# STEPS TOWARDS THE STABILIZATION OF GOVERNANCE AND LIVELIHOODS IN DARFUR, SUDAN

March 2005

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# I. Outline

1.   This paper was commissioned in accordance with USAID Scope of Work for analytical services in support of USAID stabilization activities in the Sudan. The objective is to provide technical assistance to identify and develop program strategies to: (1) stabilize livelihood collapse and social resilience due to widespread violent conflict in Darfur, Sudan with the aim of saving lives and alleviating the suffering of those most affected; and (2) mitigate the effects of further widespread violent conflict and instability in the east and north of the country.

2.   The paper analyzes the Darfur conflict from both local and national/international viewpoints. Decades of neglect and lack of basic governance created the conditions for conflict and the motivation for armed opposition. The conflict escalated through Khartoum's manipulation of two specific Darfurian groups, namely the Abbala Rizeigat and Chadian Arabs, as its main counterinsurgency force. Each of these groups has been facing socio-economic difficulties. The political program of the Arab Gathering is a major contributor to the conflict. The rebel movements spring from legitimate grievances but are not politically organized such that they offer comprehensive solutions. A negotiated solution is essential, which must take place in the context of a strategic approach to the deep-seated causes of the crisis.

3.   The principal recommendation is that USAID should to develop a strategic approach, with a medium/long-term plan for a solution. There should be a common vision for how Darfur should look in 6 years' time, at the conclusion of the interim period. Remarkably, Darfurians across the political and ethnic spectrum share many aspects of a common vision: a region at peace, retaining most of the traditional architecture for land tenure, administration, and inter-ethnic relations, but with sustained efforts to overcome poverty and marginalization. Any strategy adopted by USAID should be based on the principles of mutual consent by all parties and conservatism, i.e. focusing on existing institutions.

4.   Grand blueprints for planned settlements should be treated with extreme caution. Proposals for incremental rehabilitation in the absence of a political agreement run the risk of being co-opted for counterinsurgency and social control.

5.   The governance and livelihoods strategies are closely linked. The strategy for stabilizing governance needs to include the following four components:

> a.   Work with the national and state authorities in a Land Commission to adopt the existing land tenure system (hakura system), with modest appropriate modifications, as the basis for land jurisdiction, settlement and rehabilitation. Catalog land possession claims by displaced farmers, and utilize these as the basis for issuing land possession documents which can become leases, providing security of tenure and access to credit.
>
> b.   Work with the national and state authorities to adopt a mixed system for local government including both Native Administration and an independent civil service. The role of the Native Administration should focus on conflict management, including resolving land and compensation claims, while the professional civil service should be principally concerned with service provision.
>
> c.   Develop a strategy for demilitarization of Darfur. This should be a long-term program for the control of weapons and regulation of militias, leading over several years to the disarmament of the region.
>
> d.   Address the tensions generated by immigration from Chad by funding an expansion of services on both sides of the border.

6. A livelihoods strategy should be comprehensive, and tied in with local processes of conflict management and reconciliation. It should have the following main components:

    a. Actions in the livestock sector. Compensation and restitution for lost livestock is the single greatest contribution to restoring livelihoods.

    b. Rehabilitation of the trade sector. Trade between Darfur and its neighbors is essential to the economy, both importing basic household goods and exporting cash crops and livestock.

    c. Build up financial services. Credit- and market-based mechanisms can be utilized to assist in rehabilitating farming and trade.

    d. Promote rural incomes by facilitating labor migration and transfer of remittances by ensuring open and secure transport routes and good communication.

    e. Prioritize services that serve as 'connectors' between polarized groups, for example provision of veterinary services and education.

## II. Brief Analysis of the Conflict in Darfur

7. The conflict in Darfur has causes at both local Darfurian and national/regional levels. What has made the conflict especially vicious is the Sudan Government's use of local militia as the intermediaries in its counterinsurgency. In particular, it has used two groups: the northern Rizeigat around Kutum/Kebkabiya and Arabs of recent Chadian origin. Each of these groups has a particular history of social and economic problems, and association with wider ideological and military projects, which rendered them useful for Khartoum's military purposes. The conflict arose in part from design/conspiracy, specifically a long-term aspiration by some individuals from Arab tribes in Darfur and Chad, and some of their friends in government in Khartoum to create Arab-owned/dominated territories in central and western Darfur. It arose in part from miscalculation/clumsiness, specifically the escalation of the war by senior security officers in Khartoum using the tried and tested means of mobilizing a tribal militia.

*First Intermediary for Conflict in Darfur: The Abbala Rizeigat*

8. One intermediary for the GoS counterinsurgency is the northern camel-herding ('Abbala') Rizeigat. This sub-tribe has been headquartered in the vicinity of Kutum-Fata Borno for a century, herding its camels as far north as Wadi Howar and the Jizu pastures of the desert, and as far south as Wadi Saleh and Nyala. It has also spawned offshoot settlements in the Kebkabiya-Seraf Omra area. The Abbala Rizeigat has the following main sections:

    a. Mahariya (headed by Sheikh Mohamadein Adud).

    b. Mahamid/Jalul (headed by Sheikh Musa Hilal).

    c. Ereigat (strictly speaking a separate lineage to the Rizeigat, headed by Sheikh Hamad Abdala Jibreel).

    d. Eteifat (a small subsection of the Mahariya that is now politically quasi-independent, this is headed by Sheikh Abdala Jadallah).

    e. Awlad Rashid (small, headed by Sheikh Adam Jaali).

    f. Others including Awlad Zeid, Zabalat and Nawaiba.

9.  The Abbala Rizeigat have a unique socio-economic and political position in Darfur, for three reasons.

   a. First, they are the only substantial tribe in Darfur that has no significant land jurisdiction. This arises from a long and complex history including nomadism, migration between northern Darfur and Chad, and repeated fissure. This problem was first manifest in clashes over grazing land with the Zaghawa in the 1960s, and developed into struggles over access to farmland in the 1980s, when many herders lost their animals and were compelled to farm.
   b. Second, during the colonial period the Abbala Rizeigat were unusual in that they never obtained a unified tribal authority headed by a Nazir (paramount chief). The most important reason for this was that the elders of the tribe were unable to agree on a single candidate. In turn, this reflected an intense political rivalry between the Mahamid/Jalul, headed by first Issa Jalul and then Hilal Abdala (father of Musa Hilal), and the Maharia headed by Adud Hasaballah. This rivalry continues up to day, frustrating attempts to create a unified Nazirate. This also meant that the tribe was prone to repeated fissure, with discontented subsections breaking off and migrating elsewhere (e.g. to south and south-west Darfur).
   c. Third, the Mahamid and Maharia both have substantial subsections in Chad, to which they have family ties. Both the leading families have sought to boost their numbers, and hence their power, by attracting followers from these Chadian subsections. In turn, this made them an attractive ally for Chadian Arab factions and a valued intermediary for armed mobilization by the Libyans during the Chadian civil wars.

