A council composed of *Sheikhs*, *Omdas* and wise men is convened to deal with the matter and suggest appropriate compensation. As with the previous case study from Lebanon, the issue is considered resolved once the wronged party has agreed to *Diya*.

Inter-tribal conflicts among the Beja rarely escalate into violence, unlike the situation in Darfur. There are a few key reasons for this. Firstly, the fact that the vast majority of the region's inhabitants are pastoralist, coupled with the region's low population density, means that groups of would-be competitors for resources rarely come into prolonged contact. When conflict does occur the Beja have well respected forms of conflict resolution. As El Amin states it is not that the Beja mechanism are better than other conflict resolution techniques,

*but rather that they are effective because popular culture, norms and values support them through gullad (word of honour), wagab (truce and waiting until the situation calms down and sufficient consultations and negotiations are conducted) and taiweg (commitment) all help to keep conflict at manageable proportions and prevent escalation (El Amin 204: 20).*

These are two very different case studies from very different parts of the world. However, both are located in regions in which the role of conflict resolution and peace building, usually reserved for the state, is not carried out by another actor. In the case of Lebanon this actor is a political party and in the case of the Beja it is the tribe. In both cases, however, motivation for the creation of such complex systems is the same, stability.

#### 4. *Darfuri Case Studies*

##### a. *The Rizeigat-BeRà Conflicts of 1986 and 1996*

An attempt to understand conflict and conflict mitigation in Darfur must also include an analysis of the impact of ecological change. Recent works (Bromwich 2007, Tear Fund 2007, Abdalla 2004, Suliman 1997, BBC 2007) have frequently argued that the violence that has wracked the region since the mid 1980s can be interpreted as “*a typical ecological conflict along distinctive ecological borders — in this case — the borders of the semi-arid plains roamed by 'Arab' pastoralist nomads and those of the 'wet oasis' of Jebel Marra of the settled Fur farmers*” (Suliman 1997). Though I would argue against the tendency to place resource degradation and competition at the centre of the current conflict, these factors cannot be overlooked. In Darfur successive demographic and political responses to ecological change and resource scarcity, along with Government intervention have produced a complex layering of the causes of conflict.

Though the paramount importance of competition over natural resources may have seemed obvious to a writer in the early 1990s, since that time the complicating effect of central government interference has become clearer. James Morton a researcher and development worker who has been involved in Darfur for decades, put forward a similar argument in a 1992 paper on the collapse of *Idara Ahalia* in Darfur. He examines a few of the more well-known conflicts in Darfur and explores the factors that led to violence (Morton 1992). The Ta'aisha-Salamat conflict bears some mention. For decades the Salamat Arabs of the Salamat River region of Tchad had been migrating to Ta'aisha lands in Darfur to escape poor harvest, conflict and in search of a better life. In a situation reminiscent of the Dar Hotiyya example in the last chapter, the Ta'aisha cattle nomads initially had little objection to the Salamat farmers settling on vacant land in their Dar. Then in 1982, large-scale violence broke out between farmers and nomads. Many contemporary researchers may have been happy to interpret this as a simple

nomad-agriculturalist clashes over land and water and in that way provided only a one dimensional analysis of the conflict. Morton however looked deeper and as a result got to the root of the problem. *Namely, the introduction of competitive elections and the restructuring of sub-national boundaries.*

The new democratic regime intended the number of local councils and seats available, which was a chance for the long established Salamat to get their own *Omodiyyas* and free them of their status as clients of the Ta'aisha. This was a prospect that the Ta'aisha were not all together too happy with. In this way a single killing, most likely unrelated to the upcoming election, became the spark that ignited large-scale communal violence (Morton 1992). Thus, a conflict which was largely interpreted as a simple clash between nomads and farmers, was revealed to be the result of more deep-seeded social frustrations exacerbated by political events in the region.

Giving environmental change a paramount role in the current climate of violence in Darfur runs the risk of absolving the Khartoum regime of its responsibility. Patterns of increased frequency of years of bad rainfalls, the basement rock complex, which causes leeching of nutrients, leading to soil erosion and soil exhaustion are highlighted by Bromwich's work (Bromwich 2007) and are common features throughout the Sahara and Sahel; as is the concentration of agriculture around fertile wadis located in alluvial plains. What is interesting is that in spite of the general Sahelian pattern of diminishing agricultural yields in relation to input, with the exception of two reoccurring Tuareg insurrections in Mali and Niger -which are better classed as political rather than environmental conflicts- large scale conflict, either communally or against the state is not the norm. In fact four of the most intense and most protracted, of the six cases of violence between the state and its inhabitants in the Sahel occur in the Sudan (Nuba Mountains, South Sudan, Darfur and the Beja/Red Sea area), and involve the Arab dominated regime against non -Arab ethnic groups. A superficial glance at the data relating to inter-ethnic

violence in the Sahel shows a similar pattern, with a disproportionate number of cases falling within the Sudan. Thus, those who would classify the current Darfur conflict as an environmental conflict between farmers and nomads, run the risk of becoming mouth pieces for a regime that has shown itself to be at least partially responsible, if not at the heart, of the violence in the Sudan.

Luckily the region is also home a complex coping strategies, that allow inhabitants of the Sahel and Sudan in particular to cope with environmental and political upheavals. There has also been evolution in the collective response to insecurity in the region. In the pre-colonial period, populations in the region utilized a number of strategies to deal with fluctuating rainfall, including shifting cultivation, nomadism and large-scale migration to areas with adequate rainfall, along with the exchange of produce and people (Kassas 1970). During the wet periods of the late-nineteenth century populations expanded rapidly. When rainfall patterns began to fluctuate, in the late 1950s, farmlands and forests were exploited more intensively and populations began to drift to permanent waterholes and towns (Tully 1988: 53). Population movement brought new pressure on natural resources. The burgeoning urban poor stripped trees for firewood and herders brought their herds closer to permanent wells. There, their well watered livestock stripped the land of the shrubs that were keeping the sand dunes at bay.

The ecologically fragile north of Darfur has never fully recovered from droughts that afflicted the region from the late 1970s to the early 1980s. Numerous studies have looked at the effect of prolonged drought and mass migrations on the social and economic situation in the region. However, Suliman was the first to examine the effects of these forces on the prevalence of armed conflict. *'On the one hand,'* he wrote *'the implications of environmental degradation are confined to the economic and social spheres; on the other, the resulting conflicts are explained in terms of their ethnic and political manifestations'* (Suliman 1997).

I am arguing that the two approaches can be combined, but in the Sudanese context there seems to be a casual, rather than causal, relationship between environmental degradation and conflict. There are also a number of alternative responses to such environmental pressures, the most common being migration, will be discussed subsequently.

Research the world over has shown that economic pressures associated with colonialism and global trade induced unsustainable practices that increased the local vulnerability to desertification, famine, and starvation (Turton 1997). Oliver-Smith notes the “socially created pattern of vulnerability” that Spanish-induced changes in building materials, design, and settlement patterns induced in Andean cultures, contributed to higher mortality during a 1970 earthquake in Peru (1994). The pressure for economic development, modernization, and growth through means such as mining, deforestation, urbanization, and hydroelectric dams, can lead to dramatic environmental degradation, loss of food security and increasing disease vectors, thus elevating vulnerability to natural and infectious hazards (Scudder and Colson 1982, , Cernea 1990, Shipton 1990, Hailu et al 1994, Lerer and Scudder 1999).

Of the groups affected by the drought, the BeRà of Northern Darfur reacted with greatest resilience. The drought caused a near total change in the way of life of most BeRà. Prior to these changes the majority were cattle nomads who also practiced some farming and camel herding (Gore and others 2003). By 1985 the BeRà had abandoned their cattle for camels. Many also abandoned their villages in Dar Zaghawa and moved to more fertile regions of Darfur (Tobert 1985:213).<sup>29</sup> The BeRà have also increasingly turned to trade. The trade networks they maintain reach westwards to Nigeria and north to Libya and enable them to rival the power of *Jallaba* traders from the central riverain area of Sudan.

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<sup>29</sup> The majority moved to El Fasher, Kepkabia, the Goz Maalia area, El Daein, and Al Liat province where they are now a majority.

With this as a backdrop, one can now examine the conflict between the Rizeigat and the BeRà who migrated to Dar Rizeigat. The Rizeigat and the BeRà came into conflict on at least two documented occasions before the current war, in 1986 and 1996. The cause of the conflicts was similar on each occasion. In the first case, *Judiyya* was used effectively to avert violence; in the second, ten years later, it failed.

El Da'ein town is the centre of a province historically dominated by Rizeigat. Here, in 1986 — in the town itself and in some rural constituencies of El Da'ein where the BeRà population was increasing — tensions between the two groups caused an armed stand-off. At this point the Commissioner of Nyala, of which El Da'ein was then a part, intervened. A prominent BeRà named Hussein Dawsa was asked to act as *Ajwaidi* and a *Judiyya* meeting was convened. This mediation has been unusually well-documented. Below is a transcript from an interview with Hussein Dawsa (Mohamed and Badri 2005). Though his account of the events surrounding the 1986 standoff is highly stylised, it highlights some of the ways in which *Judiyya* is conducted.

*When I reached Daein from Nyala, I demanded that each party be placed separately in a school building. I was accompanied by eight Ajawid.*

*I went to the Rezaigat camp first and rebuked them, "Do you want to betray your beloved late Nazir, who invited your Zaghawa brothers to come and live with you? Give me the names of those Zaghawa who cause trouble and I will take them with me, hand-cuffed, to Nyala!"*

*Then I went to the Zaghawa camp and started rebuking them, "Is this the way you behave to your hosts!" Then I asked them to write down on a piece of paper all that they demanded from the*

*Rezaigat and to select twenty persons to represent them as spokesmen and grant them a mandate. Reading the list of demands, I tore the paper into pieces and threw them away.*

*Then I went back to the Rezaigat camp and demanded the same thing. First of all, the Rezaigat demanded that the Zaghawa representatives be reduced to fifteen and they wrote down twenty-five demands. When I read them, I commented, "I accept all your demands except two of them. Firstly, the demand for expelling the Zaghawa from your Dar because this is in contradiction of the constitution. Secondly, preventing Zaghawa from taking water from a water-yard is inhumane. You cannot cause your brothers to die of thirst."*

*They asked me, "before we give you an answer, tell us about the Zaghawa demands!" I told them, "the Zaghawa have no demands to make. All the demands that they made I rejected and tore their paper to pieces". Upon hearing this, they started shouting, "Give us back our paper! We have no demands as well".*

*I took the two delegates to the government authorities to document the reconciliation in writing and came back to enjoy the feast that the Rezaigat had prepared for us.*

A number of factors allowed Dawsa to accomplish his task (Mohamed and Badri 2005: 30). First was his lineage. As the son of the Sultan of the KobarA BeRà Dawsa he was respected and well-versed in the role and skills of a good *Ajuudi*. Secondly, Dawsa had also served as a government officer among the Tuer/Waggi section of the BeRà so he enjoyed the respect of both Tuer and KobarA dialectic groups and had the experience of many other conflict resolution conferences (Mohamed and Badri 2005: 30). Finally, he had the support of a central government that wished to avoid escalation of the conflict, in a North-South border area, that was strategically important for the war against the SPLA.

A decade later the conflict flared up again. The initial spark was the division of El Da'ein province into five new constituencies. The Rizeigat candidates for local and parliamentary elections were assured victory in three of them; Abu Jabra, Abu Matariq and Firdos. However in the town of El Da'ein itself the Rizeigat were a minority.<sup>30</sup> Another constituency, Asalaya, was a mixed constituency with a BeRà majority in the north and a Rizeigat majority in the south and west. And most of the inhabitants of the last constituency, Adalia, were Ma'ali. The results of the 1996 election were not surprising. In El Da'ein town a BeRà backed Barno (Kanuri-Bornu) candidate was elected, the same would have probably happened in Asalaya if the ballot boxes had not been burned by mobs of angry Rizeigat. Soon after this the Rizeigat began attacking BeRà villages. This was ostensibly as retaliation for a perceived increase in banditry by armed BeRà (Mohamed and Badri 2005: 31). The BeRà put up stiff resistance, sending non-combatants back to the safety of Nyala or Dar Zaghawa itself, and purchasing large quantities of weaponry which inflicted heavy losses on Rizeigat horseback raiders (Mohamed and Badri 2005: 32). The Government's position was that the violence was instigated by members of the opposition Umma Party, then banned, which draws much of its support from the West (Mohamed and Badri 2005: 33).

It took government officials from Nyala some six months to bring the situation in El Da'ein under control to the point where they could convince the warring parties of the need for mediation. The conference, which was held in El Da'ein in late March 1997, was aimed at the "practical coexistence between Rizeigat, BeRà and other communities in the area" (Mohamed and Badri 2005: 33). Like most government-sponsored *Judiyya*, the twenty-six *Ajareid* were selected by the government. The *Ajareid* selected for the *Judiyya* included elders from various communities in Darfur and Kordofan (Mohamed and Badri 2005: 33). The Government

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<sup>30</sup> The BeRà/Zaghawa and Barno (Kanuri) combined probably made up a slight majority of the town's inhabitants (Mohammed & Badri 2002: 31).

appointed an NIF cadre as chairman. A technical committee, headed by the provincial magistrate, was also created to investigate claims of deaths, injuries and damage reported by the parties. The subsequent document was used by the *Ajawiid* as the basis for their judgments regarding blood money and other forms of compensation (Mohamed and Badri 2005: 34).

Once the conference was convened it followed the usual pattern. The parties listed their grievances and demands. These betrayed a broad-based anxiety about the growing economic power of the BeRà and fear of their political ascendancy. According to Rizeigat delegates the problems were as follows (Mohamed and Badri 2005: 34):

- armed robbery by the BeRà
- over-representation of BeRà traders in local markets;
- the fact that the BeRà had secluded themselves and not taken part in communal (i.e. Rizeigat) customs
- failure of the BeRà *Omda* to act according to communal (i.e. Rizeigat) customs, though part of the Rizeigat *Nazirate*
- the arrogant behaviour of the BeRà;
- BeRà accumulation of wealth and aspirations for leadership positions;
- the ascribed intention on the part of the BeRà as a whole to establish a “BeRà Greater Home” extending from Tchad to central Sudan.

The Rizeigat representatives demanded the repatriation of recent BeRà *immigrants*, registration of those who stayed, respect for Rizeigat suzerainty, the abolition of the BeRà *Omdiyya* and the consolidation of scattered villages into larger ones (Mohamed and Badri 2005: 34). The list points to a realization by the Rizeigat leadership that the BeRà were not being

assimilated into the Rizeigat polity. By disbanding the BeRà *Omdiyya* they hoped to make them easier to assimilate. Those BeRà, who were under the guardianship of a Rizeigat village or camp and thus a dependant minority, would be allowed to stay. Those who had come on their own accord and establish villages in vacant land would have to leave.

