

Pastoral Land Rights and Protracted Conflict in Eastern Sudan

by

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Abstract

Land in pastoral communities is considered a highly valuable entity, as it is not just a means of livelihood, but also a source of wealth, identity, social peace and a source of conflict. This implies that lack of access to land does not only deprive rural people from the major source of their livelihood, but it also threatens their existence as human beings. Historical evidence shows that pastoral communities adapted themselves to the harsh nature and created symbiotic harmony with both the social and ecological milieus. Recently, most pastoral areas especially in Africa have witnessed severe conflicts and bloodshed. This is attributed to several factors such as high population growth rates, repeated droughts, ecological stresses and climatic changes. Although not denying its role, this article questions the validity of such claims. Under the pretext of “development”, pastoral lands have been taken and vested to outside investors, without taking into account the historical right of local communities and their livelihood interests. Unequal access to land remains one of the fundamental causes that contributed to the grievance and protracted conflict in the area. This article focuses on the insecurity of land rights and its association with pastoral conflict in the Gedarif state in eastern Sudan. The study also aims to go beyond degradation to investigate the role of the state in creating land resource scarcity and thus fuelling conflict. For years, much has been written on the conflict in Darfur and its relation to ecological degradation. Hence, filling the existing lack of literature on the east, although facing the same situations, and conceptualizing the problem in the perspective of political economy, is one of the main contributions of this article.

Keywords: political economy, conflict, communal right, pastoral livelihood, mechanized farming, and Sudan.

Introduction

Communal rights and access to natural resources have been threatened by inequitable land distribution policies of the past, recent changes in land ownership legislations, and by growing competition over rural land due to the advance of urbanization. Changes in communal land in Sudan date back to the colonial period when particular attention was paid to extract resources for their own interests. In colonial Africa, law was used to dismantle customary land tenure systems based on common property and to expropriate land and other natural resources (Babiker 2008). To fulfill this objective, several acts related to land ownership were introduced in Sudan to weaken the traditional administration, and imposed on leaders affiliated to the colonial power rather than ethnic organization/identification. More power has given to these leaders in order to govern the rural population on behalf of the colonial authorities, in what came to be known as 'indirect rule' (Babiker 2009). According to Miller (2005) the most important change brought by the British in the east was a shift from a fluid hierarchical structure based on kinship ties to a fixed and long-term establishment structure of authority. This has affected the flexibility of the traditional institutions that had been adapted to the nature of pastoral economy over years. This led to the justification (Babiker and Pantuliano 2006) of why a group of people in the east established the Beja Congress in 1958 with the aim of drawing attention to marginalization and to advocate for more administrative and political autonomy. Moreover, the colonial government institutionalized the link between ethnic identity and access to land and education. For example, Khatimiya (a religious party) aligned itself to the victorious British and were rewarded with lands in the Gash and Tokar deltas. This served to further weaken the livelihood of the Hadendawa and deepen their resentment (Young 2007). Regarding education, El Hadary (2007) states that ethnic leaders with colonial support concentrated only on educating their close relatives so as to ensure the continuity of their group, and thus, obtain blind support from their followers.

The successive governments of Sudan have inherited the legacy of the British occupation where the pastoral system has been hindered by unfavorable land policies initiated by the colonial administration. Sudan is not different from other African countries when it comes to the issue of land tenure systems. Besides 'modern' land laws, communal rights are widely applied in rural areas to regulate the access and use of land for securing the livelihood of pastoral communities. This works fairly well if there is no interference from the statutory authorities. However when "development" planning begins or investment projects are proposed, underlying conflicts come to the surface. Thus, large group of pastoral people in Sudan still believe in communal rights and that land is theirs; while the state insists that this system is no longer valid and it becomes part of the historical legacy of the country. Based on this, the Sudanese government usually allocates land on the basis of lease contracts to investors, the rich, and allies without taking into consideration the traditional rights of pastoral groups.

In Gedarif, like elsewhere in Sudan, people with the greatest access to power are also able to control and influence natural resource decisions in their favor (Peet and Watts 1996). Transferring usufruct rights has led to the collapse the whole system of pastoral economy, accelerated resource degradation and increased the rates of conflict. Although not ignoring the role of ethnicity and environmental problems in escalating the tension, the ongoing conflicts in Sudan are political in nature and have to do with land rights. This idea is supported by (Ayoub 2006) who states that Sudan's conflicts have many causes, but at the root of each conflict are questions over the control and distribution of resources. The most important resource is land: whether exploited for agriculture, cattle-herding or subterranean resources such as oil or water, land ownership is the key to wealth and power. Since Independence in 1956 and until recently, several land legislations have been introduced. The overall objective of which is to provide the state full power to control over land resources (El Hadary 2010). Among these were the Unregistered Land Act of 1970 which was considered as the turning point in communal rights, and a point of departure in conflict. This act provided a legal basis for land acquisition and has paved the way for planned and the unauthorized expansion of commercial agriculture over pastoral lands. Under pressure from the World Bank to modernize agriculture, the state introduced new legislations aiming to control land for agricultural development (commercialization). As a result, horizontal mechanized farming has expanded rapidly in several parts of the country and in areas that belong to pastoral communities. By 2001, the total area under mechanized farming reached 71 400 km², compared to 8 400 km² in 1970, an increase of 606% (Egemi 2006). This had far reaching implications and imposed serious threats to the existence of communal land rights leading to conflicts in different parts of the country; with Darfur as the most notable example.