10. These factors have left the Abbala Rizeigat as an unmanageable factor in north-central Darfur for the last 20 years. They have been at the forefront of every armed conflict with the Zaghawa, Tunjur and Fur. They provide the majority of the Janjawiid leadership.

*Second Intermediary for Conflict in Darfur: Chadians*

11. The second group used for GoS counterinsurgency is the population of Darfurian Arabs of Chadian origin. From time immemorial, there has been a steady stream of immigrants across Darfur's western border. In the last 20 years, most of these have been Chadian Arabs, though there have also been Zaghawa, Bedeyat, Tama, Gimir and others. Sudanese nationality laws and policies have made it easy for Chadian Arabs to claim Sudanese citizenship. The 1983 Census recorded 83,000 nomads in El Geneina district, most of them Arabs. Over the following ten years the population of Darfur grew by 4.15% per annum, well above the rate of natural increase of 2.8-3.0%, the additional numbers representing Chadian immigrants. Their total number could be several hundred thousand.

12. Chadian Arabs in Darfur fall into three main groups:

   a. Abbala Rizeigat (see above). These have swelled the Rizeigat numbers around Kutum and Kebkabiya and are also present in El Geneina.
   b. Other camel-herding Arabs including Beni Halba, Misiriya, Khuzam and Mahadi.
   c. Salamat cattle herders, who have settled in Wadi Saleh and parts of South Darfur.

13. The customary mode of absorbing immigrants is to provide them with pasture and farmland, provided they accept the customs and norms of the dominant group in the area (the 'owner' of

the 'hakura' or land area). If they arrive in substantial numbers, their village chiefs will be recognized as sheikhs, and administrative chiefs (omdas) will be appointed. The Darfur tradition has no place for allocating their own paramount chief ('nazir' or similar title), which would imply that they gain their own land jurisdiction. El Geneina district has been ruled by the Sultans of Dar Masalit, who have a history of welcoming Arab tribes, but only on these terms. In Wadi Saleh, the number of Salamat omda-ships grew rapidly in the 1990s, in places rivaling that of the local Fur.

14. By the mid-1990s, the immigrant Arabs in El Geneina and Wadi Saleh had become so numerous that their leaders were demanding that this arrangement be changed. Also, the Sudan Government was seeking to build a political constituency and military bulwark among Darfur's Abbala Arabs. The Governor of Western Darfur proposed to give titles of 'Amir' (prince) to the Arabs (nine for El Geneina and three more for Zalingei and Wadi Saleh). Although no land jurisdiction was provided, these positions would have enabled the Arabs to determine the selection of the next Sultan of Masalit and other high-ranking tribal positions. This provoked a significant conflict.

15. The issue of the hierarchy of chiefs and their jurisdictional status is currently being addressed by the local authorities in Western Darfur and the intra-Darfurian discussions in Tripoli. The most viable proposal is a modest adjustment to the traditional order, which preserves the existing hierarchy, land jurisdiction and means of selecting the top tier of tribal authorities. The Arab Amirs will stay, but their authority will be defined and circumscribed.

*The Conflict Spreads*

16. From these two epicenters, the conflict has spread to engulf most of the central belt of Darfur. The Darfur rebels have sought to expand their areas of operation and control, while some local Arab groups have sought to take advantage of the conflict to lay claim to land jurisdiction and steal livestock. For example, the Terjam Arabs of Nyala area have never had their own 'hakura', but by mobilizing their members as part of a pro-government militia, they have been awarded a paramount chieftancy, enabling them to challenge the authority of the Fur paramount chief of Kas. Similarly, to the east of Nyala, where large numbers of Zaghawa have settled, a land jurisdiction dispute between them and their hosts (who include Maaliya and southern/Baggara Rizeigat) has contributed to conflict. Massive looting of livestock has occurred everywhere by all sides. The conflict has generated a momentum of its own.

17. For twenty years, there has been no effective law and order in Darfur. The police have been under-equipped and under-funded. With endemic banditry, all groups have armed themselves.

18. It is instructive to note where the conflict has *not* spread, namely to the lands of the large Baggara Arab tribes of South Darfur. Notably, the Rizeigat of south-east Darfur, the largest and most powerful Arab tribe, have remained largely uninvolved. This is related to the security of their own substantial land jurisdiction, and their own recent experience of having been used by the government as a weapon for counter-insurgency against the SPLA in Southern Sudan. That experience taught them to distrust proposals for tribal involvement in a civil war.

*National/Regional Factors*

19. The Darfur conflict has been exacerbated by a host of national and regional factors. The most significant and long-term of these has been the level of neglect and under-development in Darfur. In many villages, there has simply been no development at all: no health service, no

education, no infrastructure, ever. What services were built up in the 1970s and '80s have been severely run down. The importance of this fact cannot be underestimated.

20. Contributing to Darfurian anger and resentment has been GoS policies of 'divide and rule', which emerged in the 1980s and were gradually intensified under the current government. This policy took on an ethnic/racial character very quickly, interacting with the Arab Gathering/Alliance ('Al Tajama al Arabi') to create the current polarization between Arabs and non-Arabs, the latter increasingly identifying themselves as 'Africans' over the last decade. The origins of the Arab Gathering lie in a combination of provincial politics (Darfur's Arabs were poorly provided with services and under-represented in regional government) and the dream of a pan-Sahelian project for Arab domination fostered by Libya, and particularly targeted on Chad and by extension Darfur. At the time, this was supported by prominent Zaghawa in Libya. For example Abdala Zakaria Idris is a Sudanese Zaghawa, an architect of Gaddafi's policy, and became General Secretary of the (Libyan) Popular Committees in Sudan. The Arab Gathering has been a vehicle for militarized Arab supremacism. The Janjawiid have been its armed wing since 1987.

21. In Sudan, as in the politics of the Arab world more generally, it is difficult to weigh the relative importance of grand conspiracies as against pragmatic short-term political calculus. Often, ambitious rhetoric is simply hot air, not matched by practical organization. Such is the case for both Gaddafi's dreams for an Arab empire, and the Arab Gathering's ambitions for changing the face of Darfur. But gullible or reckless young men may have internalized the racist ideology, and the guns that were distributed were capable of real killing.

22. The third major component has been the war in Chad, including the Libyan use of Darfur as a territorial base for launching attacks into Chad, the arming of Sudanese Arabs and Zaghawa as part of the Islamic Legion, and the Chadian counter-attacks on Libyan, Sudanese and Chadian opposition bases in various parts of Darfur (notably Kulbus-Tine, Kutum and the Anjikoti area of Wadi Saleh). Libya distributed thousands of automatic weapons to its clients in Darfur. Notably, those clients included the Abbala Rizeigat (from 1973 onwards, reaching its height in 1986-9), Arab groups originating in Chad (particularly during 1986-7), and (especially in 1989-90) the Zaghawa and Bedayat.