According to the BeRà delegates on the other hand the problems were different:

- the failure of the Rizeigat to accept the result of the 1986 elections
- the 1996 destruction of the Asalaya ballot boxes
- Rizeigat racism
- jealousies of BeRà political and economic success
- competition among the two groups for access to land
- Rizeigat double standards when dealing with BeRà and Rizeigat bandits
- the Rizeigat tendency to make every isolated incident a communal issue

For future peaceful coexistence the BeRà also demanded that the conference condemn the Rizeigat as aggressors, that *Diya* and other compensation payments be accurately assessed and payment ensured and that looted animals be recovered and Rizeigat herders not be allowed to cross the railway line in their northward movements until the agreements were honoured and implemented. The *Ajawid* then made a determination of the actual causes of the conflict and announced a long list of recommendations. They argued that the effects of incidents of violence had been magnified by struggles over power, by the proliferation of firearms, by the tendency of the Rizeigat to monopolize economic resources and by the “absence of political, administrative and security capabilities in the area before and during the armed violence” (Mohamed and Badri 2005: 34):

The *Ajawiid* made twenty-two recommendations for the restoration of peace, including the following:

- the BeRà *Omda* should not set up a parallel administrative structure. After the conference, he would act as an ordinary *Omda* within the Rizeigat *Nazirate*. the Government should equip the authorities in the area with the necessary equipment and manpower for the maintenance of peace and order
- commissions should be formed to tour villages and camps, informing inhabitants about the terms of the reconciliation agreement.
- a mechanism for the implementation of conflict resolution should be established, headed by a high-status presidential appointee (Mohamed and Badri 2005: 34)

It can be seen that the deliberations of the conference aired the grievances of the two groups in a controlled and systematic way and that the recommendations of the *Ajawiid* were a serious attempt to tackle them, at least at the immediate level. The only recommendations that were actually implemented, however, was the payment of *Diya*. However these payments were subsequently halved by central government. The Khartoum regime then went a step farther by paying half of the *Diya* required from the Rizeigat. Although the full sum of compensation was received, the act was seen as a violation of neutrality on the part of the central Government<sup>31</sup>.

There was a further criticism of the conference; that it concentrated on immediate grievances and did not address the underlying demographic causes, namely the distress migration that had brought the BeRà from Northern Darfur and the question of the political rights of such migrants dwelling in the communal *Dar* of other ethnic groups. There was also scepticism about the likelihood of the implementation of the recommendations of the *Ajawiid*, which they

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<sup>31</sup> There is a precedent in an 1970s settlement between the Rizeigat and the Aweil Dinka. On this occasion the entire sum was paid by the Government, though it never reached its intended beneficiaries.

themselves were aware, hence, the stress in their judgment on the dissemination of information and the actual implementation of conference recommendations.

The above 1996 conflict is similar in nature to a case study from John Davis' work in Libya. In his 1987 work *Libyan Politics*, he examines a case from the Kufra region of southern Libya. In this case two sections of the *Zuwaiya* tribe: the *Marmaia* and the *Arelad Amira*. In 1975 with a new local government structure the smaller *Arelad Amira* were able to take control of the local council from the *Marmaia*. The latter felt that the *Arelad Amira* could only have done this with the help of the *Teda* section of the *Gur'an* who live in Kufra region. Things were made more complicated by a plan to settle the *Teda* on land vacant land in the region. When things turned violent it was not simply due to animosity between the ethnic groups but rather to the changes in traditional power relations. Foremost among these was the prospect of the *Teda* gain access to real power in the region (Davis 1987: 150-153).

During the current armed insurrection in Darfur, there have been numerous government- and communally-sponsored initiatives aimed at bringing about a peaceful settlement with competing attempts made by civil society, the opposition, the ruling party, the parliament and the federal government (International Crisis Group 2004: 13). More recently, these have taken place in parallel with internationally sponsored peace talks between the Government and the SLA and the JEM. Some of these processes partake both of the traditional style of *Judiyya* and of international-style mediation. But most of them have, in the final analysis, been co-opted or blocked by the central government (International Crisis Group 2004: 13). It is doubtful whether the Government's own sponsorship of *Judiyya* meetings is any more committed than in the run-up to the war in the 1990s.

In February 2003, for example, the Government of Sudan announced a “*Mechanism for Extending the Authority of the State*” (MEAS), and requested the regional traditional leaders and government appointees to come up with suggestions for the restoration of peace in the region. Hundreds of leaders were invited to a consultative forum on security in Darfur, which took place in El Fashir 24-25 February 2003. The result was a consensus that the government should open a dialogue with the rebels. The committee then went about setting up four subcommittees on an ethnic basis<sup>32</sup> to meet with rebel leaders and civilian populations (International Crisis Group 2004: 13). The Fur and BeRà committees reported back with the grievances and demands of the rebels. Their only condition for attending was that *Ajawiid* should not be chosen on an ethnic basis. At this point the Sudanese army went on the offensive and the proposed talks never took place.

In another attempt this time in June/July 2003, the Minister of Education, Ahmed Babiker Nahar, a BeRà, and the Governor of the Nile State, Abdalla Ali Masar, a Rizeigat, both senior officials in one of the two factions of the divided Umma party<sup>33</sup>, launched their own initiative to negotiate a settlement with the rebels in Darfur. With President Beshir’s approval a delegation of thirty traditional leaders and government officials entered an SLA stronghold (International Crisis Group 2004: 14). The SLA set three preconditions for entering the talks: that they should address the political roots causes of the rebellion; that the Government should not refer to them as bandits; and that the *Janjaweed* be disarmed. On this occasion the Minister of Education went as far as to say that the rebel cause was “just and rational in some of its aspects, and was amenable to give and take”, (International Crisis Group 2004: 13). The two government officials recommended that the Government open negotiations with the rebels. Once again these did not take place (ICG 2004: 14).

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<sup>32</sup> Fur, BeRà, Arab, and non-specific

<sup>33</sup> A splinter faction that broke off from the UMMA party and entered the Government.

Another initiative was launched January 2004 in Nairobi by Vice President Taha and Ahmed Ibrahim Diraige, the former governor of Darfur, now an opposition leader in exile. Diraige used his influence to persuade the SLA and JEM to take part in talks to open up the region to humanitarian assistance. But the talks collapsed when the Government abruptly pulled out (International Crisis Group 2004: 13). Around the same time Hassan Bargo, a BeRà government minister, launched a competing initiative. The meeting between Bargo and the Consultative Council of the BeRà resulted in a statement that promised an increased number of government positions to BeRà. Peace talks resulting from this were scheduled to take place in Tchad but never materialised (ICG 2004: 13).

Various groups in Darfur have tried to initiate peace processes without Government participation. The *Nazirs* of the Midob and Zeyadiya have made attempts at reconciliation (Flint and de Waal 2005: 122-126). In Dar Masaalit an agreement was reached between the *Sultan* of the Masaalit and the recently appointed Arab *amirs*. The agreement specified that the Arab groups would keep their *Amirs*, but under the nominal authority of an elected Sultan (Flint and de Waal 2005: 122-126). This ensured that the numerically superior Masaalit would always be able to elect one of their own as *Sultan*.

Even the groups from which the *Janjaweed* are recruited have, on occasion, sought to negotiate with their victims. The *Amir* of the Awlad Zeyd of West Darfur approached the Masaalit *Sultan* and made an agreement by which they would vacate the Masaalit land, that they occupied in exchange for access to pastures (International Crisis Group 2005: 11). The Awlad Zeyd, it has been suggested, are the victims of their own success as raiders, much as the Rizeigat were in northern Bahr el Ghazal, during the late 1990s. Their looted herds need to move more frequently and farther for pastures and water and thus they have come to value security guarantees from their neighbours and erstwhile victims. When stock keeping becomes more

important than raiding and the search for safe pastures becomes a higher priority than further predation or rivalry for power, traditional reconciliation mechanisms may reassert themselves, as they have done, in some cases, between the Baggara tribes and the Dinka of northern Bahr el Ghazal.

The Sudanese government has done its best to derail these communally sponsored initiatives by playing off one group against another. When the *Ma'ali* were given their own *Nazirate* this served the function of maintaining tension between them and the Rizeigat. Neither of the two groups has been drawn into the war in Darfur. The Government has also replaced certain uncooperative leaders, such as the Maqdam of Nyala, an action that may be understood as a warning to others who aspire to make peace independently (Flint and de Waal 2005: 122-126).

Of the local peace initiatives another bears mention. That is the initiative launched by the *Nazir* of the Rizeigat, Saeed Mahmoud Ibrahim Musa Madibu in 2005, which has the distinction of being the least talked about, the most problematic for the Sudanese regime and also the most promising. The Madibu initiative is designed to extend peace in South Darfur. The Southern Rizeigat have made agreements with the Birgid and Daju and Begio (groups, it may be noted, that have already been disarmed by the Government). There has also been a recent rapprochement with the *Ma'ali* to the north, a group with which the Rizeigat have had recurrent feuding relations (Flint and de Waal 2005: 122-126). In 2004 the Rizeigat *Nazir* took a leading part, along with other traditional leaders, in a Libyan-sponsored peace conference in Tripoli, with representatives of the JEM and SLA. This produced a Darfur Tribes Initiative which called for the reestablishment of effective *Native Administration* in Darfur.

The *Nazir* of the Rizeigat might be thought an unlikely candidate for the role of peacemaker. His predecessor as *Nazir* -the present *Nazir*'s elder brother- was responsible for the mobilization of the Rizeigat, as government allies, in the war in the South. In the 1980s and 1990s Rizeigat militias, with Government support, repeatedly raided SPLM/A controlled areas in northern Bahr el Ghazal. Although the raiding profited militia members, the price was that it restricted the access for Rizeigat herds to the dry-season grazing in the Dinka area. Despite pressure from the central government to become similarly involved in the war in Darfur, the present *Nazir* has stated that he will not raise a militia unless Dar Rizeigat itself is attacked (Tanner 2005: 23). The interests of the southern Rizeigat in Darfur are also rather different from their interest in the Dinka grazing grounds to the south. They have little to gain there. As a result the Rizeigat and their *Nazir* are an unexpected force for peace.

What is becoming increasingly apparent is that the wider problem of Darfur can only be resolved by international mediation, but the many local conflicts that are both exacerbated by it and wrapped up in it, can only be solved by a local process of mediation. The conditions for this do not currently exist, as the Government has shown itself unwilling to sponsor such proceedings in good faith, or enforce their recommendations. For *Judiyya* to be effective there needs to be clarity in the relation between central government, local authority and indigenous leadership. This requires integrity in administrative officials and an understanding on their part of the history of indigenous political institutions, an understanding beyond what is necessary for a policy of divide and rule. It may be necessary to define the nature of *Dars* more clearly, perhaps redefine them entirely by asking, for example, whether they are ethnic homelands or administrative units and what rights might minority groups within the *dar* have vis-à-vis the majority.

## CHAPTER 8

### JUDIYYA AMONG REFUGEES

1. *Majlis al Ugala'a wa Mahkama: Darfuri Judiyya in Tchadien camps*

*'Which Sheikhs? Are you asking about the Nasara Sheikhs or the old Sheikhs?... ohh the Care Sheikhs will not be Sheikhs when we return to Darfur their authority ends here.'*

*'Who? The Sheikhs from Darfur they are not Sheikhs now... They are in Tchad... they are just refugees... by god they just stay there all day miskeen (wretches) in their tents'*

Before beginning with our analysis of conflict resolution among Darfuri refugees in eastern Tchad, it should be noted that as with most aspects of this study, conflict resolution is case and camp specific. Since the position of figures in traditional authorities varies from camp to camp, so too does their authority and as a result their ability to mitigate conflicts. This study will focus mainly on the practice of *Judiyya* in Mile rather than Am Nabak. The reason for this is simple and revolves around the relatively unchanged position of traditional *Sheikhs* in Am Nabak. *Judiyya* in that camp is practiced exactly as it would have been in Darfur. The *Sheikh* of Habilidad, the *Amir* of Girgira, the Sultan of Tundebey/Tuntoubay and the brother of Sultan Dawsa of Tine are all present in the camp. These villages and their leaders represent the vast majority of Kobe and Kapka BeRà in Darfur and as a result *Judiyya* proceedings pan out exactly as they would in Darfur. Mile with its mainly Galla and Tuer population provides us with a much more rich, and in cases novel *Judiyya* tradition, which out of necessity has adapted to life in Tchad to a much greater extent than Am Nabak.

Mile's administration is based on a template used by the UNHCR in nearly all refugee and IDP camps. Thus, Mile is divided into 10 zones, each with five blocks of approximately 80 tents or 350 inhabitants. Each zone is headed by a *chef de zone* or *Sheikh al- zone*, and each block by a *chef de block* or *Sheikh al harr*. The *chef de zone* or *Sheikh al- zone* are selected from among the *chef de block* or *Sheikh al harr*. The camp also has a *Committee Principal* or *Majlis al-Sheyuk*, which has 16 members: the 10 *chef de zone* or *Sheikh al- zone* and six others 3 of whom are women. Though tasked with the management of the camp, they simply rubber stamp decisions already taken by either CNAR, CARE or UNHCR.

Mile and Am Nabak were managed by 45 CARE staff members based in Gureada who made trips to camp every weekday from 0830 to 1530, security situation allowing. The *Sheikh al- zone* are selected from among the *Sheikh al harr*. The camp has a Principal Committee or *Majlis al-Sheyuk*, which has 16 members; the 10 *Sheikh al- zone* and six others 3 of whom are women (Interview with Ibrahim Idriss Sabil and Fatima Muhammad Khamis; Mile, Tchad 23/12/2005).

Most of Mile's inhabitants, who are from at least 50 different villages in Dar Galla and Dar Tuer, arrived chaotically over a long period of time. As a result, many do not know if their *Omda* or *Sheikh* is present in the camp. The fact that each of these villages may have had a *Sheikh* of their own means that including close to fifty traditional leaders in the management of the camp is not wholly feasible. Those *Sheikhs* who are present are given few roles in the CARE-run administration. The *Mahkama*, or court, is the one exception. The *Mahkama* forms the basis of the legal system of the camp. The court itself grew out of the CARE created *Majlis al-Ugala'a*. This committee is organised by zone, with each zone having a three-member committee. Each committee then selected one member to represent them on the camp wide *Majlis al-Ugala'a*.

The committee which was supposed to have only 10 members (one per zone selected by the *Sheikh al- Zone*) was mired in problems from the very beginning. Many of the *Sheyuk al Zonat* put themselves up for positions on the *committee des sages/Majlis al-Ugala'a*, though few had legal or customary law experience. Others simply placed their close friends on the court. Soon the committee began to frantically seek the help of the 'old *Sheikhs*', many of whom had decades of customary legal experience. It was at this time that Yousuff Terayo Nour an expert in Islamic jurisprudence, and the head of the Kornoï law court prior to the conflict, was also invited to sit on the committee.

After an initially shaky alliance between the *Mahkama* and *Majlis al- Ugala'a*, two separate entities emerged. The *Majlis al- Ugala'a* was used almost exclusively for the intra-zonal problems and disputes. The *Mahkama* became the legal system of the camp, in the same way /sense that a *Mahkama* or court is the legal system of a village or group of villages. When asked, members of the *Mahkama* stated it had ten members, one from each zone, not all of whom had been *Sheikhs* in Darfur. In fact, the number of members will depend on the case. Cases in which the plaintiff and the defendant are both from the same *Be A Ah* of the BeRà may have only one or two court members. Namely, the *Omda* of the *Be A Ah*, since he is best able to mediate between his people.

What emerges is a picture of a dual system of administration and two avenues for conflict resolution. *At many points there appear to be two complementary systems of administration. There is a well defined, well oiled UNHCR/CARE administration present in the camps. But there is also a well defined, not so well oiled shadow administration.* It appears that the refugees prefer to have their problems dealt with by an *Omda* or *Sheikh* from their *Aïr Ke Be* or *Be A Ah* in the first instance. If this is not possible, they will approach a *Sheikh* with whom they are familiar. There is a long established tradition among the Darfuri *BeRà* of having a *Sheikh*, or more frequently, an *Omda* from one's

*Air Ke Be* or *Be A Ab* travel to ones area of residence to deal with communal problems. It would appear that even long term displacement has not stopped this tradition.

In this way all refugees have a choice between the UNHCR/CARE established *Sheikhs*, whom they call *Nasara Sheikhs* or white people sheikhs and the *Sheikhs* from Darfur known as *Old Sheikhs*. Small domestic cases are handled by individual *Sheikhs* from either administrative system, most refugees however seem to have a preference for larger or more persistent problems to be dealt with by the *Mabkama*.

