

Land Tenure and Conflict in Sudan

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Abstract

This paper examines land tenure and conflict in Sudan and deals with state infringement on customary land rights and the erosion of traditional local governance institutions overseeing customary rules governing those rights in rural Sudan and the implications of this for peace and security. Using secondary sources (books, articles and reports) and data from primary sources (electronic newspapers and some archives), analyses are based on a practitioner background regarding conflict resolution process approach in Darfur. This paper argues that that state land policies have resulted in ambiguity and dualism in land tenure in Sudan. This dualism, which incorporates both modern statutory land ownership and customary tenure features, places communal lands held by most rural Sudanese communities under customary tenure under constant threat of expropriation by the state for private business interests both local and foreign. The paper further suggests that although state encroachment on customary land use rights has been manifested differently in different regions, the common denominator is an increasing state denial of communal rights and the weakening of local governance structures regulating them. The paper is presented in six sections. The first section studies multiple causes of rising conflict in some parts of rural Sudan. The second section deals with local conflict resolution mechanisms. The third section, studies legal mechanisms nexus land tenure rights, and highlights the problematic of the resulting dualism in land tenure that simultaneously combines both state legal ownership over communal lands in theory and the local communities' pursuit of customary tenure in practice. The fourth section, examines mechanisms to initiate land reform processes in Sudan. The fifth section highlights lessons learned from experience. The paper ends up by concluding that uncertainties regarding the rights of different groups and land tenure conflicts are aggravated by the plurality of state laws and policies of regulation for control over land, particularly those affecting traditional land tenure systems on which groups formerly depended.

Introduction

Land provides a major source of conflict¹ in different areas of rural Sudan. Feuds between families, neighbours and adjoining communities frequently can be traced back to conflicting claims over inheritance, boundaries and rights. All societies have evolved mechanisms for resolving disputes, with varying sanctions, levels of force, processes involved and principles to guide decision-making.

Sudan has a largely rural economy and the population in the rural areas relies heavily on natural resources for subsistence (cultivation of marginal lands, dependence on wood-fuel, and use of extensive rangelands) and thus the risk of land degradation is serious. Land is a vital issue to all rural communities and it is the means for survival and a source of individual and tribal pride.

Land is a central issue for both rural and urban communities in Sudan. It is not just a means of livelihood and basic survival, but also has profound cultural and socio-political dimensions. The land question in Sudan presents great diversity and specificities, as it largely depends on localized historical, geographical, economic, social, political and cultural factors.

In Sudan multi-layered conflicts and civil violence has been rising over the last decades. Although the causes of conflict are difficult to disentangle in a numerous and complex set of events, access to land, control of natural resources, competition between different land users to explore the natural resource base are increasingly seen as a key factor.

Chronic structural conflicts over land and natural resources have persisted for long time. Evidence of land and natural resources related disputes between different herding groups and between farmers and herders in the rural parts of Sudan exists. In Western Sudan, pastoralists found themselves drawn into conflicts with sedentary small farmers who, in response to drought, shifted their farming from *qoz* (sand dunes) to clay soil (traditionally grazing areas). The tragic tribal conflicts in Darfur may be attributed to this conflict over land. The Kababish-Meidob dispute over access to grazing land is documented in the archives of El Fasher and El Obeid since 1918, and resulted eventually in the Malha Agreement in 1964.

Opening of livestock corridors in Sudan gained considerable interest in the second half of 1990s as a result of increased conflicts over natural resources. The issue gained further momentum after the Darfur crisis of 2002, which is widely viewed as originating from conflict between pastoralists and farmers over transhumance routes and the breakdown of usufruct rights. Because of that it is not surprising to see the issue of livestock migratory routes explicitly

¹ Defined generally, "conflict" includes a wide range of situations – from disagreement to armed confrontation – where competing interests and claims have caused or threatened a breakdown in ordinary or even peaceful coexistence. See, <https://www.collinsdictionary.com/dictionary/english/conflict>, <https://www.dictionary.com/browse/conflict> and <https://dictionary.cambridge.org/dictionary/english/conflict>

mentioned in all of Sudanese peace agreements including the Comprehensive Peace Agreement CPA (2005), Darfur Peace Agreement DPA (2006) and Eastern Sudan Peace Agreement ESPA (2007).

Major reasons for Sudan being a country vulnerable to systemic land and natural resources related disputes include:

A need for access to land and natural resources for supporting livelihoods and economic development by different stakeholders, including the state, inducing stiff competition;

A hostile ecologic environment and an imperative for mobility to support livelihoods invariably resulting in contact and eventually confrontation between different land users;

The structure of social organization and the need to establish dynamic, sometimes volatile alliances between different groups which can easily be manipulated.

Over the past decades, the characteristic tensions and incidents occurring when managing the livelihood mobility are influenced by a range of events that may exacerbate conflict. For the Darfur region, for instance, the following are recognized:

Population growth² and drought resulting in a degraded and shrinking natural resource base;

Undermined local leadership, legal vacuum and uncertainties, administrative weakness, making local land management less efficient and unaccountable;

Arbitrary interference of the government in local land use and management using policies and legislation that favor state interests only³, and undermine livelihood strategies of mobility;

Lack of infrastructure and access to technology making local development is increasingly difficult;

Uncontrolled interference from outsiders in a context of geo-politics and other agendas.

Multiple Causes of Rising Conflict

In Sudan, competition over natural resources, particularly land has increased in frequency and severity in the last decades and has become an issue of both major concern and conflict among the rural populations of the country. The reasons for this are multiple, and essentially linked to the increased scarcity of land caused by demographic pressures, recurring cycles of drought and famine particularly the 1970s and 1980s, and to the higher land values determined by

² The population of Darfur has significantly increased, from some 1.3 million in 1956 to 7.5 million according to 2008 population census.

³ From the end of the 1960s on the GoS has promoted the massive horizontal expansion of agricultural production, accompanied by an expropriation of de facto community land, the Mechanized Farming Schemes.

agricultural intensification. The increased competition for land is also linked to the desire of private investors, whether national or international, to gain access to land for a variety of purposes, ranging from commercial production to speculation to mining.

Local level conflict over access to natural resources, often in a context of environmental degradation, have always characterized the interaction of different groups in Sudan. However, issues of governance and administration, both at the local and national levels, have precipitated these conflicts and exaggerated their impact to a national scale. Agricultural expansion in particular remains a key dynamic in sparking group conflict, mainly by disrupting pastoral movement, to which both drought and insecurity have contributed. The impoverishment of pastoralists has made them willing to be used as militia in the wider conflict.