In light of the above, the central theme of this paper is to analytically demonstrate how inappropriate government policies deprive pastoral communities from enjoying their historical land rights and fuelling conflicts in the Gedarif state of eastern Sudan. Gedarif has been selected because it was one of the first regions where major land alienation took place at the expense of the pastoral communities in the 1970s, a phenomenon that later expanded to other areas such as south Kordofan and led to increasing ethnic competition and confrontation (Miller 2005). In addition to the author's personal experiences in the field, this paper is also based on the analysis of a large body of written documents, including reports, journal papers, books and theses. Thus, this paper tries to answer the following questions: how do pastoral people access land in Gedarif? What are the major changes and threats in the pastoral land tenure system? What is the link between conflict and access to natural resources? And, how do state policies influence local land conflicts?

Analytical Framework

To address the issue of conflict in relation to access to land we developed an analytic framework to understand the connection in the study area (Figure 1). The framework puts in place the role of the state as an indispensable factor behind the collapse of the system of pastoral economy. By so doing, we examined how pastoral people's use of, and access to land resources are affected by state "developmental" policies. Under the pressure of international development policy such as the World Bank, the state has introduced several land Acts, aiming to control land for commercial agriculture (mechanized farming). As a result, large areas of rural lands have been taken and reallocated to public and private investors at the expense of pastoral groups. The unplanned expansion of rain-fed mechanized and irrigated schemes at the expense of traditional land has disrupted traditional land tenure arrangement, narrowed animal annual migration routes, created a large group of landless people, and increased tensions over land resources. This situation has been aggravated by demographic factors, soil degradation and repeated droughts. All these working together under the unfair state system resulted in massive land resource scarcity. At the end, and due to the scarcity of scarcer resources, the pastoral people of Gedarif have experienced human insecurity. To sum up, this indicates that the nature of traditional conflicts in Gedarif are scribed to the political economy of unequal access to resources, and thus, related to the role of the state, rather than just resource scarcity.

Geographical Context

In examining pastoral livelihood security in depth, and also to avoid the risk of over generalization, our focus limited Gedarif state, one of the twenty five states that form Sudan (see map 1). Gedarif is located in the eastern part of Sudan with the states of Kassala and the Red Sea, forming the eastern region which is arguably the most marginalized Sudanese region (Young 2007). Geographically, Gedarif is located between longitudes 33° 34' and 37°E, and between latitudes 12° 40' and 15° 45'N. The state is bordered to the east by the Ethiopian and Eritrean frontiers, and it has borders with four states of Sudan, namely Kassala state to the north, Khartoum state to the northwest, Gezira state to the west, and Sennar state to the south.