## 2. *Mahkama Case Studies*

In Mile camp there is a well-defined system of escalation and referrals when a case is dealt with by the *Old Sheikhs*. The *Mahkama*, being the functioning embodiment of customary law in the camp, deals with most disputes that require Islamic or customary BeRà legal input. The main cases brought to the *Mahkama* include cases of:

- Divorces
- Adultery
- Fraud
- Theft
- Homicide
- And a host of other minor offences

As a rule of thumb, I have observed that cases are brought to the Mahkama only if there is a dispute as to who is in the right, or if there is a need to settle the amount of *Diya*. Thus, if a thief was caught red-handed the case would not reach the *Mahkama*. If someone was accused of theft and swore on the Qur'an to the contrary, then the case would be taken to the *Mahkama*.

Most BeRà prefer to have their case dealt with in customary *Judiyya* councils, since the fines are lower and the accused are generally better treated than in state prisons (interview with *Omda's* secretary Salih Muhammad Shumu of Adar close to Kepkabia: Mile, Tchad 07/02/2006). This, however, does not mean that the *Judiyya* council is a toothless legal system; high fines, chastisement and the possibility of reprimanded to police custody all await persons found to be in the wrong.

The ideal way a case would proceed in the *Mahkama* is as follows. A dispute would be brought to the attention of one of the members of the *Mahkama* by one of the parties. If the case involved parties from different *Air Ke Beh* or *Be A Ah* then the case could not be dealt with by a single *Sheikh* and thus brought to the *Mahkama*. When the proceedings begin the *Sheikh* or *Omda* rather than representing the people of his constituency in a biased fashion uses his moral authority get them to agree to the stipulations of the *Mahkama*. When a suitable agreement cannot be reached in these cases, the accused may be remanded to the Tchadien state authorities in Gureada or Biltine for trial, much as they would have been handed over to state authorities in Darfur.

Thus, if no solution is found in Mile court, the case will be referred to Gureada. Cases can go back and forth like this for some time. Since it is the practice in Eastern Tchad and Darfur to release suspects to their local traditional court for a settlement. Thus, a suspect who has been arrested in Mile will be taken to Gureada or the Regional capital Biltine. However, if the wronged party agrees to mediation he will be released on his own recognizance. The *Mahkama* in Mile will then try to come up with a settlement that is acceptable to both parties. In cases of abuse or divorce this usually means the return of some part of the original bride wealth. In more serious cases of assault or murder this involves the payment of *Diya*. If an agreement is reached the suspect will be freed as soon as the *Diya* is paid. If a settlement cannot be reached he will be returned to prison in Gureada to await a trial, which can take from three months to a few years.

Additional delays may be caused since *Omdas* and *Sheikhs*, resident in one camp, may be called upon by members of his *Be A Ah* present in other camps or by members of the *Mahkama*, to sit in council to solve a dispute. When this happens *Omdas* will request a pass from the NGO running the camp and trek to the camp that has asked for his presence. There he will hold

meetings with members of his *Be A Ab* and in some cases may be invited to sit with the *Mahkama*. These treks and meetings usually occur without the assistance, or indeed knowledge, of authorities in the camp.

Refugees (including the old *Sheikhs*) see little problem with the two systems of *Sheikhs*. Most view it in the same way they viewed the government administration and *Native Administration* in Darfur. What does concern the *Old Sheikhs* is their lack of inclusion in the running of the camps, for behind the scenes the *Old Sheikhs* still have a lot of influence and are well respected and sought after for advice. It seems however, that they have not been properly included in the official running of the camp.

What follows are two fairly typical case studies of *Judiyya* proceedings at the Mile *Mahkama*. Though the names of the parties have been altered to protect their identities, all else has been present as closely as possible as it took place. The case studies not only show us Darfuri refugees in Tchad are practising *Judiyya*, but also how it has been altered by the challenges of exile.

Case Study 1: Badr

Research notes 11-04-06 0930

*Badr is the relative of my interpreter Salih and the nephew of my neighbour Adam. A stocky man of twenty-five, Badr is always armed with a grizzly looking knife, six or seven Hijab<sup>34</sup> each with about six or seven Warqa and a pair of sunshades. I had always thought that Badr look as though he would be more comfortable on the battlefield rather than wandering around aimlessly here in the camp. As it turned out, when I did enquire about his background I was correct. Badr had been in the rebellion from 2003 to about 2004. He had come to Mile after the battle of Girgira when the government and Janjaweed had been driven out of southern Dar Koba (Darfur). During the fighting however most of the inhabitants of the surrounding villages had fled to Tchad and ended up in refugee camps. Badr confided in me that after this he decided not to return to the front line since all the people he had been fighting for were now safely in Tchad. Now he spends most of his time in my translator Salih's home (whose cousin is married to Adam) or in my tent, just lounging*

*One morning one of the more prominent camps members Sheikh Narja Khalif of Kerenga came to speak to Badr. The Sheikh was accompanied by his half brother Omda Haroun Suliman of Abu Garra who had arrive in Mile from Konoungu camp to visit his relative a few days prior. I had interviewed the brothers a few days ago and was interested to find out what they wanted with Badr. They informed me that they came to speak to Badr about a very serious matter, but would say no more.*

Interviewer:            what problem?

Narja Khalif:            you know... he beat a woman.

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<sup>34</sup> A Hijab is a rope or leather strap to which Warqa (leather pouches containing protective Qur'anic verses) can be attached.

Interviewer: Why? (directed at Badr, who was stretched out on my floor looking nonchalant.

Badr: Tell him. (directed at Salih)

Salih: She was the wife of his brother and was not pregnant for him (his brother).

*I decided not to press and instead asked Badr if I could go with him to the Judiciary the following day. He immediately agreed and asked if he would be in the book I was writing. Salih had explained my work to Badr in a way that left him with a distinct impression that I was writing a book about the important people in Mile. Badr was thrilled that he was now one of these important people.*

*The Judiciary council met at the home of Sheikh Narja Khalif the (half) brother of Omda Haroun, the head of Badr and Aiesha's Kurru Be A Ah.*



*right to left: Omda Haroun Suliman, Sheikh Narja Khalif, Salih (hidden by a pillar) and two of Narja Khalif's sons discussing the case of Badr in the home of Narja Khalif.*

*In these humble surroundings cases ranging from theft to murder, and adultery to compensation for faulty goods, were discussed. Badr's case was perhaps one of the more complex cases dealt with by the Mahkama. Badr's brother's wife Aiesha lived in Mile while her husband works in Libya. In late 2004 she became pregnant, though her husband had not been to Mile for over a year. Aiesha claimed that she was raped by the Gur'an<sup>35</sup> while gathering firewood, Badr however did not believe her and along with two other unidentified individuals attacked Aiesha. Badr told me his intention was to force her to reveal the name of her lover and partner. In this regard Badr and his companions succeeded in their task, they also succeeded in beating Aiesha so badly that she lost her baby, and had to be hospitalised.*

*Immediately after the assault Badr did the honourable thing and surrendered himself to the camp authorities who promptly took him to the Tchadien state prison in Gureada. After twenty days in prison Badr was released. In fact Badr as a member of the Kurru Be A Ah was released to his Omda, Haroun Suliman Gani who had travelled from Konoungu, upon hearing that Badr was imprisoned in Gureada. Omda Haroun confided in me that at the time he hoped to have both the case of adultery and the assault dealt with by himself since both the victims and the perpetrators were from the Kurru Be A Ah. However due to a host of problems the court date was delayed.*

*First, they had to wait for Aiesha to recover which took some time. Next Badr who had been sent to Konoungu until Aiesha's relatives cooled down, went to Iridimi camp to visit relatives and it took some time to get a message to him asking him to return for the trial. By the time Badr returned Omda Haroun's travel permit had expired and he had to wait on the camp staff in Konoungu to put a another request in to CNAR which again took some time. However when Omda Haroun was ready to travel Aiesha's relatives fed up with the delays decided to have the matter brought before the Mile Mahkama headed by Mandub Musa Jibril instead.*

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<sup>35</sup> For some unexplained reason the term Gur'an is numberless. It can be used for plural or singular, individuals or the entire tribe. In many ways the Gur'an are seen as an entity rather than a people in both Tchad and Darfur.

*Before Musa could deal with the matter tragedy struck, when two of his sons were killed within the space of a few months. The first died while fighting against Janjaweed and government of Sudan forces in Darfur while the other was murdered under somewhat questionable circumstances in north Darfur. Musa who had lost all of his brothers and the majority of his sons to the conflict took time off from his duties to perform the required funeral rituals. Thus, the case of Badr and Aiesha had to be postponed yet again. When the dust had settled more than seven months had passed since the assault and the day I arrived at the home of Narja Khalif to sit in on the latest round of proceedings.*

*The actual proceedings for the case had been ongoing since Badr had been released from prison, with Omda Haroun updating Mandub Musa Jibril about Badr's location and Musa keeping Omda Haroun up to date as to the progress of Aiesha. Today, however would be the first time Badr had come face to face with Aiesha's relatives since the assault. The case had been brought back to Mile since the majority of people involved lived in Mile, but also because Aiesha's relatives felt that Omda Haroun was not giving the case the attention it deserved.*

*When everyone involved, and a healthy amount of people not involved, had finally gathered at Sheikh Narja's home the proceedings began. Everyone spoke in BeRà Ah and the entire proceeding was recorded and translated for me by Salih later in the evening. The Judiciary council was composed of Sheikh Narja Khalif, Omda Haroun and Sheikh Harba. The accusations put forward by Aiesha's relatives when the Judiciary was convened were actually far more damaging than anyone had initially suspected. Aiesha's father and male relatives claimed that Omda Haroun rather than trying to track down the two other accused had been sheltering them in Koroungu. They also claimed that the Omda, Badr and the other accused had planned for Badr to take the fall for the assault since the identities of the other perpetrators was yet unknown.*

*At this point in time many of the members of the Judiciary committee approached Badr and asked him to give up the other assailants, a request Badr refused. This only served in enraging the relatives of Aiesha, who then*

turned on Omda Haroun and accused him of dereliction of his duties as an Omda, since it is his responsibility to bring all of the perpetrators to the Judiciary committee. In his defence Omda Haroun stated that only Badr knew the names of the other two men and as he had refused to give them up is there was little he or anyone else can do. The two sides and the mediator Omda Haroun reach a stalemate. For the next three days I returned to the Mahkama only to see the same scenes and debates play themselves out day after day. Then, on the 12<sup>th</sup> April 2005 one last attempt was made to solve the matter without the intervention of the head of the Mahkama Musa Jibril. This attempt also failed and as a result it was agreed that the matter would have to be dealt with at the Mahkama with Musa Jibril presiding over the matter.

At the Mahkama the inherent flaws of a legal system based on respect for the moral standing of a few key individuals were quickly exposed. After the proceedings descended into a shouting match between the family of Aiesha and Omda Haroun, it was decided that Judiciary could not take place if both parties weren't present. Omda Haroun was adamant that both sides were indeed present in the form of Badr, the defendant, and Aiesha, the accuser. The eight or so other Sheikhs and Omdas on the Mahkama all agreed that the Aiesha's family was indeed correct that the Judiciary could not go forward until the other accused men made themselves known to the court. Badr who had become more and more agitated as the debate raged around him finally spoke.

Badr- *This is nonsense. I talked to my uncle Musa seven times, I talked to the Aiesha's father three times, I talked to the Omdas assistant Adam two times, and they all said beat her. Her father... I spoke to him three times and every time he said beat her. Now he is saying something different.*

At this point in time the male relatives of Aiesha stood and defended her and their family's honour from Badr's verbal onslaught. Badr rising to his feet continued to make ground breaking revelations.

Badr- *Where is he? Where is the father of the child? You (Aiesha's male relatives) are all hiding him and I am here at the court... I don't care if you will not bring him here, I will not name others.*

Aiesha's father (rather less agitated and upset than before Badr made his revelations)- *If that is the case my friend the matter cannot be solved here we must take it to the police.*

*At the mention of the police the members of the Mahkama led by Musa Jibril tried one last time to bring the parties to an agreement. They came up with the solution which I thought was likely to work. Badr would tell Musa the names of the others involved in the beating and Aiesha's family would name the father of the child. Both parties however refused this deal, each wanting some kind of guarantee that the other would name the person they were hiding first. As a result of this impasse Badr was taken to the camp security post and from there to Gureada prison to await trial by the Tchadien state authorities.*

*Case Study 2: The non-A wry Bride*

Research notes 12-04-06 07:30

*This case revolved around the marriage of a young man from the Bideyara and a woman of the Darwa Be A Ah or sections of the Tuer of Dar Galla. The bride was in fact kidnapped and forced into marriage as a result of a long running feud between the two families (but not their respective Be A Ah) who still reside in Dar Galla. In order to escape this marriage the bride fled to Mile; to seek refuge with her maternal uncle, a refugee in the camp. Since the couple were married by Idriss Rahman Harba in Darfur, he acted as a representative of the family of the groom, who were present at these proceedings.*

*The father of the groom wanted the marriage to be honoured and for the partners to remain together. The father of the bride however wants a divorce for his daughter, whom he claims is threatening to commit suicide if forced to return to her husband. Sheikh Idriss Rahman Harba was asked to bring a representative of the groom, but none turned up since the roads from their village in Dar Galla were blocked due to fighting along the border. The Sheikh also claimed that the problems had arisen only because the father of the bride and not the bride herself, disliked the groom. The father of the groom however had sent a message with his sister's son to the Mahkama. - Either they solve the matter or marriages between the Bideyara and Darwa should cease.*

*The members of the Judiyya council then called for a recess while they considered the case. After a few minutes they decided that they could not continue until the bride and groom were present to address the numerous allegations. Thus, the proceeding would be suspended until the bride and groom could attend a Judiyya proceeding from which there would be two alternatives:*

- 1. the marriage is salvaged*
- 2. there is a need for a divorce and the bride wealth is returned to groom's family.*

*Unfortunately, the security situation along the border never improved and the case was in limbo up to the time I left the region.*

The above cases each demonstrate the strength and weaknesses of the *Mahkama*. Both cases were still unresolved by the time the research was completed and the Badr's court case had been ongoing for months. However as stated before the role of the *Ajawid* is not to hand down harsh punishments or dispense rough justice but rather to restore social harmony. In both cases to the *Ajawid* failed to achieve this due to the constraints placed on them due to camp life. These constraints ranged from logistical problems of getting defendants to attend cases; to a lack of support from the UNHCR and camp authorities. An interesting fact is that in spite of these problems individuals still prefer to have the cases heard by the *Mahkama* and are willing to wait several months to have a hearing. This may be due in part to the fact that local Tchadien courts, like their Sudanese counterparts in Darfur, create more social cleavages than they heal. In his work on mediation within a Punjabi village Steve Lyon highlights a similar trend. He writes:

*Pakistani courts, at present, do not serve the role of maintaining community harmony. Shari'at, which governs family law, and the criminal civil code of Pakistan which grew out of British tradition, ideally, operate on a very different premise (Lyon 2002: 69).*

When viewed in this light the above case studies are interesting for a number of reasons. Even though the *Judiyya* proceedings were unable to bring about a successful settlement, the cases highlights not only the role played by *Ajawidi*, but it also illustrates the impact of displacement on traditional mediation. The failure to successfully end conflicts or to get *Ajawid* to act in a manner that is deemed proper is an increasing problem in the camps. It seems that with no higher traditional authority many sheikhs have become forces in their own right.

