Contested land rights and ethnic conflict in Mornei (West Darfur): Scarcity of resources or crises of governance?

Chapter · January 2015

CITATIONS
4

READS
247

2 authors:

Zahir Musa Abdal-Kareem
Max Planck Institute for Social Anthropology
4 PUBLICATIONS **4** CITATIONS
SEE PROFILE

Musa Adam Abdul-Jalil
University of Khartoum
19 PUBLICATIONS **105** CITATIONS
SEE PROFILE

Chapter 4

Contested Land Rights and Ethnic Conflict in Mornei (West Darfur)

Scarcity of Resources or Crises of Governance?

Zahir M. Abdal-Kareem and Musa A. Abdul-Jalil

Despite the fact that there have been wide global discussions on issues of grassroots conflicts over natural resources, particularly since the 1980s, a number of researchers argue that these studies 'remain fragmented between disciplinary boundaries, which produce conflicting and often mutually exclusive theories. Most importantly, there is a disturbing lack of integrative knowledge on the subject' (Porto 2002: 1). When it comes to the situation in Africa, many scholars have emphasized that natural resource issues, particularly land, have occupied a central place in the recent literature tackling the conflict question on the continent. One author argues that '[t]he access to and control of valuable natural resources, including minerals, oil, timber, productive pastures and farming land, have been crucial factors in the occurrence of violent conflicts across the continent' (Porto 2002: 2). As regards the situation in Sudan, a number of anthropologists have also highlighted the role played by competition over natural resources in the onset of recent conflicts in different parts of the country (Mohamed 2000; Abdul-Jalil 2009a; Babiker 2009; Assal 2006a).

With reference to Darfur, we find that different arguments are adopted by the scholars working in the region to illustrate the nature of grassroots conflicts. For example, some scholars (Mohamed et al. 2003) argue that lack of development is among the main causes behind the eruption of conflicts in the region. Accordingly, they remind us to pay more attention to the negative role played by the successive Sudanese states. Similarly, de

Notes for this chapter begin on page 84.

Waal (2007) ascribes Darfur's conflict to what he identifies as the 'crisis of governance' in Sudan. He suggests that '[t]he war in Darfur should compel us to attend more closely to the ways in which identity conflicts are, in significant ways, a by-product of the political structure of the Sudanese polity' (de Waal 2007: 3). Likewise, Tubiana (2007: 90) argues that

> Khartoum has used land not only to mobilize proxies among landless Arabs who saw an opportunity to renegotiate the terms of their access to tenure, but also to rekindle standing local conflicts from which it stood to gain. At the same time, the rebel groups played on the fears non-Arabs had about their land in order to attract support from those communities. This explains the new fracture that has appeared between landless Arabs, who want new land, and non-Arabs, who fear losing theirs.

Mohamed (2000) concludes that land scarcity in Darfur, together with the negative role played by the Sudanese state, are the major source of Darfur's grassroots conflicts.

From an anthropological point of view, although grassroots-level analysis – which investigates the role played by local actors – is a crucial factor for understanding the conflict phenomena, the role of the state needs to be investigated more carefully. Here it is argued that to fully comprehend the conflict in African communities we need to put more emphasis on the state and on the concept of 'governance'. 'This suggests a need to look at people's use of, and control over, resources at many different levels, thus permitting a consideration of processes of power and authority' (Manger 2005: 135). For the purposes of this chapter, Manger's perspective will be expanded. Thus, the position adopted by this chapter could be stated as follows: apart from focusing on issues of natural resources management, in this case land, equivalent attention should be paid to the issue of conflict management. In other words, this chapter argues that land-based conflicts cannot be explained solely through environmental and economic factors; rather, issues of governance and politics are equally prominent.

The present chapter[1] is based on fieldwork conducted in 2008 in Mornei, West Darfur, a rural community that lies eighty-seven kilometres to the southwest of Al-Jeneīna (the capital of West Darfur State). More detailed information about Mornei will be provided later in a separate section. However, we think it is useful to mention that the existence of massive fertile agricultural lands and pastures, together with the passage of the main water courses through western Darfur, have attracted different pastoralist groups to this area. This makes it an 'ideal' place for studying issues that connect contested land rights and ethnic conflicts.

Theoretical Perspectives Regarding Conflict Issues: Some Important Clarifications

Many social scientists have observed that since the end of the Cold War in 1989 a number of theoretical perspectives concerning the analysis of conflict phenomenon have been developed (Richards 2005). Two approaches have become the most dominant. These approaches are the 'resource-based conflict model' and the 'ethnic-based conflict model'. Without going into a deep theoretical debate, we agree with Sisk that these approaches 'are not mutually exclusive and can in fact be describing different sides of the same coin' (Sisk 1996: 13).