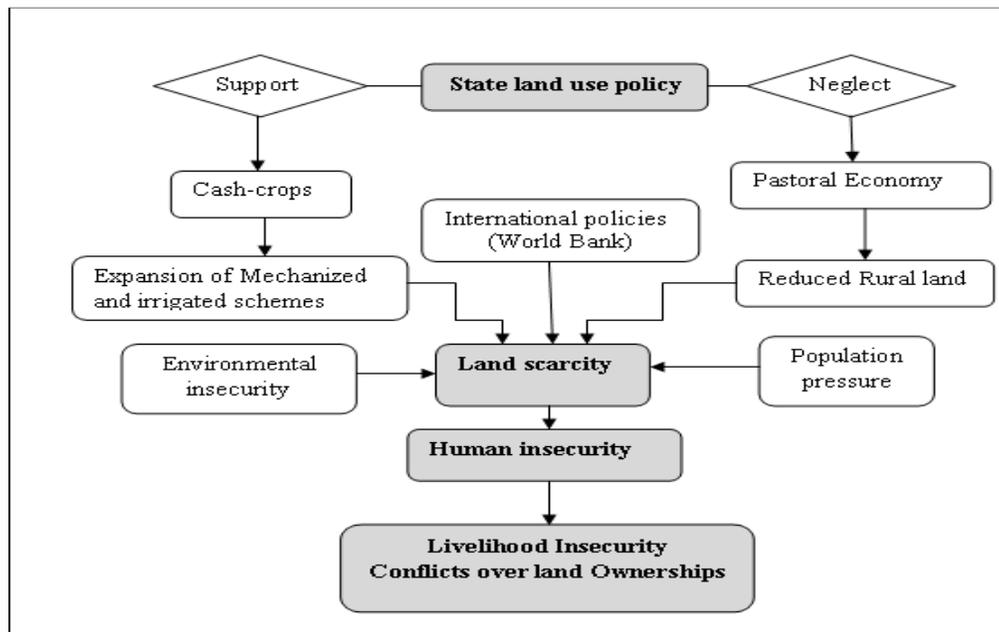


Figure 1: Analytical framework adopted from El Hadary 2010

Hence, the total area of Gedarif is about 72 000 km² which has been divided administratively into seven localities, namely Fashaga, Faw, Gallabbat East, Gallabbat West, Gedarif, Rahad, and Subaah (central Butana). Each locality is also geographically divided into smaller administrative units. In 2008, the total population of Gedarif reached 1 348 378 (CBS 2010) which consists of people of several ethnic groups of Arab and non-Arabs (ethnicity has a direct contribution to accessing land and securing livelihood in the state). Thus the Arabs of Shukriya and their affiliates occupy the northern part of the state, and non-Arabs from western Sudan and West African countries dominate the southern part. Generally, there are five *Nazaras* in Gedarif, namely, Shukriya (Butana), Dubbanya (Wad Zied), Wad Bakur, Al amir Yagoub (gala elNahal), and the deputy of *Nazara* of Beni Amir.

El Tayeb (1983) mentioned that Abu Sin, the *Nazir* of Shukriya (1790-1870) was the first to settle his family in the Gedarif area. Hence, he formed the first nucleus settlement, and Gedarif began to grow as a ethnic market. Historically, most of the inhabitants of Gedarif State depend on pastoral economy for survival. This is mainly survival-oriented and includes both livestock husbandry and traditional farming growing staple food crops such as sorghum (*Dura*). This economy is characterized by small-scale farms (shifting cultivation), which depends on family labor and periodic mobility of both people and livestock. Recently (as it will be discussed later), this system has faced severe challenges, threatening its existence due to changes in the communal right system, and the introduction of large-scale mechanized farming schemes.

Customary Land Tenure System

In Sudan customary land rights have been deeply rooted in the rural communities for a long time. Written documents show that the system of communal right in Sudan dates back to the Funj Sultanate (1504-1821). During that period, title to land was characterized by the *wathiga* system, wherein local leaders were granted land by the sultans as a gift (Ahmed and Shazali 1999). Tax collection and the maintaining of order in the territory was organized notably by preventing or solving conflicts over natural resources, and thus the main duties of the local ethnic rulers. In principle the system offers the local ethnic leaders the power to manage and distribute resources fairly (in principle) among all members of their village. Generally the system consists of three administrative tiers. They are: (1) *Nazirs* who are in charge of the entire administrative and judicial affairs; (2) *Omdas* those who assist *Nazirs* and with responsibility over group subsections; and (3) *Sheikhs* who are the village headmen. All these local leaders worked in harmony to maintain security and order in their areas, besides collecting taxes from their followers. In addition, they play a vital role in settling disputes and conflicts between their followers and outsiders (El Hadary 2007).

The system of *Dar* is mainly based on having a historic right to land which is accessed either through fighting with neighbors or in a few cases, as mentioned earlier, granted as a gift by the king (*Sultan*) of the state. This land is known locally as *Dar* in northern Sudan or *Hakura* in Darfur (meaning a homeland or enclosure), defined by customary or communal rights. Within the (*Dar*) each member or group maintains primary rights of access to use land (not ownership) for farming and herding within the territory under the system of a local administration (the *Elidara Elahlia*, the traditional system that governs all matters regarding communal rights).

Furthermore, under derived rights (share-cropping, cultivate land and rights of access to water), non-members can benefit, and access land. Recognition of the land rights of the owner and by paying *Godab* (a token rent) are some conditions created by customary law to ensure the continuation of such rights. Poor people can also access land through the system of *Ukul-ou-Goum* which literally means eat and leave the land immediately after crops have been harvested (El Hadary 2007).

Despite the above advantages, the system has experienced some shortcomings, such as the absence of democracy, unequal access to land and education, the hegemony of few families and social and gender bias. Since the colonial era, native administration has been dominated by specific leaders (families) with no room to include others. Most of the *nazirs* of the east appointed by the British belonged to well-known and historically dominant ruling lineages such as the Abu Sin of the Shukriya, Tirik for the Hadendawa, and Wad Zaid for the Dabaniyya (Miller 2005). Consequently these families or “native elites” have become the sole power in managing all matters pertinent to land and people in their areas. This has opened loopholes for corruption and not every member within the group has equal access to land.