Thus, as with traditional mediation in Darfur, reconciliation was characterised by the implicit involvement of the whole society. The peace message would then be conveyed and

become incorporated in the people's oral tradition. The community therefore serves as the repository within which conflict resolution was performed. Noleen Turner argues that in Africa:

*An individual is perceived primarily as an extension or representation of the group to which he or she belongs, either as a member of a family, clan, lineage, village or other grouping. The Occidental idea of the autonomous person, endowed with individual rights and responsibilities is a very different conception from that of the 'communal' African person. This then explains the affirmative African approach to conflict as a socially and psychically vital function. There is a shared perception of conflict as a structuring or constitutive force in communal affairs, where well-regulated adversarial confrontations provide fitting circumstances for the blunting of socially threatening tensions. In view of the fragility of social ties between members of an African community, actual or potential conflict situations have consistently challenged the traditional genius for maintaining the closely-knit community life. Each African speech community has its own code of customs for abating antagonisms, conciliating disputants and ultimately re-establishing communal accord (Turner 2005: 126).*

This holds true for Darfur and also among Darfuri refugees in Tchad. One of the main functions of *Idara Ahalia* in Darfur and *Ndhim Al-Hilla* in Ouaddai was to act as a judicial system, and in this role *Judiyya* was paramount. In the past the Old *Sheikhs* in Darfur had three ways of exercising power:

- the allocation of land
- the collection of taxes
- the ability to settle conflicts and act as mediators

Their lives in the camp today have deprived them of all but one of these functions, thus they take their role as mediators very seriously. In a situation that has come to characterize NGO and UNHCR interaction with the refugees the traditional roles and responsibilities of the

various refugee stake holders were ignored. The wealth of experience in matters relating to customary law possessed by the *old Sheikhs* was ignored even when the *committee des sages* or *Majlis al- Ugala'a'* council of sages was created. The *Ugala'a'*, which was supposed to be composed of three men from each zone who were knowledgeable in traditional matters seemed like a perfect opportunity for traditional *Sheikhs* to be included in the camp's administration.

However like so many other programs implemented by the UNHCR and its partners, there was little follow through. Educated Tchadien local staff cared little if *Sheikhs* had a role in the camp and offered the program little time or input. As a result, most *Sheikh al-Zonat* interpreted the mandate to form a committee of wise men, as a chance to place two close allies in two of the slots and invariably reserving the final place for themselves. Needless to say in my time in the camp the committee was never convened, in full or in part, and few refugees knew of the committee or its function.

When it became clear that most of the members of the *Ugala'a'* had only a rudimentary knowledge of traditional customs and customary law, the *Mahkama* took shape as a separate entity from the *Ugala'a'*. Many refugees confessed they chose to bring their matters to this court to be heard instead of the defunct *Ugala'a'*. *What is important to note is that the Mahkama in Mile is seen as a fully fledged, functioning legal institution for the camp of Mile and its refugees. It is a functioning court capable of nullifying marriages, setting fines and referring cases to the court in Gureada and Biltine.* However, it is a court without a budget. The cost of books, pens and other stationary items needed to record rulings, fines and correspondences from Gureada or Biltine must be borne by the head of the court.

In spite of their short comings traditional courts have a major advantage in comparison to state courts since their processes are substantially informal and less intimidating, with the

people who utilise these courts being more at ease in an environment that is not foreboding. Keesing describes the process of settling cases out of court as 'informal litigation' which underlines the need to look for more subtle and undramatic legal processes side by side with more formal legal systems (Keesing 1981:322). This is true of the *Mabkama* where the Ajawid, who preside over traditional courts are generally charismatic and familiar with the people that use the courts, are revered to an extent that judges are not.

The role of the members of the *Mabkama* is not to hand out harsh punishments that deter Mile's residents from transgressing the law, as would be the case in a Western court. Rather, it is the role of the court members to act as representatives, facilitators, mediators and arbitrators where necessary. In the case of the *Mabkama* it seems as though this role is impeded, rather than facilitated, by the moving of proceeding back and forth between the camp court and the Tchadien state courts. Bennett, writing on similar practices elsewhere in Africa, highlights the undesirability of this overlap in jurisdiction which could lead to *forum shopping* and actions being removed from a wrong court to the correct forum, with consequent loss of time and money (Bennett 1991b:69-70).

In fact it appears that in Tchad at least, this *forum shopping* leads to a decline in the importance of traditional courts. This decline is not just limited to the camps, but affects the host populations as well. As new facets of economic life, and interactions with larger (sometimes state) entities and institutions, become more complex, there is pressure on traditional mediation and courts to modernise and change practices. In many instances even these adjustments will not deter individuals from shuffling between traditional and state courts as they seek to maximise the perceived benefit of each.

Mohamed and El-Amin (Mohamed and El-Amin 2001) found that for the most part customary mediation still functions effectively in tradition-bound communities. Their work highlights the fact that even when rural communities move to urban settings en masse, such as those who moved to Khartoum's IDP camps and squatter settlements, they continue to resolve their conflicts through customary mediation. In fact they rarely resorted to, often nearby, modern state law courts. However the general trend is one of uncertainty for the future of *Judiyya* and other forms of traditional or customary mediation in Dar Galla. As a result the post-independence years have been characterized by a steady escalation of violent conflicts. Even the increased frequency of failed government-sponsored *Judiyya* conferences has worked to increase the perception of a system in crisis. Nothing has done more to threaten *Judiyya* and *Idara Ahalia* as a whole in Dar Galla than the current *Shartai*'s close association with Omar Bashir, his abuse of his position and the persistent allegation that he has endangered the lives of prominent anti-government *BeRa*. Many refugees and figures in *Idara Ahalia* readily admit that they no longer consider him their *Shartai* and when they return to Darfur they will set up a *Presidency* that rotates among the various *BeA Ab* in Dar Galla every four or five years.

E .A. Mukhtar reported that in a forty-year period(1957-1997) 29 government-sponsored conferences were held to resolve intergroup conflicts in Darfur. By contrast, only one conference was held during the colonial era in Darfur (1916-1956) (Mukhtar 1998). The colonial authority appears to have held only one major conference to settle disputes among camel nomads of northern Darfur (Midob, Zeyadiya and Berti) and their counterparts in northern Kordofan (Kababish and Kahwala). Astonishingly, five conferences were repeated for the same camel nomads in the first forty years of independence (1957-1997) (Mukhtar 1998). This pattern of repeated conferences for the same conflict has actually become the norm in Darfur (and the rest of the Sudan in fact), as the following *Judiyya* table illustrates:

*Table 12: Judiyya Meetings in Darfur*

Place: Northern Darfur

Parties: Midob; Kababish

Date: 1957

Convenors/supporters: GoS

Political jurisdiction: GoS

Outcomes:

Document references: Hariri 1994

Place: Southern Darfur

Parties: Rizeigat; Ma'ali

Date: 1968

Convenors/supporters: GoS

Political jurisdiction: GoS

Outcomes:

Document references: Hariri 1994

Place: Northern Darfur

Parties: BeRà; Northern Rizeigat

Date: 1969

Convenors/supporters: GoS

Political jurisdiction: GoS

Outcomes:

Document references: Hariri 1994

Place: Southern Darfur

Parties: BeRa; Birgid

Date: 1974

Convenors/supporters: GoS

Political jurisdiction: GoS

Outcomes:

Document references: Hariri 1994

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Place: Babanusa

Parties: Dinka; Rizeigat

Date: 1976

Convenors/supporters: GoS

Political jurisdiction: GoS

Outcomes:

Document references:

Place: Idd el Fursan, Southern Darfur

Parties: Beni Halba; Northern Rizeigat

Date: 1976

Convenors/supporters: Traditional rulers

Political jurisdiction: GoS

Outcomes: A conference organized by traditional rulers was able to bring an end to violence:

Document references: Harir 1994

Place: Rahad el Berdi, Southern Darfur

Parties: Ta'aisha; Salamat

Date: 1980

Convenors/supporters: GoS

Political jurisdiction: GoS

Outcomes:

Document references: Hariri 1994

Place: Southern Darfur

Parties: Northern Rizeigat, Beni Halba, Birgid, Daju and Fur

Date: 1980

Convenors/supporters: GoS

Political jurisdiction: GoS

Outcomes:

Document references: Hariri 1994

Place: Northern Darfur

Parties: Kababish and Kahwala; Midob, Berti and Zeyadiya

Date: 1982

Convenors/supporters: GoS

Political jurisdiction: GoS

Outcomes: This conference was one of many - organized both by the Government and local leaders - that were unable to bring an end to conflict over resources among these groups. The conflict abated when extreme drought conditions forced many to leave the region and as a result lessened pressure on resources that remained.

Document references: Hariri 1994

Place: Dar Rizeigat, Southern Darfur

Parties: Misseriya; Rizeigat

Date: 1984

Convenors/supporters: GoS

Political jurisdiction: GoS

Outcomes:

Document references: Hariri 1994

Place: Dar Rizeigat, Southern Darfur

Parties: Rizeigat; BeRa

Date: 1986

Convenors/supporters: Traditional rulers

Political jurisdiction: GOS

Outcomes: Cessation of violence

Document references: Mohamed and Badri 2005

Place: Katalia, Southern Darfur

Parties: Gimr and Mararit; Fallata

Date: 1987

Convenors/supporters: Traditional rulers

Political jurisdiction: GoS

Outcomes: Cessation of violence

Document references: Hariri 1994

Place: Um Lebesa, Southern Darfur

**Parties: Beni Halba; Northern Rizeigat**

**Date: 1987**

**Convenors/supporters: Traditional rulers**

**Political jurisdiction: GOS**

**Outcomes: Cessation of violence**

**Document references: Gore 2002**

**Place: Northern Darfur**

**Parties: Fur; BeRa**

**Date: 1989**

**Convenors/supporters: GoS**

**Political jurisdiction: GoS**

**Outcomes:**

**Document references: Hariri 1994**

**Place: El Fashir**

**Parties: Fur; Arab tribes**

**Date: 1989 May 29**

**Convenors/supporters: Governor of Darfur, Masaalit Sultan**

**Political jurisdiction: GoS**

**Outcomes:**

**Document references: Hariri 1994**

**Place: Jebel Marra**

**Parties: Fur; Arab tribes**

**Date: 1989 May 29-July 7**

Convenors/supporters: Sultan of Masaalit

Political jurisdiction: GoS

Outcomes:

Document references: Gore 2002

International Crisis Group 2004

Place: Abu Karinka, Southern Darfur

Parties: Ma'ali; BeRa

Date: 1990

Convenors/supporters:

Political jurisdiction: GOS

Outcomes: A conference organized by traditional rulers was able to bring an end to violence.

Document references: Gore 2002

Place: Antekeina, Southern Darfur

Parties: Ta'aisha; Salamat

Date: 1990

Convenors/supporters: Traditional rulers

Political jurisdiction: GOS

Outcomes: Cessation of violence

Document references: Gore 2002

Place: Buram, Southern Darfur

Parties: Habbaniya; Abu Darag

Date: 1990

Convenors/supporters: Traditional rulers

Political jurisdiction: GOS

Outcomes:

Document references: Gore 2002

**Place: Buram, Southern Darfur**

**Parties: Habbaniya; Northern Rizeigat**

Date: 1990

Convenors/supporters: Traditional rulers

Political jurisdiction: GOS

Outcomes: A conference organized by traditional rulers banned the Northern Rizeigat from entering Habbaniya lands and thus ended the conflict.

Document references: Gore 2002

**Place: Katalia, Southern Darfur**

**Parties: Gimr, Fellata**

Date: 1990

Convenors/supporters: GoS

Political jurisdiction: GoS

Outcomes:

Document references: Hariri (1994)

Gore 2002

**Place: Kubum, Southern Darfur**

**Parties: Gimr, Ta'aisha**

Date: 1990

Convenors/supporters: Traditional rulers

Political jurisdiction:

Outcomes: A conference organized by traditional rulers was able to bring an end to violence.

Document references: Gore 2002

Place: Zalingei

Parties: Fur, Arab tribes

Date: 1990

Convenors/supporters: GoS

Political jurisdiction: GoS

Outcomes:

Document references: Gore 2002

Place: El Fasher

Parties: Mararit; Beni Hussein; BeRa

Date: 1991

Convenors/supporters: GOS

Political jurisdiction: GOS

Outcomes: A reconciliation conference was organized, blood money was paid, and most of the recommendations were implemented. As a result the conflict has not recurred.

Document references: Gore 2002

Place: Kas, Southern Darfur

Parties: Fur; Beni Halba

Date: 1991

Convenors/supporters: Traditional rulers

Political jurisdiction: GOS

Outcomes:

Document references: Gore 2002

Place: Shea'ria, Southern Darfur

Parties: Birgid; BeRà

Date: 1991

Convenors/supporters:

Political jurisdiction: GOS

Outcomes:

Document references: Gore 2002

Place: Dar Massalit, Darfur

Parties: Massalit; Arab Groups

Date: 1996

Convenors/supporters: GOS

Political jurisdiction: GOS

Outcomes:

Document references: Gore 2002

Place: Dar Rizeigat, Southern Darfur

Parties: BeRà; Rizeigat

Date: 1996

Convenors/supporters: GOS

Political jurisdiction: GOS

Outcomes: This and many subsequent conferences (notably also in 2000), have made similar recommendations that have never been fully implemented. The conflict eventually merged with the wider war in Darfur.

Document references: Mohamed and Badri 2005

Place: El Da'ein

Parties: Rizeigat; BeRa

Date: 1997

Convenors/supporters: GoS

Political jurisdiction: GoS

Outcomes:

Document references: Gore 2002

Place: Nyala

Parties: All Darfur tribes

Date: 1997

Convenors/supporters: GoS

Political jurisdiction: GoS

Outcomes:

Document references: Gore 2002

Place: Geneina

Parties: Massalit; Rizeigat; others

Date: 1998

Convenors/supporters: GoS

Political jurisdiction: GoS

Outcomes:

Document references: Gore 2002

Place: **Kepkabia**

Parties: **BeRà Beni Hussein**

Date: **1998**

Convenors/supporters: Traditional Leaders

Political jurisdiction: GoS

Outcomes:

Document references: Interview with Mandub Musa Jibril

Place: **Dar Rizeigat, Southern Darfur**

Parties: **BeRà; Rizeigat**

Date: **2000**

Convenors/supporters:

Political jurisdiction: GOS

Outcomes: The conference made recommendations that were not fully implemented.

Document references:

Place: **Kulbus**

Parties: **BeRà; Gimr**

Date: **2000**

Convenors/supporters: GoS

Political jurisdiction: GoS

Outcomes: This government-sponsored conference in 2000 was able to put an end to violence and collect blood money. However, conflict flared up again in 2001 and has merged with the current civil war.

Document references: Gore 2002

Place: Tine, North Darfur

Parties: BeRà; Awlad Zeyd

Date: 2001

Convenors/supporters: GOS

Political jurisdiction: GOS

Outcomes: This conference, convened by GoS to resolve conflict over wells and pastures, was perceived by the Zaghawa as biased. It was followed by Zaghawa attacks on government installations, and the formation of the SLA.

Document references:

Place: Adar, North Darfur

Parties: BeRà; Beni Hussein

Date: 2002

Convenors/supporters: Traditional Rulers

Political jurisdiction:

Outcomes: the Nazir of the Beni Hussien and the Omda of the BeRà of Adar called the meeting after a series of escalatory attacks and kidnappings following the robbery of a group of Beni Hussein trader by BeRà youths. Meetings were held both in Adar and in Kepkabia. An agreement was reached in which diya from the BeRà to the Beni Hussein would ensure the release of several kidnapped persons, including the parents of the alleged robbers. However before this could take place a young BeRà herder was killed by

a group of Beni Hussein. The BeRà tried to link this issue to the wider settlement and elders from both communities agreed that once the BeRà had paid the diya/ ransom they would settle the matter of the murdered herder. However before they could do this the current conflict erupted.