Where land has traditionally been the object of multiple rights and uses (farming, herding, etc.), as in different areas of rural Sudan, the weakening of the customary institutions that were able in the past to balance these different interests as well as the attempt to renegotiate the arrangements established in the past (sharecropping, land loans, etc.) have fostered tensions. Competition is particularly acute for scarce “strategic” natural resources, such as the few irrigated lands in dryland areas of Sudan and dry season water points and pastures across eastern and western parts of the country.

Causes of Land Conflict in Darfur

In Darfur, the inability of land ownership and land management systems to cope with the demand for agricultural land and pasture has been one of the key elements of the conflict. Most pastoralist groups in Darfur do not own land on the basis of the *Hakura* landholding system (the prevailing land tenure management system in the region, dating back to pre-colonial times). Several camel pastoralist groups, especially in North Darfur (the northern Rezeigat Abbala), were not assigned any land, though access to land and water along transhumant routes was generally accepted through customary practices. The breakdown of cooperative relations with settled farmers, particularly after devastating droughts in the 1970s and 1980s, left many pastoralists impoverished and deprived them of a sustainable livelihood base. When the conflict broke out in Darfur, landless groups saw an opportunity to expand their access to land and water. Secondary occupation of land by pastoralists has been recorded in southern and south-western Darfur.

While customary land tenure in Darfur continues to be pursued in practice, despite state legislation that vested ownership and control over land in the state, however, the legislation that diminished the powers of the traditional authorities, has had significant impact on the preservation of peace and security. Custom regulates and allows pastoralist to pass through farms and graze on crop residues on farms after harvest but within the limits defined by customary rules

that govern such access⁴. Both pastoralist and farming groups respect those rules, traditionalism to which is overseen by both groups' traditional leadership⁵.

From the view point of securing livelihoods, pastoralists' interest in land is to have access to pasture, water and not in owning a particular physically demarcated land to which they have to be permanently attached. Adherence to the rules that regulate sharing land resources between farming communities and pastoralists in Darfur is significant for the functioning of their interdependent economies and peaceful coexistence between them that prevailed for decades. This underscores the centrality of traditional leadership in overseeing customary rules that organized overlapping access to resources and maintained peaceful coexistence within and between groups⁶.

The beginning of the 1970s witnessed, for the first time since the end of British colonial rule, the major post-colonial state's steps to shake up the traditional authorities in the countryside and attempts to take control over communal land held according to customary tenure. These developments followed Nimieri's takeover power in a coup d'état in May 1969. One year after the coup, the 1970 Unregistered Land Act was issued followed by the 1971 People's Local Government Act⁷. Taken together the two acts amounted to formal state denial of communal lands held under customary tenure and the abolition of the traditional leadership in charge of local governance structures overseeing it. This has had significant implications for peace and security in the Sudanese countryside; particularly in Darfur and South Kordofan.

According to the 1970 Unregistered Land Act all lands not registered in private ownership prior to the proclamation of the Act were declared to be state-owned lands; including tribal lands⁸.

The Act ignored customary land use rights and regarded communally-owned and used lands as vacant regardless of pre-existing usufruct rights, which earlier legislations carefully considered and recognized. The 1970 Unregistered Land Act, in legal terms at least, amounted to the confiscation of all customarily communally-owned, accessed and used lands. State control over communal land was further enhanced by issuing the 1971 People's Local Government Act that

⁴ Hussein Gari, *Land Tenure and Management in Sudan: Lessons from Land Policy and Legal Frameworks Experience*, 2018. Available at: <http://www.academia.edu>

⁵ Khalid Ali El Amin, *Arab Pastoralists, African Peasant Farmers and Passage Corridors: Resource Sharing and Peaceful Coexistence in Darfur Prior to the 1990s*, DSRI Monograph Series No. 44, University of Khartoum, Khartoum, 2015.

⁶ Khalid Ali El Amin, *The State, Land and Conflict in the Sudan*, *International Journal of Peace and Conflict Studies (IJPCS)*, Vol. 3, No 1, June, 2016, pp. 7-18.

⁷ S. M. A. El Mahdi, *The Limitation on Land Ownership in the Sudan*, *Sudan Notes and Records*, Vol. LVIII, 1977.

⁸ K. A. El Amin, *Drought, Adjustments in Economic Activities, Changes in Land Use and Land Tenure Forms in Darfur*; Sudan, DSRC Monograph Series, No. 42, University of Khartoum, Khartoum, 1999, pp.69-72.

abolished the local leadership overseeing adherence to customary rules governing ownership, access to and use of communally owned lands.

However, in practice matters work out differently. Communities have continued to practice economic activities on land held under customary tenure. In response to the political difficulties in implementing the 1970 Unregistered Land Act, the Civil Transactions Act was issued in 1984, which recognized existing land use rights according to custom while in legal terms it maintained government ownership⁹. Later amendments to the 1984 Civil Transactions Act were enacted, in 1991 and 1993, which further strengthened state ownership of communal lands under customary tenure by disabling courts to hear complaints against the state regarding unregistered land¹⁰.

Taken together these land legislations gave the state further justification for encroachment on customary land tenure in rural Sudan with grave security repercussions. State dual attitude towards customary land tenure, i.e., denying it in theory and in legal terms, while allowing it to function in practice, has been equally paralleled by uncertainty and vagueness in attitude towards traditional local governance institutions. The Local Government Councils, instituted according to the 1971 People's Local Government Act, which were assigned with the local administration; including land, failed to provide a substitute for the local traditional authorities¹¹. The abolition of the judicial, administrative and financial powers of the traditional authorities severely constrained their ability to regulate access to land according to customary rules. This has significant negative implications for orderly access to land resources and the resolution of conflicts when they occurred. As a result intra and inter-group conflicts over land access and use erupted more frequently since the 1990s¹².

The abolition of traditional leaders' powers eroded an effectively functioning local governance structure that maintained land use sharing between pastoralists and peasant farming communities, in ways that served both groups' interest in land. Detailed and complex customary rules were developed in Darfur to organize pastoralist passage through corridors and grazing on farmland after harvest¹³. Traditional local leadership in the past ensured that these customary rules were strictly observed. This helped maintain peace and peaceful coexistence between pastoralist and farming communities despite occasional

⁹ P. De Wit, *Legality and Legitimacy: A Study of the Access to Land, Pasture and Water; Sudan*, FAO, Rome, 2001, p. 8.