This explained clearly why influential leaders have access to more tenants in irrigated schemes (Halfa and Rahad) compared with their followers. According to (Sorbo 1985) the Shukriya elite families managed to obtain large areas in Halfa for themselves and for their close, relatives, friends and clients. And notwithstanding, the philosophy behind the exclusion of women is that women might marry outside their ethnicity, and thus, their exclusion will guard against the transfer ethnic land rights to outsiders.

Customary Land Right Under Pressure: Unregistered Lands Act of 1970

The system of *Dar* witnessed no significant changes during the Turco-Egyptian and Mahdist rule (1885 - 1898). As stated earlier, the changes in customary land right dates back to the colonial era (1899 – 1956). The British administration, in order to authorize the acquisition of land and other valuable resources, embarked on a legal framework of land right and set aside the communal right. For example, the Land Settlement and Registration Ordinance Act of 1925 provided the British administration full power to own and control land resources. According to this Act all waste, forest, and unoccupied land shall be deemed to be the property of the government until the contrary is proved (Ahmed and Shazali 1999). Based on this Act, only land along the Nile River in the northern part and urban centres were recognized and registered as private property. This in theory neglected the right of land in the eastern, western and southern region where land was communally owned. Since then, these regions have felt a sense of marginalization, and this might be reasonable justification for why only these regions have experienced armed conflict in the country. In this regard, El Battahani (2006) states that the economic development of the country's regions has been uneven at least since the colonial era, but successive national governments since independence have deepened existing regional disparities and marginalization by favoring northern regions when allocating development projects and investment opportunities.

After independence, the successive governments issued several land acts that were even more repressive. One of these was the Unregistered Lands Act of 1970 which decreed “for all unregistered land throughout the country occupied or unoccupied which is not registered in accordance with the act of 1925 and before the commencement of this act shall to be registered as government property”. This granted the government the legality of disposing of lands as it saw fit (cited in El Hadary 2007). In this line, Ayoub (2006) states that the legislation proved more repressive than colonial laws, entitling the government to use force to safeguard “its” land and to encourage the accumulation of land by a minority of rich investors (both local and foreign). This has further been strengthened by the 1991-1993 amendment of the 1984 Civil Transactions Act which states that no court of law is competent to receive a complaint that goes against the interest of the state (Egemi 2006). It is important to note that communal ownership was, for different reasons, unable in the past to register their lands under the provisions of 1925 act.

These reasons include, but are not limited to, lack of adequate information on the existing land tenure, lack of awareness about the existing land acts and their provisions, and the difficulty of getting exclusive property rights in situations involving complex usufruct land use arrangements. In addition, two reasons might be given, i.e. either both colonial and national policymakers were not serious in registering pastoral land because it was of no use for them at the time or they did it intentionally to reserve it for the future.

In addition, the ruling National Islamic Front in 1998 enacted a law that declared all land in Sudan as belonging to Allah, based on the Islamic Sharia principles (Komay 2009). Here we respectfully disagree with the argument that the act has provided the Islamic state full power to dispose the land owned by non-Muslims such as Christians in southern Sudan, the Nuba Mountains, and the southern Blue Nile. And even in the eastern region whereby the majority are Muslims, land has been taken from them and allocated to public and private investors regardless of their religion. What is clear is that the state uses the pretext that land should be given to those who are able to use it for the national interest and distributes mechanized schemes to rich “abled” people including Muslims and Christians. We argue that religion has no direct contribution in the acquisition of land as justice and fair distribution of wealth, thus resources are the key principles of Islam. Abolition of the native administration system in 1971, which had acted as an important institution for regulating land and managing inevitable land-related conflicts, was the last decision taken by the current government to ensure the suppression communities or individuals who might resist the process of land grabbing (Komey 2009).

It is worth noting that the Act of 1970 and the abolishing of native administration have been passed by the May regime (1969-1985) under the pressure or request from the World Bank to serve the purposes of its ambitious plan to make Sudan “the bread basket of the Arab world”. The philosophy behind it was that the native administration was having the characteristics and symptoms of traditional hierarchies and thinking. This was against the May ideology, which was communist at the beginning of the revolution (El Hadary 2007). However, no proper action has been taken to replace the native “traditional” administration. Instead the state introduced harder institutions and did not develop as a neutral factor, but rather became an operator in its own right, using the laws and the system to establish enterprises that benefited the supporters of the state, such as the 1968 established Mechanized Farming Cooperation (Manger 2009). Consequently, large mechanized farming schemes have been allocated to investors, merchants, or to the people affiliated or close to the government. In Gedarif, 64% of mechanized schemes holders are considered as outsiders and astonishing enough, most of them are traders (31%) or retired government officials including civil servants and army and police officers (48%) with no agricultural background (Ijaimi, 2006). This means that merchants (outsiders) are the beneficiaries of agricultural “development” while pastoral communities are the losers. This led Assal (2005) to describe (Miller 2005) such merchants; the winners of agricultural “development”, as Mafia and thus, a number of them have joined the current regime to maintain their position and privilege.