Document references: Interview with Salih Muhammad Shumu

Place: **Switzerland**

Parties: **GOS; SPLM/ A**

Date: **2002 January**

Convenors/supporters: **Governments of US, UK, Norway, Switzerland**

Political jurisdiction: **Switzerland**

Outcomes: This meeting brokered a ceasefire in the Nuba Mountains, which led to a reduction in violence, reactivation of trade, return of some displaced people, and increased involvement of aid agencies. An unarmed international force, the Joint Military Commission (JMC) was established to monitor the ceasefire. The ceasefire held up to the signing of the CPA, though many issues remained about use of land and natural resources.

Document references: **Jenatsch 2003**

Place: **El Fashir**

Parties: **Fur, BeRà (SLA): GoS**

Date: **2003 February 24-25**

Convenors/supporters: **GOS**

Political jurisdiction: **GoS**

Outcomes: This "consultative forum on security in Darfur", convened with traditional leaders by GOS, produced a consensus that the government should open a dialogue with the rebels. However, the envisaged process was not carried through.

Document references: International Crisis Group 2004

Place: Abéché

Parties: GOS; SLA

Date: 2003 August-September

Convenors/supporters: Chad

Political jurisdiction: GoS

Outcomes:

Document references: International Crisis Group 2003

Place: Garselba

Parties: Darfuris including diaspora

Date: 2003 September 14

Convenors/supporters: SLA

Political jurisdiction: GoS

Outcomes:

Document references: International Crisis Group 2004

Place: Abéché

Parties: GOS; SLA

Date: 2003 October 26-Nov 4

Convenors/supporters: Chad

Political jurisdiction: GoS

Outcomes:

Document references: International Crisis Group 2003

Place: N'djamena

Parties: GOS; SLA

Date: 2003 December 15-16

Convenors/supporters: Chad

Political jurisdiction: Chad

Outcomes:

Document references: International Crisis Group 2003

Place: El Da'ein

Parties: Rizeigat, Berti, Birgid, Ma'ali, Begio, Daju

Date: 2004

Convenors/supporters: Nazir of Rizeigat

Political jurisdiction: GOS

Outcomes: The Nazir of the Rizeigat mobilized other traditional leaders to try to sue for peace. The result was an agreement with the Birgid to the north-west, and non aggression pacts with the Berti, Daju and Begio. There has even been a rapprochement with the Ma'ali to the north

Document references: Flint and De Waal 2005

Place: Geneina

Parties: Masaalit, Arab Groups

Date: 2004

Convenors/supporters:

Political jurisdiction: GOS

Outcomes: In Dar Masaalit an agreement was reached between the Sultan of the Masaalit and the recently appointed Emirs of the Arab tribes. The agreement called for the Arabs to keep their Emirs who would nominally be under the elected Sultan, thus ensuring that the numerically superior Masaalit would always elect one of their own as Sultan.

Document references: Flint and De Waal 2005

(The above is an updated table compiled by the author in 2004 for the *Local peace processes in Sudan: a baseline study*. Bradbury, Mark, John Ryle, Michael Medley & Kwesi Sansculotte-Greenidge. *Local peace processes in Sudan: a baseline study* (Rift Valley Institute, April 2006) [http://www.riftvalley.net/inside/pdf/SLP\\_Final\\_Report\\_2005.pdf](http://www.riftvalley.net/inside/pdf/SLP_Final_Report_2005.pdf)).

Key to the understanding of customary mediation and conflict resolution is the concept of conflict as a communal concern or issue. As a result, the society as a whole was seen as having ownership of both the conflict and its resolution. Thus, with conflicts seen in this light local level mediation increasingly becomes the focus for successful conflict resolution. In built in this '*peace building from below approach*' is the understanding that traditional approaches of conflict resolution are an important component of many African societies. Among people from Darfur and Tchad a dispute between individuals involved their entire segmentary lineage. Similar to John Davis work for Libya it was the sheikhs of these lineages who were responsible for making peace. He writes, "*but the peace had to be accepted by all members of the tribe, least some other person not in the peace-making would resurrect the quarrel*", (Davis 1987: 101).

An often touted cause of conflict in Darfur and Sudan in general is competition between herders and farmers. According to Horn of Africa expert John Markakis, ethnicity is to some extent a factor in conflicts in the region. This is in part due to the struggle between groups for access and control over ever dwindling resources. Thus, herders not only clash with agriculturalists but also with other herders with whom they are in competition. On many

occasions such clashes escalate into serious violence (Markakis 1993. Fukui, K. & Markakis, J (eds) 1994). According to Fukui and Turton, there are certain elements of social organization that serve the "midwifery" role to heighten or lessen the intensity and in some cases the duration of conflicts (Fukui & Turton 1979).

In many societies traditional codes of conduct ensured that common rules of engagement were observed. Generally, during a lull in conflict or hostilities, the parties to the conflict will try to settle the dispute. Among the Turkana for instance, when there was any serious conflict, the elders would call a traditional peace conference. Such meetings would be open-ended so that all the participants had time and opportunity to air their grievances and views. Then a bull would be slaughtered and its blood collected and sprinkled into the air as a way of binding the community to the peace covenant. As a gesture of reconciliation the whole group would eat the meat together. Thereafter, feasting, singing, dancing and celebration would continue for several days. The whole society would thus be part of the agreement and anybody who violated it could suffer some calamity (Augsburger 1992).

Augsburger provides us with another example of traditional mediation at work among the Luo and the Maasai of Kenya. Here negotiation and reconciliation would be arranged by the elders. The elders and the community at large would assemble at one point along their common border. Then:

*A makeshift obstacle consisting of tree branches would be created along the border and the warriors would place their spears over it. A dog would then be slain and cut in half and its blood sprinkled along the border. Then, mothers would exchange babies with the "enemy" group and suckle them. The warriors would also exchange spears. Prayers would then be offered by the elders and a profound curse pronounced on any one who attempted to cross the border and create havoc to either side. After such an agreement it*

*would be almost impossible for the two sides to fight again* (paraphrased from Augsburger 1992: 276).

Traditional mediation in Darfur is also characterised by the implicit involvement of the whole society in reconciliation. Therefore the wider community itself becomes the repository within which conflict resolution was performed and knowledge of practices stored; with mediators (elders) representing the norms and values of the society, especially on moral issues. Ali Mazrui argues that the involvement of respected elders in conflict resolution is the defining feature of mediation on the African continent (1994: 41-42). Such elders are expected to advocate a settlement that would accord with commonly accepted principles of justice in terms of custom, virtue, and fairness, and reflect community judgement about appropriate behaviour. Thus, to break or renege on a settlement was to defy the moral order of the society, not just the mediators.

Thus, as Jannie Malan points out:

*A typical immediate goal is to reach an agreement which includes more than merely solving the problem or rectifying the injustice. What is specifically aimed at in the search for durable peace, is genuine reconciliation and, where necessary, restitution and rehabilitation* (Malan 1997:24).

This search for a durable peace means that the key focus of traditional mediation was the reconciling of protagonists with each other, rather than on establishing right and wrong. Thus punishment was not aimed at retaliation, but rather at restoring equilibrium, usually through the mechanisms of restitution, apology and reconciliation. There was emphasis on justice and fairness, rather than crime and punishment.

## CHAPTER 9

### CONCLUSION AND RECOMMENDATIONS

#### Reoccurring Patterns Recur... Again

#### ... And Again

Since the very beginning of the discipline, anthropologists have been interested in how social systems are altered by conflict and migration (Colson 1973, Oliver-Smith 1977). Anthropologists have shown subtle changes in some of the adaptive coping strategies utilized by populations in the developing world in response to uncertainty, caused by drought, conflict, and forced migration (Turton 1977). In some areas of the world, people have long had to deal with major social disruption. In areas such as the Sahel, drought, famine, and political insecurity have led to the development of a number of complex coping strategies, including, wide trade links, exchange, raiding and migration.

The starting point of this research was that conflict and violence can be seen as a foci for innovation and social change. Oliver-Smith notes, hazards and disasters challenge the structure and organization of society (1992, 1994, 1996, 1999). Forced migration is no exception. Numerous studies of migration have shown that displacement can stimulate a range of social responses. This particular work was concerned with the effect of displacement and conflict on leadership and conflict resolution. The case of the BeRà refugees now resident in Eastern Tchad is no exception. However, the challenges thrown up by displacement have led to varied responses. These responses have largely been determined by the camp organization. Thus, the responses of refugees in one camp to a specific problem are rarely replicated in other camps. Since the structure of the camp and more importantly the conflict resolution options available to refugees will also vary.

### *Suggestions For Further Study*

The thesis has looked at the resilience and change in traditional systems of authority, with a specific focus on traditional systems of administration and conflict resolution. In doing so it has examined social change and social continuity among the BeRà refugees in Tchad by looking at the effects of conflict and conflict induced migration on their traditional forms of leadership. More specifically, leadership expressed through the ability of elders to be *Ajareid* and thus to achieve *Judiyya*. Key findings, though numerous, have included the fact that *Judiyya* has continued in spite of four years in the refugee camps. Figures in *Idara Ahalia* from Darfur, though unable to form reliable links with counterparts in *Ndhirn al-Hilla* in Tchad due to ethnic rivalries and tensions, have been able to establish working links with Tchadien civil authorities, much as existed in Darfur prior to the war. However, as with any topic of this level of complexity and intricacy there are aspects which could not be dealt with in this study. Further research is still need in the region. Detailed studies are required on:

- The pre-colonial and current relationship between the various traditional rulers in the region, namely the Sultan of Dar Sila, the Sultan of Ouaddai, the Sultan of Dar Masaalit, the Sultan of Dar Gimr, the various BeRà rulers, the historical Sultan of Darfur.
- Linguistic studies are needed to determine the genetic distance between Tama, Daju and BeRà Ah languages, to see if there is indeed any scientific validity to the oral histories of a common origin for these ethnic groups.
- A major shortcoming of this work lies in the fact that both Am Nabak and Mile are predominately BeRà camps. As a result this study is clearly focused on

social change among the BeRà. Further study will be needed to see if the same processes are taking place in camps inhabited by other ethnic groups.

- Another shortcoming of the work is the fact that it is very much a male dominated study. The fact that *Idara Ahalia* and *Judiyya* are male domains meant that a study of these systems is a study that will inevitably underestimate the role of women in BeRà society.

- Further study is need to examine customary mediation in Ouaddai in more detail.

### *Judiyya and Ajawid*

Recently, conflict prevention, management and resolution (CPMR) have become global concerns. A host of organizations, individuals and institutions have taken up reporting and writing on conflict and conflict and conflict resolution. Though there is a growing body of literature on techniques of conflict prevention, management and resolution in the Western world. However, in the developing countries detailed studies have been somewhat lacking and even worse there is a general presumption that what applies in the Western world will also apply in developing countries. Thus, there is a growing need for case specific examinations of conflict in the developing world.

In the Greater Ouaddai-Darfur Region few comparisons can be made with the Western world. Ouaddai and Darfur, influenced by both African and Middle Eastern cultures, and colonized by the Ottoman Empire, French and British may present useful experiences that deserve being looked into by scholars in Africa, the Middle East and the Western hemisphere. However the key difference between conflict resolution in the western world and Africa lies in

the fact that conflicts erupt among identity groups rather than among individuals, as is common in the West.

What exists in rural Darfur and Tchad is a compensation system. To the region's inhabitants compensation is justice. That is, if the *Diya* is paid or if the camels that were taken are returned the guilty party is no longer guilty. A murderer who has paid *Diya* is theoretically free to walk the streets. He has paid for his crime-literally. This may be a little different to Western justice system with its emphasis on individual sanctions. However, the fact that all individuals have the right to choose between the traditional court in Mile and the civil court in Gureada, or Am Nabak and Iriba, means that an individual chooses the court they think most capable of dispensing justice. In the same way they could choose between the village courts and civil government courts in Darfur, prior to the current conflict..

Communally sponsored customary mediation needs to be acknowledged and strengthened, as they are now the only mechanism for resolving conflicts in areas where state institutions are non-existent or ineffective. Instead central government policy in the region is often antagonistic towards traditional leaders and have greatly impaired the effectiveness of customary mediation. To redress this several steps need to be taken:

- Firstly, the *Ajareid* must be allowed to propose settlements that solve conflicts by addressing the root causes of violence rather than suggesting government-desired solutions.
- Secondly, the government must become a facilitator of peace by being unbiased. Facilitation of peace means effective government support of *Ajareid* decisions and an effective role in implementing them.
- Finally, a new more consistent policy must be formulated in regards to

the various *Dars*. This will have to be accomplished through extensive consultations with national, regional and local stakeholder and can only be achieved through universal 'African Style consensus'.

If implemented these steps could halt the recent decline in success of *Judiyya* conferences. Most *Judiyya* conferences, and government sponsored conferences in particular, fail because they don't address the root causes of conflicts. Other reasons for this failure lie in the changing nature of Darfuri society. One should not be surprised that after hundreds of years, traditional forms of social sanction have become less effective in controlling individual attitudes and behaviour. Higher levels of education and urbanization, have all led to a more circumscribed role for traditional mediation. Although rural communities in both Darfur and Ouaddai, seem by and large to have held this change at bay, recent conflicts have played a large part in loosening individual ties to systems which they see as reactionary or tainted due to their links with the state.

Also, for the last thirty years, small arms have found their way into the hands of ordinary tribesmen. As highlighted in previous chapters conflicts in the region have had a profound impact on Darfur. In many instances retreating Tchadien troops, seeking safe haven in Darfur, brought with them their weapons and offered them for sale at affordable prices (Mukhtar 1998). Government sponsored *Judiyya* often fails because post-independence central governments have been consciously undermining it in an effort to weaken *Idara Ahalia*. Successive regimes have either ignored or deliberately weakened *Judiyya* and *Idara Ahalia* in attempts to gain, consolidate or extend their power in the non-State/Core areas of the Sudan. As a result the urban elite have always perceived figures in *Idara Ahalia* as either 'colonial stooges', or 'backward reactionaries', depending on their political leanings. The same unelected regimes have often regarded *Idara Ahalia* and its supporters as strongholds of political conservatives. Thus, both the October 1964

government, as well as the 1969/1970 regime, were uncharacteristically united in their decision to do away with *Idara Ahalia*. Though *Idara Ahalia* outlived both military regimes, the damage done to it by the creation of a parallel administrative system has haunted rural Darfur up to the present time.

All Sudanese regimes, elected or dictatorial, have tended to manipulate ethnic divisions. In the Fur-Arab of conflict 1987-1989 each of the two principal political parties (the Umma and the DUP) was allegedly sympathetic with one of the conflicting groups (Mukhtar 1998). The biased nature of the current regime and its use of the state security forces against civilians has been much easier to discern than previous such attempts at ethnic manipulation. As a result most independent observers are convinced that the central government has an overt Arab bias (Mukhtar 1998). A large portion of the *Mandubs*, *Omdas*, and *Sheikhs* I interviewed cited this as a major factor in the cyclical nature of conflict in the region. Interestingly, Mukhtar (1998) highlights the same concerns in his own work with *Ajaruid* and *Judiyya*. Most *Ajaruid* he interviewed mentioned that:

*“the antagonistic central policies towards them made them disinterested in the job and its function. Secondly, group representatives might not be whole-heartedly in favour of agreements reached. They are less willing therefore to convey conference resolutions effectively to tribesmen at the grassroots. (Mukhtar 1998).*

With this as a back-drop it is not surprising that an increasing frequency of parties ignoring the rulings of *Judiyya* councils has become the norm. This problem is only exacerbated by the fact that often times conference decisions are largely ignored, or even worse, not properly disseminated to parties in conflict.