As regards the resource-based conflict model, one notices that a wide range of variables, basically economic in nature, are used as analytical units to investigate the causes behind the conflict. These variables include, although not exclusively, economic growth rate, per capita income, lack of development, greed, scarcity of natural resources and so forth. Among all of these variables, this chapter will mostly concentrate on the role played by scarcity of resources and land in particular, a prime trigger of violence in Mornei in particular and Dār Masālīt[2] in general (figure 4.1). Taking land scarcity as a starting point of our analysis in this chapter stems from the fact that the areas that lie within the boundaries of what is currently known as West and South Darfur have become the main target of different migrating groups. These groups include the camel herders of northern Darfur and Chad as well as the cattle herders of the Central African Republic. A vast majority of the population, consisting of farmers and pastoralists, fundamentally depend on land as a crucial component for their livelihood.

In the ethnic-based conflict model, the main attention is placed upon issues such as ethnicity, identity and/or identification. Since the 1980s, ethnic-based conflicts all across the globe have begun to attract greater attention among social scientists (Fenton 2010; Schlee 2010; Eriksen 2002; Banks 1996; Barth 1969; Hutchinson and Smith 1996). Ethnicity has mostly been addressed through the primordialists' and structuralists' perspectives. Primordialists consider ethnicity as 'primordial or inherited group characteristics' (Porto 2002: 7), whereas structuralists argue that 'categorical ethnic distinctions do not depend on the absence of mobility, contact and information, but do entail social processes of exclusion and incorporation whereby discrete categories are maintained despite changing participation and membership in the course of individual life histories' (Barth 1969: 9). This assumption conceptualizes ethnic identity as 'an instrument, a contextual, fluid and negotiable aspect of identity' (Porto 2002: 7).