Although it was written that no farmer is allowed to have more than one scheme (4.2 square kilometers) as a maximum, the reality showed that one third (32%) have more than ten schemes and in some cases it reaches thirty schemes each. At times, when land for securing a livelihood for an overwhelming number of traditional producers remains reduced, the area under unplanned mechanized farming is increasing rapidly. Recently, the total area under cultivation in Gedarif reached 33 600 km²; 66.2% is considered as unplanned schemes and only 33.8% demarcated. This has intensified the scale of land marketing in both the registered and unregistered land sectors. In the registered sector, poor subsistence farmers are being pushed to sell their title without full awareness of the implications of doing so. In the unregistered domain, land grabbing by officials affiliated to the state, the military, private investors, land speculators, religious groups and urban residents is increasing (Pantuliano et al 2007). This is occurring not only in Gedarif, as similar cases of acquisition of pastoral land by the state in Kordofan (Manger 2009) are reported. According to Manger in 1997 the grazing area (of the Jawamaa and Bidariya) was given to a private company called Malaysian-African Agriculture Company. Whilst, the traditional leadership was not consulted, there were rumors that some village Sheikhs of settled farming groups did not object to the concession, because the company had bribed them. The message Manger wants to give is that there is a conspiracy behind the grant, as acacia is not normally planted on, or even suited for clay soil. Therefore, there might be a form of land speculation or to lay claim over an area that is known, but not yet disclosed to be rich in minerals.

In addition to rapid expansion of mechanized farming, Gedarif has also witnessed a considerable expansion of irrigated schemes such as the Rahad scheme in 1970. This scheme was also financed by a loan from the World Bank under its policy of modernizing agriculture. This scheme together with the Halfa scheme which is located in Kassala state (in the eastern region) has cut a large area of rich pasture land that is used during the dry season. Shortage of water during dry seasons becomes acute due to the difficulties in accessing river Atbara and Rahad. According to Young (2007) the establishment of the Halfa scheme has reduced the area of Beja pasture land causing disenchantment that is still evident today. The area taken over by the Rahad Scheme was part of the "General Grazing Area" accessed by pastoral groups from both within and outside Gedarif (see map 2). In summary, the expansion of both mechanized and irrigated schemes under the pretext of "development" at the expense of pastoral rights has threatened the existence of pastoral economy and reinforced the feelings of neglect among pastoral communities (El Hadary 2007).

Signs of Conflict between Land Users in the East and in Gedarif State

Disputes among different land users in general and between farmers and herders in particular have been recorded since long ago. The Koran in (*Sorrat al Anbia* -the Prophets) speaks of the damage to crops by livestock and also the mechanisms for solving such type of conflicts. In the translation of the meaning of verse 78, it explains a case of a herder who grazed animals at night in the farm of a person.

The farmer went to Prophet David to settle the matter. He judged that the herder should give his animals to the farmer as a matter of compensation, but his son Suleiman mentioned that the right judgment is to give the animals to the farmer to get benefit from them till the herder repairs the damage caused in the farm. This story clearly represents the age-old competition between farmers and pastoralists over land resources and mechanisms of addressing such conflicts. Most of the pastoral conflict in Sudan in general and in the east in particular used to occur between those who have historical lands rights and those who lacked it, whereby the article refers to them as outsiders or new comers.

In Gedarif like other pastoral areas in Sudan, conflicts over land resources are always manageable and it has seldom reached large scale or armed confrontation. Since the abolition of native administration, conflicts over land resources between farmers and herders; and among herders have accelerated dramatically in the state. These conflicts are very complex, but for the purpose of this paper, the focus will be on the conflict between the locals and outsiders (Arab and non-Arab) and between farmers and herders over land resources in Gedarif. The conflict among pastoralists is manageable to some extent; however, the situation becomes acute when the conflict is between local groups and outsiders, as in the killing of non-Arabic speaking group (*Umbaroro-Fellatta*).