Mediation it seems works best in Darfur and Ouaddai when the moral weight of communities that see each other as not only social but moral equals, is brought to bear. This is important, since as mentioned in the this work traditional forms of conflict resolution rely on common cultural heritage and are dependent on subscription to a particular set of norms. Furthermore it is the adherence to the core principles that makes mediation and conflict resolution possible. Similarly, if one group is in a clear position of power or higher standing vis a vis the other mediation is unlikely to succeed.

Acknowledging these facts it is clear that for *Judiyya* to have any impact on the conflict between refugees and host communities in Tchad, a new approach must be formulated. It is imperative that a new contract be drawn up between UNHCR, the implementing partners and more importantly, the refugees and the host communities. In the case of the BeRà, the fact that traditional figures in Idara Ahalia are still respected and seen as the custodians of the history and legal traditions of specific *Be A Ah* and regional groupings, is promising. However it is important that such figures be given a bigger role in the decision-making process.

Traditional forms of conflict mediation and resolution, like traditional systems administration, have proved to be remarkably enduring. In the Greater Ouaddai-Darfur Region these systems represent a form of customary law that in many cases has more legitimacy than the state run legal system. However, the system of *Native Administration* still haunts the current, decayed administrative system of Darfur. *Idara Ahalia* recognized and strengthened one of its most important aspects: the quasi-judicial authority of the *Ajareid* and their ability to mitigate conflict when supported by a government that is effective and even-handed. The restoration of *Native Administration* in its historical form is not a possibility in Darfur, even in a time of peace. Environmental deterioration, mass displacement and associated social transformation have altered the political landscape. But the recognition and reincorporation of elements of traditional

authority will need to be part of any solution to the current crisis. In Darfur, ethnicity has become an unprecedentedly fraught issue. Part of the solution must lie in the positive aspects of kin-based social networks that are exemplified in traditional mediation practices

The institution of *Mutamarrat al Sulh* faces problems, however. Traditional leaders who acted as *Ajawiid* are, with some exceptions (such as the Rizeigat *Nazir*) are seen as less powerful now than in the past. This is due, on the one hand to curtailment of their powers by central government, and on the other to the growing strength of militia commanders with different notions of accountability to the communities they hail from. Some groups in Darfur have begun to ask prominent officials, rather than elders and notables, to act as *Ajawiid*. But the connections that officials are likely to have to the central government are problematic, laying them open to accusations of bias and inefficaciousness.

Even as it attempts to constrain and manipulate local leaders, the Government recognizes the importance of the political language of traditional authority. The *Amirate* system introduced in the 1990s is an example of this.<sup>36</sup> The *Amirate* is a political institution that has powerful reverberations elsewhere in the Arabic-speaking world, but *Amirs* were unheard of in Darfur. That the central government should attempt to extend its control by creating new forms of traditional leadership indicates the endurance of an idea of legitimacy rooted in local hierarchies. The state, in an attempt to project its power into this zone, has over the years adopted a number of strategies, from abolishing *Idara Ahalia* to remoulding the system to suit the state's purposes. Each of these is an attempt by state with limited governance capacity to project power to the periphery of the state. In allowing local post holders to dispense justice in the form of *Judiyya* the state admits it lacks such capacity, or perhaps legitimacy, itself. Thus, as the state's

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<sup>36</sup> Amirs in Dar Masaalit and new Magdums, and Nazirs in Nyala and Dar Birgid.

ability to project power increases, there is an inevitable showdown between *Idara Ahalia* and the forces of the central government. But even then there is the acknowledgement that *Idara Ahalia* is still the system that is accepted by the masses. This is highlighted by the case of *Idara Ahalia* in Adar, where the new *Omda* was made responsible to the Mahafis rather than the local figure in *Idara Ahalia*. The central government could have just as easily appointed a local representative with more power but lacking the traditional title of *Omda*, but chose to confirm the appointment of an *Omda*.

The institution of *Judiyya* is by no means defunct in Darfur, even though it may have become less effective there is no lack of peace negotiations. The problem is that the recommendations made as a result of *Judiyya* processes are often not implemented. It can be seen from the record of past conferences if they were implemented conflicts would be less likely to recur. The failure of central government to implement the conclusions of peace meetings, even those it has itself convened, may sometimes be unintentional. Although the state in Sudan has shown itself capable of projecting force to peripheral areas like Darfur, this does not mean it is capable, even if it wishes, of providing good government there.

As in Darfur it seems that the strengthening and better inclusion of figures in *Idara Ahalia* and *Nahim al-Hilla* is imperative to the peaceful relation between communal groups in and around the camps. In Darfur this task falls solely on the shoulders of the central government. Successive Khartoum regimes have deliberately instituted policies designed to either de-legitimize or do away with *Idara Ahalia*. These numerous policy shifts have had an impact. Key to this in both cases is the enforcement of *Diya*.

In rural areas of Darfur, and now in Tchad. *Judiyya* and *Ajaweid* act as a means to transmit information and demands between groups in conflict until a solution is reached. However the

real purpose of *Judiyya* is not punish those who are found to be guilty, but rather to create conditions in which communities and individuals can return to a state of social harmony. In most cases this harmony can be restored through compensation. This is perhaps a key feature of the work of the *Mahkama* and *Judiyya* in general. Judiyya is perhaps best described as a system for restoring social harmony and equilibrium through compensation for wrongs rather than justice, as a result the payment of Diya is central to a peaceful resolution of conflicts.

*Diya*, in *Judiyya* cases represents a general acceptance of who was right and who was wrong, as the party in the wrong usually pays *Diya* or at least a greater amount of *Diya*. Thus, without explicitly stating, or blaming one particular party, the act of paying and accepting *Diya* is an acknowledgement of one's position. As a result, the payment and amount of *Diya* become a key sticking point in most *Judiyya* proceedings.

### *The Aid Effort*

Though the aid effort has, generally speaking, been well managed and provides for the needs of the refugees, in some aspects many of the policies have been short sighted. The lack of real host community participation and more importantly, poor camp location has made the lives of the refugees even more precarious. Ironically, many of these issues could have been dealt with through traditional forms of communal mediation as practised both in Eastern Tchad and Darfur. However the story of the Tchadien refugee camps is perhaps best described as a tale of missed opportunities, or perhaps, of short term, rather than of long term planning. From the initial site selection, to the 'selection' of the camp Sheikhs, the aid agencies failed to properly consult with the refugees, or host communities, for that matter. As a result conflict between refugees and host communities is the single most pressing issue surrounding the camps. Many of these issues and problems could have been avoided if there were timely and frank discussions between the aid agencies, UNHCR, the refugees and the host community. It is clear that in all

the camps there needs to be clear and concise conflict prevention, management and resolution (CPMR) procedure.

The links between Ouaddai and Darfur though strained due to the influx large amounts of refugees is none the less far reaching and unlikely to be torn asunder anytime soon. As a result it is necessary for the aid agencies to do what they can to mitigate conflict between the two communities. However, with agency staff usually rotating after six months in most cases, there is little to no institutional memory. Thus, planning long term policy initiatives becomes secondary to the day to day management of the camps and more short term policy goals.

### *The Future*

The BeRà as an ethnic group have shown themselves to be a most resilient people, having overcome drought, famine and conflict induced migration, both in the recent and distant past. However, such strategies are not without their risks and drawbacks. Among the BeRà refugees, their five year sojourn in eastern Tchad has become, not only a damning sign of the international community's inability to protect the lives of innocent civilians, but also a depressing and dangerous situation for the refugees themselves. Conflict between refugees and between refugees and the host communities, have at several times threatened the entire aid effort. As violence is exported wholesale from Darfur to Eastern Tchad -in many instances with the complacency of the Sudanese regime- conflict resolution techniques become even more important.

Whilst it is clear that as yet traditional systems are most successful when resolving intra ethnic conflicts, traditional mechanisms also have the potential to be a powerful relationship-building tool across communities. The reason for this is that traditional elders are largely respected by the majority of people from all ethnic groups and certain traditional beliefs and

methods transcend ethnic divides, namely where they are concerned with revealing the truth and encouraging forgiveness to achieve true reconciliation. Thus, traditional mechanisms hold the capacity to build solidarity and inter-cultural understanding between ethnic groups within the camp and the host community.

The continued resilience of traditional leadership systems within the camp is also dependent upon each community's perceptions of these systems. It is evident that the reliance of youth upon them is largely rooted in the strength of the socialisation processes within their respective communities. Thus, Darfuri refugees continue to seek out their old sheikhs, who are seen as repositories of knowledge and able to bring about real social cohesion through conflict resolution.

The perceived strength of traditional systems among displaced people both within Am Nabak and Mile refugee camps can also be attributed to the apparent weaknesses of the newer institutions established in the camp. In overlooking the traditional values and cultural norms which are so inherent to the social relations both within and between the BeRà and the host communities modern mechanisms for conflict resolution discount the breakdown of relationships which ultimately lead to violent conflict. Thus, the capacity of these institutions is limited to short-term conflict resolution because they do not seek to rebuild the relationships which are required to achieve long-term sustainable peace. There is an apparent absence of respect and trust in the modern structures amongst the majority of refugees interviewed.

Despite having sustained their relevance it was observed during this research that traditional leadership positions are considerably challenged and compromised within the camp environment. Many refugees throughout the camp implied that modern actors can be the most appropriate actors to respond to conflicts specific to the camp environment, such as the

distribution of food rations and pass permits. Persistent conflict with the host community over resources is a particular example because it concerns land which is the legal ownership of the local people. Although the majority of refugees interviewed feel that traditional leaders are the most respected forms of authority, they stressed that ending the resource-based conflict requires a solution at higher levels than that of grassroots level conflict resolution.

Additionally, traditional conflict resolution processes can become compromised within the displacement context. For example, although the elders from the camp and community frequently convene to resolve conflicts, the refugees recognise that the host community will not accept the punishments and compensation levels that the refugee elders request. Therefore punishments tend to be biased to take account of the sensibilities of the host community, and the refugees, in order to maintain peace, accept less harsh penalties and generous compensation levels than those deemed fair by their traditional law or host state law. It is evident that the situation of displacement experienced by refugees continues to have a significant impact upon how the relevance of traditional leadership systems is perceived by their communities. In turn, the resilience of traditional mechanisms in the long term is dependent upon how and whether adapt and respond to conflicts specific to the displacement context.

The future of the *BeRà* and their traditional systems of leadership are, for better or worse, linked to the current conflict in Darfur. The factors weighing heavily in favour of the continued relevance of traditional systems are multiple. In this volatile and often neglected region it has allowed them to frame their struggles in an ethnocentric manner. These systems endure because they allow the *BeRà* to mobilize along *Air Ke Be*, *Be A Ah* and, occasionally, pan-ethnic lines. The endogenous leaderships systems of the *BeRà* allow them to pool resources in times of crisis, such as drought or famine, but also enables them to pool man-power when threatened. Such was the case in 1989 when two young Tchadien military officials, one a *Bediyat* and the other a

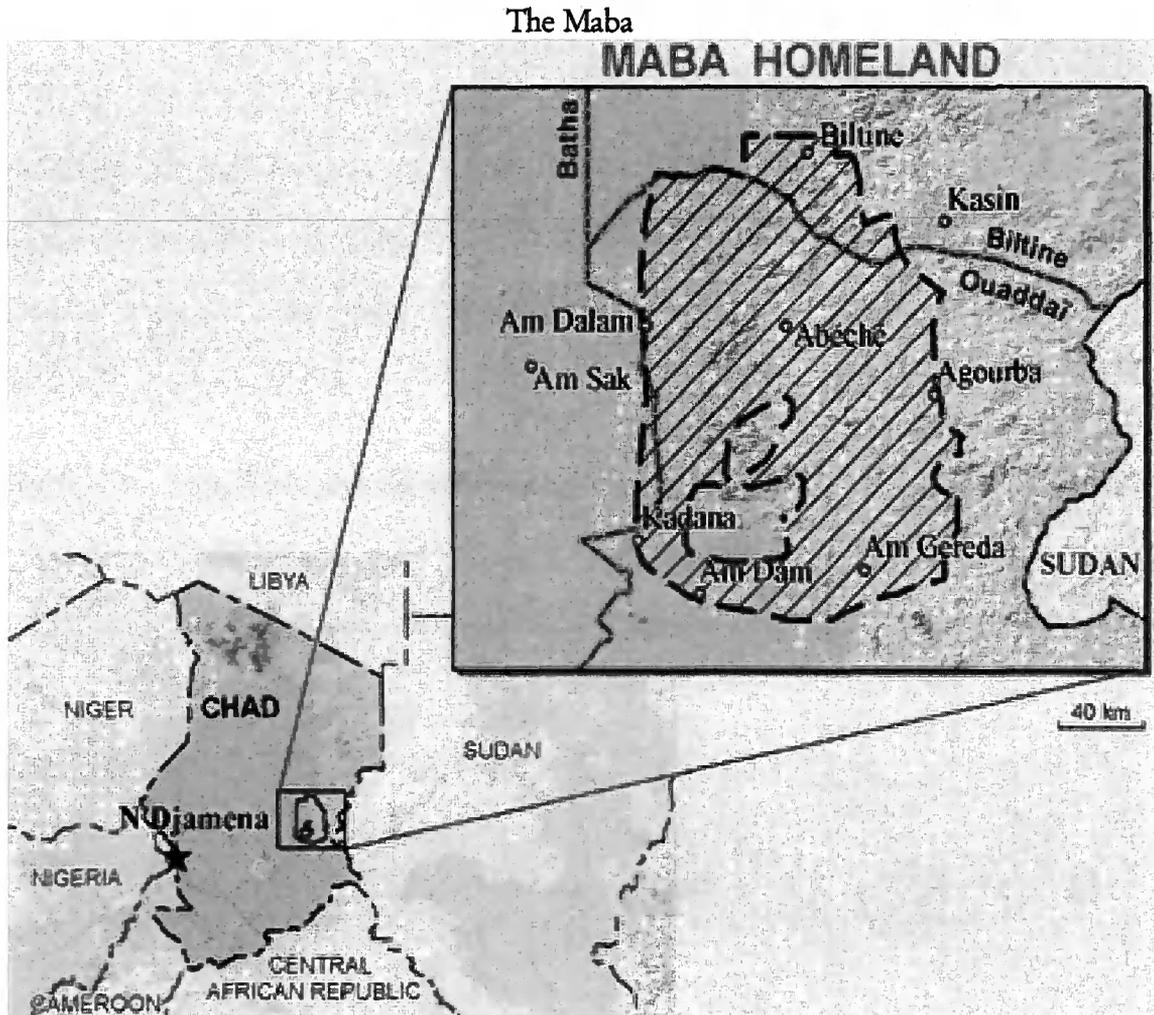
*Dirong*, fled to Darfur to start a rebellion to overthrow the dictator Hissene Habre. In this way Idris Deby Itno and Abbas Koty were able to mobilize their *Tuer* kin against Habre and his *Gar'an* co-ethnics. Idris Deby Itno was able to play on his family links to *Air Ke Be* in the Dar Galla region to mobilize hundreds of Darfuri *BeRa* recruits to his cause. The current crisis has also caused a new round of fragmentation among the *BeRa*, particularly those of Darfur. As the Darfuri rebel groups fragmented along ethnic and clan lines so too have their *BeRa* supporters and vice versa.

The resilience of traditional systems in the environment of displacement can be understood firstly as a result of the continued effectiveness of traditional mechanisms in practice, and secondly on how their strength is perceived by their respective communities. Traditional forms of leadership evidently have most use and greatest effectiveness in resolving conflicts between members of the same ethnic group within the camp. Many refugees claimed that this effectiveness is attributable to the fact that such traditional systems are grounded in the cultural norms and values of their society which provides the basis upon which traditional leaders are able to assist in rebuilding broken relationships between members of their communities. The bottom up approach of traditional systems to conflict resolution also instigates participatory practices which give communities a sense of ownership over the resolution process which is foundational to the building of sustainable peace.