¹⁰ Y. A. E. Elhadary, *Challenges Facing Land Tenure System in relation to Pastoral Livelihood Security in Gedarif State, Eastern Sudan*, *Journal of Geography and Regional Planning*, Vol. 3 N. 9, 2010, pp. 208-218. Available at: www.academicjournals.org/JGRP

¹¹ Mansur Khalid, *Nimeiri and the Revolution of Dis-May*, Routledge and Kegan Paul Inc., London, 1985.; A. I. Abu Souk, *The Sudan, Power and Heritage, Part II*, (in Arabic), Abdel Karim Mirghani Cultural Center, Omdurman, 2009, pp. 124-126.

¹² Khalid Ali El Amin, *The State, Land and Conflict in the Sudan*, *International Journal of Peace and Conflict Studies (IJPCS)*, Vol. 3, No 1, June, 2016, pp. 7-18.

¹³ Hussein Gari, *Land Tenure and Management in Sudan: Lessons from Land Policy and Legal Frameworks Experience*, July 2018. Available at: <http://www.academia.edu>

individual clashes that local leadership promptly resolved according to custom. Thus the abolition of the traditional local leadership was a recipe for disorder and chaos as both groups frequently violated customary rules; with farmers encroaching on passage corridors and pastoralists grazing on farms. Subsequently pastoralists' passage corridors as resource access regulation mechanisms collapsed and failed to function effectively during the 1990s¹⁴. Inter group conflicts; particularly between pastoralists and peasant farming communities became more widespread, larger in scale and more severe in terms of damage and loss of human lives. This constituted the backdrop to the post 2003-higher level conflict in Darfur and the major contributory factor to it.

In north Darfur, competition over land and natural resources has contributed to conflict in Jabal Amir gold mines areas, where inter-communal conflict erupted in the early January 2013 between Bani Hussein (agro-pastoralist) and Northern Rezaigat Abbala (nomadic-camel herders) tribes in Jabel Amir, El Sireif Locality in north Darfur State that triggered by competition over control of gold mines. Despite that the Jabal Amir conflict was a political, but there were attempts to transform it into a tribal conflict inflamed by the politicians with own political agenda and provoked by tribal elites seeking for tribal agenda to achieve political goals, access power and leadership such as the rivalry over political interest to control north Darfur State between some politicians and tribal leaders/native administrators. Remote reason is competition over fertile land resources and water caused by the large scale of pasture, grazing and immigration. Desertification in the area rendered the competition between farmers and pastoralists on scarce resources⁵. The seasonal nomadic movement's routes (migratory routes) cause as well conflict between the nomads and settled tribes who are mainly farmers¹⁵.

Causes of Abbala-Baggara Land Conflict in Darfur

In October 2005, conflict erupted between Nuwaiba and Hotiya¹⁶. It highlighted both the competition for the land from which the Fur, the original owners of the land, had been driven and the destructive power of the government weapons being employed. Its immediate trigger was the rape of a Nuwaiba girl in Saraf Omra, north Darfur. By the time a reconciliation agreement was signed in March 2006, an estimated 250 Hotiya were dead, twice that number wounded, and thousands displaced¹⁷. The wave of displaced Hotiya led to the

¹⁴ Khalid Ali El Amin, The State, Land and Conflict in the Sudan, International Journal of Peace and Conflict Studies (IJPCS), Vol. 3, No 1, June, 2016, pp. 7-18.

¹⁵ Hussein Gari, Native Administrators and Politicians in North Darfur: Lessons from exerting reconciliations for sustained peace in Jabal Amir gold mines areas (2013-2015), 2011, pp. 12-13. Available at: <http://www.academia.edu>

¹⁶ Hotiya farms and herd sizes had increased as the Hotiya adopted settled farming alongside cattle-rearing. The Nuwaiba accused the Hotiya of denying them access to pastures and other resources.

¹⁷ Yassir Hassan Satti, Pastoralists, Land Rights and Migration Routes in Darfur: The Case of West Darfur State, In Marcel Leroy, ed. Environment and Conflict in Africa: Reflections on Darfur, University for Peace, Ethiopia, p. 268.

establishment of a new camp for internally displaced persons (IDPs) in Zalingei. Named Taiba, the IDP camp initially housed more than 5,000 people¹⁸.

With the authority of traditional leaders undermined by a new culture of aggression, and the line between traditional and military leadership blurred, customary conflict resolution failed. In talks mediated by Musa Hilal, paramount chief of the Mahamid section of northern Rezeigat Abbala in North Darfur, the Hotiya paid the amount demanded of them by the tribes' law of conflict resolution not once, but three times¹⁹.

Despite the gravity of the fighting, it received almost no international attention as the negotiations that led to the DPA neared their conclusion in Abuja, Nigeria, in May 2006²⁰. The second Abbala–Baggara war erupted 18 months later, in February 2007, when Rizeigat Abbala attacked the Terjem in Wadi Bulbul, a fertile valley south of Jebel Marra from which the Fur had been driven in 2004. Although present in the Wadi Bulbul area for many decades, and given a chieftdom in the 1990s, the Terjem had no *Dar*²¹. In the hopes of acquiring land, which they knew had already been promised to the Abbala, they were the first Baggara tribe to join the counter-insurgency and accept arms from the government²². But they had local rivals in the search for land: Hemeti's Awlad Mansour, who had left North Darfur at the end of the 1980s and were attempting to carve out a domain of their own in South Darfur²³.

The trigger for the Rizeigat–Terjem conflict has variously been ascribed to the Terjem's failure to pay *diya* (blood money) owed since 2005 and to the murder in January 2007 of seven Abbala in a village of the Awlad Gayed in the Wadi Bulbul area²⁴.

Causes of Land Conflict in Southern Kordofan and the Blue Nile

In Southern Kordofan the arrival of returnees has exacerbated long-running tension between different land users. Four main types of land conflict prevail. These clashes have generated a high level of casualties over the last years²⁵:

¹⁸ Julie Flint, *The Other War: Inter-Arab Conflict in Darfur*, Small Arms Survey, Graduate Institute of International and Development Studies, Geneva, 2010, p.19.

¹⁹ Yassir Hassan Satti, *Pastoralists, Land Rights and Migration Routes in Darfur: The Case of West Darfur State*, In Marcel Leroy, ed. *Environment and Conflict in Africa: Reflections on Darfur*, University for Peace, Ethiopia, pp. 267-268.

²⁰ For the full text of the DPA, see *Darfur Peace Agreement, 2006*. Available at: <http://allafrica.com/peaceafrica/resources/view/00010926.pdf>

²¹ Julie Flint, *The Other War: Inter-Arab Conflict in Darfur*, Small Arms Survey, Graduate Institute of International and Development Studies, Geneva, 2010, p.19.