23. Other national factors include the following:

   a. The politicization of the Native Administration (tribal hierarchy) by both the Sadiq el Mahdi and Omer al Bashir governments.
   b. The militarization of the tribal structure as a tool for cheap counterinsurgency, beginning in 1991 in response to an incursion by the SPLA, and continuing thereafter.
   c. The heavy-handed 'civilization project' which sought to promote Arab-Islamic values in Darfur, particularly in the period 1990-96, and which encouraged Darfurian Arabs to believe that they had supremacy over the non-Arabs.
   d. The purge of local government and Popular Defense Force leaders after the 1999-2000 split in the ruling Congress Party, which brought in new local authorities who were biased towards the Arabs in local disputes.

*Origins and Nature of the Rebel Movements*

24. The Darfur Liberation Army emerged in 2000-01. It sprang from the exclusion of Darfurian elites from national power, combined with the strategy of the opposition National Democratic

Alliance (NDA) of fostering/supporting regional insurrections with the support of Eritrea. As early as 1995, Eritrean representatives traveled to N'Djamena and Darfurian NDA leaders were trying to build a political and military base for a rebellion. (Darfurian guerrillas on the Eritrean border with eastern Sudan date from that time.) The first rebel training camps were established inside Darfur in 2000, with Zaghawa officers training Fur cadres, and the first serious clashes began in 2001, intensifying throughout 2002. In February 2003, the Darfur Liberation Army changed its name to the Sudan Liberation Movement/Army and announced its manifesto.

25. The Zaghawa and Fur wings of the SLA are largely independent of one another. The Zaghawa, many of them experienced in desert warfare from Chad, have been the most effective fighting force. The Fur and Masalit components are essentially self-defense village militias supplemented by former army officers and intellectuals.

26. The Justice and Equality Movement (JEM) was formed immediately thereafter, headed by Zaghawa members of the former ruling party who had left office when the party split in 1999/2000. Its members had been organizing since the mid-1990s, when the marginalization of members from Darfur and Kordofan in the Islamist movement was clear, and had produced the 'Black Book' in June 2000, documenting the persistent marginalization of people from everywhere other than the riverain elite in successive central governments in Sudan.

27. The SLA and JEM suffer from a number of structural problems that handicap their political and military effectiveness. In certain respects they resemble the fragmented Chadian factions of the 1970s and '80s. These problems include:

     a. Personal loyalties have superceded political organization as a means of command and control.
     b. Tribal organization, including warrior tradition (in the Zaghawa case) has been grafted on to political structures.
     c. The requirements of external engagement (with mediators, aid donors and political sponsors) have kept the political leadership out of the field.
     d. The huge distances involved make coordination and communication difficult, and conferences almost impossible. Thuraya phones have not been used in a disciplined or effective way.

28. As a result, the political and military strategies of the movements have become disconnected. Educated and senior people in the field have abandoned the front, leaving it to undisciplined young fighters. The political leaders are increasingly seen as an 'external wing' divorced from the realities on the ground and with no authority over field commanders.

*Responsibility of Security Officers*

29. The atrocity, displacement and humanitarian crisis in Darfur was unleashed by security officers in Khartoum who decided that (a) there should be a military solution in preference to a political one and (b) the best means of pursuing such a solution should be overwhelming and indiscriminate force directed at civilians. This is precisely the method used in the South and Nuba Mountains since the mid-1980s. By the time it was utilized in Darfur it was entirely predictable that it would lead to horrific abuses and immense civilian suffering. The debate over whether this counts as 'genocide' or not is secondary to the reality of the atrocity and human tragedy.

30. Many of the individuals responsible have been identified by the International Commission of Inquiry set up by the UN Security Council. They should be punished. However, the mandate of the prosecutor will also specify that prosecutions should be conducted in the interests of victims. It is the specific responsibility of humanitarian agencies to consult with the victims and help them to identify the ways in which their interests are best pursued in the search for peace, reconstruction and accountability.

## III. Towards an Internal Solution for Darfur

31. The Darfur war is an integral part of Sudan's national politics. There is no solution to Darfur without a national-level political settlement. The following discussion assumes a political deal between the SLM/JEM and GoS.

32. The suggested solution has the following five components:

   a. A settlement of the land issue, based upon the traditional hakura system, applied in line with principles of common citizenship.
   b. A revival and reform of local government, including the Native Administration system.
   c. A comprehensive plan for demilitarization.
   d. A livelihoods strategy including the livestock, trade and credit.
   e. A national and international strategy to address the issue of immigration of Chadians and citizenship.

33. Three basic principles underpin this strategy:

   a. **Consent**: all activities, including disarmament, must be undertaken with the full and active consent of the groups involved, secured locally. A consultative process involving all groups in Darfur will be required. The process of obtaining consensus and consent is as important as the substance of the interventions themselves.
   b. **Strategic planning**: the stabilization of governance and livelihoods in Darfur will take many years. An overall strategic plan, with appropriate provisions for flexibility, is required. A reasonable time-frame is 6-7 years (coinciding with the Interim Period). In addition, while some of the proposals may appear more 'political' or difficult than others, the entire set of proposals must be seen as a package.
   c. **Conservatism**: in this period of extreme disruption, it is important to maintain as much continuity as possible, sticking with the institutions and mechanisms that people are familiar with. Advocates for social change and transformation should dampen their ardor, and assume that old systems are workable, in the absence of obviously better alternatives.

## IV. The Land Issue

34. Darfur has a complex and subtle traditional land tenure system, which has continuity and development over more than three centuries. At its heart is the 'hakura' system. This is usually described as 'tribal land ownership'. In fact, both words 'tribal' and 'ownership' need to be modified. The modifications are very significant, because the principles of the hakura system are compatible with many, possibly all, of the requirements of a contemporary land tenure system for an ethnically mixed population.

35. The origin of the hakura system lies in the Fur Sultanate of the 17<sup>th</sup> and 18<sup>th</sup> centuries. The Fur Sultans granted administrative and territorial jurisdiction to potentates and tribal leaders. Both the grant itself and the territory thus granted are known as 'hakura'. (The concept of 'dar' or homeland, used throughout the Arabic-speaking world, is similar but not identical.) It was a quasi-feudal system in which the grantee was permitted and required to levy taxes from all inhabitants of his hakura, some of which revenue was remitted to the Sultan's treasury, and some of which he could keep for himself. Smaller hakuras, more similar to estates, were granted over specific pieces of land, usually one or several adjacent villages, which usually consisted of fertile land intensively worked by freemen and slaves. Some of these estates were granted to female members of the ruling house; most were to holy men or courtiers.

36. The system varies across Darfur. To simplify a complex picture, in the north it was more administrative, in the south it was more tribal. In Dar Masalit Sultanate, quasi-independent from Dar Fur for most of its history, has its own variant.

