



## TRADITIONAL AUTHORITIES' PEACEMAKING ROLE IN DARFUR

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## ABOUT THE REPORT

The violence that has raged in Darfur for a decade is both a crisis of governance and a problem of law and order. As broader peace efforts have faltered, interest has increased in the capacity of local communities in Darfur to regulate conflict in their midst. All hope that traditional leaders, working within the framework of traditional justice, can be more successful in restoring some semblance of normalcy and security to Darfur. This report outlines the background to the conflict and the challenges in resolving it.

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The royal swords of the malik Ali Mohamedein of Am Boru, damaged by the Janjawid.



Melik Rahamtallah Mahmoud Ali al-Dadingawi, the king of El Fasher, head of its customary court and recognized *ajwad* (mediator).

Cover photo: The *shartay* Suleiman Hasaballah Suleiman, displaced in the rebel area. All photos by Jérôme Tubiana.

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[The concept of justice in Darfur is rendered blurry by its very flexibility, which can actually be less a disadvantage and more an opportunity for conflict resolution at all levels.]



## Summary

- The violence in Darfur is simultaneously a crisis of governance and a problem of law and order.
- The Native Administration is a century-old and evolutive system of traditional leaders that underpins the traditional justice sector.
- Traditional justice and statutory law are and have long been intertwined, but the terms of the exchange have changed.
- The Native Administration has been compromised, disempowered, and delegitimized.
- Many courts have been shut down by either the government or the rebels.
- The war has made it harder for traditional mechanisms to resolve disputes across tribal lines.
- Affiliation to tribe and party are necessary for both survival and success.
- As broader peace efforts have faltered, interest has increased in the capacity of local communities to regulate conflict in their midst.
- Darfurians believe that the first step in addressing a conflict should be a mediation and that the government should be the last resort.
- Traditional justice mechanisms are evolving rather than disappearing.
- *Judiya* is the main reconciliation and justice mechanism.
- The *ajawid* are elders or notables from a family, clan, or tribe not involved in the dispute. Government officials and judicial officers can serve. Neutrality is key.
- The principle of *judiya* is that all sides agree to abide by the recommendations before hearing them. If one party is dissatisfied, the *ajawid* may decide to review their decisions.
- Reconciliation is a central component of *judiya* and involves buy-in from both sides.
- The chief element in acknowledging responsibility is collective payment of compensation.
- Darfurians favor *judiya* over the courts in part because it is faster and in part because it is more free of governmental interference.
- Darfurians want the government to endorse and support reconciliation, but not to vet or control it.

## Introduction

In early 2003, simmering violence broke out in a long-forgotten province of western Sudan. Obscure rebel groups, alleging years of neglect and repression by the central government, attacked government convoys and outposts and briefly overran one of the area's main towns. The Arab-dominated regime in Khartoum organized a vicious counterinsurgency campaign that ended up engulfing mostly non-Arab communities across the territory, including areas where the rebellion was all but inactive. Over the following twelve months, hundreds of thousands were killed and millions were displaced. By early 2004, the world had (re)discovered Darfur.<sup>1</sup>

International aid agencies scrambled to respond to the displacement crisis. Later, peacekeepers, first from the African Union (AU) and then under the joint aegis of the AU and

the United Nations, sought to provide security across the (then) three states of Darfur, for the most part unsuccessfully.<sup>2</sup> But Darfur, remote and under the control of a pariah regime, had been a long-ignored part of the world. Among the international relief and peacekeeping personnel deployed there, firsthand knowledge of its peoples, society, and local politics was scant. There was especially little understanding of traditional leaders—key players in a territory mostly left to itself by successive governments in Khartoum.

Yet this international intervention relied heavily on community leaders, whether traditional leaders in communities of origin or leaders among the millions of Darfurians displaced by the war. Especially in the displaced camps, community leaders became the unavoidable link between the Darfurian population and international aid operation. But foreign actors tend to misconstrue the nature of what was known as the Native Administration (*idara ahliya*) system. They imagine hierarchies frozen in time that apply Darfur-wide and neglect the complex, dynamic and highly diverse history of which the *idara ahliya* is the product.<sup>3</sup>

A number of trends must be explored and understood to make sense of traditional authority and justice in Darfur. Since colonial times, parallel systems of governance and justice have coexisted: Native Administration and local government, traditional justice and modern justice, traditional reconciliation mechanisms and government-sponsored conferences. But all the while, the influence of the central government has grown at the expense of local structures. That process accelerated under the current regime.

It is difficult to integrate customary law, procedures, and systems—all of which are oral and flexible—into modern, statutory law systems that proceed from the modern state and are written and, at least in theory, driven by institutions. The process of integration has started in some domains, in particular for management of the natural habitat: the management of land, migratory routes, and water points has been unevenly integrated into local government bylaws, with varying degrees of consistency and success. This integration was a provision of the Comprehensive Peace Agreement signed in 2005 in Naivasha, Kenya, but the only one that has not been implemented.

A by-product of integration is often the quest for standardization, which is problematic. Darfur is a large territory with different natural conditions, peoples, and economic systems. Disparate customs in space and time have evolved. Standardizing customary laws can come at the price of their elasticity and flexibility, which is one of their major strengths.