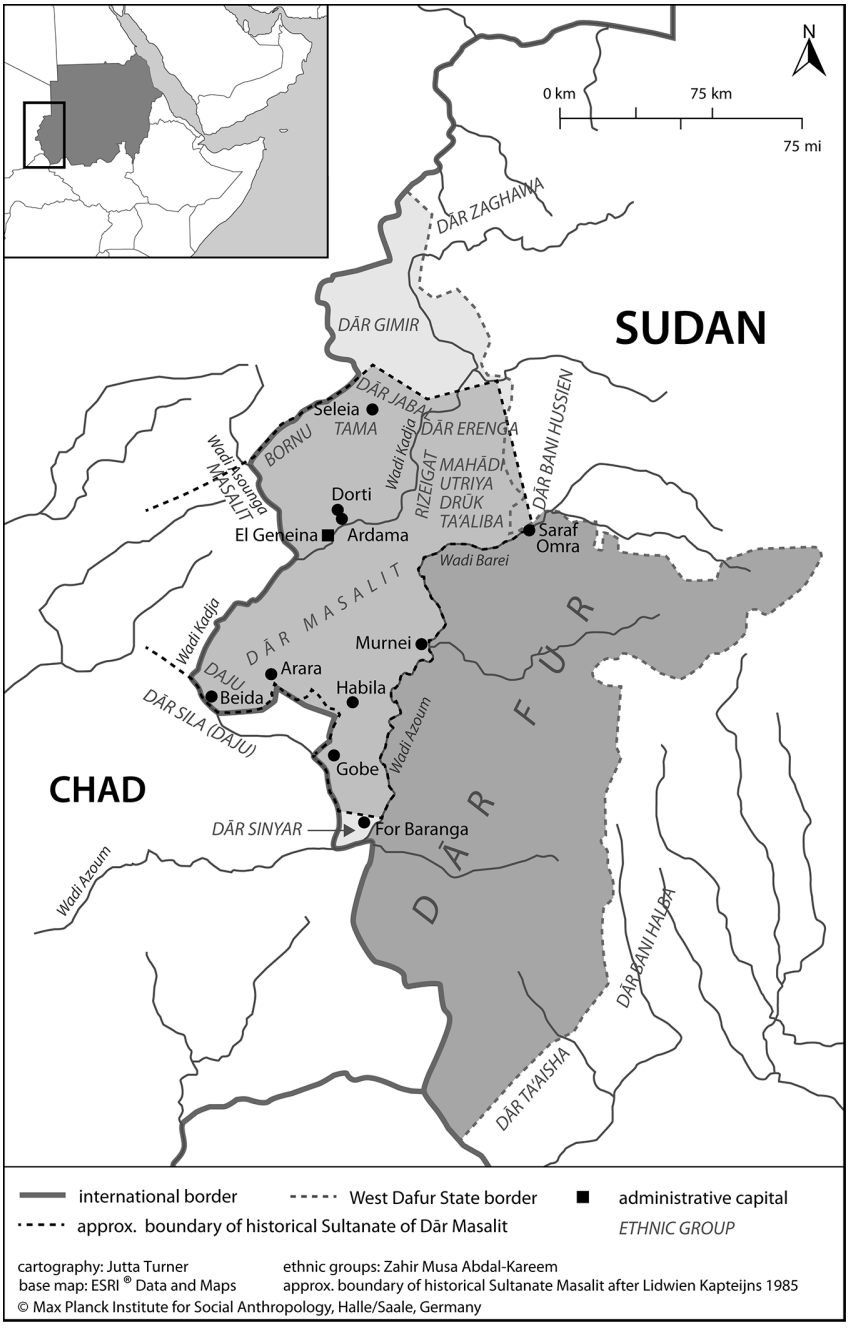

Figure 4.1. Boundaries of Historical Dār Masālīt and Its Main Ethnic Groups

The theoretical perspective adopted by this chapter concurs with Jabri's notion that conflict is 'a multi-causal phenomenon, where different causal sequences may apply to different conflict situations' (Jabri 1996: 65). It follows that the general claim that resource scarcity alone is the prime cause behind conflicts must be in doubt. Other factors, mostly related to the ethnic conflict model, must be considered. In other words, we argue that without denying the role played by economic and environmental factors in the onset of grassroots conflicts in the Darfur region, we need to 'attend closely to the ways in which identity conflicts are, in significant ways, a byproduct of the political structure of the Sudanese polity' (de Waal 2007: 3). To link the theoretical perspective adopted by this chapter with the main subject of the study, the next section will deal with the issue of land in Darfur and its economical, cultural, legal and political importance.

Economic and Social Dimensions of the Land Issue in Darfur

In many parts of Sudan, as in Africa as a whole, land is considered to be the most vital resource for rural communities. It is the main factor upon which they depend for their livelihoods and survival. It is also a measure of sociopolitical identity for the bulk of the population living in rural communities in Sudan (Komey 2008; Abdul-Jalil 2006). This has been the case for centuries in Darfur. So it could be reasonably concluded that apart from its economic importance, land embodies an important symbolic value in the Darfur region. Many scholars have emphasized that, for centuries, land has been the main source of group identification and political authority in the region (Abdul-Jalil 2006; O'Fahey 1980). Settled communities are considered owners of the territory that they occupy, and the land is referred to by their name. Therefore, homeland (or territory) has commonly been acknowledged to be one of the key criteria of group identification in the Darfur region. Moreover, maintaining a tribal homeland and/or territory in Darfur indicates upholding customary judicial rights in the different types of tribal disputes that take place within the territory.

Conceptually, anthropologists and other researchers have considered territoriality an important aspect that made tribes formidable political units in much of African societies for a long time. Tribal identity and solidarity depend first and foremost on some sort of association between the history and geography of the group. In Darfur, land has even played an important role both in the formation and progress of the state itself (see O'Fahey 1980). Historically, tribes in Darfur have continued to function as territorial groups whose solidarity depended on the successful management of the natural resources contained within their homeland (known

locally as *dār* or *ḥakūra*). In addition, judicial rights, which are dependent on the tribal homeland, have acted as a local system of conflict management and served to consolidate the status of the tribes as formidable political organizations. However, population mobility has always existed despite the known pattern of territorial distribution of ethnic groups. Groups originally associated with a given territory (old-timers) have political as well as judicial advantages, and they expect that to continue.

In the past mobility was managed by allowing newcomers to join established territories under the political leadership of an indigenous group. Newcomers to such a territory are invariably subjected to the political authority of the original group, which held a monopoly over the rights to manage the territory. Population mobility has always existed. The heterogeneous distribution of groups among territorial units attests to that. People who move out of their territory face the risk of losing some of their political rights. A sizeable minority can be allowed to establish a lower-level native administrative unit like village headship or *'omodiya* (sectional chieftainship). Any ambition for higher positions of leadership is subsequently fiercely resisted by the political elite of the indigenous group. So it can be safely stated that many local conflicts are in fact generated by a mixture of competition over natural resources and/or access to political office.

Mornei: A Background of the Area and Its People

Mornei is located about eighty-seven kilometres to the southeast of Al-Jeneīna, the capital of West Darfur State. It is named after a large mountain that lies in the northern part of the area. It borders Zallingi Locality in the east, Al-Jeneīna in the west, Um Shālāya in the north and the Azūm valley in the south. Historically, Mornei was regarded as one of the main local administrative units (*furushiyāt,* sing. *furushiya*)[3] of the Dār Masālīt sultanate. This area has been subject to the recurrent administrative changes that took place at both national and local levels. For instance, Mornei was transferred to a local council during the early 1970s. This formed part of the introduction of the 'regional governance system' established by the government of Jaʿafar Nimeiri, who ruled Sudan from May 1969 to April 1985. According to the available statistics taken from the locality office of Mornei, the total population was estimated at six thousand inhabitants before the outbreak of the war in Darfur in 2003. The main villages that made up the Mornei area at that time were Sariri, Tomi Foca, Fufo, Aishbara and Bobaya. These villages are located along the western bank of the Madary valley, which divides the area into two parts, west and east settlements.

In the northern parts of Mornei are villages such as Nori and Gandarni. These villages are located in the western side of the Nori valley. According to local sources, the Fukujung, a subclan of the Masālīt tribe, were the first people to establish a settlement in the area in the first quarter of the nineteenth century.

It could easily be observed that this area is ethnically diverse. However, during fieldwork the majority of the interviewed people classified themselves as either belonging to an Arab or non-Arab tribe. The Arabs are commonly portrayed as animal herders. On the other hand, the non-Arabs are generally considered settled cultivators. Such classification tends to obscure the obvious mixed characteristics (physical, economic and cultural) of these ethnic groups. Following Barth (1969), we accept self-ascription used by a particular group as valid, since it gives information on their practical behaviour. Our observations in Mornei indicate that the settled cultivators mostly classify themselves as non-Arabs. Although the Masālīt and the Fur are the dominant tribal groups among this category, there are other cultivators who also classify themselves within this category. These groups include the Daju, who mainly inhabit the western side of Mornei. In addition, other groups such as the Gimir, the Tama and the Missiriya Jabal live in the northern parts of Mornei. A cluster of other groups, including the Zaghawa, the Marāsi, the Barnu and the Berti are spread over different locations in the area.