37. The hakura system is often called 'tribal land ownership'. In most cases this is a misnomer.

   a. First, it is not strictly 'tribal'. Only the big hakura grants to the Baggara Arabs of South Darfur are truly 'tribal'. Most other hakuras contain mixtures of different ethnic groups. In some cases in North or South-West Darfur, it might be said that ethnic identity follows the hakura grant, not the other way round. It works like this: a hakura was granted to a notable, entitling that man to tax the residents on the land. In order to build up wealth and power, this man would try to attract people to settle. He would start with his own family and clan. If he were sufficiently powerful and wealthy, others would join, becoming members of his clan, and changing their ethnic label accordingly.
   b. Second, the rights of the hakura are not 'ownership.' The head of the hakura does not 'own' the land, but has jurisdiction over allocating land and collecting land tax. The residents have usufruct rights on an individual basis, and insofar as they invest in their land (growing fruit trees, digging wells or irrigation ditches, or constructing terraces) that usufruct becomes an indefinite leasehold.
   c. In addition, the hakura system has a built-in principle of hospitality. Any stranger can come and settle, and the hakura head or his representative is obliged to provide land, provided the newcomer agrees to abide by the customs and traditions of the locality. This is, arguably, a second-class status within the hakura, but there are few social and political systems in which immigrants are granted full rights immediately on arrival.

38. The fact that the four large Baggara tribes have assured land tenure rights, whereas smaller Baggara tribes (e.g. the Terjam and Salamat) and most of the northern camel-herders do not, is an important historical reason for the current conflict, and a partial explanation for why some Arab tribes are closely involved in the conflict, and others are not. For example, the Beni Hussein and Zayadiya Arabs of Northern Darfur have land and are less involved in the conflict. Many of the northern camel nomads see the conflict as the culmination of their 250-year-old struggle for land, the righting of an ancient wrong.

39. The hakura system was implicitly recognized by the British through the colonial system of Native Administration (rule through tribal authorities). It was formally swept aside by

independent governments which decreed that all lands belong to the state. The abolition of the highest tier of the Native Administration system in 1971 liquidated the senior offices that held jurisdiction over the hakuras. However, the system continued to form the basis of customary law. The restoration of Native Administration in 1986 implicitly restored tribal authority over hakuras, but a succession of Civil Transactions Acts has reaffirmed the state's ownership of all land. With a tension between customary law and statute law, the legal status of the hakura system remains unclear.[1]

*Is the Hakura System Appropriate Today?*

40. Critics of the hakura system include both the Sudanese left and some Darfurian Arab groups. They make five main criticisms of the hakura system. Each is elaborated below, with an appropriate response following.

41. *Criticism one: The hakura system is discriminatory*.

   a. Within Darfur, smaller ethnic groups, settlers and nomads are reduced to a second-class citizens, especially when it comes to land tenure and land tax payments. Small ethnic groups complain that their rights are not respected. Nomads complain that farmers prevent them from using or traversing the land.
   b. In response, the 'citizenship/hospitality' principle needs to be upheld. If the hakura system is not to revert to simply being a tribal land-grab, then the right of access to any newcomer must be guaranteed—within the range of what is possible locally.

42. *Criticism two: Grazing and water rights are not adequately recognized in the hakura system*.

   a. The system was developed at a time when grazing was plentiful, so there is no provision for guaranteed access to pastureland. Stock migration routes ('masarat') are not properly regulated or protected. Water rights are tightly controlled by individuals or small groups with only limited access by visiting herders guaranteed.
   b. In response, pastureland can be regulated. One of the major sources of conflict has been the trend to create fenced off grazing enclosures ('zaribat el hawa', literally 'air enclosures'). These were expressly forbidden by inter-tribal peace agreements, but this has not been implemented. The commercialization of dry-season grazing is an inevitable process: means need to be found to allow nomadic herders to purchase grass if necessary. The opening up of migration routes for stock has also not been fully implemented. Water provision needs separate, careful study.

43. *Criticism three: Hakuras are regressive, incompatible with a modern nation*.

   a. The fear is that the principle of indigenous rights to land and residence might spread across all of (northern) Sudan, thereby leading to the expulsion of non-indigenous peoples from areas they have settled, especially in Sudanese cities and in the center and east of the country. (The model of Côte d'Ivoire is particularly salient here, where the political language of 'indigenous people' and 'newcomers' has led to mass expulsions and conflict.)

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[1] See: Saeed Mohamed El-Mahdi, <u>Introduction to Land Law of the Sudan</u>, Khartoum, Khartoum University Press, 1979; Rünger, M., <u>Land Law and Land Use Control in Western Sudan: The Case of Southern Darfur</u>, London, Ithaca, 1987.

b. In response, residence rights of all citizens must be guaranteed, to ensure that the devolution of power to regions and the strengthening of indigenous land tenure systems do not lead to ethnic expulsions from other parts of Sudan. A delicate balance is needed between the rights of prior inhabitants and the principles of equality of all citizens and freedom of movement and residence. (This issue will also be salient in the context of the North-South peace.)

44. *Criticism four: By awarding communal usufruct rights only, the hakura prevents individual land registration and security of tenure, and thus impedes investment in land.*

a. The argument here is that the 'communal' land tenure system has contributed to Darfur's environmental crisis, by contributing to a 'tragedy of the commons' whereby individual farmers have no incentive to protect their land from degradation.
b. However, the hakura system is quite compatible with individual land security. Indeed, Darfur's land tenure system already allows for de facto individual security of tenure insofar as an individual grows trees, establishes and maintains irrigation ditches, or builds and maintains terraces. As long as the evidence for this investment in land remains, tenure rights remain under customary law. This principle can in principle be extended to the rainfed farmlands on the sandy 'qoz' soils by recognizing that crop rotation and fallow periods represent a similar 'investment' in land. Individual tenure can thus spring organically from the existing system. One mechanism for doing this is to catalog existing claims to farmland, using these as the basis for restoring possession to displaced farmers. The village sheikh and local authorities are well-equipped to do this. The documented claim can then be used as the basis for providing a lease, which in turn not only guarantees security of tenure but also enables the farmer to obtain credit on the basis of the lease document as collateral.

45. *Criticism five: The hakura system was breaking down*.

a. Under the pressures of commercialization of land, especially along wadis, near towns and along the southern cultivation frontier, the hakura system was being replaced by de facto individual tenure. This was even extending to pastures. These problems prefigured a wider breakdown in the usufructury or communal tenure system.
b. In response, we can note that such that processes of commercialization of land are inevitable, and are accommodated within the existing land tenure system. Disputes are inevitable but can be resolved using existing laws, suitably modified. On the southern cultivation frontier, it may be necessary to recognize and regularize grazing rights, so that dry season pastures are not overrun by expanding cultivation.

46. In summary, the hakura system has both strengths and weaknesses. Its greatest strengths are that it is well-established in Darfur, so that it enjoys legitimacy and familiarity. Its greatest weakness is that it can be manipulated in the pursuit of ethnically-exclusivist political aims.

*Recommendation*

47. The hakura system is imperfect, but it is the best that Darfur has got. In line with the Naivasha CPA provisions for other parts of Sudan, a Darfur Land Commission should be

established. This can recommend how best to utilize the hakura system as the basis for the stabilization of governance and the reconstruction of livelihoods. Within the framework of the hakura system, land possession documents should be issued to displaced farmers returning to their land, which can then form the basis for security of tenure and access to credit.