²² *Ibid.*

²³ Julie Flint, *Beyond 'Janjaweed': Understanding the Militias of Darfur*. HSBA Working Paper No. 17, Small Arms Survey Geneva, 2009, pp. 35-39. Available at: <http://www.smallarmssurveysudan.org/pdfs/HSBA-SWP-17-Beyond-Janjaweed.pdf> & Julie Flint and Alex de Waal, *Darfur: A New History of a Long War*, Zed Books, London and New York, 2008.

²⁴ Julie Flint, *The Other War: Inter-Arab Conflict in Darfur*, Small Arms Survey, Graduate Institute of International and Development Studies, Geneva, 2010, p.19.

²⁵ S. Pantuliano, M. Buchanan-Smith and P. Murphy, *The Long Road Home: Opportunities and Obstacles to the Reintegration of IDPs and Refugees Returning to Southern Sudan and the Three Areas*. HPG Commissioned Paper, Overseas Development Institute, London, 2007.

1. Conflict between pastoralists and farmers, ranging from low-level tensions to incidents of violent confrontation. This conflict was at the heart of the war in Southern Kordofan and is resurfacing.
2. Conflict amongst agro-pastoralist communities, exacerbated by return. Although not widespread, this is serious in some locations where more powerful groups are seen to be expanding their land holdings at the expense of others.
3. Conflict between farmers and traders. Farmers are clashing with traders who are exploiting natural resources such as timber, gum Arabic and palm trees.
4. Conflict between returnees and laborers (sharecroppers) on mechanized farms.

Although all rural Sudanese have been touched to different degrees, by state legislation dispossessing local communities of their customary communal land ownership rights, South Kordofan and the Blue Nile have been the most severely affected. Being unregistered in the modern legal sense, ownership of land held under customary tenure in South Kordofan and the Blue Nile has been transferred from the local communities to the state in accordance with the stipulations of the 1970 Unregistered Land Act. The potential of the state using legal ownership rights to control customarily communally-owned land, has placed South Kordofan and the Blue Nile communities under constant threat of dispossession and impoverishment. In both South Kordofan and the Blue Nile state, state-issued land legislation strengthened and legalized state outright acquisition of customarily owned land. Since the 1970s, the state extensively used that legal right to takeover large tracts of communal lands and leased to private investors from outside the two regions for mechanized farming²⁶. Millions of feddans have been leased to local and foreign investors who were supported by cheap credit and low land rent rates to boost grain production for local consumption and oil seeds for export²⁷.

Local communities have subsequently been dispossessed and lost the only source of their livelihood. While many have been turned into agricultural laborers on their own land, many others migrated to seek sources of livelihoods elsewhere in Sudan²⁸. The FAO estimates the size of land affected, (mostly in South Kordofan, the Blue Nile and Eastern Sudan), to be between 25 and 31

²⁶ L. A. Wily & S. Mbaya, *Land People and Forests in Eastern and Southern Africa at the Beginning of the 21st Century: the Impact of Land Relations on the Role of Communities in Forest Future*, Nairobi, IUCN-EARO, 2001, p. 5.

²⁷ J. Large & E. S. El-Basha, *A Bitter Harvest and grounds for Reform: the Nuba Mountains, Conflicted Land and transitional Sudan*, Berghof Peace Support, Working Paper, 20 April 2016. Available at: www.berghoffoundation.org

²⁸ J. K. Komey, *Autochthonous Claim of land by the Sedentary Nuba and its Persistent Contest by the Nomadic Baggara of South Kordofan/Nuba Mountains, Sudan*, in R. Rottenberg (ed.) *Nomadic sedentary Relations and Failing State Institutions in Darfur and Kordofan (Sudan)*, Hale, 2008.

million feddans²⁹. This has affected the lives of hundreds of thousands of pastoralists and small farmers.

Grievance created by large scale acquisition of communally-owned land and the dispossession of local communities has been a major factor in South Kordofan's and Blue Nile's youth joining SPLA/SPLM (Sudan People's Liberation Army/Movement) in 1984³⁰. The Nuba rebellion against the central government was a response to state apathy toward Nuba grievances; including land expropriation for business interests at the expense of Nuba poor farmers³¹. Both South Kordofan and the Blue Nile have been sites for civil war since the 1980s that halted agricultural business operations in substantial areas³². At the level of inter-group relations, the expansion of mechanized farming on communal lands in South Kordofan and the Blue Nile, pushed pastoralists off their traditional grazing grounds and blocked their seasonal passage routes. In both the Blue Nile and South Kordofan violent confrontations between pastoralists and Nuba farming communities occurred more frequently³³. Violence between "Arab" pastoralists and Nuba farming communities resulting from a shrinking natural resource base has been complicated by the link to the GoS-SPLM/ North higher level conflict; implying a clash of culture and identities. Violent conflicts also tend to erupt between pastoralists and mechanized scheme owners when pastoralists enter into farms and damage crops³⁴.

The significance of land for peace, in South Kordofan and the Blue Nile states, made it an issue in both the body of the 2005 Comprehensive Peace Agreement and the Protocol, signed in 2004, specifically set for the Resolution of Conflict in South Kordofan and the Blue Nile states. In both the body of the Agreement and the Protocol, the legal status of communal land ownership held under customary tenure in the two States was unclear. The 2005 CPA states in very general and ambiguous terms that, "existing laws and practices be amended to incorporate customary laws and practices with a commitment to give

²⁹ L. A. Wily & S. Mbaya, *Land People and Forests in Eastern and Southern Africa at the Beginning of the 21st Century: the Impact of Land Relations on the Role of Communities in Forest Future*, Nairobi, IUCN-EARO, 2001, p. 6.

³⁰ S. Pantuliano, *The land Question: Sudan's Peace Nemesis*, ODI Humanitarian Policy Group Working Paper, 2007, p. 8. Available from: www.odi.org & J. K. Komey, *The Denied Rights of the Indigenous Peoples and their Endangered Livelihood and Survival: The Case of the Nuba of the Sudan*, *Ethnic and Racial Studies*, Vol. 31, 2008, No. 5, pp. 991-1008.

³¹ J. K. Komey, *Land Factor in Wars and Conflicts in Africa: The Case of the Nuba Struggles in Sudan*, Chapter 15 of an unidentified Volume, 2009.