Undoubtedly, the symbiotic relationship and grazing orders have been violated since the introduction of unregistered land act. As a result, the northern part of Gedarif state mainly (Butana) has witnessed conflict between resident groups and outsiders, mainly Fellatta and Rashaida. The nature of conflicts against Fellatta is related to the fact that the local people don't respect Fellatta because they don't recognize the system of *Dar*; secondly, outsiders have been accused of mounting degradation and depletion of some palatable grasses; thirdly, which is more serious, outsiders are not restricting themselves to the General Grazing Area (GGA), thus they graze anywhere based on the Act of 1970 which says land is for all. The 'newcomers' subsequently justified their frequent incursions into the land under the pretext of being Sudanese citizens, backed up by the support of the modern state for concepts such as freedom of movement and settlement, equality of civic rights and obligations (Ayoub 2006). GGA which is an area in northern Gedarif delineated by colonial government in 1904 is open for all pastoralists from outside the state to graze during rainy seasons (map2). The idea is to protect the rights of the outsiders and to reduce conflicts over pasture and water in the northern Gedarif of Butana, which is the most suitable area for wet season grazing. It is interesting to note that although Fellatta have settled in Sudan for a long time (16th century) and they have contributed to the development of the country, they are still mostly regarded as foreigners, and they are mostly known and labeled under generic terms such as Fallata, Takarir, Nigerians, and Westerners (Abu Manga 2005). Hence, unless action is taken to address their grievance, this group may initiate an opposition movement against the state, especially in the eastern region where they are now in the majority, and have accessed land rights.

Besides the conflict with Fellatta, there is also another conflict between local people and an Arab group named Rashaida. They are a Bedouin group who migrated from Saudi Arabia in the nineteenth century and now are mostly populated between Kassala, Khasm al Girba and El Damer. Those migrants have no land, but at the same time, they own a large number of livestock, mainly camels. The Rashaida keep close to their kin in Saudi Arabia and send some of their family member to work there for additional income. In the past, restricted to GGA and control of water in Butana were the best methods for the management to restrict outsiders including Rashaida. However, the Rashaida have overcome the shortage of water by buying cars and large tankers to water their animals and spend much of their time in northern part of Gedarif (Butana), causing severe degradation. Because they have money, and due to the changes in land tenure, the Rashaida have managed to have access to land in Butana. Thus, local groups in Butana are not happy with them, and cynically call them 'zabood', referring to their grandmother (Zobiydah).

As a result, the people of Butana mention that they are facing two major problems: degradation of natural vegetation and the widespread growth of the Rashaida (El Hadary 2007). Consequently, destruction of *Hafirs* (an artificial lake), animal stealing, burning of pastures and even killing are techniques used by the locals to push the outsiders out of their lands. I was told by the police of Butana in 2007 that every year they receive about one hundred fifty cases concerning land conflicts, and due to that, the government increases the capacity of police. It is important to highlight that this group had joined the armed opposition of the eastern Sudan under the name *Free Lions*, and recently, they have managed to get traditional administration *Nazara* without having land ownership.

The Rashaida have also been in conflict with the Hadendawa (Beja) who consider them as 'outsiders' intruding on Hadendawa customary lands (Miller, 2005). This is a typical conflict where land is a major factor, but it has a political dimension as the Rashaida are seeking *Nazara* in order to get independent of the *Nazir* of the Hadendawa, although the Rashaida are still regarded by the indigenous people of the eastern region as recent immigrants with no legitimate claims for customary land ownership rights. Nevertheless, the Rashaida have historically enjoyed access to land and water resources in areas which belong to other groups (mainly the Beja) in accordance with the customary rules governing use of land resources. However, a tendency among members of the Rashaida to break the established rules governing land use has continued to create situations that trigger inter-individual and inter-group conflicts concerning land ownership and use rights in the region. This conflict must be taken seriously because the Rashaida have accessed to weapons, and have reportedly been trading in weapons in the Tambool and Butana areas of eastern Sudan (Young 2007).

As previously mentioned, the rapid expansion of unauthorized mechanized farming is the main factor behind driving escalation of conflict between farmers and pastoralists in Gedarif. During the dry season, pastoralists are forced to leave Butana (GGA) and move to the southern part due to the scarcity of water in the former area. This is considered as the harvesting time of crops; therefore, farmers do not allow pastoralists to pass by, although in principle, they have the right to use their traditional corridors.

Generally, there are eight routes organizing pastoral movement (see map 2), six of them are blocked and the remaining two are becoming narrower due to the expansion of mechanized farming. Hence, there is a long debate between both pastoralists and farmers; pastoralists claim that these are their customary routes; while farmers claim that the passing of livestock will damage their crops. As a matter of survival, pastoralists are forced to graze their animals inside the schemes causing severe damage and thus conflict arises sometimes, leading to bloodshed. Moreover, mechanized farming is not only entering into the traditional routes, but they have also moved beyond the grazing line (*khutt al mara'a*). This line was considered as the northern limit for agricultural cultivation, created by the colonial administration. No mechanized farming was allowed to cultivate north ward, otherwise pastoralists would not be held responsible for crop damage. Similarly, pastoralists were instructed not to enter the cropping areas with their animals during the farming time; otherwise they would be liable to both fines and imprisonment in case of crop damage. Thus, all these tensions have undermined the old symbiotic relation and mutual cooperation, as it was in the past, where farmers used to open their farms for free grazing (known locally as *Talak*) immediately after harvesting time. And today, if they do not have animals (which is rare), the farmers can allow pastoralists to use the land, but only after paying in cash.