# V. Local Administration

48. The collapse of local government in Darfur is one of the main contributors to the crisis. By the early 1980s, local government was bankrupt and had ceased to function. The 'Native Administration' system had been eviscerated and manipulated, and what remained was not functioning well. This much is widely recognized, and there have been repeated calls for the rehabilitation of local government including a restoration of the Native Administration system since then.

*Native Administration in Darfur*

49. The Native Administration system has been presented as the best alternative for Darfur by some commentators and officials.[2] It has acquired a patina of romanticism. However, the Native Administration was deliberately constructed to perform certain tasks by the Sultans and the British. The system which Darfurians are familiar with was established during the 1920s and was structured in the following manner.

   a. At the village level, sheikhs established courts, to try civil cases. Sheikhs were appointed by the government, based on the recommendations of the existing Native Authorities.
   b. A new level of sub-district chiefs, known as 'Omdas' (the office and word are borrowed from Egypt) was introduced, with significantly greater judicial and administrative powers. Omdas also had a considerable role in appointing the higher level of Native Authorities. In Dar Masalit (El Geneina) Omdas were known as 'Furshas'.
   c. The office of paramount chief was confirmed or created. The office of 'Nazir' dates to the 1860s. In Darfur, Nazirs were created for each Arab tribe in possession of a hakura (i.e. the four Baggara tribes, plus the Zayadiya and Beni Hussein in North Darfur). No Nazirate was created for the northern Rizeigat (see above). Smaller tribes, not in possession of a hakura, were confined to having Omdas under the authority of a Nazir from another tribe. Thus, for example, the Ma'aliya of south-eastern Darfur fell under the Nazir of the Rizeigat. In Fur areas, the existing administrative office of Shartai was given equivalent status. In Zaghawa areas, a raft of old titles remained including Sultan and Melik ('king').
   d. Several anomalous positions remained. The old Fur governors of the four provinces (with the titles of Dimangawi or Magdum) remained but were gradually stripped of most of their formal authority. In Dar Masalit, which had joined the Anglo-Egyptian Sudan by treaty in 1922, the Sultan remained with exceptional powers. The British had no District Commissioner in El Geneina, instead a 'Resident' on the model of Indirect Rule adopted from Northern Nigeria. Under the Sultan, the next level of administration was the Furshas.

50. The British struggled to design a system for the administration of nomads, and never succeeded. They could never resolve the question of whether nomads should be administered

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[2] For example, James Morton, 'Conflict in Darfur: A Different Perspective,' HTSPE, June 2004.

according to locality or according to the tribal system. A large part of the problem arose because people designated as nomads had an inconvenient habit of settling down and taking up farming, while also keeping camels around their villages. In the 1960s and '70s, post-colonial governments proposed that all nomads should be settled on schemes, but these projects never worked. The problem remains.

51. The rationale for the British adoption of the Native Administration system included:

    a. It was cheap, and largely self-financing (through court incomes and land and livestock taxes). Very few District Officers were required.
    b. It maintained security, preserving law and order among and between tribes. In particular it helped to prevent the outbreak of 'fanatical uprisings' (the British feared a resurgence of Mahdist insurrection) and also impeding the emergence of nationalist sentiment.

52. The system was highly successful in those two regards. Its drawbacks were the following, starting with the most significant:

    a. The Native Administration system delivered no services at all. During its period of operation, Darfur (and other locations in Sudan where it was fully operational) had virtually no schools, health services or developmental infrastructure.
    b. The system could only be sustained by confining educational opportunities to the sons of chiefs, and denying them to others. As soon as education began to spread, challenges to the system multiplied, especially to the judicial powers of chiefs.
    c. Chiefs were invested with legislative and judicial authority, and could also interpret customary law much to their own liking. Their judicial powers only excluded capital offenses. Some chiefs became dictators, and the files are filled with cases of corruption and abuse.
    d. Many tribes did not have existing authorities, and so they needed to be created. The British archives are full of cases in which district officers were trying to identify candidates for tribal leadership (Birgid, Zaghawa Kabja), or to relocate tribes that were deemed to be in the wrong place (many Fertit tribes, also Beni Hussein) or to unite disparate sections of a tribe (Beni Halba).

53. The system was reformed in 1951, when most Native Authorities were stripped of their judicial powers (sheikhs of nomadic tribes retained some of their powers), and again in 1964. In 1971, the top tier was abolished, with Omdas and Sheikhs remaining as part of the local administration, alongside Rural People's Councils. In 1986, the positions of the senior Native Authorities were restored, and in the 1990s, several reforms created additional posts.

54. As the power and authority of the tribal leaders was reduced, it became necessary to deploy a supplementary institution, the inter-tribal peace and reconciliation conference. This 'judiya' system had long existed in Darfur, but became more widely used in the 1960s and emerged as the main mechanism for managing conflict in the 1980s. The principle is one of mediation between the parties, with a third, neutral party acting as arbiter. Usually, the conference addresses both the cause of the dispute and the damage (including loss of life) incurred during the conflict itself. It recommends a solution to the original cause and restitution and compensation measures for the destruction, theft and loss of life.

55. The difficulties faced by these conferences include the following:

    a. They are unable to deal with national-level or political causes of conflict, such as manipulation by central government.
    b. They have no power of enforcement, so that if one or both of the parties do not fulfill their obligations, it falls upon the government to ensure implementation. In recent decades, the government has rarely done this.
    c. The conferences reinforce ethnic polarization. This happens because they shift the focus to tribal problems, and because the process of paying blood-money ('diya') reinforces tribal ties and loyalties.

56. As a result, many people have argued that the inter-tribal conference system has lost credibility, and is increasingly just a show for the government to pretend that it is addressing the problem. To overcome these problems, it will be necessary for future conferences to be linked to higher-level political processes, so that there is a mechanism for enforcement using the government and international community. In the cases of major war, such as the current conflict, the payment of blood-money and other forms of compensation should also be the responsibility of the Government and not the tribes, so as to minimize the ethnic solidarity that arises from corporate diya responsibility.

57. Recent attempts to restore the Native Administration system have been fatally undermined by clumsiness and partiality. The old system is complex and finely-tuned, and the sudden introduction of new positions of authority without clear definition and adequate consultation can create serious conflict. This happened with the establishment of 'amirs' for the Arabs of West Darfur in 1994-5. The Government has also sought to manipulate the system for its own benefit, thereby discrediting the appointees. But the most serious flaw has been the association of tribal leaders with militias. The militarization of tribalism is a sure recipe for violent conflict.

*Service Provision*

58. The reform of local government in Sudan in the 1950s, '60s and '70s was intended to provide a foundation for the delivery of services including education, health and infrastructure. In practice, these services never arrived. Despite the fact that the Sudanese civil service developed a highly professional cadre by the 1970s, it was never able to fulfill its basic tasks in Darfur. The principal reason for this was that local government was bankrupt, and that hyperinflation had reduced the value of civil servants' salaries to almost nothing. A secondary reason was the constant reorganization of local administrative systems, with these reorganizations usually implemented for political reasons. For example, the current government instituted widespread dismissals in the civil service, to eliminate actual and potential opposition to its policies. By the 1990s, only the vestiges of an impartial, independent and professional civil service remained.