A few points must be made on terminology. The term *traditional*—traditional leadership, traditional land tenure, traditional conflict-resolution, traditional justice—is highly ambiguous. Nothing is in fact traditional. Darfur has no golden age to revert to. Local traditional authority has constantly evolved, whether under the Fur Sultanate, the Turco-Egyptian domination (often called the Turkiya), colonial rule, or the influence of the modern ideologies and power lust of post-independence governments in Khartoum. What today we refer to as traditional authorities reflect the compromise between Darfurian communities on the one hand and successive governments representing the modern state on the other. A form of this compromise had already been struck by the sultans of Darfur, who ruled over diverse tribes with different leaders and customs. The compromise then shifted form to meet the needs of British policies of indirect rule.<sup>4</sup> Both the sultanate and the colonial authorities had to seek alliances with leaders they could not overcome by force. When these leaders were reluctant, the authorities appointed new ones—some of the great ruling families of Darfur are often relatively recent dynasties created during the Turkiya, Mahdist, and British periods. The legitimacy of individual leaders still reflects these changes, the older and more traditional often being considered the more legitimate.<sup>5</sup>

As to traditional justice and reconciliation mechanisms, again nothing is truly traditional. What does seem fixed in Darfur society is the absence of a border between justice and reconciliation: both overlap to a great extent. Even relatively distinct mechanisms are sometimes confused, even by the traditional leaders and other major players. This confusion seems to have increased during the current conflict as more established practices have been abandoned in the wake of violence and displacement. It represents a major difficulty in understanding (and researching) the topic today. It is also important not to consider local justice mechanisms in Darfur as an equivalent to what is meant by justice in the West. The concept of justice is far more practical, for want of a better term, in the Darfur context than it is in the West and has been further blurred by the war. It is also rendered blurry by its very flexibility, which in this context can actually be less a disadvantage and more an opportunity for conflict resolution at all levels.

## Native Administration

It is impossible to examine traditional justice and reconciliation processes in Darfur today without first understanding the Native Administration and its historical evolution, particularly over the past two decades of national Islamic rule.

### *The Concept*

The Native Administration is and has been a key institution in the history of governance in Sudan over the last hundred years.<sup>6</sup> In Darfur, the Native Administration was installed by the British repressing elements and individuals of the sultanate—the centralized state that had ruled much of Darfur since the mid-seventeenth century. The sultanate “in Sudanic terms [was] . . . a rich and well-run state with an effective and literate bureaucracy that was able to enforce its will over the administrative system.”<sup>7</sup>

At its core, the purpose of the Native Administration is threefold: to manage that most precious commodity (land), to render justice, and to represent both the state, in the various and diverse parts of the territory inhabited by diverse communities, and the interests of those constituencies to the authorities. The first two functions, managing the land and administering justice, are deeply intertwined in that many disagreements between individuals or groups relate, both historically and today, to land use and land ownership. The justice function also involved (and still involves) a strong reconciliation component; the land administration included management of natural resources (water, pastures, wood) as well as migratory routes. The third function, defending the area against outside attackers, in particular livestock raiders, was the particular role of the *agid* (war leader, see table 1) but became increasingly problematic under statutory law because it now fell within the responsibility of other more official institutions.

The Native Administration is a hierarchical system. Today—the titles have evolved, in particular during the colonial period—*sheikhs* (village or nomadic camp headmen) report to *omdas* (mid-level administrators), but the numbers of each vary greatly from place to place. It is said, for example, that an *omda* can preside over as many as a hundred *sheikhs*.<sup>8</sup> Depending on the location and the community, *omdas* report to *shartays*, *nazirs*, *maliks*, *sultans*, *furshas*, or *amirs*. The number of *omdas* under each also vary considerably. Those *shartays*, *nazirs*, and so on can be paramount leaders, or in some areas report to other, more important paramount leaders, such as the *magdum* or the *dimangawi*.

One dichotomy is key to understanding the Native Administration—the difference between territorial and tribal leaders. Territorial leaders have control over a given territory (*dar*, pl. *diyar*). This territory is generally multi-ethnic: many tribes live in it in addition to the leader's tribe,

**Table 1. Ranks and Titles**

|                                                     |                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>agid</i> (pl. <i>ugada'</i> )                    | a war leader who may also, in times of peace, mobilize men of fighting age for posses ( <i>faza'</i> ) after livestock raiding, for work in the fields, for erecting communal structures, or for festivals; a senior <i>agid</i> with authority over all <i>agids</i> in one area is an <i>agid al-ugada'</i>                                                         |
| <i>dimangawi</i>                                    | paramount leader of the Fur heartlands of southwestern Darfur; his capital used to be Kas in South Darfur but became Zalingei, now the capital of the newly created state of central Darfur                                                                                                                                                                           |
| <i>dimlij</i> (pl. <i>damalij</i> )                 | a title historically prevalent among non-Arab groups for mid-rank leaders, most of whom are now called <i>omdas</i> (see below), sometimes used for subordinate specific functions, notably collecting the <i>diya</i> (payment for the blood's price) among members of a tribe <sup>10</sup>                                                                         |
| <i>faqi</i> (pl. <i>fuqara</i> )                    | a religious scholar or holy man                                                                                                                                                                                                                                                                                                                                       |
| <i>fursha</i> or <i>firsha</i> (pl. <i>furash</i> ) | title historically used by Tama-speaking communities of the northern part of western Darfur—Gimir, Erenga, and Missiriya Jebel—that became the name for the mid-rank leaders under the sultan of Dar Masalit                                                                                                                                                          |
| <i>magdum</i>                                       | under the sultanate, mostly military envoys of the sultan; over time became paramount administrative leaders in southern Darfur (where they belong to the dynasty of the Fur leader Adam Rijal) and in northern Darfur (where a Meidob <i>magdum</i> replaced the Tunjur <i>takanyawi</i> ); only active <i>magdum</i> is now the one of South Darfur, based in Nyala |
| <i>malik</i> (pl. <i>muluk</i> )                    | title commonly used by non-Arab groups; at the time, mostly used by local chiefs of a lesser rank than <i>shartays</i> , though today the two titles are equal in rank                                                                                                                                                                                                |
| <i>nazir</i> (pl. <i>nuzzar</i> )                   | title introduced by the British for Arab paramount leaders, equivalent to the rank of <i>shartay</i>                                                                                                                                                                                                                                                                  |
| <i>omda</i> (pl. <i>'omad</i> )                     | a mid-level leader for all tribes; the rank is an Egyptian import introduced by the British; oversees an <i>omudiya</i>                                                                                                                                                                                                                                               |
| <i>shartay</i> (pl. <i>sharati</i> )                | the most common title for a senior-level ruler among non-Arab groups; oversees a <i>shartaya</i>                                                                                                                                                                                                                                                                      |
| <i>sheikh</i> (pl. <i>shuyukh</i> )                 | the lowest level native administrator, a village-headman, or the leader of a small group of nomads                                                                                                                                                                                                                                                                    |