Discussion

Not ignoring the geographical differences, this paper argues that the situation in Gedarif in eastern Sudan has common circumstances with the outbreak of violence in Darfur in 2003. The message is that there is a conflict in Gedarif that is still manageable, but there is no guarantee it will continue to be so. Thus, the ugly armed conflict of the western Sudan will repeat itself in the east if no serious action is taken to address the issue of access to, and use of, land resources by pastoral groups.

As in Darfur, the human settlements in Gedrif are based on ethnicity. Arabs people dominate the northern and eastern part; while non-Arabs occupy the southern and western part of the state. This multifaceted division has significant implications in the conflict. Not far from the role of neighboring countries that are fuelling war in western Sudan, the eastern region has borders with countries that have tension within themselves, as well as against Sudan. Like the protracted conflict between Ethiopia and Eritrea, and the dispute over productive land between Sudan and Ethiopia as well as the distribution of the same ethnic groups along Sudan's border. Recently, the Sudanese and Ethiopian governments have endeavored to resolve the problem of agricultural land peacefully by establishing a border commission that is currently working to demarcate their entire borders. These efforts have not always been accepted by the local people; who claim that Khartoum is more interested in good relations with Addis Ababa than protecting the interests of local people (Young 2007).

The conflict in Darfur has been explained as a competition between herders and farmers over the use of and access to land resources as most of the pastoral routes have been closed by the farms of the settled cultivators. It is the same in Gedarif where six pastoral traditional corridors out of eight have been blocked for the same reason. Furthermore, the expansion of mechanized farming has shifted behind the grazing line towards the far north creating an acute difficulty in accessing pasture and water points. As a matter of survival, pastoral groups use force to gain access to such resources which often results in violent confrontation associated by bloodshed. Re-opening and increasing the size of pastoral routes is strongly recommended in any workshop held in and outside Sudan. However, this recommendation dies as soon as it overlaps with the interest of the mechanized “big” farmers. It is important to note that particularly in Gedarif, mechanized schemes owners’ have become politically powerful and are now dominant in the state legislative assembly, and even today the *wali* of Gedarif state is a powerful owner of mechanized schemes.

Not far from what is happening to *Hakura* in Darfur, the *Dar* system in the east is facing the same destiny. The legal framework of communal right ownership is still fuzzy and it is difficult to determine which type of land tenure is applied in rural areas (communal or formal). These two systems are not in harmony, as they contradict each other. In Gedarif, non-resident groups (outsider) pastoralists believe that they can graze anywhere on the basis of the provisions of the Unregistered Land Act 1970 and they justify their rights by paying taxes to the government for this purpose. On the other hand, local people still respect their traditional rights and believe in the system of local leaders saying that “they have changed the rule, but not the content (in Arabic: *Tagieer al Ganoun wa lays Al Mafhoum*). The state also uses the Act of 1970 to acquire and reallocate the “state land” to loyal individuals leading to the accumulation of wealth in the hands of a few people, creating socio-economic disparities in the state. This unfair policy has widely been documented as a central factor in fuelling conflicts in the area. In this land tenure chaos, if an armed conflict starts, no one can predict its consequences.

Like in Darfur, the state plays a vital role in creating a new administration for their supporters at the expense of the historical rights of the local people. The case of Massaliet and the Arabs is one example among many. The Arabs who have been welcomed by Massaliet for a long time under the condition of customary rights (remained subordinate to the sultan), have managed to possess emirates and hold the title of Emir. As the title of Emir is given in Darfur only to the sultan's son, this was seen as an attempt by the government to equate the newer 'Arab' groups with the ancient Massaleit landowners that would eventually lead to granting the ‘Arab’ chiefdoms in Dar Massaleit (Leroy 2009). Likewise, the Hadendowa of the eastern Sudan have faced the same fate when a new administration of Rashaida was created in their traditional lands, establishing a nationwide phenomenon. For example, according to Ayoub (2006), a new *nazir* status in Blue Nile State was created for the Fellata, originally from West Africa, who in the 1990s, with the sympathy of the governor, fought the indigenous Funj and Hamag for a *nazirate* of their own.