³² Sudan-Land Tenure and Property Rights Profile, 2012, p. 9. Available at: <http://usaidlandtenure.net/sudan>

³³ H. El Bashir, *Development Failure and Environmental Collapse: Re-Understanding the Background to the Present Civil war in the Nuba Mountains (1985-98)*, Paper presented at the Symposium on Perspectives on Tribal Conflicts in Sudan, University of Khartoum, Khartoum, 1998, pp. 4-11; J. Large & E. S. El-Basha, *A Bitter Harvest and grounds for Reform: the Nuba Mountains, Conflicted Land and transitional Sudan*, Berghof Peace Support, Working Paper, 2010, pp. 7-8. Available at: www.berghoffoundation.org

³⁴ *Ibid.*

customary tenure statutory support”³⁵. The 2005 CPA did not provide protection for customary tenure and that the Agreement neither clearly recognized nor formally legalized communal land control, despite the significance of these land issues for security and peace building in the two states and the country as a whole. Neither on paper in peace agreements nor in implementing what has been written on paper, had the land issues in the two states been properly addressed. The 2005 CPA made provisions for the establishment of a National Land Commission (NLC) and a State Land Commission (SLC) for each of the South Kordofan and the Blue Nile states. The NLC and the two SLCs were to coordinate the review of existing land allocations and make recommendations on changes; including restitution or compensation³⁶. Apart from the fact that the ways in which the land issue was dealt with on paper did not reflect the security significance it warrants, in practice the NLC and the two SLCs have never been formed³⁷. The deliberate attempt to evade the recognition of customary tenure and maintain the status quo of state legal ownership of communal lands, is further evidenced by the fact that all CPA clauses on customary tenure are characterized by vagueness and do not make a clear statement on its legal status. Furthermore, Clause 9 of the Protocol on South Kordofan and the Blue Nile states, which details the mandate of the SLCs for each of the two states, does not even mention, in all the eight sub-clauses it contains on land, the term customary land tenure. Instead the Protocol refers to “Rights in land owned by the national Government within the State”³⁸. This amounts to official denial of customary communal land rights practically pursued on the ground, make communities susceptible to dispossession and places them in direct confrontation with the ‘would be new land owners’ and the state. Violence has been the outcome when the state put its legal ownership over customarily communally owned lands into effect in South Kordofan, the Blue Nile, around Khartoum and other Sudanese regions.

Causes of Land Conflict in Khartoum

Land issues are not limited to rural areas. The status of urban land tenure in and around cities where IDPs have built temporary housing, including Khartoum, is also a significant source of concern. Forced removals, though in accordance with the law, are inconsistent with international human rights standards. At present there appear to be no adequate strategies in place to integrate IDPs who may not wish to return to their home areas. Appropriate strategies would

³⁵ GoS & SPLM, the Comprehensive Peace Agreement, Naivasha, Kenya, 2005.

³⁶ GoS & SPLM, Protocol between the Government of Sudan and Sudan People’s Liberation Movement on the Resolution of Conflict in South Kordofan/Nuba Mountains and Blue Nile States, Naivasha, Kenya, 2004.

³⁷ J. Large & E. S. El-Basha, A Bitter Harvest and grounds for Reform: the Nuba Mountains, Conflicted Land and transitional Sudan, Berghof Peace Support, Working Paper, 2010, p. 3. Available at: www.berghoffoundation.org.

³⁸ GoS & SPLM, Protocol between the Government of Sudan and Sudan People’s Liberation Movement on the Resolution of Conflict in South Kordofan/Nuba Mountains and Blue Nile States, Naivasha, Kenya, 2004.

include accelerating urban planning processes, facilitating legal access to a residential plot and investing in water and electricity services, and possibly in government-subsidized low-cost housing. Instead, urban plots occupied by IDPs are being forcibly vacated to make land available to private investors.

In Khartoum, most lands adjacent to the Blue Nile, the White Nile and the main Nile rivers, are registered in freehold titles (private ownership) according to previous state legislation; particularly under colonial rule. However, some lands away from the rivers in rural Khartoum are still held in communal ownership by village communities under customary tenure and utilized for seasonal rain-fed farming. In recent years these lands have been sites for violent confrontations between the government and the local communities when former attempted to enforce its legal ownership of lands customarily owned by the latter. Pursuing a ruthless policy of selling and leasing lands to foreign investors, the Government has often invoked earlier legislation giving it legal ownership rights over communally-owned land; disposing of it at will without regard for local communities' interests in land and their pre-existing rights³⁹. In the absence of transparency and accountability mechanisms, communal lands are often disposed of to investors in deals unknown to the public and the communities concerned³⁹. In most recent cases of land allocations conflict erupted between the local communities and the government. The police was deployed by the ruling elites to enforce evictions; placing these land cases in the media spotlight that attracted much public attention.

One of the high profile cases that gained wide publicity is the violence that erupted in Om Doum over communally-owned land. Om Doum neighborhood is located in East rural Khartoum, whose land was allocated by state authorities in 2013 to a Gulf investor. The land, estimated to be about 1000 feddans in size, is not far away from the Blue Nile to the East. It was formerly used for rain-fed sorghum farming under customary tenure. Given the dual land tenure system in Sudan which gives the state legal ownership over unregistered but customarily communally-owned land, conflict was bound to arise when the law was put into effect. When the investor started construction work on the site, Om Doum community members obstructed the construction work in defense of their land rights⁴⁰.

Armed police was sent to the scene, engaged with the unarmed but enraged protesters and violent clashes erupted and ensued for a few days. A protestor was killed and many others injured from the police and the protesters⁴¹. These events were highly publicized, turned into a hot political issue and Om Doum community gained wide public sympathy; constituting a strong political

³⁹ A. Elzobier, Land Grab in Sudan. Available at: <http://www.academia.edu>

⁴⁰ Sudan Tribune, Khartoum Governor Accuses Opposition in Fuelling Recent Protests in Om Doum, May 4, 2013. Available at: <http://www.sudantribune.com> Retrieved April 20, 2016.

⁴¹ Naharnet Newsdesk, Clashes after Sudan Farm Protester Dies, April 27, 2013. Available at: <http://www.naharnet.org> Accessed on 21/3/2016.

pressure on the governing elites. The top political leadership intervened, the Gulf investor withdrew and the land reverted to the community to be distributed as a residential extension to Om Doum neighborhood.

The areas of Eseilat, Grief, Fteihab, Burrie and Hamadab around Khartoum witnessed similar confrontations between the authorities and communities over communally-owned land. In all these cases deals were struck between investors and the governing elites behind closed doors and communities were surprised with construction works on their lands. However, different forms of resistance by the affected communities; including protest in the face of state violence, have compelled the ruling elites to yield to community demands and communities were able to regain all or part of their customary landownership rights. Community access to the media, educated and enlightened leadership and spatial proximity to the seat of power all played roles in the success of community protests around Khartoum to regain communal land rights. Compared to communal land dispossession in other parts of the Sudan which could reach hundreds of thousands of feddans, the size of land areas around Khartoum by comparison is relatively small but high in value. Subsequently, confrontations were fierce and the political stakes for Khartoum elites were high. While violent confrontations over land in distant marginalized regions which claimed thousands of lives and relatively went unnoticed, conflicts over land around Khartoum received high publicity and were promptly resolved because of the direct threat they pose for those in power. Resolution or non-resolution to land conflict issues in Sudan, and perhaps elsewhere, often seems to reflect the relative political significance and the power positions of those involved.