The Arabs can be classified into two groups. The first group, which we refer to as 'old-timers', includes some families from the Mahādi, the Bani Ḥalba and the Tarjām, who are found in different parts of Mornei. However, the bulk of these families inhabit the northern neighbourhoods. According to local informants, these groups have lived in Mornei since the first quarter of the twentieth century. Cattle herding is said to have been their main economic activity. Over time it has been observed that most of these groups have settled and begun to depend on farming activities. For this reason, classifications such as farmers and pastoralists are flexible. The second group within the Arabs is what we call the 'newcomers'. In the past the members of this group used to visit Mornei after the end of the harvest season in February. They are both cattle- and camel-herding pastoralists. The camel-herding groups (locally known as *abbāla*) are the largest group. They include Awlād Junūb, Awlād Zaiyd, Awlād Rashīd, Al-Najaʿa and Awlād Raḥama. All of these groups are essentially found in northern Darfur, where they are mostly known as the Northern Rizeīgāt (locally known as al-Rizeīgāt al-Shimāliya). However, they form part of a broad belt that extends from northern Darfur westwards across the Sudanese/Chadian borders to incorporate the camel-herding nomadic groups in northern Chad, Niger and Mali. As regards the cattle-herding groups

(known locally as *baggāra*), they consist of the Salamāt, the Nawaiyba, and the Bani Ḥalba. According to local Masālīt informants in Mornei, the Bani Ḥalba families have migrated from their traditional homeland in South Darfur, which is called 'Idd al-Fursān. Conversely, the Salamāt families in Mornei, who have strong relations to the Taʿaiysha of South Darfur, are said by local informants to have migrated from southern Chad.

As for natural resources, an observer could easily notice that Mornei is among the richest areas in the Darfur region, with plentiful fertile lands and watercourses. Its topography is composed of different types of soils. These include vast stretches of black clay soil that cover more than half of the total area. This type of soil is known locally as *gardūd.* It lies some distance away from the banks of watercourses in the area. The main crops that are regularly cultivated in this type of soil are sorghum, okra and sesame. The area also includes a considerable amount of stabilized sand dunes. This type of soil is locally known as *qoz.* The main crops cultivated in this type of land are millet, scarlet runner and watermelons. There are also vast areas of lands that extend alongside and around the watercourses (*wādī*s). These areas are covered by a yellow fertile soil with a dense vegetation cover. This type of land is locally known as *tartūra.* It is mostly found in the eastern parts of Mornei. Finally, there are some scattered small areas of hard clay soil (known locally as *naga'a*). This type of soil is not suitable for cultivation. Such areas have been used as dry season grazing reserves for the animal herder groups who visit the area after the harvest season.

As regards the arable agricultural activities, we observed that there are two different, although complementary, types of farming activities practiced in this area, small-scale rain-fed farming and irrigated horticulture. For many decades rain-fed cultivation has been the major economic activity pursued by the bulk of the sedentary population. It is mainly found in the small farms that lie closer to the residential areas (villages). It is called locally *zirāʿa al-bildāt* (the local expression for small-scale farming). One of the main objectives of this kind of cultivation is to meet the subsistence needs of the local households. Sorghum and millet are the main products produced by this type of farming. Groundnut, sesame and watermelon are also cultivated. All members of the household are expected to participate in this type of cultivation. However, our interviewees emphasized that women usually bear the biggest burden of the work.

Women start the initial phases of this small-scale cultivation by cleaning the farms and digging small holes in the ground, which are subsequently filled by crop seeds. This stage usually starts in May or June. After that they wait until the beginning of the rainy season, normally in June or July. Two months after the rainy season, they begin weeding and removal of

invasive grasses. Local informants stressed the important role played by women, younger sons and daughters at this stage. Harvesting normally starts in December. At this time, men as well as the elder sons carry out the major part of the work. Small-scale rain-fed cultivation agriculture usually ends in January. However, in some years, cultivators are forced to delay the harvest until February. This is the case when the rainy seasons start later than their regular time or when rains are especially heavy. Cases of conflicts between farmers and pastoralists can be expected during such periods. After the harvest pastoralist groups are traditionally allowed to enter the farms with their animals, who feed on the remains. According to local informants, cases of conflict are predictable when pastoralists enter the area before being informed that harvesting operations have been totally completed. Frequently livestock enter the fields before the harvest is concluded, damaging crops as a result. This is the conventional example of how conflicts erupt between farmers and pastoralists in Darfur. However, it would be very naïve to analyse Darfur's conflicts based on such a simple argument.