which is not necessarily the majority tribe. Thus, various leaders—some ruling smaller, often less diverse territories, and other purely tribal leaders—submit to the territorial leader, who often but not always belongs to the dominant tribe. A territorial leader may not actually own any of the land of the territory he is administering, but he is the paramount chief, and other leaders, even landowners who may have more land than he does, must defer to him. He is the one to allocate land of relatively large sizes to leaders of communities (notably looking for resettlement) while he only sanctions the allocation of smaller plots to individuals or families. Tribal leaders, on the other hand, have authority over people and may be senior and powerful but cannot allocate land.

Thus the Native Administration is deeply connected with the land-tenure system. Historically, most leaders in Darfur, at all levels of the hierarchy, were territorial leaders, and most of the territory was divided into entities administered by them. Most leaders are also often but not necessarily owners of land, sometimes equivalent to the territory they administer, but often smaller. They also play a role in resolving both intercommunity conflict over large territories, often in the context of reconciliation conferences, and individual conflicts over smaller plots of land, directly or through the customary courts.

This intermingling of power and land became increasingly problematic for the nomadic *abbala* (camel-herding) Arab tribes, whose leaders only administered a tribe or a clan, and had to submit to territorial leaders from other tribes along their migratory routes. To some extent, communities that had migrated to Darfur from other countries, in particular from Chad and other countries west of Sudan, as well as communities that had resettled inside Darfur, faced similar problems. Beginning in the colonial period, however, they began to acquire positions in the Native Administration hierarchy that enabled them to legally challenge the authority of territorial leaders (see table 1).<sup>9</sup>

### ***A Short History***

The Native Administration today is the result of nearly a hundred years of interaction with successive central governments in Khartoum—governments that have sought to impose their political writ in Darfur as cheaply as possible and at the same time have provided traditional leaders with their main portal to the modern world. Exposure to education and government service has been both an opportunity and a challenge for traditional leaders. But the last twenty-odd years of repressive national Islamic rule in Sudan have deeply transformed the Native Administration in Darfur from an institution that administered land, taxes, and justice—often neither very efficiently nor very equitably—to a group of leaders largely beholden to the current regime in Khartoum. Darfur's traditional leaders have had to either submit to the ruling party or pay onerous consequences.

Since colonial times, and over the last twenty years in particular, successive governments in Khartoum have relentlessly manipulated and undermined the traditional administrative system throughout Sudan. Darfur has been a special target because the enduring power of traditional Darfurian leaders, as well as the region's relatively late incorporation into modern Sudan, have historically constrained Khartoum's writ in the region. The destabilization of the traditional leadership systems witnessed today in Darfur is nothing new, but rather the result of a progressive and deep-seated process.

### **Colonial Period**

In 1916, the British invaded Darfur, hunted down and killed Sultan Ali Dinar, and brought down the sultanate. This was a rearguard action carried out at a time when Britain's focus and brawn were engaged on more pressing fronts. British aims in Darfur were to pacify the region on the cheap, counter rising Egyptian nationalism and other unpleasant modern ideologies, and resolve the western border issue with France.<sup>11</sup> On the ground, because British-led forces lacked the military power to challenge powerful local leaders, they established alliances with those leaders they could not overcome. Relying on a policy of indirect rule through local leaders reduced the need for more costly British or Egyptian administrators. This met the twin goals of keeping budget outlays low and countering Egyptian influence, but resulted in often inadequate governance and sowed the seeds for future conflict.

### **Breaking with the Sultanate**

A common misperception is that the British merely removed Sultan Ali Dinar and confirmed the prerogatives of the traditional leadership system that existed under the sultanate, with the exception of the sultan himself, under the name Native Administration. In fact, despite the element of continuity, in that many administrators from the sultanate rapidly submitted to the British and continued in their functions, the change the British introduced to traditional leadership structures was momentous.