Conflict Resolution Mechanisms

Conflicts may be dealt with through a variety of methods. For minor disputes involving, for example, damage to crops by herds, the main protagonists often seek to settle at local level without recourse to state institutions.

Indeed, given the often limited accessibility of courts, customary and other local authorities continue to play a key role in dispute settlement throughout Sudan. This capacity for resolving conflicts within community structures is exemplified by the emergence of the *Judiya* (meaning “the council for generosity and reconciliation”) in Darfur Region of western Sudan⁴².

This institution, which is based on custom, it is a traditional system of conflict resolution in Darfur which in the western sense refers to mediation/negotiation

⁴² Hussein Gari, *Native Administrators and Politicians in North Darfur: Lessons from exerting reconciliations for sustained peace in Jabal Amir gold mines areas (2013-2015)*, 2011. Available at: <http://www.academia.edu>

between rival individuals or groups to resolve conflicts, a process resulting to a decision binding on the conflicting parties. This system in Darfur gained a status of high respect and the one who rejects its rule must immediately be rejected by the society. It was introduced by the ancient people of Darfur centuries ago to resolve conflicts between individuals, family members, groups and tribes and has been widely successful in restoring peace, imposing justice and in maintaining the social fabric among diverse Darfur communities. *Judiya* is derived from the Arabic word, '*Jude*' which means generosity and charity. *Judiya* is done by an individual mediator (Ajwad) or a group of mediators (Ajaweed) following a set of rule and regulations on conflict resolution in the community.

An Ajwad or Ajaweed is appointed for a specific conflict or dispute and ceases to exist once resolution is reached. The reconciliation council is comprised of the disputing parties and the mediators who are chosen based on their knowledge of the conflict, credibility, leadership attributes, negotiation abilities and democracy, long experience in life and acceptability to conflicting parties. Native administrators usually called upon to mediate although other distinguished members of the community i.e. elders and tribal leaders may be invited.

To this day, Ajaweed reconciliation councils are still operating and practicing *Judiya* effectively at all levels (i.e., family to inter-tribal disputes) in communities in Darfur western Sudan. However, *Judiya's* effectiveness and influence may face challenge of decline. The declining influence of *Judiya* can be attributed to several factors, include government's direct involvement in the selection of traditional leaders who constitute the Native Administration which was the primary reason for the politicization of the *Judiya* system. Since members of the Ajaweed Council are usually drawn from the Native Administration, their credibility and impartiality would be questioned especially when deciding on cases involving government allies. Additionally, the practice of non-violent resolution of conflicts has reportedly been undermined by the proliferation of arms in communities as conflicting parties with access to arms or supported by armed groups increasingly use violence and threat of force as de facto approach to settling disputes. So, Ajaweed members might find themselves more vulnerable to threats which partly explain the reluctance of community members to volunteer as mediators. In some instances, *Judiya* members cannot go after armed elements suspected of committing crimes for fear of backlash, thus such cases remain unaddressed in some communities.

The Sudan Constitution of 2005 in itself was a product of a reconciliation process, the Comprehensive Peace Agreement which brought about between two adversaries for a long time. The *Judiya* members were representatives of the Intergovernmental Authority on Development (IGAD), partners of IGAD, donor countries and civil society organizations, where a settlement has brought about between the parties to the conflict, namely the Sudan's ruling National

Congress Party (NCP) and the Sudan People Liberation Movement/Army (SPLM/A). The term reconciliation has not been mentioned in the Sudan Transitional Constitution directly, but stated in the basic principles of the constitution and in Article 4 of the constitution which has based on the importance of recognizing the local traditions and customs as a basis for maintaining the national cohesion and prohibited the exploitation thereof to inflict discord. The constitution in Article 5, provided for the sources of legislation. It stated in paragraph 2 of Article 5 that the popular consensus and the values of the Sudanese people's customs, traditions and religious beliefs, that take into account the diversity in the Sudan, are source of legislation that are drafted at the national level. From these provisions, it can be understandable that legislations relies on local customs as a source of legislation and as long as the *Judiya* or the communal reconciliation is a custom, it must therefore be provided for in the civil, criminal and religious laws of the Sudan, provided that it contains no violation to the constitution.

The majority of people interacted with, believed that the communal reconciliation system or *Judiya* remains relevant despite the constraints and weaknesses. Many consider it a normative system where Islamic laws, widely shared values and belief in peaceful co-existence resonate. *Judiya* remains an option in areas where formal courts are absent or court case cost is high-priced. The elements of compromise, reconciliation and harmony, primacy of communal over individual interests, flexibility in decisions brokered vis a vis rigid application of law and assurance of confidentiality particularly in highly sensitive family issues still hold appeal. Ajaweed members are also considered more knowledgeable with the context of conflicts being resolved as they are part of the community. It is believed that *Judiya* is better able to mend differences among communities especially the ones involving resource-driven conflicts.

The communal reconciliation restores post-crisis community security and social cohesion at local level. When mediators chosen based on a set of qualities in their knowledge of the conflict, credibility and acceptability to conflicting parties, the *Judiya*/council for generosity and reconciliation will work closely with the parties to the conflict to address transitional justice. Transitional Justice entails the full range of processes and mechanisms to address past large-scale abuses, such as: hearing appropriate proportion of cases, truth-seeking, reparation and reconciliation in post-conflict settings. Transitional justice constitutes a particular challenge, not only in addressing justice in the aftermath of massive human rights violations and restoring public confidence in justice and security institutions, but also as an avenue for local reconciliation.

Politicians and government administrators' efforts towards communal reconciliations should entail inclusive and participatory consultations and confidence-building. Particular attention should be given to rebuild trust and nurture reconciliation. Cutting across the full spectrum of assistance,

confidence-building activities will seek to promote dialogue, communication and peaceful conflict resolution.

In this regard, they should strength local capacities including the inclusive participation of all stakeholders, to prevent, reduce, mitigate and cope with the impact of violent conflict.

These entail, among others: Community Security, Social Cohesion and Conflict Prevention to assist in restoring traditional conflict-resolution mechanisms and dialogue; encouraging a community-driven review of customary practices and alignment with human rights; enhancing connection to the statutory system and state protection and supporting access to justice and community-based policing to restore basic security conditions conducive to communal peaceful coexistence, stability and development. It is very difficult to strengthen the rule of law without building confidence between peoples and groups within a society. If the justice system (formal or traditional) is not trusted to settle disputes in a manner that is just and acceptable to all, people might continue to solve their grievances and disputes by other means, including by force.