59. Currently, Darfur is divided into three States with 19 localities/districts (mahaliyas).[3] These face a chronic and systemic problem of under-funding. They are unable to raise sufficient revenue from local sources to meet the most basic obligations in terms of salaries and basic running costs for essential services. While expenditure is subject to inflation, taxes are usually set at fixed rates which do not increase year-on-year. Crop taxes were also suspended in 2002 in order to encourage agricultural production. All these problems have been compounded by the recent crisis, which has destroyed most of the local tax base while making increased demands

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[3] UNDP, 'Jebel Marra Integrated Development Programme in the Context of Greater Darfur Region,' Khartoum, December 2003.

on expenditure, especially for security. Localities are expected to receive funds from the National States Support Fund (which is financed by central government, principally from oil revenues). In practice, little of the promised funding actually arrives.

60. Local government service is not an attractive career for graduates. It tends to involve tough working conditions, poor salaries and few chances for self-advancement. Local government simply cannot compete with the commercial sector or NGOs. Hence, local government faces a problem of staff recruitment and retention.

61. Currently, there is considerable interest in the re-establishment of a functional local government system in provincial Sudan. The expertise for this task has been drawn from specialists in budgeting, management and service delivery. Developing modalities for local government expenditure management is an important exercise. Three additional tasks need to be undertaken:

       a. Restoring the independence of the local government civil service.
       b. Providing an attractive remuneration and benefits package to enable local government to recruit and retain high quality staff.
       c. Defining the tasks of local government so that it is complementary to a reformed Native Administration system that can undertake the essential task of providing stability and security at the community level, including inter-communal reconciliation.

*Local Government in Darfur: Forward to the Past?*

62. The debate on local government in Sudan, including Darfur, often seems to consist of two parallel, non-intersecting tracks. One is concerned with the formal structures of local government and the other with Native Administration and inter-tribal reconciliation. The virtues and drawbacks of both need to be recognized, and a system designed that includes both, playing to the strengths of each. Darfur needs both a Native Administration system, suitably reformed, and a formal local government based upon an independent civil service. The role of the former should be the stabilization of provincial governance (including settling issues of land tenure), while the latter should focus upon service delivery and formal structures.

*Recommendation*

63. Darfur needs a mixed system of Native Administration and a formal civil service. Both should be independent from political parties. Each should have its structures, functions and powers defined after careful consultation with all parties and stakeholders. Darfur's system may need to be distinct from that of the rest of Northern Sudan during the interim period, or until such time as governance stability is assured.

# VI. Security

64. Darfur is highly militarized. Not only is there a proliferation of light weapons but there is also a fusing of civil and military authority in the GoS administrative structures, including the Native Administration system. Most damagingly of all, the tribal hierarchies have become militarized.

*Background to Militarization*

65. The militarization process began in the 1970s with two developments: contacts between Libya and certain Arab groups and the planning of a forcible return to power by the Sudanese National Front, based in Libya, opposed to the then-government of President Nimeiri, and composed principally of the Umma Party (especially its core, the Ansar sect) and the Muslim Brothers. In the early 1980s, the presence of Hissène Habré and his forces in western Darfur contributed to insecurity and border fighting. But the real militarization began in 1985-6, when, under a secret deal between Tripoli and Khartoum, the Libyan government was given a free hand to use Darfur as the staging post for attacks into Chad. At that time, the Libyans directly supported the opposition Conseil Démocratique Révolutionairre (headed by Acheikh Ibn Omer), distributed weapons to Arab tribes represented in both Sudan and Chad (notably the Abbala Rizeigat), and dispatched its own Islamic Legion to bases in Darfur. The term 'Janjawiid' first came into use in 1987, to refer to the armed wing of the Arab Gathering and its Chadian allies. In response to persistent armed attacks, the Fur organized and armed their own militia.

66. The absence of an effective police force and the deliberate failure of GoS armed forces to intervene to impose stability on Darfur during 1986-9 created a situation of extreme lawlessness in which armed banditry became rife.

67. Further militarization occurred in 1990, when the GoS supported the invasion of Chad by Idriss Deby, and in 1991-2, when the GoS armed certain Arab tribes in response to the incursion of SPLA forced led by the Fur leader Daud Bolad. The latter force is widely known as 'fursan', meaning 'horsemen' or 'knights.' Thereafter, Popular Defence Force units were created across Darfur. In the late 1990s, as security further deteriorated and the GoS anticipated armed resistance from the Fur and Masalit, and dispatched to El Geneina a force known as 'Quwat al Salam min al Dakhal' or 'Peace from Within Forces,' which had been mobilized by pro-GoS tribal authorities in South Kordofan as part of its counter-insurgency. In 1999-2000, following the split in the ruling party, many PDF leaders were removed, and replaced with individuals selected for loyalty. Many of the new PDF leaders were chosen from Arab tribes in North and West Darfur, thus creating considerable overlap/identity between the Janjawiid and the PDF.

68. The final stage of militia mobilization occurred in 2003, when all the above groups were mobilized and armed to fight the SLA and JEM and destroy its civilian base of support. The only major pro-GoS armed militia to have stayed out of the conflict is the 'Murahaliin' of the Rizeigat of south-east Darfur. This is fortunate as they are the most formidable militia in the region.

69. Thus far, security efforts by the African Union and others have not addressed the challenge of demilitarization, but have been restricted solely to monitoring ceasefire violations.

*A Strategy for Demilitarization*

70. Experts concur that demilitarizing Darfur is a long-term process that requires a comprehensive approach. Demilitarization is like taming a wild animal: it is possible only by first obtaining the agreement of the animal to be tamed. It cannot be attempted without simultaneously addressing the other challenges of land tenure and local administration. The model for this is the gradual demilitarization of the Nuba Mountains under the auspices of the Joint Military Commission since 2003, which has been the most successful exercise to date. Interestingly, this model is very similar to other successful experiences of rural demilitarization such as southern Ethiopia in the 1990s.

71. The model has the following components:

    a. Consent by the parties.
    b. Adoption of a long-term strategic framework that is accepted by all parties.
    c. No forcible confiscation of weapons or weapons purchase, but rather a graduated process of bringing weapons under control.
    d. Simultaneous process of addressing the governance issues that caused widespread weapons ownership.

72. The suggested framework for demilitarization includes the following steps, which must be provided for in a political agreement to be signed by the parties (GoS and SLM/JEM) and which can be implemented subsequent to that agreement:

    a. Regularization of existing armed forces by means of their enumeration and providing licenses to hold weapons to individuals who actually possess them. I.e. the process begins, not with the confiscation of any weapons, but with the licensing of all weapons.
    b. Change in the mandate of the Popular Defense Forces (GoS militias) such that they are restricted in their rights to bear and use weapons. The aim should be their transformation into a 'home guard.' The significance of this is that 'home guard' members are only entitled to bear arms within the immediate locality.
    c. At the same time, some rebel units should be absorbed into the Sudan Armed Forces (in line with a high-level political agreement) and the remainder should become units of the newly-reformed 'home guard' PDF.
    d. Any weapons of larger caliber than an AK47 should be placed under guard in a secure, monitored store, with multiple locks and keys held separately by each of the parties (on the model of the Nuba Mountains JMC). This safe storage model can be extended to all automatic and semi-automatic weapons in due course.
    e. Imposition of graduated restrictions on the permitted reasons for holding arms. For example, bearing weapons in marketplaces and on main roads can be forbidden, firing of weapons at celebrations can be forbidden, over time. Each year, new restrictions can be introduced, assuming that the previous year's restrictions have been adequately enforced.
    f. Use of the civil authorities and reformed PDF to disarm the remnants illegally holding weapons.
    g. Gradual winding down of the PDF, so that its functions are taken over by the civil police, and it can be formally abolished.