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First, under the newly created Native Administration, so-called traditional leaders carried out a number of formal functions they had not filled before the fall of the sultanate and the arrival of the British. These included administrative powers (and involvement in the delivery of new services such as education and health), judicial functions through the so-called native courts, the management of land and natural resources (including pastures, water, wood, and migratory routes), tax assessment and collection, community labor conscription for roads and other infrastructure, the oversight of markets, and border control.<sup>12</sup>

Second, when the British encountered resistance, armed or otherwise, they did away with recalcitrant individuals, promoting new leaders and establishing new dynasties. Predictably, in so doing, they also created internal power struggles, some of which continue to this day.<sup>13</sup>

Third, when a given Native Administration set-up proved too intricate for practical political control, the British sought to simplify it, introducing new hierarchical structures that were generally more pyramidal and thus easier to control. In particular, they united territories seen as too small or disparate to be viable for rule and taxation. For instance, Dar Dima, one of the most ancient of the sultanate, was made up of eighteen chieftaincies each held by a *malik* and capped by the *dimangarwi*. Colonial archives show that the British merged the eighteen into four larger entities, and appointed a Fur *dimlij* (the Fur are the largest ethnic group in Darfur), chosen among and by the *maliks*, to head each one. Similarly, in Dar Masalit (the Masalit are another major ethnic group), they gathered *maliks* (also called *dala* in the area) into small groups of five or six, and appointed one of them to be a *fursba* above them.<sup>14</sup>

Fourth, the British also sought to afford greater and more systematic representation to the main Arab groups as a way of controlling the fractious Arab tribes. Until this period, some of the large Arab tribes were largely decentralized and led by *sheikhs*, whose power was often limited to a camp or a village. The first of a series of laws reorganizing the Native Administration was the Powers of Nomad Sheikhs Ordinance, passed in 1922, which gave judicial powers to nomad *sheikhs* within their tribes.<sup>15</sup> Although no administrative powers were mentioned, this ordinance was clearly the start of a process to separate Arab and non-Arab communities, their leaderships, and their justice systems.

Another policy was to create new titles. The British introduced that of *nazir* for several Arab paramount leaders, equivalent to the traditional rank of *shartay*. They also created *omdas* as mid-level leaders for all tribes, from which the Arab tribes especially benefitted because they were in principle gaining leaders of the same level that their *sheikhs* had previously depended on. Under the sultanate, most traditional leaders—mostly Fur leaders, but also others who were in essence deputized—held sway over all communities living on the territory under their control, even those who belonged to other groups. Leaders allocated land or delegated its allocation to lesser chiefs beholden to them. As mentioned, the consensus on their control over land was one of the few factors of stability in precolonial Darfur. Brutally or gradually, the newly created *omdas* and *nazirs* stopped reporting to the old *shartays*, which led to confusion and competition between territory leaders and community leaders. The seeds for the tribalization of local leaders and subsequent conflict in Darfur were thus sown under the British.

Even when the British sought to establish more modern governance institutions, such as technical committees and courts, they did so only in the towns. Policy was a de facto dual system. Towns benefitted to some extent from the new institutions, later regularized under the local government ordinances of 1937 and 1951, leading to the creation of the Ministry of Local Government in 1954.<sup>16</sup> By giving them greater autonomy, these policies institutionalized the historical tendency of the powerful Arab dynasties of southern Darfur to thumb their nose at the authority of the sultan and his surrogates. More generally, the push for local

government as well as electoral democracy contradicted the initial support to dynastic, often uneducated leaders.<sup>17</sup>

Local British administrators couched their indirect rule approach in terms of bold experiments in local governance. But budgetary miserliness remained in fact the driving force behind the reliance on the Native Administration, and both the Great Depression and World War II did as much as anything to keep indirect rule in place.<sup>18</sup> “Despite the radical language, only three native administrations in Darfur (Dar Masalit, the ‘Zalingei Emirate,’ [a colonial invention] and the Rizayqat Nazirate) had budgets of their own on the eve of the Second World War.”<sup>19</sup>

### Myth of Indirect Rule as Good Governance

The preternaturally competent British administrator in Darfur is a myth. Indirect rule may have addressed colonial budgetary concerns, but the governance that the British and their local surrogates provided was poor, inefficient, and often iniquitous. Indirect rule was in fact a policy of “institutionalized neglect,” both “panacea and problem.”<sup>20</sup> Subservience, rather than competence, was the key to acquiring titles and establishing dynasties. Leaders the colonial authorities did not hold in high regard stagnated or were removed.<sup>21</sup>

The British were particularly consumed by a fear of a revival in Darfur of Mahdism—the messianic Islamic movement that originated in the early 1880s and, with strong support from Arab tribes in Darfur, ended Turco-Egyptian rule in Sudan. As a result, the British were ready to excuse the worst excesses on the part of traditional leaders who opposed the Mahdi’s descendants. In a twist of circular logic, they also ascribed to Mahdism revolts such as the bloody 1921 revolt in Nyala in which the British resident was killed—uprisings very likely triggered by the consequences of their own inept administration, including high taxes, local conflicts, and so on.

In Dar Masalit, the British resident forced the Masalit sultan to reorganize his administration in ways that sometimes resulted in double taxation: dismissed leaders continued to levy taxes, as did new leaders named in their stead.