The level of trust is probable to be related to the capacity of the justice system to solve disputes and handle grievances as trust and confidence are essentially qualitative terms. It is imperative to support the justice processes which should be done within a framework of broader capacity building plans in the rule of law sector to strengthen the linkage between transitional justice and development. The design of transitional justice mechanisms will be anchored in national processes and oriented towards international norms and standards. While the rule of law is of paramount importance to any society threatened or affected by armed conflict, a holistic and comprehensive approach is essential to achieve broader socio-economic impact and sustainable peace.

Confidence and trust building activities should underpin all approaches. These efforts should include conflict-sensitive approach (focused on structural causes, participatory methods, consensus building), awareness raising, communication and dialogue between rule of law service providers (e.g. the police) and the population, local diagnostic assessment with the local population to develop broader frameworks for engagement in the above sectors, such as post-conflict needs assessments; joint assessment missions; as well as, nation-wide consultation processes and multi-stakeholder dialogue.

Such specific approach in post conflict settings is needed because: a) breaking the cycle of violence and conflict means addressing justice and security first whilst rebuilding the social contract, b) the institutional context in post conflict settings calls for hybrid delivery mechanism where government authorities are one of the local governance actors and not always the most powerful, c) working with divided societies means moving away from exclusive governance to inclusive and transformative governance modalities, d) when people do not trust their institutions, national ownership cannot be limited to central or local authorities; it requires ownership of communities and influential non-state

actors and e) operating at the local level in fragile settings is very challenging from a practical point of view: it asks for innovative delivery and funding mechanisms.

Another example of community-level natural resource conflict management is provided by the Peace Committees established in various parts of Darfur to strengthen peaceful co-existence between herders and farmers and to disseminate the culture of peace among farmers' villages and nomadic settlements in concerned areas.

Legal Mechanisms Nexus Land Tenure Rights

Although customary laws are not enforced in the way that legislation is, neither within the government system nor within the range and pasture frame of authority, in many circumstances they are used as a reference for settling disputes and conflict resolution. This indicates that they are still respected by the local communities and can be used to suit resource management despite not having been formalized and having lost some of their power since the abolition of the native administrative system in 1970 as mentioned. It seems important to reconsider the enhancement of these laws. They evolved as a result of long indigenous experience that consider the peculiarities of the concerned communities and have been tested over a long period of time.

A host of traditional customary mechanisms regulate the interaction between farming and herding groups. Successive central governments have consistently undermined local conflict-regulating mechanisms. Their reasons have been political, but also economic.

The British sought to regulate farmer-herder relations by establishing usufruct rights which, in theory at least, guaranteed access to land, and were administered by a Native Administration, based on the notion of a tribal homeland or *Dar*. The native administration system was successful in securing local pastoral access to grazing and water through the establishment of boundaries between farms and grazing.

At the same time, colonial rule laid the basis for the notion that Government 'owned' the rangeland, not the people who used it, and that the government could withdraw usufruct rights, especially if economic imperatives so dictated⁴³. Successive governments in post-independence Sudan moved to limit pastoralist access to land, increasingly aggressively after Nimeiri came to power in 1969. First, the 1970 Unregistered Land Act officially established all land without title as government property – covering all the rain-fed rangelands of the West, East and South Sudan where the great majority of pastoral groups live. This meant that "in theory, any pastoralist could take his animals to any 'empty' land, and

⁴³ Salah Shazali, Share the Land or Part the Nation: Pastoral Land Tenure in Sudan, United Nations Development Program, Khartoum n.d, p. 12.

any cultivator could register and cultivate any uncultivated land.” In fact the Unregistered Land Act opened the door to abusive mechanized farming, “pushing pastoralists to the margins⁴⁴.” Then, in 1971, the Native Administration Act abolished the native administration, removing what little guarantee of access and redress pastoralist communities retained. Since independence, most non-local legislation has ignored pastures, “which receive mention in passing, [...] more often than not to impose restrictions upon grazing.”⁴⁵

Mechanisms to initiate Land Reform Processes

After decades of war between the Government of Sudan (GoS) and the Sudanese People’s Liberation Army/Movement (SPLA/M), and a number of more recent conflicts, of which Darfur has been beyond doubt the most violent, a series of peace agreements have been signed. The Comprehensive Peace Agreement (09 January 2005) opened the way to the Darfur Peace Agreement (05 May 2005) signed in Abuja between the Government of National Unity (GoNU)⁴⁶ and a faction of the Sudan Liberation Movement/Army led by Minni Minawi. The Eastern Sudan Peace Agreement was signed on 14 October 2006 in Asmara between the GoNU and the Eastern Front. A common denominator in all the final texts is the importance that the land question takes.

These peace agreements express the need to develop new land policies and laws that respond better to the realities of the different populations. The decentralization of decision making over access to land and the management of natural resources is a strong guiding principle, albeit as a concurrent power to central decision making.

Land commissions at different levels are proposed as an institutional instrument to guide land policy and law development, and to take on a future role in the handling of land issues.

South Kordofan and Blue Nile States, commonly called Contested Areas. These two states have acquired a specific political status during the Interim period.

The Protocol on The Resolution of Conflict in Southern Kordofan/Nuba Mountains and Blue Niles States, (26 May 2004) gives the two State Commissions also the power to review existing land leases and contracts, and to examine the present criteria for land allocations and to introduce changes.

The Protocol on The Resolution of Abyei Conflict, (26 May 2004) refers to the third main contested area, now defined as Abyei County, comprising the nine

⁴⁴ Ibid, p. 14.

⁴⁵ Ibid.

⁴⁶ The Government of Sudan (GoS) refers to the government that was in power before the signing of the Comprehensive Peace Agreement; the Government of National Unity (GoNU) and the Government of Southern Sudan (GSS) refer to the post CPA situation, as stated in the current National Constitution.

Ngok Dinka chiefdoms⁴⁷. Deciding if their county becomes part of Bahr el Ghazal, which is in South Sudan or retains special administrative status in Sudan, and drawing boundaries is a complex task here, mainly because of the presence of oil deposits.

The Darfur Peace Agreement (DPA) provides for the creation of a Darfur Land Commission (DLC) for law and policy development and the arbitration of claims. Lack of financial and human resources often affects the implementation of these policies⁴⁸.