As regards irrigated horticulture, it is said by informants that this activity is carried out in winter and in the areas that lie closer to the watercourses. The main products produced by this type of agriculture include onions, okra, scarlet runner, coriander and humus. Recently, a cash crop, tobacco (known locally as *tumbāk*), has begun to be cultivated in Mornei. Traditional tools such as axe and hoe are among the main tools used for carrying out the digging operations in this kind of cultivation. A small rounded wooden container, the *jugulāya*, is used to draw water from wells in the course of the irrigation process. However, according to local informants, people have begun to utilize some forms of modern technology since the beginnings of the 1990s. The use of diesel-powered pumps as well as tractors, locally known as *zira'a al-bawābir*,[4] exemplifies this new technology. The introduction of this new type of cultivation knowledge represents an attempt to establish small-scale mechanized farming in Mornei. It was initiated by small groups made up of government employees, local merchants and some local administration leaders. The 1990s has seen a remarkable increase in irrigated horticulture all over Mornei. This has increased the demand for agricultural land. As a result, farming activities have begun to increase at the expense of open areas that used to be allocated to herder groups as dry season grazing reserves during their seasonal migrations to the area. At the same time, informants stated that changes were not only confined to arable agriculture. Animal breeding activities practiced by farmers have been intensified as well.

As mentioned before, inhabitants of Mornei are basically farmers. However, significant animal breeding activities have lately appeared:

cattle, goats and sheep. These are being developed side by side with traditional farming practices. Here, it could be argued that this trend flourished during the 1990s because livestock became more lucrative locally, regionally and nationally. These new developments within the local livelihood systems have reshaped the previous mode of economic reciprocity between sedentary farmers and animal herders in Mornei, with the result that land available for traditional pastoral activities in Mornei have been significantly reduced.

Turning to the nomadic groups in Mornei, it is necessary to distinguish between cattle and camel herders. It should be noted that cattle herders in Mornei practice small-scale farming activities as well, usually cultivating durra and millet. Not surprisingly, cases of settlements among cattle herders have been widely observed. Moreover, a number of families have been fully integrated with the sedentary people. As for the camel herders, there have been no significant changes affecting their livelihood activities as compared to cattle herders. They continue to be mainly confined to camel-herding activities. Both cattle and camel herders satisfy their needs for agricultural products through exchanging and reciprocating their animal products with the sedentary people of Mornei. In addition, both these groups collect firewood from the forests surrounding villages and sell or exchange it with farmers for kind or cash. In the following section we will examine the extent to which these changes in livelihood systems, together with the negative role played by the state, have adversely affected the social relations between farmers and herders in Mornei area since the mid-1990s.

The Trajectory of Conflicts between Farmers and Herders in Mornei

According to local informants, throughout the relatively recent history of relations between farmers and herders in Dār Masālīt and West Darfur, conventional conflicts and/or disputes regularly increase after the harvest season. These conflicts extend on a regular basis from February to May. One of the main causes of these low-level conflicts, in the opinion of local informants, is the damage caused by herders' animals trespassing farms during their seasonal migrations into the homelands of the sedentary people of Mornei. In the past, these clashes used to be minor in nature and consequently easy to control by traditional mechanisms of conflict resolution. But local informants pointed out that cases of conflict between sedentary farmers (such as the Masālīt, the Fur and the Daju) and herders (such as the Northern Rizeīgāt, the Salamāt and the Bani Ḥalba) have conspicuously increased since the mid-1980s. Stories told by local informants

clearly show that the cattle-herding Salamāt, who are identified by sedentary farmers as foreigners and/or migrants, have taken part in many disputes occurring in Mornei, particularly against the Masālīt and the Daju around the Azūm and Bāri valleys.

In the same way, camel herders have also engaged in a number of disputes and skirmishes with sedentary farmers in the same period. Like the cattle herders, these conflicts were easy to settle through collaboration between the respective native administration authorities (representing farmers' and herders' communities), who are customarily responsible for conflict management. Nonetheless, our informants stressed that the nature of these conflicts had changed dramatically by the mid-1990s,[5] before reaching a peak with the outbreak of the 2003 war in Darfur. The conflict between the Masālīt and some sections of the camel-herding Northern Rizeīgāt, which broke out in the village of Majmary[6] in 1995, is an obvious example reflecting the shift in the nature of conflicts in Dār Masālīt in particular and West Darfur in general. Awlād Junūb, Al-Najaʿa and Awlād Eid were the main sections of the Northern Rizeīgāt group that engaged in this conflict. According to local informants, cattle herders such as the Salamāt, the Bani Ḥalba and the Tarjām took the Northern Rizeīgāt's side and fought against the Masālīt in that conflict. On the other hand, the Fur and the Daju, also sedentary farmers, chose to support the Masālīt. What was new in that conflict was its brutality, with high numbers of killings among the children, women and old people, and with a total burning of the village. Given that, even local authorities of native administration in the area were not able to settle it. This had led to the eruption of a more organized and ethnically-based conflict between farmers and herders all over Dār Masālīt in 1997. This has come to be known as the war between the Masālīt and the Arabs in Dār Masālīt and/ or Western Darfur.