In 1934, a “taxpayer’s strike” finally revealed the [colonial] Government’s ignorance of a dynamic system in which position, titles, blood relations, and personality interplayed and in which the theoretically aloof [British] resident, like a bumbling anthropologist, was a major factor.<sup>22</sup>

Dar Masalit is often quoted as the laboratory of indirect rule in Sudan: it “had a ‘resident,’ that is, a British official who ‘advised’ the Masalit sultan following Indian or Northern Nigerian models, the only such official in the Sudan.”<sup>23</sup> However, James Morton argues, in the rest of Darfur, neither of the two theoretical models of indirect rule was ever implemented. The one that was, in South Sudan—gathering tribal units “into larger, more manageable units”—was to some extent also implemented in some areas in Darfur. One model did seem to especially suit to an area like Darfur where a precolonial state had functioned—to have a colonial resident acting as an adviser to existing institutions. It was not implemented outside Dar Masalit, however, except once, in a brief and unsuccessful attempt to revive the Fur sultanate by appointing a descendant of the late sultan, Ibrahim Garad, as *amir* of Zalingei. “Once the Fur Sultan was gone . . . the British were left with the institutions but no state in which to put them . . . with a workable *idarat al ahliya* [sic] but no Indirect Rule.”<sup>24</sup>

The real achievement of the first twenty years of colonial rule in Darfur and of indirect rule was not good administration and governance. It was security—not a small contribution, one might add, given the four or five brutally dismal decades that had preceded the arrival of the British.

## After Independence

After Sudan gained independence in 1956, the policies of successive central authorities in Khartoum progressively eroded the influence of local leaders. This reflected the will, both ideological and practical, of the central government to build a modern Sudan and to establish control over the periphery of the country—notably over long-restive Darfur. These policies reached their peak during the Marxist period of the military regime of Ja'far Nimeiri in the late 1960s and early 1970s. The past forty years, then, have been stressful for traditional leaders in Darfur.

At the start of the second half of the twentieth century, Islamists and communists emerged as powerful players in Sudanese politics. Although highly different and bitterly opposed, both groups were ideological. They presented themselves as modern forces—*quwat haditha*—that were alternatives to the two dynastical, Sufi-inspired, and Arab-dominated parties that had long lorded over Sudanese politics. These were the Umma Party with its Mahdist tradition and influence in western Sudan, and the Democratic Unionist Party (DUP) so deeply rooted in the Khatmiyya Sufi order (*tariqa*). Communists and Islamists thrived. The Sudanese Communist Party grew into one of the most powerful in Africa—at least until Ja'far Nimeiri decapitated it in 1971. The Sudanese Muslim Brothers have been among the most politically successful radical Islamists in the Muslim world, having succeeded in capturing power in 1989. Communists and Islamists both saw themselves as advocates of social change. They shared an ideological hostility to traditional leaders as incarnations of a feudal past. One of the few things the secular and religious modern forces agreed on during the October 1964 revolution was the need to abolish the Native Administration. Ultimately, the interim government did not follow through on the measure. The Umma Party prevailed in the 1965 elections and shelved plans for abolition. But emerging educated elites in Central Sudan kept pushing against the *idara ahliya*, which they saw as both archaic and a colonial legacy.<sup>25</sup>

Beyond the ideological motivations lay political ones. Traditional leaders in Sudan overwhelmingly support the Umma and the DUP. The Native Administration has been historically instrumental in securing votes for the two parties, and especially for the Umma in Darfur. The modern forces were also opposed to the Islamic *tariqas* (Sufi brotherhoods), which were very close to the religious parties and instrumental in getting popular support to them. For the modern forces, doing away with the Native Administration was both an ideological struggle and a political necessity.

At this time, even the educated scions of traditional leaders who had moved to the cities themselves condemned the institution or remained ambivalent, creating tensions in leading ruling families. One of the early political groups to focus on the issue of Darfur, the Darfur Renaissance Front (*jabhat nahdat darfur*) of the mid-1960s, was against the Native Administration.

Military strongman Ja'far Nimeiri seized power in 1969 with the help of the Communists. In keeping with his then leftist leanings, he simply dissolved the Native Administration with the stroke of a pen by signing the People's Local Government Act in 1971.<sup>26</sup> A year earlier, the Unregistered Lands Act had formally abolished the traditional land tenure system, which, as explained, is closely connected to the traditional leadership system. The act was a legislated land grab. It “transferred to the Government in full ownership of unregistered lands, whether waste, forest, occupied or unoccupied, which had not been registered before the commencement of the Act on 6 April 1970.”<sup>27</sup> It abolished the rights of traditional authorities to allocate land and bequeathed them on the state. A string of laws over the past four decades had made it possible for “investors” to expropriate rural communities in South Kordofan, Blue

Nile, Gedaref, and Upper Nile.<sup>28</sup> Darfur, however, managed to escape the mechanized farming schemes because of the enduring power of traditional leaders and the strong social and political consensus around community control over land that underpins their authority. Darfur farmers thus never had to deal with the aggressive encroachment of mechanized farming schemes that Nuba villagers faced. But the Unregistered Lands Act nevertheless strengthened the trend of landless tribes and their purely tribal leaders gaining greater autonomy, and the land leaders and landowning tribes losing it. This created tensions that remain unresolved.<sup>29</sup>