73. This plan, or one similar, demands buy-in from the community/tribal and political leadership across Darfur. It will need to begin at the top with an overall agreement, before moving to the district and community level for implementation.

74. Such a plan needs to be designed as part of a political settlement. The process of obtaining consent and designing the structures for consultation and monitoring should begin immediately thereafter.

## VII. Livelihoods

75. This paper should be read in conjunction with the Tufts University report on in Darfur, *Livelihoods Under Siege*, authored by Helen Young and colleagues, which provides a much more comprehensive and detailed analysis of the challenges involved.

76. Darfurians are well-known for their remarkable resilience and adaptability. These qualities will be called upon in the coming years. Along with farming and migrant labor (which are not considered here), the pillars of livelihoods in Darfur include livestock, trade and credit. Each of these requires attention with the framework of comprehensive livelihoods strategy.

77. A livelihoods strategy should be comprehensive. But that does not mean it should be centrally-directed social engineering. Blueprints for planned settlement of Darfur will be a recipe for further conflict and, insofar as they require substantial and detailed cooperation with the GoS, may well be co-opted for socio-political control and counterinsurgency. Any strategy adopted should make explicit the framework on which it is based. This will allow the situation to be reviewed over time and an appropriate monitoring system to be put in place. The analysis must be clear and accessible to all relevant actors, thus allowing them to adjust to relevant actions.

78. A livelihoods strategy for Darfur must be based on a shared understanding of the impact of the conflict on livelihoods of different groups, including:

   a. The extent of direct asset-stripping that has occurred as a result of direct attacks by government troops supported by armed militia, and also rebel attacks. This includes the losses suffered by traders whose livestock has been raided en route to Libya and Omdurman.
   b. The extent of 'erosion of assets' caused by the general insecurity, displacement, decline of markets, and controls on movement and economic activity imposed by the parties to the conflict.
   c. The impact of the crisis on livelihood strategies of different groups. This includes. the complete failure of livelihood strategies for IDPs, and the significant shift in livelihood strategies of other groups as an indirect result of conflict.

79. Asset stripping has been the most marked outcome of the conflict for Darfurian livelihoods. It includes the forced transfer or destruction of:

   a. *Financial assets,* which for Darfurians are predominantly in the form of livestock, have been lost as a result of looting.
   b. *Physical assets* including the loss of farms, destruction of homesteads and looting or destruction of possessions (furniture, mattresses, blankets, clothes cooking pans, utensils, seed stocks).
   c. *Human capital* was dramatically undermined by the violent deaths occurring during the attacks, the sexual violence against women and the separation of families.
   d. *Social capital* was undermined by these direct attacks on entire groups, villages and families, and displacement and undermining of social support networks. Darfur's economy relies on a high degree of geographical mobility, underpinned by social capital, which has been badly damaged.
   e. *Natural resources* were lost when wells were destroyed, surface water was contaminated, fruit trees were destroyed, and land became inaccessible or occupied.

*Livestock*

80. Most wealth in Darfur takes the form of livestock. In 1999, Darfur was estimated to contain more than 26 million heads of livestock, about 18% of the national herd. Livestock numbers grew at about 3-3.5% per annum between 1998 and 2002. Animals are the chief store of wealth and channel for investment in Darfur. Livestock taxes provide about 55% of local government revenue in Darfur.[4]

81. Despite this immense contribution to Darfur's wealth, herders receive relatively little in return. Veterinary services are underprovided. In 1998, there were just nine vets in North Darfur, nine in West Darfur and 38 in South Darfur. Water provision was at best uneven, despite its critical importance and the fact that most inter-pastoral conflicts break out at watering points. Eleven north-south stock routes ('masar') were officially recognized in 2002, each of them 100-120 meters wide and between 250 and 700 kilometers long. But the systems for negotiating and enforcing these routes were weak. The regulation of the timing of migrations and the use of officially-recognized representatives for the migratory herds ('mandubs') were either weak or entirely broken down.

82. Without land title and with weak financial services, livestock are the principal store of wealth and channel for capital accumulation by rural people. Long-term strategies for livelihood development should enable diversification and greater investment in agriculture, but this will take many years. For the foreseeable future, livestock will remain central to wealth. Livelihood stabilization requires the restoration of the herd and better management of the strains and conflicts that inevitably arise from a mixed livestock and farming economy.

83. The current conflict in Darfur is not only a land-grab, it is livestock looting on an immense scale. This has an impact that is just as grave as displacement from farmland. Farming livelihoods are not viable without livestock rearing as well. Returning IDPs to their farms is not sustainable without restoring the village livestock economies.

84. There are already intra-Darfurian initiatives under way to implement traditional mechanisms for returning stolen livestock (restitution and compensation). These should be encouraged but they will only return a small proportion of the animals lost. The GoS, as a party to the conflict, should be required to provide compensation for livestock stolen. Darfurian community leaders should be able to design formulae that are reasonable and equitable for the distribution of compensation animals. Those involved should be sensitive to the gender dimension of livestock ownership: while the male head of household is titular owner of all the family's animals, sheep and goats are often actually possessed by women.

85. The rehabilitation of Darfur's livestock economy will require the improvement of the former system for herd management. Access to water and the size and location of migration routes was not sufficient before the conflict. Local solutions to these problems can be found.

86. A number of livestock migration routes have been restricted for several years. Their re-opening will require a series of local agreements among different groups located along the migration routes, recognizing that different parts of the routes are controlled by different groups. Local solutions are possible, based on the traditional systems of inter-tribal negotiation, which need to be depoliticized by removing all external interference. The opening of these routes

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[4] UNDP, op cit.

should be linked with the delivery of livestock health services and other benefits to participating groups.

*Trade*

87. Darfur's rural livelihoods rely on markets. Livestock exports, to Libya, Egypt and Omdurman were Darfur's single most significant source of income before the war. The re-starting of the livestock export trade is essential to rebuilding livelihoods. Some of the major impediments to an effective marketing system, providing good prices to rural producers, are analyzed in the accompanying paper on Northern Sudan. This paper will look at three specific issues.