A further confirmation of the transformation in the patterns of the conflicts between farmers and herders in Mornei is illustrated by an attack carried out by animal herders' groups on some farmers' villages in Mornei in 1997. These villages were Bobāya, Aishbara, Sulma, Traiyfāya and Nuri. Victims of that attack mentioned that all these villages were burned and totally destroyed during the attack, and that their cattle have become one of the main targets during these new conflicts. Other accounts reveal further issues. Cattle herders living in Mornei (especially the Mahādi, the Tarjām and the Hawāra) had been mobilized along ethnic and/or racial lines to fight against the sedentary people of Mornei. For instance, herders were identifying sedentary farmers by their skin colour. This issue was clearly reflected by the extensive use of the term *zurga*.[7] Conversely, animal herders (from Mornei and elsewhere) have begun to be characterized as 'enemies', 'outsiders', 'government allies' and members of the

Arab Gathering.[8] For example, in a group discussion that we conducted with five local sheikhs representing the sedentary groups in Mornei at the time, the same issues (regarding the ethnicization of local conflicts) were observed. Those sheikhs represented the Masālīt, the Fur, the Daju, the Zaghawa and the Barnu. One of the sheikhs stressed that the emergence of this strong trend among sedentary groups in Mornei to define themselves as *zurga* was based on the need to defend their rights over their homelands as well as land ownership. For him, that was a legitimate reaction, because the herders had already been organized under the Arab Gathering organization, strongly supported by the Sudanese government. Another sheikh identified the camel-herding groups as enemies. The same line of reasoning led another sheikh to say that their enemies were not camel herders alone. Rather, he indicated that some cattle herders as well as cultivators, who were considered part of the community in Mornei, had taken the side of the enemy camp. According to him, these groups included the cattle-herding groups the Salamāt and the Bani Ḥalba as well as the cultivating groups the Gimir, the Tama, and the Bargu. The latter three groups are mostly recognized as non-Arab in the Darfur region.

An in-depth analysis of the informants' narratives and this group discussion suggests that the recent conflicts in Mornei and West Darfur have begun to be heavily couched in ethnic terms. These ethnic characteristics are not necessarily distinct. In other words, these conflicts have begun to be interpreted as 'farmers' versus 'herders'; 'indigenous' versus 'newcomers'; 'non-Arabs' versus 'Arabs'; or the *zurga* versus the 'Arab Gathering'. These different levels reflect the extent to which the different parties involved in these conflicts have been polarized across economic, territorial, ethnic and political lines. Informants openly admitted that local politics are heavily subject to ethnic interests. Our interviews show that local elites, for example, primary school teachers, retired officials and members of the local administrative system, have been extensively involved in these processes of polarization. In the next section we aim to show the link between the above-mentioned conflicts and contested land rights.

Contested Land Rights, Changing Livelihood Systems and Conflict in Mornei

Secondary data about grassroots conflicts in Darfur indicate that most conflicts that have erupted in the region since the end of the 1960s onwards (e.g., the Maʿaliya versus the Rizeīgāt in 1968; the Taʿaiysha versus the Salamāt in 1980; the Rizeīgāt versus the Zaghawa in 1986) were fought over contested land rights (Tubiana 2007). As regards Dār Masālīt,

it should be stated that the owners of homelands or territories in West Darfur, sedentary farmers such as the Masālīt, the Fur and the Daju, have continuously enjoyed accepted customary rights over land tenure and use in this area. However, the profound changes in the traditional livelihood systems in Dār Masālīt put the system of customary land rights to a real test. Here, it could be strongly emphasized that the old system of land tenure had been working efficiently until the mid-1990s. As a result, social relations between farmers and herders were mostly peaceful and complementary.

Informants among pastoralist groups in Al-Jeneīna, however, stated that sedentary farmers in Dār Masālīt have begun to use their customary rights over their homelands to maintain exclusive rights over the land. They said that when sedentary farming groups such as the Masālīt, the Fur and the Daju needed extra land to expand their farming operations as well as animal breeding activities during the 1990s, they found it easy to legitimately utilize the vacant lands that were customarily allocated to livestock grazing by herders who usually migrated to the area after the harvest season. In contrast, local informants in Mornei emphasized that animal herders have begun to claim that Dār Masālīt no longer belongs to the sedentary groups alone. Masālīt informants report that one of the main arguments adopted by these animal herders is that 'land in Darfur is owned by the government now, and not by the tribes. And this is what the laws have clearly stated.' The same Masālīt informants in Mornei report that based on this erroneous interpretation, herders have begun to refuse to abide by the customary land tenure system. Here, the Unregistered Land Act (1970) together with the Emirate Act (1995) are said by local informants to be the key legislation constantly referred to by local elites from herding groups to legitimize their access to land in Dār Masālīt in general.

The Unregistered Land Act of 1970 was introduced by the government of Jaʿafar Nimeiri in order to facilitate the acquisition of more land for large-scale commercial farming in the clay plains of central Sudan. Instead of limiting the act to the targeted areas, a universal law was passed that applied to the entire country. Any unregistered land from the relevant date would automatically be considered government land. This meant that people using land under customary tenure would not be entitled to compensation should such land be allocated by government officials to new users. This law later gave reasonable pretext for nonlandowning groups around the country to utilize unallocated land on the assumption that it is government land and hence available for use. Previously such users needed to request permission from traditional authorities to use such land.