In abolishing the Native Administration, the Nimeiri regime deprived traditional leaders of the government resources and local taxes they relied on to operate. But Nimeiri only formally abolished the most important leaders, that is, the *shartays*, sultans, and *nazirs*. The mid-level and lower-level ranks—the *omdas* and *sheikhs*—remained. Nimeiri's move was not so much an abolition as an attempt to politically sideline native administrators. The attempt proved not to be practically viable inasmuch as the so-called modern state administrators had neither the knowledge nor the ties in the community to replace the Native Administration. True, some rare traditional leaders retreated from public life, recalling the early 1970s as a period of inactivity.<sup>30</sup> And certainly the government's move to abolish was a symbolic blow. The abolition "lessened the dignity of the *idara ahliya*," one Mararit sheikh recalled.<sup>31</sup> But many local leaders, even the paramount ones, retained substantial influence. They continued to perform certain functions, in particular with regard to land, because of their knowledge and the respect they commanded in their communities. "Officially there was no more *idara ahliya*, but in an indirect way (*bil-liffa*) we were running our affairs as if Nimeiri [had] said nothing."<sup>32</sup>

As early as 1960, the Local Government Act had made the basis of local administration not the Native Administration, but instead local councils provided with an executive staff recruited by the ministry of local government in Khartoum.<sup>33</sup> But, even twenty years afterward, local leaders kept benefitting from the fact that the authorities (commissioners, but also police and army commanders), lacked resources, staff, and knowledge of the communities, and continued to consult them and associate them with their decisions, especially with regard to land, justice, local conflict, and reconciliation.

The dearth of resources also affected the judicial system, and, as early as 1976, the government asked many traditional leaders to serve as court staff in the new popular courts (*mahakim sha'biya*). For instance, the then *malik* of the Zaghawa territory of Am Boru, Ali Mohammedin, who had left his area, was called back by the government to resume his job "because the new people could not run the court," a Zaghawa *sheikh* in Chad explained, "the old ones had a long history and experience."<sup>34</sup> The terrible droughts of the 1970s and 1980s increased local tensions, and local administrators became even more reliant on traditional leaders to help them solve these conflicts.

In the early 1980s, Governor Ahmed Direij, the first native governor of the then-unified province of Darfur and himself a Fur *shartay*, began to advocate for a formal restoration of the Native Administration system.<sup>35</sup> The regional governments installed by Nimeiri in 1981 under the regional governance reforms (*al-hukm al-iqlimi*) gave governors some autonomy, and Direij was able to reinstate the upper tier of the *idara ahliya* in Darfur in 1984. The Native Administration was also reinstated in Kordofan and in the east in 1982, but not in central Sudan. The *idara ahliya* was in fact never reinstated at the national level, which is why there is no homogeneity across Sudan.

In 1986, during the so-called Second Democracy, then Prime Minister Sadiq al-Mahdi enacted the Native Administration Act, which reinstated certain powers of the Native Administration. In 1988, he appointed Tijani Sese as governor of Darfur, himself the son of

*dimangawi* Sese Mohammed Atim and the brother of the present *dimangawi*, Fadil Sese, who was active in restoring traditional leaders. The concept of elections for the appointment of new leaders at level of *omda* and above was introduced: *sbeikhs* elect their *omda*, *omdas* elect their *shartay* or *nazir*, and the *shartays* potentially elect a paramount leader above them, either *dimangawi* or *magdum*. In principle, these elections all took place within the established tribes and dynasties, but as will come to be seen, the Islamic regime later manipulated this practice to reshape the Native Administration in accordance with its needs.

After 15 years, we understood we could no longer continue, and we decided to return backwards [restore the Native Administration]. Unfortunately, many chiefs were very old or dead. We have named young leaders to replace them, but they are unable to control their people. This is one of the causes of the conflict.<sup>36</sup>

### The National Islamic Regime

In 1989, the Islamists of the National Islamic Front (NIF) overthrew Prime Minister Sadiq al-Mahdi in a bloodless coup. On seizing power, the NIF formally disbanded, leaving power to a Revolutionary Command Council for National Salvation (RCC), headed by an army general, Omar Hassan al-Bashir. The new regime is known in Sudan as the *Ingaz*, or Salvation.<sup>37</sup> Behind the RCC, however, real power was wielded by the ideological leader of the Sudanese Islamists, Hassan at-Turabi.<sup>38</sup> Like most other governments in Khartoum, the Islamists have defended the interests of the Nile valley elites. And, in keeping with central governments in Khartoum since the Anglo-Egyptian Condominium was established in 1899, starting with British colonial authorities, the regime's priority in Darfur has been clear: to maintain control, on the cheap, over populations the center does not trust.<sup>39</sup>

The Sudanese Islamic movement had originally advocated the abolition of the Native Administration. But, once in power, it rediscovered tribalism. The evening news would show a governor or a minister or even the president meeting with a delegation of such-and-such a tribe, where before only the area of origin would have been mentioned. The images included pictures of educated elites and senior Native Administration members sitting side by side, both co-opted by the government. The new regime understood how valuable a tool the Native Administration could be. It focused on reshaping the Native Administration to suit its needs, at the same time ensuring that it was weakened through manipulation and co-optation. The regime has, over the past twenty-odd years, ceaselessly created new positions and abolished others, reorganized territories and lines of reporting, bought off and intimidated individual leaders, and imposed illegitimate leaders on local people. This has led to major changes in the structure of traditional leaders, in particular in the early 1990s.