Lessons Learned from Experience

While the complex link between land and conflict is of crucial importance for the livelihoods of the rural poor, it is still little understood by development researchers and practitioners. For instance, a better understanding is needed of the conditions under which competition over scarce land may degenerate into violent clashes or even armed conflict. Similarly, research and analysis are needed on appropriate institutions and mechanisms for conflict prevention and resolution.

Increasing understanding of the link between land and conflict. Key research themes should include: under what circumstances may competition over land degenerate into conflict? What is the impact of armed conflict on land rights? What mechanisms and institutions may be used effectively to prevent and solve land conflict? How to address the land issues relating to mass displacement (return, resettlement, etc.)?

Findings from a practical experience of Land Tenure and Conflict in Darfur case, an analysis:

- There is a complex relationship between natural resources and conflict in Darfur context. The historical policies of closed areas (South Sudan, Darfur, Nuba Mountains and Blue Nile) explain much of the reasons behind protracted conflicts in these regions. This is linked to the regional unbalanced development policies, creating a sense of marginalization and exclusion among the people of these regions throughout the post-independence national governments.
- There is linkage between inequitable access to land and natural resources and conflict. However, there are political, economic and cultural factors

⁴⁷ Dinkas are one of the main social groups of southern Sudan. The Dinkas are made up of a myriad of tribes, divided into sub-tribes, with levels below identified as sections and sub-sections. The Ngok are a major tribe of the Dinka population that populates Abyie since time immemorial. Nine Ngok Dinka chiefdoms were administratively transferred from south Sudan to the north in 1905.

⁴⁸ Alden Wily, 2003 L. Alden Wily, Governance and Land Relations: A Review of Decentralisation of Land Administration and Management in Africa, Land Tenure and Resource Access Series, Drylands Programme, IIED, London, 2003.

contributing to the conflict. Resource scarcity, degradation and poor management of natural resources played a significant role in Darfur conflict.

- The tense relationship between pastoralists and local sedentary farming communities tend to violent actions and denial of access to the livelihood means.
- Population dynamics linked with droughts and consequences on natural resources put huge pressure on Southern Darfur areas from the pastoralists Rizeigat and Zaghawa from north Darfur in search of pasture, water resources etc.
- Historically the Hakura land was established on basis of ethnic groupings who claim control, access and distribution/use of land by certain indigenous tribes and their leaders. The situation was aggravated by the multiple factors of traditional administration system abolishing, political manipulation of native administration leaders by national governments and the other geopolitical factors at regional and international levels.
- The local governance instability and related poor natural resource governance out secured access to land at risk for many of Darfuris who rebel against the threat of losing the resource.
- Needs to a neutral space for encouraging a collective analysis of conflict and which sees conflict resolution as part of a broader process of social and economic change. Resolution of conflicts must come from within the society itself, and may involve a long-term process. Addressing the fact that conflicts are political in nature, and will require a political solution.
- There are many actors involved in conflict resolution, and chief among them are customary leaders who need to be involved in any future conflict resolution initiatives.
- Expertise in conflict resolution exists particularly at local level although this is not necessarily recognized by intermediary level actors (e.g. government employees, project staff). Building on local institutional capacities for handling conflict, within a broader framework provided by government which confers legitimacy and authority on local organizations to reach decisions, so long as they conform to basic principles of law and justice.
- Future training proposals need to recognize this existing expertise and focus on ensuring it is part of a broader purpose and strategy. Targeting training and education to a variety of levels, to include not only administrative and judicial figures but also local community groups and civil society structures. Making a commitment to long term support of conflict management, which goes beyond training of people, to include ensuring they can work effectively in future.

Conclusion

A major factor underlying land disputes in Sudan is linked to the large flows of people seeking land where they can graze, farm or settle. Relations between incomers and the indigenous inhabitants are often tense, with few common social and cultural values shared in common. Uncertainties regarding the rights of different groups are aggravated by the plurality of state laws and policies of regulation for control over land, particularly those affecting traditional land tenure systems on which groups formerly depended. When land starts to become scarce and hence valuable and marketable, such uncertainties generate fears and suspicion between neighbors, and even within families. Government interventions and establishment of agricultural projects and commercial farm enterprises add further elements of instability to land relations.

As many causes of conflict in the region are related to natural resources, both land and water, this requires an understanding of the way people deal with access to and the use and management of natural resources at the local level and the social structures in which they are rooted. However, this also requires a broader focus within which wider economic, administrative and political contexts are made relevant.

What such a broad presentation shows is that not all resource conflicts are based on a situation of resource scarcity; rather, they are political in nature and have to do with the workings of the state. But once conflicts erupt they tend also to be interpreted in tribal and ethnic terms and can be linked to other types of conflicts, leading to their escalation. Hence, an increase in levels of conflict, which we see in the western Sudan, cannot automatically be interpreted as⁴⁹ another example of the many gloomy accounts of the 'degradation' of African environments or that all conflicts are environmental in nature, thus requiring resource management solutions. The way in which conflicts evolve in the western Sudan seems to require, rather, a focus on the state and on the concept of 'governance', in this case 'bad governance', i.e. the reproduction of autocratic leadership, corruption and the collapse of states into warring factions. This suggests a need to look at people's use of, and control over, resources at many different levels, thus permitting a consideration of processes of power and authority.

While high demographic pressure and land shortage are important dimensions of land conflicts, they are not sufficient to explain how and why competition for land flares into violent clashes. Any understanding of conflict must set events within a longer-term historical analysis. In other words, competition over scarce land, together with lack of off-farm opportunities, frustration and lack of hope

⁴⁹ Leif Manger, *Understanding Resource Management in the Western Sudan: A Critical Look at New Institutional Economics*, in, *Beyond Territory and Scarcity Exploring Conflicts over Natural Resource Management*, Quentin Gausset et al., (ed), Nordiska Afrikainstitutet, Stockholm, 2005, pp.136-137.

for the youth, etc., may create a context of instability where other trigger factors like political or ethnic manipulation may lead to violent conflict.

Scaling up the degree of conflict even further, over the last decades many areas in rural Sudan have been devastated by protracted conflicts. Armed conflict and land are linked in two major ways. On one hand, as stated above, control over land and related natural resources may constitute a key factor underlying conflict. On the other hand, besides bringing about death and destruction, armed conflicts have major implications for land tenure systems. First, the chaos generated by armed conflicts may weaken the customary or local institutions managing and administering land rights, thereby generating widespread tenure insecurity and creating opportunities for elites to grab land. Secondly, armed conflicts leave behind a legacy of landmines preventing productive use of substantial areas of land for many years after the end of the hostilities. Thirdly, armed conflicts create large numbers of refugees and displaced persons, with little or no access to land in their temporary residence. After the end of the armed conflict, competing land claims by returnees and by new occupants may generate further tension and conflict.