## APPENDICES

### 1: The Neighbours of the BeRà

The largest and perhaps two most important groups in the region are the *Maba* and the *Fur*. As stated previously both groups show similar histories of having been the core group of their respective state each assimilating or conquering others as their states expanded.

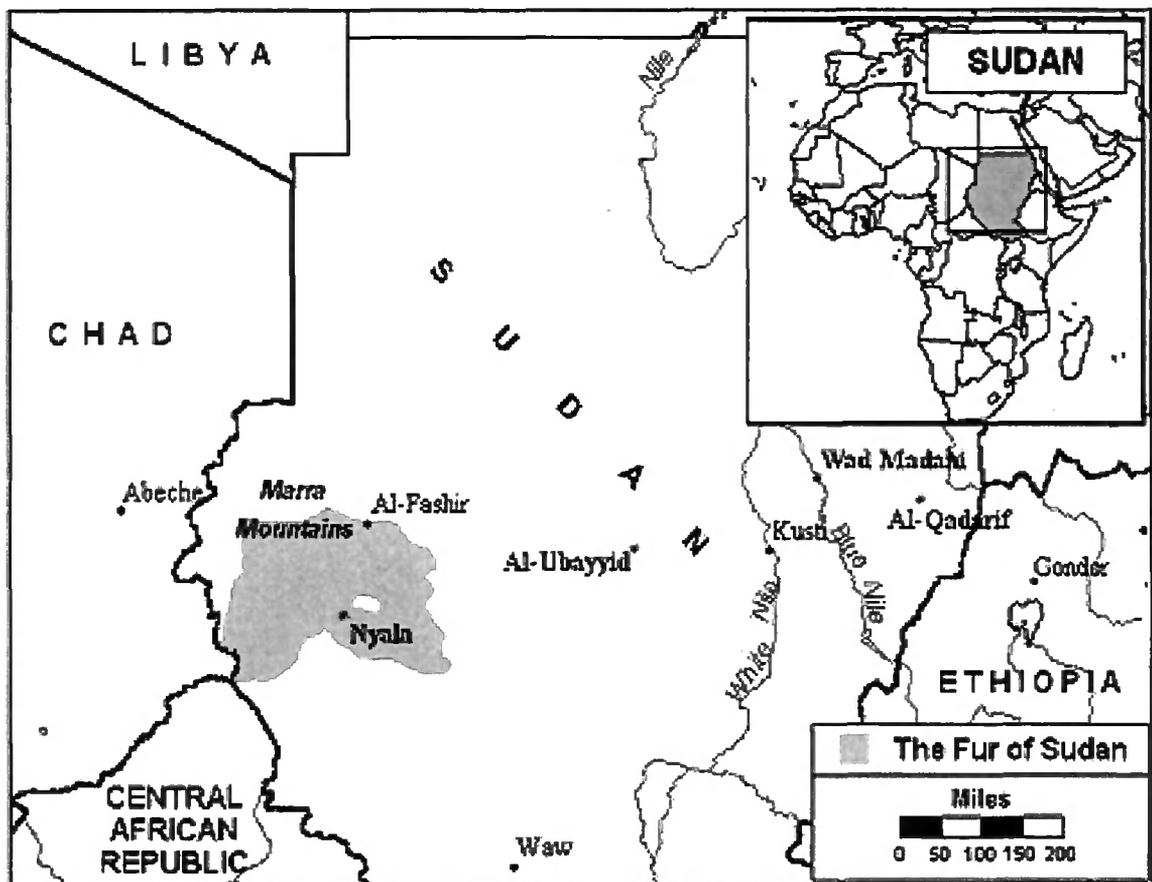


Joshua Project 2: <http://www.joshuaproject.net/peopctry.php?rop3=105960&rog3=SU>

Little is known of the origins of the 250,000 or so Maba (Ethnologue 3) known in Arabic as *Wadai* and in Fur as *Bargo* or *Bargu*. Speaking a Nilo-Saharan language of the Mabang family which included Maba proper and Marfa (Ethnologue 3). Today as in the past are the dominant

ethnic group of the Ouaddai highlands and the lost rulers of the state of Ouaddai. Mainly agriculturalists the Maba are divided into a number of tribes the largest being the Kodoi, Awlad Djema, Malnga, Mandaba, Mandala and Kondongo. The Kajanga, Karanga, Kabga, Ganyanga, Kashamre and Marfa are Maba speaking tribes that are said to have been assimilated sometime in the past (Doombos & Bender 1983: 50).

Our knowledge of the Fur on the other hand is more substantial. Speaking a Nilo-Saharan of Fur family which includes only Fur and Amdang of Biltine Tchad, the Fur's original home land was probably deep in the Jebel Marra area or in Jebel Si. Numbering probably close to 800,000 Fur oral tradition links the southward expansion of the Fur to the spread of Islam and the growth of the state (O'Fahey 1980: 72).



Joshua Project 3: <http://www.joshuaproject.net/peopctry.php?rog3=SU&rop3=103084>

*(the first unnamed Sultan) gradually spread Islam and his empire south, by sending in turn to the king of each hill and telling him "Become Muslim, or I will fight you". Given such an alternative most of the people fled south and became Fertit, leaving much of what is now Darfur uninhabited. The Sultans used to bring people of the east to occupy the empty lands. (Al Tunisi 1965)*

The above is an extract from the work of an 18<sup>th</sup> century explorer al Tunisi. The term Fertit is the generic term used by the Fur to describe the non-Muslims living to the south who were considered enslavable. What the narrative tells us is that this status was something acquired by the ancestors of the Fertit who at some point in time coexisted with the ancestors of the Fur and may have been one and the same. Further validity is added to this by a well known Fur myth that even today tells that the ancestors of the Fur and Fertit were brothers *Fir* and *Firat* respectively. Thus the expansion of the Fur ethnic seems to be a process of assimilation and displacement of a host of related ethnic groups the remnants of which can still be found, such as the: *Fertit, Shatt, Banda, Binga, Kreish, Gula, Yulu* and *Kara* in Bahr al Ghazal and other such groups in Tchad, C.A.R. and southern Darfur (O'Fahey 1980: 73). As a result of this history there are clans of *Kara (Fertit)* in Jebel Si; *Gula (Fertit)* in Dar Lewing known today as the *Daalinga*, the *Shatt (Daju)* of *Aruwilla* known today as the *Hajaranga* (O'Fahey 1980: 75).

The case of Dar Fertit perhaps needs further explanation, for it was here in the southern edge of the Sultanate where the state was at its most destructive. The name Fertit was given by the Fur to the numerous non-Muslim living south of the Bahr al-Arab or Kiir river, which currently marks the south border of Darfur and previously marked the farthest southern extent of effective Fur government. Note the use of the term effective government as opposed to effective power, the two being closely related but by no means the same thing. The Sultanate did

not govern Dar Fertit not in the same way it governed the Competition Zone; *Maqduim* were not appointed, the *Shartai* was not stationed there; no attempt was made to spread Islam. The state merely busied itself with raiding the region for slaves. These raids were swift unprovoked and brutal with Fertit being transported north to be sold in Libya and Egypt.

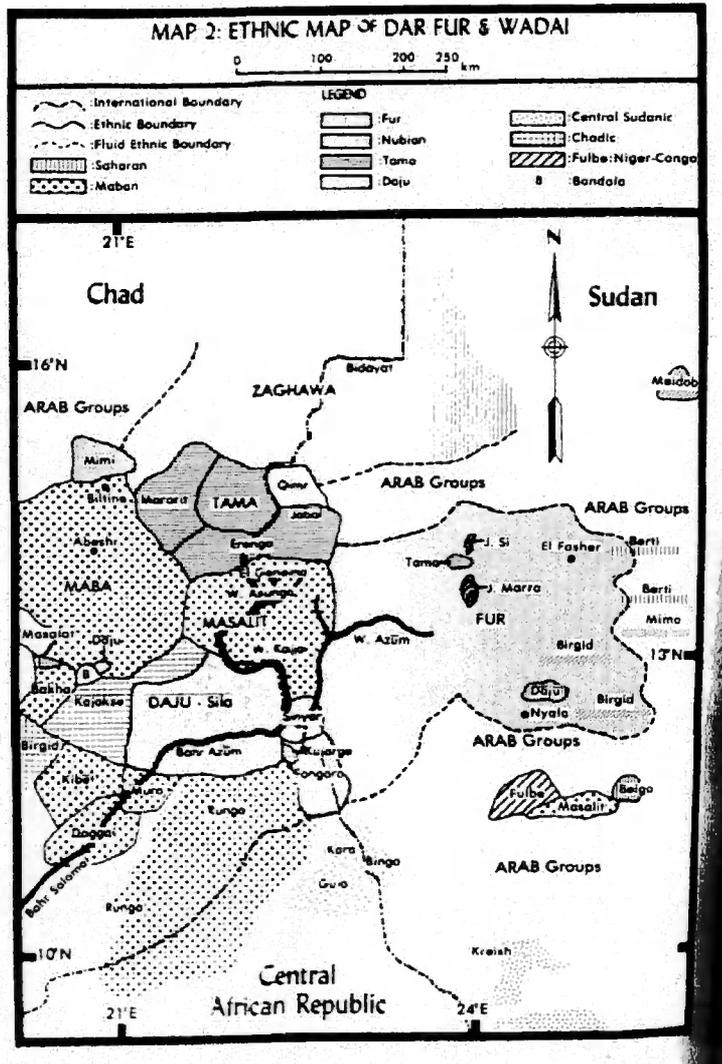
In this way the Sultans demonstrated that they had the ability to project power to Dar Fertit in the form of annual, bi-annual (and later whenever the mood took them) campaigns enslave the Fertit, but showed no desire to govern in the region. The reason for this is somewhat unclear, it may be due to the fact that Dar Fertit would be cut off from the Fur heartland during the rainy season when the river Kiir flooded. Or perhaps because the Fertit had no desire to be governed by the Darfur and could have abandoned their village at the sight of their northern neighbours. But I suspect that the fact that mounted cavalry was useless in this wooded region made the Fur Sultans feel that the region could only be governed through colony like those of the Kunjara placed at the border between Darfur and Ouaddai or like the Masaalit colony set up in south Darfur (Kapteijns 1988). Setting up such a colony in Dar Fertit would have been problematic due to the problems of communication during the rainy season and thus the region remained outside of effective government.

The actual border between Darfur and Ouaddai was never a static frontier, it receded and ebbed as the power of each state receded and grew. The border itself was a combination of garrisons, no man's lands and petty chiefdoms, the exact assemblage and power of each also depended on the ability of each state to project effective power to this region and to out compete local elites. Here in the border zone of both states, each tried to co-opt local elites and petty chief to their cause.

In the main these local elites took the form of traditional rulers of in many case multi-

ethnic regions, in spite of this the regions were usually named after the largest ethnic group or the ethnic group of the ruler. Between these sultanates that paid tribute either to Darfur or Ouaddai there existed a no man's land that marked the limit of formal government by either state. The actual size and position of the no man's land depended on the relative power of the two hegemonic state vis a vis the other. The existence of a buffer region between states is a common feature of Sudanic African. Such regions existed between Ouaddai and Bagirmi, Dar Tama and Darfur and after 1874 between Darfur and Dar Masaalit (Kapteijns 1985: 20-22, Doornbos & Bender 1983: 58).

Ethnic groups in the Ouaddai-Darfur Border Region



(Doornbos & Bender 1983: 42)

Moving from south the border between Ouaddai and Darfur was composed of:

| Region      | Historical Notes  |
|-------------|---|
| Dar Fongoro | <p>Known as <i>Gele</i>, by the Fur, the Fongoro occupy the southernmost portion of the Ouaddai-Darfur border. The region has always been sparsely populated due to the tsetse fly infestation. Dar Fongoro was the private estate of the Fur Sultans and the inhabitants had to supply the royal family with an annual tribute of slaves and honey (Doombos &amp; Bender 1983: 58). The region is home to a number of small mainly agricultural ethnic groups; namely: the Fongoro, the Kujjarge, the Formono (Fur-Sinyar heritage) etc.</p>   |
| Dar Sinyar  | <p>North of Dar Fongoro lies Dar Sinyar, named after the main ethnic group in the region. The Sinyar speak a Nilo-Saharan language of the Central Sudanic family and number approximately 12,500 (Ethnologue 2) souls mainly on the Tchadien side of the border. Their main centre is Fora Boranga a town located on both sides of the Tchad Sudan border north of Mongororo, near the confluence of the Kaja, Azum, and Salih rivers. The region is now divided by the border between Tchad and the Sudan, but in the past it was an integral part of Darfur, until annexed by Dar Sila sometime between 1860 and 1880 (Kapteijns 1985: 17). The Sinyar were ruled by a Sultan who paid tribute to Darfur and controlled trading and slaving routes to the</p> |

linking Darfur with Dar Fongoro and Dar Runga; as well as the pilgrimage route from West Africa to Mecca, which passed through Ouaddai and Darfur.

#### Dar Sila Daju

Sometimes known as Dar Sila Daju, after the region largest ethnic group the Daju. Speaking a Nilo-Saharan language of East Sudanic family the Daju of Dar Sila number approximately 65,000 (Ethnologue 1). The region is located mostly in on the Tchadien side of the Tchad-Darfur border, west of Dar Sinyar and Dar Masaalit, with only a few villages falling in Darfur. Their main centre is Goz-Beida. The present distribution of Daju suggests they may have at one time been the dominant ethnic group in southern Darfur and even areas of Kordofan (Bender 2000: 46). Numerous Daju speaking ethnic groups dot this part of the Sahel, namely from west to east, the Daju of Mongo in the central Guéra region of Tchad; the Daju of Dar Sila in the southern most region of the Tchad -Darfur border; the Daju of Nyala-Logawa, located in Logawa to the north east of Nyala; the Begio of south Darfur, in the village of Kubbi; Shatt of southern Kordofan, occupy the Shatt Hills Southwest of Kadugli in the Nuba Mountains; the Ligiri of Southern Kordofan, live to the north east of Kadugli; and the Nyalgulgule of Bahr al Ghazal who live in only one village and number about 1000 and live in Southern Sudan, on the Sopo River just above the Sopo-Boro confluence.

The Dar Sila region is currently home to a Sultanate which is a

|              |   |
|--------------|---|
|              | <p>successor state to the Daju kingdom in southern Darfur. The Daju of Dar Sila claim to be migrants from Darfur who arrived in the region around 1700 AD (Kapteijns 1985: 17). However it is more likely that this date represents the foundation of the Sultanate as an independent entity in itself; rather than the arrival of the Daju who may have already been present in the region prior to this, or in fact indigenous to the area. There is no doubt that the clan of the Sultan were descendants of refugees from the Daju kingdom of southern Darfur and may have set up a petty state chiefdom in the Dar Sila region as early as the 1400s. Historically and even today the Sultanate has maintained a large degree of autonomy from both Darfur and Ouaddai</p> |
| Dar Masaalit |   |
| Dar Erenga   | <p>Named after the largest ethnic group in the area the Erenga never formed an autonomous entity of their own. Rather the Erenga, Asungur, Girga, Dula, Awara and others were immigrants from Dar Tama and Ouaddai, and each was ruled by a Malik or king (Kapteijns 1985: 16).</p>   |
| Dar Jabaal   | <p>Located in the Jebel Moon region, the Jabaal or Milieri was incorporated into Darfur at the same time as Dar Gimr, to which it may have paid tribute (Kapteijns 1985: 16).</p>   |

|             |  |
|-------------|--|
| Dar Tama    |  |
| Dar Gimr    | <p>Next was the land of Dar Gimr, located in Darfur. The exact number of Gimr is unknown, they speak Arabic rather than a Nilo-Saharan language like their neighbours and claim to be Misseriya Arabs. The region was conquered by Darfur in the early 1700 (Kapteijns 1985: 16). The Fursha was made tributary to Darfur, later the term Fursha was replaced by that of Sultan.</p> |
| Dar Zaghawa |  |
| Dar Gur'an  |  |

## 2: BeRà Kinship

Though the history of the Eastern Lands, Diaspora and the Camps is discussed in the main body of the thesis, a little ethnographic background to the BeRà society is provided here to familiarize the reader with the BeRà.