The above situation, like in Darfur, has been aggravated by other factors such as drought, population growth and climatic changes. Although not ignoring their contribution in creating resource scarcity, this article puts much weight on the political economy of the Sudanese state because the pastoralists have adapted to the scarcity of resources for a long time and have created mutual relations with their surrounding environment. Thus, the current scarcity is related to state “development” intervention rather than natural factors. For example, pastoralists in Gedarif were forced to create conflicts and degrade the environment due to political difficulties. In a situation where the state failed to re-open their traditional routes occupied by people connected to the state (rich farmers), pastoralists in order to survive have no option than to concentrate their animals in small places, causing many negative environmental consequences and intensifying land resource scarcity.

Future Prospects of Pastoral Land Tenure System in Sudan

Land is everything for rural people (livelihood, credit, dignity, wealth, and social peace); losing these means losing everything. Thus, it is not surprising to have them fighting against the successive government that fails to address their needs and grievances. Therefore, pastoral land all over the country has become an arena of violence such as in Darfur in western Sudan or Gedarif in the eastern Sudan which is on the “waiting list” since no serious action has been taken until now to address the livelihood and insecurity of pastoral communities. All the peace agreements that have currently been concluded in Sudan (Comprehensive Peace Agreement CPA 2005, Darfur Peace Agreement DPA 2006 and Eastern Sudan Peace Agreement ESPA 2006) have tried to put the issue of land tenure into light, and therefore called for the incorporation of customary laws. All the armed groups in Sudan have stressed the importance of access to natural and social resources, expressed in terms of justice, fairness, and equitable resource-sharing and development (El Battahani 2006). As a result, several land commissions have been suggested to arbitrate claims, offer compensation and recommend land reform policies. Looking at a peace map, one can observe that there is no proper action in place to address the access and security of land, and thus tackle land grievances among the pastoral people of Sudan. The Comprehensive Peace Agreement (CPA) of 2005 addressed several issues such as the right to self determination of the people of south Sudan, wealth sharing, and power sharing, but left the core issue of land ownership to be resolved later. It seems that both parties to the CPA want to benefit from the current situation and acquire the customarily owned lands from pastoral people whenever there is a need (oil extraction, mechanized or irrigated schemes), despite the existence of CPA. on the eve of the CPA, as indicated by Pantuliano (2007), both the government in Khartoum and the Sudanese People Liberation Movement (SPLM) have issued new long-term land leases over community lands to privileged citizens and foreigners without any local consultation and without having the consent of the customary landowners.

Like the other agreements, ESPA has failed to address the serious cause of conflict in the region which is over land. Instead of showing how to incorporate the communal right in the formal system in a way that provide land tenure security for all, the agreement paid particular attention to the laws that governed individual rights. It also ignores deliberately the cultural link between land and people in the east. This stems from the fact that the agreement has introduced the term of “compensation” when dealing with the historical land right.

From what have been said, having sustainable social peace in Sudan is an unlikely possibility as the underlying cause such as land rights and access have not been properly addressed. This has led some to say that despite optimism following the Eastern Sudan Peace Agreement (ESPA) that ended a regional rebellion in 2006, the three eastern states have struggled to address the chronic vulnerabilities that keep their region poor and prone to instability (UNOSHA 2010). The agreement, however, largely reflects the broader regional interests of Khartoum and Asmara and it is unlikely to end the marginalization that led the Eastern Front to launch its armed struggle (Young 2007). Sudan like other African countries has an urgent need to tackle several issues related to land tenure, such as recognition and incorporation of communal rights, setting up land information systems, increasing the capacity of people and institutions dealing with land, and secure funding for land policy implementation. Each one of these is indeed a suitable topic for further research.

Conclusion

In Gedarif and elsewhere in Sudan, the overwhelming majority of pastoral people entirely depend on access to land for securing a livelihood under communal system. This system has undergone severe changes and officially has been replaced by statutory tenure. This paper concludes that there is a close link between changes in communal land rights and the potential conflict over land resources in the Gedarif state of eastern Sudan. Not excluding the role of ecological stresses and demographic factors, this article contextualizes and relates the conflict to the political economy of unequal access to, and use of, land resources. The development of commercial agriculture (mechanization) at the expense of the subsistence economy through the support of the World Bank has also contributed to such conflicts. Like CPA and DPA, the ESPA has failed to address the issue of historical land rights, and connect both formal and communal system efficiently. This path will create dilemmas not simply to overcome and make the region ripe for more potential conflicts. The article believes that neither a formal nor communal land tenure system would be appropriate and suitable for all land users. Thus, the system of land tenure in Gedarif like elsewhere in Sudan needs to be revised, and the taken land needs to be relocated fairly if the state aims to reach a sustainable social peace. Only two options are left for the State, either to listen to the voices of pastoral communities (marginalized) to involve them in land tenure policy or to listen to the sound of their weapons.

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