Life under the Islamic nationalist regime has been difficult for Darfurian traditional leaders. They are caught in a vise between the needs of their people on the one hand and the requirements of the central government on the other. Political tensions are aggravated by local rivalries—at the tribal, clan, and even family level. Conflicts arise over shrinking resources, primarily land, water, and grazing. Social tensions are also acute—for example, rich and educated versus poor and uneducated—as well as intergenerational tensions. The government plays on all of these conflicts to undermine local leaders and assert its power, forcing people to focus more on local rivalries than on national politics or on the struggle for their collective rights.<sup>40</sup>

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*Conflicts arise over shrinking resources, primarily land, water, and grazing.*

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### Na'ima and Soba Conferences

In October 1992, the NIF organized a discreet conference in the remote village of Na'ima, near Geteina in White Nile province, to discuss what should be an Islamic approach to the Native Administration. The Na'ima conference was followed in 1995 by a more public follow-up

conference in a large complex in Soba, south of Khartoum—a venue where traditional leaders and government officials used to receive reeducation in so-called Islamic values from Islamist ideologues. The Soba conference brought together traditional leaders, government officials, politicians, and Islamist intellectuals.

The conferences concluded that, rather than abolishing the Native Administration, the regime would gain politically from controlling it, and ideologically from incorporating it into the NIF so-called civilization project (*al-mashru' al-hadhari*), the overarching strategy of which was to islamize Sudan and areas beyond. Key to this was a redefinition of the role of the native administrator in clearly religious terms: the Islamic traditional leader was to be both a leader and have a missionary (*risali*) role. The “new” traditional leaders would lead people in prayer, teach in mosques, collect state-imposed “religious” taxes, and mobilize the community for jihad. At the time, jihad referred to the wars in South Sudan and the Nuba Mountains. Later, during the war in Darfur, some leaders fulfilled the military aspect of their role, but often with less religious connotation, because the enemy was Muslim. As is true of all ideologically motivated policies, implementing these new roles implied a need to reeducate traditional leaders.

Beyond the emphasis on ideological realignment, the three “most important recommendations” issued in Na’ima all had to do with the functions of the Native Administration: “the mobilization of citizens,” “the maintenance of security in cooperation with the relevant security agencies,” and “an active participation in the collection of public funds.” These recommendations leave little doubt as to the political intent of the conference organizers.<sup>41</sup>

A central idea of the Soba conference was to standardize “the many names used for the members of the Native Administration in the various states.”<sup>42</sup> The conference suggested using a single title, that of *naqib*, a term referred to in the Quran that also refers to the rank of captain in the Sudanese and most Arab armies.<sup>43</sup> The double meaning—Islamic and military—is telling in its echo of the regime’s double intent—ideological and political—for the Native Administration. But equally telling is that the term *naqib* was, for all intents and purposes never heard of again, bearing witness to the resilience of tradition (subsequently the term *amir* was adopted). The conference also recommended that the rank of *omda* be eliminated as unnecessary, another recommendation that remained moot.<sup>44</sup>

This religious redefinition came in sharp contrast with Darfur culture. In Darfur, traditional leaders, even the sultan, were not religious leaders. Historically, they had often converted to Islam before the bulk of their population, but they did not lead prayers or teach Islam—a role left to *faqis*, or religious men. They also had to remain neutral about surviving pre-Islamic practices and to accept syncretism, notably in induction ceremonies for new traditional leaders, as well as in the cohabitation in their entourage between Muslim *faqis* and pre-Islamic religious leaders. In sum, a traditional leader in Darfur is a temporal rather than a spiritual leader.

The NIF also promoted new rules for appointing leaders. Traditionally, new leaders were required to be the son of a former leader who had held the same position—generally the son, brother, or paternal uncle of their predecessor. This mechanism tended to create competition for the post, competition most often resolved within the family—by consultation, consensus, through some manner of vote, or sometimes simply with a power play. The will of the former leader was typically also taken into account, especially if he was still alive and had decided to step down, or had expressed it before his death. A common practice was to designate a *khalifa* (pl. *kbulafa*, deputy and possible successor) among his sons or brothers, whom he would mentor.

The Condominium, in place from 1899 to 1955, had introduced the idea that the lower-level leaders should be consulted on the appointment of a new leader above them. Ruling

lineages were, however, mostly respected, and ethnic and tribal belonging even more so. But the NIF emphasized that all leaders above the rank of *sheikh* were to be elected by lower-rank leaders. The Soba conference called for “the selection [to take place] by way of election and not in a hereditary manner, so as to guarantee that [the native administrator] is the best qualified and the most capable,” with no mention of right of inheritance or tribal origin.<sup>45</sup> In a number of *dars*, newcomers, mostly Arabs and Zaghawa from North Darfur, had often achieved a numeric majority, sometimes acquiring more *sheikhs* and *omdas* than those of the tribe of the ruling dynasty. Elections raised the possibility of breaking up dynasties, even opening the door to new leaders outside the ruling family or even the ruling tribe.

Moreover, whatever the results of the consultations and elections, the government, in the person of the *wali* (governor) or the local commissioner, or sometimes central government, retained the power to dismiss sitting traditional leaders and approve newly elected ones. The NIF began to co-opt new leaders, sometimes without even consulting lower-level leaders. For the most part, governors and commissioners respected the lineages, vesting power in someone with at least the theoretical legitimacy to serve as a leader, which often gave rise to bitter intrafamily quarrels. Other times, the government simply appointed new leaders from outside the lineages of chiefs.

The regime also sought to reinforce the security function of the Native Administration. The Na’ima conference in particular recommended “grant[ing] of police powers to Native Administration guards in order to provide them with protection in the performance of their duties.”<sup>46</sup> This led to an increase in the numbers of guards, in particular for Arab tribes.