Kinship is perhaps the most esoteric, specialised and often the most ambiguous branch of social anthropology. At the same time the study of kinship is seen as somewhat scientific for a discipline like socio-cultural anthropology. Thus, the study of kinship differs from “*the truly difficult areas of social anthropology – the study of religion, for instance (where) vagueness is often mistaken for profundity*” (Barnard 1984:1-2).

With this in mind what follows is a brief description of BeRà kinship terminology, an attempt to give the reader the necessary tools to fill in the profound vagueness associated with kinship, by highlighting three types of kinships data collected:

- *Categorical* such a kinship terminologies
- *Jural* or normative precepts and preferences, such the rules regarding the choice of the ideal spouse
- *Behavioural* which utilises the categories of the former system and us justified by references to the latter

It must be noted that these three typologies are not totally independent of each other and can be studied accordingly, since genealogies are often moulded to explain, fix or reinforce current political, social and communal state of affairs. Kinship data will be present using a fairly common typology:

key

| Kin Type | A |
|----------|---|
| father   | F |
| mother   | M |
| brother  | B |
| sister   | Z |
| son      | S |
| daughter | D |
| husband  | H |
| wife     | W |
| parent   | P |
| child    | C |
| sibling  | G |
| spouse   | E |

This system was chosen, over others, since it *has the advantage of not squandering the lower case letter definitions in the initial classification system*. As a result *e* means ego, *y* and *o* can be used to denote younger and older, thus one can say *FyBWB* or in the case of ego's relative age *FBWBy*. Or *ms* male speaker *ws* woman speaker; *os*, *ss* opposite sex and same sex respectively. Thus *e-WZ*, means ego's wife's sister. *e—* sister in law, means ego addresses the person as sister in law.

Though they rarely think of kin in overall categories. The BeRà really have three categories of kin.

There are three types of Kin in BeRà Ah

| <i>Category</i>     | Members   | Jural Position  |
|---------------------|---|---|
| <u><i>Ké D</i></u>  | person related to you through female relatives. For example e-EFC, e-SZor S, aunties ZS or Z. | They are classified as fictitious sons or daughters.<br>e--- <i>Ké D</i> or <i>Ké Dege</i> or my sons/daughters.<br><i>Ké D</i> --- e <i>mama</i> my maternal uncle<br>or <i>bala</i> maternal auntie.  |
| <u><i>Kidow</i></u> | e-MZS or Z  | All <i>Kidow</i> are unmarriageable partners for ego.   |
| <u><i>Kidey</i></u> | eFZSor Z, eMBSor Z  | Note eFBS or Z is not <i>Kidey</i> but <i>aba gibur/kossi gibur</i> or uncle's son<br><i>Aba gitele/ kossi tale</i> or uncle's daughter<br><i>Aba</i> and <i>kossi</i> mean father and uncle respectively.<br><br>All <i>Kidey</i> are marriageable |

|  |   |   |
|--|---|---|
|  | <p>note cousin's child is formally called daughter and you are expected to help in the negotiation on their wedding</p> | <p>partners for ego</p> <p>eMB or Z or S      not marriageable</p> <p>eFB or SZ or S marriageable</p> |
|--|---|---|

### *3: BeRà Life Cycle Rituals*

While a resident of Mile refugee camps, I had the privilege of witnessing numerous weddings, deaths and births. Though not directly related to my work, these events, like BeRà kinship terms give us a glimpse of integral aspects of BeRà society.

#### *SADEH/Birth*

When a child is born the baby is usually kept indoors for a few days then named seven days after they are born. On the day of naming a sheep is usually slaughtered if they parents can afford it, in the camps the NGO usually provides new mother with a pound of sugar, a basin and a few other items for the baby. The newborn's name is actually chosen by the mother from a list of three or four names suggested by close relatives. It is unclear whether the mother privilege of choosing the infants name is a new custom brought on by the life in the camps and the greater right provided to women there. However most BeRà/claim that this was the case even in Darfur, though mothers often choose the name *recommended* by their husband's.

#### *HIRR LE/Marriage*

Since there is no coming of age ceremony the next key stage in the BeRà life cycle is marriage. The BeRà Ah word for a wedding is actually *Be Ah Owla* which means *entering the house*. The BeRà recognise two forms of marriage, they are alliance marriages and individual marriages. The former are marriages arranged by fathers and *mama* maternal uncles. They usually take place with little or no input from the bride and groom. The second form of union are those in which the impetus for the partnership has come from one or more of the individuals to be married. The preferred practice in this form of union is for young couples whom wish to get married to first approach their elders. This usually takes the form of a prospective suitor

approaching: the father and *mama* of the bride, the mother of the bride and the brothers of the bride once he has all of their blessing he can approach the bride and confirm his intentions to her. After this negotiations will begin between the fathers and *mama* of the bride and grown to set a suitable *Tege* or bride wealth. In the past bride wealth was highest among the northern Ennedi groups, followed by the eastern then western BeRà, with bride wealth for Bilia reaching as much as 30-50 camels<sup>37</sup>. Among the Eastern Tuer/Waggi BeRà bride wealth is usually:

15 cows or 10 camels

a sack of sugar (50kgs)

a jerry can of oil

200,000 Sudanese Dinars<sup>38</sup>

The bride wealth goes to the mother of the bride, since the sugar and oil will be used for the wedding ceremony. The cows however are the brides and even in the event of a divorce or annulment of the marriage she will keep the cows. One the day of the weeding the groom is expected to bring clothes for the bride, *Baga/Dukkum/Millet* and sheep for the feast. The groom is supposed to stay at the home of the bride for at least seven days. Older BeRà stated that in the past the groom stayed up to a year at the bride's mother's house and it may have been even longer in the distant past. These days though the bride does remain at her mother's home for the proscribed time, but most grooms leave after the wedding night. This may hint to the a matrilocal past for the BeRà.

All BeRà males aspire to multiple wives. As soon as a man is financially secure he will begin to look for a second wife, as Islamic tradition allows up to four wives. The practice among

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<sup>37</sup> 2005 camel price 200-500 pounds

<sup>38</sup> 2006 Sudanese Dinar 200,000 equals close to 500 pounds

the BeRà is similar to what Barth observed among their southern neighbours the Fur with each wife to maintaining her own household and her children residing with her (Barth 1967). In fact only newlyweds, husbands with only one wife or the poor couples will live together permanently. In most polygynous marriages the husband will have his own home in the same village of his first wife, other wives may live in this village, but it is also common for a man to choose a second wife in a town or village some distance away. The latter is usually the case among herders, who frequent the same villages years after years, as well as with traders. The husband will frequent the home of his various wives when he can. In the camps in Darfur and Eastern Tchad the BeRà still show a preference for polygyny, when possible, some men having multiple wives in one camp or multiple camps.

#### *DIRDE/Divorce*

When a couple part ways the wife is supposed to keep possession of everything that they jointly owned, except the children, who belong to their father. In reality however even elders cannot stop a husband from leaving with his herds and flocks, however most brides are able to retain the ten cows that were originally part of the bride wealth. The joint property is viewed as the wife's since it is assumed that the husband will take up residence with one of his other wives or build a new home when he remarries. She keeps everything you gave her except the children which belong to the father.

A husband simply says *DEREGE II!* *I divorce her!* then calls on those who negotiated the wedding to do a divorce

#### *ELE/Death*

Funeral rights are probably the most overtly Islamic BeRà custom, with a traditional Islamic *Sadaqa* or death ceremony taking place. Friends and relatives of the deceased will brig

food and money to help with the ceremony, which takes the form of a simple Islamic burial after Qur'anic recitations.

## GLOSSARY

- Abballa* (Arabic) Camel herders (literally “camels”)
- Al sulha al gabali* (Arabic) tribal reconciliation.
- Amirate* an administrative division, smaller than a *Dar*, called an *Amirate*. The *Amirate* was a term that was new to Darfur. The *Amir* was, typically, interpolated between the highest tribal authority, and the *Omda*, this previously the second-highest, but now relegated to third position.
- AMIS* The African Union Mission in the Sudan is the body tasked with monitoring ceasefires and human rights violations in Darfur. AMIS peacekeeping force was founded in 2004, with a force of 150 troops, by mid-2005, its numbers were increased to about 7,500.
- Ansar* Sudanese religious sect founded by the Mahdi. The Mahdi’s great-grandson Sadiq al-Mahdi heads the *Umma* party, the political expression of the Ansar.
- AU* Created in 2002 the African Union is a renamed OAU, it current runs the AMIS- African Union Mission in the Sudan.
- Awlad* (Arabic) tribal section or clan
- Baggara* (Arabic for “cattle”) A collective term used for cattle-owning nomadic Arab tribes in southern Darfur and southern Kordofan, including Rizeigat and Misseriya

- Darfur* The name Darfur refers to both the pre-colonial state (1400s-1917) and the modern region in the Sudan which includes West, North and South Darfur.
- Diya* The term *Diya*, often translated as blood money is actually a colloquial contraction of the word *Fadiyya* which means the sacrificed . *Fadiyyen* the plural of *Fidiyya* was the name a corps of soldiers used by Saladin during the Crusades and also the crack troops of Saddam Hussein's Iraqi army.
- Fallata / Fellata* Refers specifically to the Ffulde-speaking cattle nomads spread throughout the Sahel from western Senegal to the Nile. In Sudan, though, it is used to refer to members of any group of West Africa origin i.e. Fulani, Hausa, Kanuri, Takuri.
- Fursan* (Arabic) Horsemen or "knights", term first used for the Beni Halba horse-mounted militia men who fought against SPLA incursions into Darfur and subsequently other militias.
- Fursha* Name given to the Masaalit official who acts as a tribal head equivalent to a Fur *Shartai*.
- Greater Ouaddai-Darfur Region* the writer means Darfur, the Tchadien border regions of Ouaddai, Wadi Fira, and the eastern borders of B.E.T. (mainly the Ennendi region) and Salamat.
- Hakura* (Arabic) A 'grant' or 'estate'. A grant of land in Darfur, historically administered and taxed on behalf of the Sultan of Darfur either by a local ethnic elite or an administrator (usually a Fellata holy man, or Nuba eunuch).

|                          |  |
|--------------------------|--|
| <i>Idara Ahalia</i>      | (Arabic) Native Administration, established under Anglo-Egyptian Condominium rule.   |
| <i>Ilzam Manawi</i>      | morally binding, rather than <i>Ilzam Qanuni</i> legally binding   |
| <i>Islamic Legion</i>    | founded in 1972, Mummarr Gaddafi's <i>al-Failaka al-Islamiya</i> or <i>Islamic Legion</i> as drawn from numerous Sahelian nations, notably Sudanese Ansars of Sadiq al-Madhi who were waging a low intensity war against Numeri, and Tuaregs from Burkina Faso, Mali and Niger. The Legion was a part of Gaddafi's dream of creating a Greater Islamic State of the Sahel. After their defeat by Tchadien forces these heavily indoctrinated and well trained Arab Legion recruits return to their home countries spreading a particular brand of racism and instability across the Sahel. |
| <i>Al- Jahiliyyah</i>    | The word Jahiliyyah actually means ignorant, and Al-Jahilian the (time) of ignorance i.e. the pre Islamic period   |
| <i>Janjaweed</i>         | ( <i>janjaweid, jingaweid etc</i> )Combination of the Darfuri or Chadian Arabic words <i>jan</i> or <i>jinn</i> (evil spirit) and <i>jaweed/jawunda</i> (horse). Before the current civil war in Darfur, the term was used to describe bandits from ethnic groups of African and Arab origin. Today its use is largely confined to those from Arab groups  |
| <i>Judiyya</i>           | (Arabic) Mediation   |
| <i>Kalam al wataneen</i> | (Arabic) People's talk, colloquial term for tribal peace meetings.   |
| <i>Manafa'a</i>          | Usurfructury system or <i>Manafa'a</i> in Arabic, which allows the use and possession of land that actually belong to another.   |

|                           |   |
|---------------------------|---|
| <i>Mandub.</i>            | The term which is best described as <i>agent</i> for a paramount ruler. A Mandub acts as a representative with jurisdiction over a number of Omdas  |
| <i>Marabeel</i>           | (Arabic) Nomad migration, or the routes used by it  |
| <i>Murableen</i> (Arabic) | Nomads. Commonly used to refer to government sponsored militias drawn from Rizeigat and Misseriya Humr.   |
| <i>Mutamarat al sulh</i>  | (Arabic) Reconciliation conference  |
| <i>Nabus</i>              | Copper drums given to chiefs by the Fur Sultan in installation ceremony.  |
| <i>Nazir</i>              | In Northern Sudan, a tribal chief with powers designated by the Government, superior to an <i>amir</i> , <i>omda</i> or <i>sheikh</i> .   |
| <i>Nazirate</i>           | The geographical area of a <i>nazir's</i> authority.  |
| <i>OAU</i>                | The Organisation of African Unity (OAU) or Organisation de l'Unité Africaine (OUA) was established on May 25, 1963. is the African continent's main regional body, similar to, but not as effective, the Organization of American States in the Americas. Often described as a talk shop for African dictators the primary achievement of the OAU was the dismantling of the colonial regime on the continent. Viewed as ineffective in all other areas the OAU was replaced by the African Union on July 9 <sup>th</sup> 2002. |
| <i>Omda</i>               | A tribal chief in Northern Sudan higher than a Government-designated <i>sheikh</i> , but lower than a <i>nazir</i> or <i>amir</i>   |

|                 |  |
|-----------------|--|
| <i>Omodiyya</i> | The geographical area of an Omda's authority.  |
| <i>Ouaddai</i>  | The name Ouaddai refers to both the pre-colonial state (1650s-1905) and the modern Tchadien region. The latter occupies and the truncated southern portion of the former.  |
| <i>Shartai</i>  | (Daju or Kanuri language) The name of the administrative unit below a Dar. The official who heads this unit is known as a Shartai  |
| <i>Sheikh</i>   | In Northern Sudan, a traditional social leader. In some areas <i>sheikhs</i> are designated with official powers by the Government, at an inferior level to <i>nazirs</i> and <i>omdas</i> .   |
| <i>SLA</i>      | Sudan Liberation Army -Darfuri Rebels  |
| <i>SPLA</i>     | Sudan People's Liberation Army- Southern Sudanese Rebels.  |
| <i>Tunjur</i>   | The Tunjur, are widely credited as being one of the earliest dynasties in the Central Sahara. Most likely Nubian refugees from the Nile region the Tunjur probably arrived in the region in the mid 1300s and took control of both Darfur and Ouaddai through intermarriage with the local Dynasties. They were expelled from Ouaddai in the 165s and fled to Kanem to become integral figures in the court of the Kanembu Mai/king. Tunjur can still be found in the Kanem region of Tchad today. The Darfuri Tunjur intermarried with the Fur who finally superseded them, today they are large numbers of Tunjur in North Darfur. |
| <i>Zurga</i>    | Literally 'blues'. In Darfuri and Chadian Arabic is used to  |

mean 'black people'. The term *Aswad* 'black' in Arabic has negative connotations and is not normally used to describe those of the Muslim faith. In riverain areas of Sudan the corresponding term is *Kudra*, meaning, literally, "greens". In both regions Arabs are referred to as *Humra* "Reds".

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