The Emirate Act, locally known as *ganūn al-amarāt*, was issued by the governor of West Darfur in 1995 as part of an attempt to upgrade the administrative capacity of native administration institutions for Arab pastoralist groups. As a result, the system of native administration in West Darfur, including Dār Masālīt in particular, was divided between the Masālīt and the Arabs (essentially the Northern Rizeīgāt camel herders). The Masālīt people considered this an unwarranted intervention by the government to abolish their historical customary rights over their homeland, which used to be a separate sultanate, to the advantage of landless groups from the Northern Rizeīgāt (Rabāh 1998).

It becomes clear that the new basis of legitimacy regarding land rights has been indirectly generated by government action that did not introduce safeguards against possible negative repercussions of the new laws. Of course, governments are entitled to review and reform land tenure systems, but when they do it is pertinent that they should consider all factors in the targeted communities. It is rather unfortunate that these two acts have only intensified the conflicts over land and have produced ethnic polarization in Dār Masālīt.

Analysis of the narratives told by local informants clearly shows that there is an association between the changes that affected the livelihood systems and the increase of the formerly traditional conflicts between famers and herders in Mornei. Consequently, it could be argued that the emergence of strong trend towards a market-oriented economy among sedentary farmers in Mornei is among the direct causes behind the emergence of conflicts in the area. Increasing demands for extra land are the direct consequences of this transformation. Given the increasing human and animal migrations to Mornei since the mid-1990s onwards, coupled with the shift towards a market-oriented economy, land has become a scarce resource in Mornei. As a result, fierce competitions over land and pastures, mainly between sedentary farmers and herders (usually camel herders) have taken place. One could safely conclude that one perspective of this conflict is the newly emerging competition between systems of livelihood in the area. This phenomenon is not new, either in Darfur or in Sudan in general. Many researchers in Sudan (Mohamed 2000; Abdul-Jalil 2009a; Babiker 2009) emphasize that competition over land is the common element between most of the grassroots conflicts in Sudan. One researcher has summarized it by simply stating that 'the cause of many conflicts we see today in the Sudan is related to resource access and usage' (Assal 2006a: 102).

Turning our attention to the region as a whole, one would argue that such conflicts are not confined to Sudan. It is no surprise to see similar patterns of conflict documented across the countries in the Horn of Africa. One study from Somalia demonstrates that

> land and resources alone are not the ultimate sources of conflict in Jubbaland or Somalia. Rather, land and resources are embedded among many other interrelated factors, including conflict to control the state, engagement of third parties, including neighboring governments, ineffectual or missing state institutions, and official policy that curried favour with minority groups through patrimonial favour, but excluded most other groups. (Farah, Hussein and Lind 2002: 349)

In the next section, we consider the issue of governance and its relation to the conflict in Mornei and Dār Masālīt.

The Failure of Governmental Institutions and the Escalation of Conflict in Mornei

The question of governance that we consider in this chapter covers issues that include fragile state institutions, mismanagement, corruption, lack of development, and the inability to distinguish between the state and the ruling party. Issues of corruption and lack of development are extremely important for our analysis. A number of academic contributions about the Darfur region concluded that issues related to governance are among the main causes behind the onset or escalation of grassroots conflicts in the region (Rottenburg 2008; de Waal 2007; Assal 2006a; Mohamed et al. 2003). In West Darfur, an observer could easily notice that there has been a disturbing shortage of educational and basic health services and that the infrastructure in the state is very weak. As an example, our observations indicate that fifty years after the independence of Sudan (1956–2006), not one single paved road was constructed across West Darfur State. Our informants in West Darfur State have repeatedly asserted that lack of development is among the root causes behind their grievances. Similar arguments are used to justify claims advanced by several armed movements in Darfur. Furthermore, it could be strongly argued that almost all grassroots conflicts in Sudan are attributed in some way or another to lack of development.

Similarly, policies endorsed by the central government, such as arming men from specific ethnic groups as a counterinsurgency measure, only worsen the situation, widening conflicts and leading to the polarization of whole communities on the basis of ethnicity. This has been seen in the period from the late 1980s to the 1990s in South Kordofan, where the central government armed the Missiriya cattle nomads in order to stop the infiltration of SPLA fighters northwards. This has led to broad political polarization among the Nuba and Baggara communities at grassroots levels and consequently hindered the establishment of social peace in South

Kordofan, even after the 'implementation' of the CPA, signed in Nivasha in 2005. Intervention by the central government to reorganize local government units and powers in favour of pastoralist groups was initiated in South Kordofan, where the Emirate Act was first introduced. Introduction of the Emirate Act in West Darfur produced the 1997 war between the Masālīt and the Arab pastoralists there. Furthermore, Masālīt youth joined the newly founded rebel movements, probably reacting to the suffering of their people, during fights between Arab pastoralists and sedentary farmers in communities such as those in Mornei. This has further complicated the conflict. By 2003 the central government began to systematically use Arab militias (*janjawīd*) to suppress the emerging armed movements in Darfur instead of using the Sudanese national army. This has led to the present calamity in the embattled region.