As the 1990s wore on, the Islamists tended to give up on the more radical of their ideological recommendations with regards to the Native Administration as in other arenas, for instance, total jihad in the Nuba Mountains. This was a reflection, among other things, of the Bashir-Turabi split. But the desire to harness and transform the structures of the Native Administration was unmistakable, in Darfur and elsewhere.

### Controlling the National Capita: *Nizam Ahli* in Khartoum

One novelty the regime did successfully carry through with was outside Darfur—and momentous. Concerned with the explosive population growth in Khartoum, especially by rural migrants from the west and the south of the country, the government set up a system of tribal leaders that mimicked the Native Administration but was not part of it. The initiative, reportedly the work of Majzub al-Khalifa when he was governor of Khartoum in the latter half of the 1990s, is called this *an-nizam al-abli*, the traditional or native system—a term that echoes the Arabic for Native Administration (*idara ahliya*). The purpose of the *sheikhs* and *omdas* of the *nizam ahli* is solely to control the swelling population of the national capital, and mobilize them—for elections, for jihad, for rallies. They typically have an office and government-issued cards, can serve as witnesses for the issuance of ID cards, and are readily summoned by state security services. Bureaucratically, they report to the Native System Department (*qism an-nizam al-abli*) at the Khartoum governorate offices, and later obtained a liaison office in the Directorate of Federal Affairs (*diwan al-hukm al-ittihadi*, which replaced the Ministry of Local Government). While these leaders are tribal by definition, they are not part of the structure of the Native Administration of their respective tribes, and certainly do not report to the paramount leaders of their tribes. Of course, more genuine traditional leaders exist among these communities, but they are most often not government sanctioned, though they may claim allegiance to paramount traditional leaders who are sanctioned by the regime and are often regime supporters.

### Change on the Ground: 1994 and Beyond

In the mid-1990s, at the time of the Soba Conference, the NIF's Darfur policy had begun to focus on an alliance with the Arabs. This was a reversal from a decade earlier, and especially from before the 1986 parliamentary elections, for which Hassan at-Turabi had sought to build an electoral base among the non-Arab tribes by campaigning on how little the Umma had done for them over the years. The effort had failed, and Turabi was said to be very bitter.<sup>47</sup> Once in power, the NIF swung toward the Arabs of Darfur. South Darfur Arabs had also been using their lead role in the 1987 to 1989 war with the Fur to argue for favorable changes to the Native Administration—changes that are now permanent in local political life in Darfur. When these same South Darfur Arabs helped defeat an SPLA foray into Darfur in 1991 by a Fur former NIF activist, Daud Yahya Bowlad, their demands increased. The regime began favoring them, and this was the beginning of the end of the South Darfur *magdumiya*. In the mid-1990s, in West Darfur, landless Arab groups and newcomers from Chad demanded, as price for their support to the regime, a restructuring of the *idara abliya* and land tenure systems in a way that would challenge the historical domination of the Masalit and the Fur. Specifically, some Arab groups demanded more traditional leaders in higher positions, and insisted that these leaders be granted land rights.<sup>48</sup> The result was that a number of locations witnessed extensive changes in Native Administration structures.

Fur leaders, as the historically dominant group, were the first victims of those changes. In 1992, partly in response to the Bowlad raid, which the government feared might embolden the Fur, the regime began looking for allies in the Fur community. It found support in the effort by pro-regime Fur intellectuals to create a Fur *shura*, or consultative council. The first president of the Fur *shura*, Hussein Ayoub Ali Dinar, a grandson of the last sultan of Darfur, Ali Dinar, appointed himself sultan of the Fur (*sultan al-Fur*), and was endorsed by the government. But the new sultan had no court, no land, no *omdas*—in short, no power. Whether the government led Hussein Ayoub's moves or simply endorsed them, his claims to be sultan for all the Fur of Sudan suited Khartoum's desire to tribalize—and deterritorialize—the Fur traditional leadership. The position was purely honorific and ended up not amounting to much politically. Since then, Ibrahim Yusuf Ali Dinar, who reportedly does not speak the Fur language and has never lived in Darfur, succeeded Hussein in this position and pushed things further: with the support of the government, he calls himself the sultan of the nations of Darfur (*sultan umum Darfur*).<sup>49</sup>

### Multiplication of Omdas and Regional Changes

The NIF policy to create new *omdas* was, on the face of it, a follow-through on the recommendations made by the reconciliation conference that followed the Fur-Arab war of 1987 to 1989. This bloody conflict in and around Jebel Marra pitted Fur farming communities against an unprecedented alliance of twenty-seven Arab tribes, supported by the Sudanese government. It was in many ways a forerunner of the current conflict: it involved the wholesale destruction of Fur villages and agriculture (orchards, irrigation channels, pumps), and deliberate murder and rape to terrorize and restrict people's movement.<sup>50</sup>

The reconciliation conference called for new *omdas* for all the tribes. The Fur also received new *omudiyas*, but the agreement especially benefitted smaller Arab groups, which had had little previous weight within the existing *idara abliya* system (such as the Ta'alba and Hottya around Kas) or no *omdas* at all (such as visiting *abbala* from northern Darfur). With the new *omdas*, these groups were now on the map, and they could offset Fur power in the Fur heartland. The theory was that all the *omdas* would report to more senior leaders—*maliks*, *shartays*, and *nazirs*—who had tenure rights over the land. But today, the

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