88. One issue is the institutional structure of livestock marketing. There was an elaborate infrastructure for selling and buying, providing credit, and guaranteeing that animals are legitimately for sale. That infrastructure will need rehabilitation, especially given the widespread theft of animals. Currently, Darfur's livestock export markets have largely collapsed, so that markets provide for local consumption only. This is due to a combination of insecurity limiting mobility and access and the fact that there is no guarantee that a marketed animal has not been stolen. This is especially problematic for the larger export traders based in Nyala. Part of the formula for compensation and restitution of livestock will have to be a version of the old system of guarantors ('dhamins') who provide assurance that an animal is legitimately owned.

89. A second specific issue for Darfur is the rehabilitation of markets in which farmers sold grain to pastoralists, and bought livestock and animal products in return. The physical and political separation of farmers and herders and the destruction of villages have severely limited these markets. This is a disaster for the farmers and a serious problem for the herders, who are now facing a collapsing market for their animals and high grain prices.

90. A possible part-solution to this problem is to use rural (primary) markets as a bridgehead for displaced farmers to return home. Displaced farmers, who formerly sold grain in local markets, could be provided with grain on generous credit terms, and encouraged to return to their former markets, with the organizational infrastructure and security provided. This would require negotiation and agreement among the local authorities responsible for the market, the 'dhamins' and the small merchants who sell consumer goods.

91. A final issue is the return to business of the traders who have been bankrupted by the Darfur crisis. Within Darfur and in Omdurman, many major traders have been forced out of business with unpayable debts by the Darfur war. Sudan's poor bankruptcy laws are harsh on these businessmen, who remain an essential part of the commercial fabric of Darfur. One useful intervention will be to work in partnership with Sudanese commercial banks to re-finance these traders. Compensation for traders who have incurred losses as a result of organized raids could also be considered.

92. Such initiatives will work only if the emerging war economy is smothered. A combination of factors is creating economic incentives among the belligerents for sustaining insecurity. Rebels are taxing livestock on the export routes to Libya; there are armed raids on livestock; there is a thriving illegal export route to Central African Republic. War-related insecurity risks becoming a tactic of war that helps to maximize profits among the factions. This complicates initiatives to revitalize trade and creates interest groups with incentives to sustain violence.

*Credit*

93. The problems with financial services in Sudan are analyzed in greater depth in the accompanying paper. Only one issue is raised here: how to use credit within the return and rehabilitation program for Darfur. In the context of large-scale return to villages, with a revived livestock economy and a rehabilitated marketing system, much of Darfur's rehabilitation can be financed by credit.

94. A major problem with extending credit to rural producers in Darfur is lack of collateral. Existing land tenure systems do not allow land held as usufruct to be used as collateral for a loan—even if the farmer has invested heavily in irrigation and has de facto tenure security. A useful byproduct of the process of returning displaced farmers to their land should be the certification of their possession of farmland, which should enable a micro-credit system to be established to aid reconstruction.

*Other Livelihoods Issues*

95. Other key issues demanding attention, detailed in the Tufts report, *Livelihoods Under Siege*, include:

a. Agricultural rehabilitation will be essential for the millions of displaced to return to their villages.
b. Remittances from labor migrants are an integral part of the rural economy. Rural incomes can be promoted by facilitating labor migration and transfer of remittances by ensuring open and secure transport routes and good communication. Family tracing and reunification schemes should be extended to include the Darfurian diaspora both within Sudan and internationally.
c. Services that serve as 'connectors' between polarized groups, for example provision of veterinary services and education, should be prioritized.
d. Urban livelihoods should not be neglected. Even before the conflict there were substantial urban populations. Many of today's IDPs are likely to remain in the vicinity of towns and cities, needing sustainable livelihoods.

# VIII. Migration and Citizenship

96. The question of citizenship has been an enduring challenge for successive Sudanese administrations. Nationality laws have selectively allowed large-scale migration across Sudan's western border. Sudan has historically been a country suffering labor shortages, especially in the central region, and hence it has attracted labor migrants. The situation is now changing, in part because of extensive migration induced by the war which has saturated labor markets in the major cities and on the farming schemes of central and eastern Sudan.

97. The considerable population of Arabs of Chadian origin—perhaps as many as 500,000 in total—has been noted as one of the epicenters of the conflict in Darfur. These individuals and communities were drawn to Sudan, in part for laboring opportunities, but primarily because of insecurity in their homeland and ethnic and political ties to groups in Darfur. Theirs is a search for land and security, not jobs.

98. The obvious response of withdrawing nationality to individuals of Chadian origin and insisting on their return to Chad is unworkable. It faces the following obstacles:

a. No administration has ever effectively policed Sudan's porous western boundary. It would be even more difficult to identify Sudanese of Chadian origin and expel them.
b. Large numbers of people of Chadian or west African origin have already acquired Sudanese citizenship, which would be difficult and controversial to reverse.
c. The principle of common African citizenship is enshrined in the Constitutive Act of the African Union.

99. It is possible that, with a political dispensation in Chad that made it attractive for emigrants to return home, substantial numbers of Sudanese of Chadian origin would leave Darfur and settle back in Chad. However, the likelihood of such a settlement in Chad is uncertain, as is the question of whether Chadians in Sudan would voluntarily return to Chad in large numbers. It is safer to plan on the assumption that the Chadians will remain.

100. The absorption of individuals and groups of Chadian or west African origin is a challenge. As noted, they change the ethnic composition of host areas, put pressure on resources and services, and often do not adhere to traditions of local administration and land tenure. The government needs to consider each of these challenges. International assistance can help overcome the problem of increased competition for limited services.

101. The response to this problem should include, but not be limited to, a special program of service provision to the areas in which substantial numbers of Chadians have settled. Both immigrants and long-term locals (many of them currently refugees or IDPs) should be assisted on the basis of non-discrimination.

102. The Chadian immigration problem is best addressed through a cross-border program that also includes comparable development activities on the Chadian side of the border.

# IX. Recommendations

103. The principal recommendation is that USAID should develop a strategic plan for the stabilization and rehabilitation of Darfur. This should cover a minimum of six years (the Interim Period). Among its components are working with the national and state authorities on the following:

I. **Recognize the existing land tenure system** (hakura system), with modest appropriate modifications, as the basis for land jurisdiction, settlement and rehabilitation. Individual land possession documentation will be necessary for effective return, and can also serve the purpose of making returnees creditworthy. A Darfur Land Commission should be established to investigate all issues of land in the region and make appropriate recommendations.
II. **Adopt a mixed system for local government** including both Native Administration and an independent civil service. The role of the Native Administration should focus on conflict management while the professional civil service should be principally concerned with service provision.
III. **Develop a strategy for the demilitarization of Darfur**. This should be a long-term program for the control of weapons and regulation of militias, leading over several years to the disarmament of the region.
IV. **Promote a comprehensive livelihoods strategy including investment in livestock, trade and credit, linked to governance stabilization**. A short term program of livestock restitution and compensation is essential to put the rural

economy back on its feet: the return of IDPs will be unviable without this. The rehabilitation of livestock markets and grain-livestock exchange markets is also important. Centrally-directed rehabilitation and settlement blueprints should be resisted. A livelihoods task force should be established to analyze options and oversee activities.

V. **Address the tensions generated by immigration from Chad** by funding an expansion of services on both sides of the border.