Conclusion

Land is the key factor underlying interethnic conflicts in Dār Masālīt in general and Mornei in particular. The increase of human and animal populations in the area coupled with the changes in the subsistence economy of the sedentary groups have created relative scarcity and transformed previously harmonious relations between pastoralist and farming groups into conflictual relations across almost all of Dār Masālīt. One could even claim that identical arguments are relevant to the whole of West Darfur. However, other factors have played important catalytic roles, transforming low-level grassroots conflicts into widespread ethnic strife with an overwhelming basis on ethnic identification. The lack of development, the unwarranted and inadequate land and administrative legislations issued by the government and the absence of efficient conflict resolution mechanisms are the most important of these factors. In other words, this case study illustrates that failing state institutions are part and parcel of the problem.

Notes

1. The research on which this chapter is based was undertaken within the context of the project 'Micro-Macro Processes in Peace-Building in the Sudan'. The authors gratefully acknowledge the generous financial and academic support provided by the Christian Michelsen Institute (CMI) of Bergen, Norway, which funded the project. We should,

however, clarify that part of the fieldwork for this chapter was conducted for the purposes of completion of the master's thesis of one of the authors at the Department of Sociology and Social Anthropology, University of Khartoum (Abdal-Kareem 2010). In this regard, it is important to highlight that our fieldwork was carried out in different periods between 2007 and 2009. This was before the independence of South Sudan in 9 July 2011. Therefore, the new political realities that surfaced in Sudan after this date have not been directly incorporated within our analysis in this chapter.

2. What is recognized today as Dār Masālīt, 'homeland of the Masālīt', is part of the conventional areas of the Dār Masālīt sultanate established in the last quarter of the nineteenth century. It is one of the sultanates that emerged in the most western parts of present-day Sudan. However, it is important to state that the traditional authority of the sultanate covers vast settlements and/or locations that extend across both western Sudan and eastern Chad. According to our informants, Al-Jeneīna and its surrounding locations are considered the historical lands of the Masālīt people. This does not mean that the Masālīt maintain exclusive rights over land tenure and use in the area. Nonetheless, it does mean that all the tribes and/or ethnic groups living in this area are subject to the jurisdiction of the Masālīt local administrative system. According to our interviewees, the Masālīt people occupy approximately two-thirds of the entire area of their homelands. A wide spectrum of the settled groups of the Darfur region can be found in the area as well. Some groups of cattle and camel herders also live in or regularly visit the region.
3. According to the local administrative traditions of Dār Masālīt, the term *furushiya* denotes a form of local administrative unit through which a number of villages are governed by a representative of the *sulṭān* (paramount chief) of Dār Masālīt. The *sulṭān* of Dār Masālīt has the authority to appoint or dismiss the head of these administrative units (*furushiyāt*). These leaders are known locally as *furāsh* (sing. *fursha*). The *furāsh* constitute the council of the *sulṭān* of Dār Masālīt.
4. This expression refers to the use of engines and/or tractors in agricultural activities.
5. It was emphasized by the narratives of the informants that the conflicts that emerged during the later periods have become more severe and have begun to be couched along ethnic lines. In addition, the numbers of killings and injuries have begun to multiply and increase significantly. Increasingly, the settlement of these conflicts is beyond the capacity of traditional means of conflict resolution.
6. Majmary is one of the villages of the Masālīt that lies in the northeastern part of Mornei. Although the Masālīt are the majority, considerable numbers of Fur and Daju live in the village as well. Our Masālīt informants refer to Majmary as the site of one of the most brutal and severe attacks carried out by the Arabs in Mornei.
7. *Zurga* ('black' in Arabic, sing. *azrag*) is a term that has been used since the mid-1980s (and especially during the 1990s and after 2003) to refer to the 'African' indigenous tribes of Darfur who speak different African languages as their mother tongue, and in particular the Fur, the Zaghawa, and the Masālīt. It is worth mentioning that other 'African' groups who speak Arabic as a mother tongue (like the Berti and the Tunjur) are also classified as *zurga.* According to Mohamed (2000), animal herders had first used this term to refer to the indigenous 'non-Arab' farmers who occupy the central part of the region. Later on, those indigenous sedentary farmers adopted the term and applied it to distinguish themselves from their adversaries. According to Mohamed and Badri (2005), this term appeared for the first time in the mid-1980s as a result of competition over leadership positions between the Zaghawa and the Northern Rizeīgāt in South Darfur. That period of time witnessed an intense ethnic polarization that spread over almost the entire region and South Darfur in particular.
8. The term 'Arab Gathering' (*Al-Tajammʿu Al-ʿArabi* as called locally) denotes 'a militantly racist and pan-Arabist organization which stressed the "Arab" character of the [Darfur]

region' (Prunier 2005: 45). According to Mohamed and Badri (2005), this term appeared for the first time in 1987, when a group of educated Arab elites from the Darfur region issued a memorandum to then prime minister Sadiq Al-Mahdi claiming that the Arabs represent about 40 per cent of the population of the region. They demanded that they should share in the power structure according to that proportion.