

The Conflict in Darfur, Sudan: Background and Overview

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Acronyms and Glossary

DLF	Darfur Liberation Front, clandestine organization that became the SLM/A in February 2003
GoS	Government of Sudan
JEM	Justice and Equality Movement, Darfur opposition political/ military organization created in 2003
NISS	National Intelligence and Security Service
NCP	National Congress Party, ruling party in Sudan under Pres. al-Bashir
PDF	Popular Defence Force, formed from militia and <i>mujahideen</i> in 1989.
SAF	Sudan Armed Forces
SLM/A	Sudan Liberation Movement/Army, Darfur opposition political/military organization created in 2003
SPLM/A	Sudan People's Liberation Movement/Army, Sudanese opposition political/military organization based in southern Sudan formed in 1983
<i>Abbala</i>	Camel herders
<i>Baggara</i>	Cattle herders
Border Intelligence Brigade	<i>Janjaweed</i> militia formalized as paramilitary force
<i>Damra</i>	Settlement of nomads within land of another tribe
<i>Dar</i>	'Home' or 'abode,' used for tribal homeland
<i>Fursan</i>	'Horsemen' or 'cavalry', used to refer to the militia of the Beni Halba in 1991 and occasionally to others
<i>Hakura</i>	Historically, a feudal or tribal land grant, used to refer to a tribal territory
<i>Janjaweed</i>	Militia from camel-herding Arab tribes in Chad and northern Darfur, used to refer generically to pro-government militia in 2003-05
<i>Judiya</i>	Customary conflict resolution mechanism
<i>Mujahideen</i>	'Holy warriors,' used to refer to Islamist government forces, especially in 1990s
<i>Murahaleen</i>	Militia from Arab cattle-herding tribes in Southern Darfur and Southern Kordofan, deployed in 1985-89

Defining the Conflict in Darfur

1. In common with all contemporary armed conflicts, the conflict in Darfur, Sudan, has been contested in the public sphere including the media and academic discourse. The war and associated human rights violations including humanitarian crisis were the focus of intense advocacy by Sudanese and international activist groups, labelling it as a 'genocide' among other things, while the Government of Sudan (GoS) under President Omar al-Bashir vigorously disputed this characterization. There are also disagreements over the labelling of the belligerents (especially the term '*Janjaweed*' to refer to Arab militia), the goals and motives of the various conflict parties, and the scale and nature of the human toll. This report seeks to be as objective as possible regarding these controversies, including recognizing what is not known. The date when the conflict began is also disputed, though February 2003 is commonly regarded as the point at which it escalated to war.

2. The people of Darfur have been under-represented in efforts to define the conflict. The survey undertaken by 24 Hours for Darfur, an advocacy group, included interviews with more than 2,000 refugees in Chad.¹ This was a rare and valuable effort to obtain the views of Darfurian victims of the conflict, which took two years to complete. No comparable surveys have been completed inside Darfur, encompassing the views of the whole spectrum of Darfurian communities.² It is an intrinsically difficult exercise.³ Sudanese voices including Darfurians have been better represented in civil society forums and academic publications.⁴

3. The African Union Mission in Sudan (AMIS) and its successor the United Nations-African Union Hybrid Operation in Darfur (UNAMID), through the office for the Darfur-Darfur Dialogue and Consultation (DDDC) held numerous community meetings across the region. Successive peace negotiators also convened civil society forums.

4. The most extensive consultation was undertaken by the African Union High-Level Panel for Darfur (AUPD), chaired by the former president of South Africa, Thabo Mbeki. The

¹ 24 Hours for Darfur, 2010. 'Darfurian Voices: Documenting Darfurian Refugees' Views on Issues of Peace, Justice, and Reconciliation,' [Darfurianvoices.org](https://sites.tufts.edu/bennaimarkrowse/files/2021/02/DARFURIAN-VOICES-Full-Color-English-Final-Report.pdf), available at <https://sites.tufts.edu/bennaimarkrowse/files/2021/02/DARFURIAN-VOICES-Full-Color-English-Final-Report.pdf>.

² A pilot study was undertaken but the full survey could not be concluded: Center for Global Communications Studies, 2010. 'Assessing Attitudes and Public Opinion in Darfur: Frameworks for moving forward and advancing dialogue,' Albany Associates and Univ. Philadelphia.

³ Gagliardone, I., and N. Stremlau, 2008, 'Public Opinion Research in a Conflict Zone: Grassroots Diplomacy in Darfur,' *International Journal of Communication*, 2, 1085-1113.

⁴ Ahmed, A-G. M., and L. Manger (eds.) *Understanding the Crisis in Darfur: Listening to Sudanese Voices*, Bergen, 2006.

AUPD was mandated by the African Union Peace and Security Council in 2008 to investigate the crisis in Darfur and submit recommendations accordingly. The Panel interpreted this mandate to include peace, justice, reconciliation, and Darfur's place in Sudan. It undertook forty days of consultations with a broad spectrum of Darfurians, mostly in Darfur in town hall-style meetings, including in IDP camps and rebel-held areas and with nomadic groups. This was the most thorough exercise in consulting the people of Darfur concerning their analysis of their own plight that was undertaken. In its report,⁵ the Panel defined the crisis as 'the Sudanese crisis in Darfur,' attributing the origins of the conflict to the way in which successive Sudanese governments had treated the region and its peoples. The Panel also identified local causes and dimensions of the conflict, which it recommended should be settled between the respective communities within Darfur.

Introduction to Darfur

Geography

5. Darfur is the westernmost region of Sudan (*map 1*) It takes its name from the former sultanate of Dar Fur. The name translates as 'land' or 'abode' of the Fur, referring to the Fur people who dominated the politics of the region in pre-colonial times. In 2003 it consisted of three states: Northern, Southern and Western Darfur. (It has since been divided into five states.) The boundaries of Darfur approximately represent the geographical limits of the authority of the last ruler of an independent Dar Fur.⁶

6. Today, Darfur is home to 9.5 million people. The population grew from 1.3 million on the eve of independence in 1956 to approximately 6 million in 2003. During the conflict that began in 2003, despite the human toll from violence, hunger and disease, births outnumbered deaths and absolute numbers continued to grow.

7. Darfur ranges from arid desert in the far north to semi-tropical forest in far south in the enclave of Kafia Kingi and floodplains along the banks of the Bahr al-Arab/Kiir (*map 2*).⁷ The great majority of the population live in the central belt, between 10 and 14 degrees north, where rainfed agriculture and livestock herding have been the customary sources of livelihood. Other sources of livelihood include artisanal production, trade and mining.

⁵ African Union High-Level Panel on Darfur (AUPD), 2009. *Darfur: The Quest for Peace, Justice and Reconciliation*, Addis Ababa, October. The author was an advisor to the AUPD and attended all the consultations.

⁶ O'Fahey R. S. 1980, *State and Society in Darfur*, Hurst, London.

⁷ Ibrahim, F. N., 1984. *Ecological Imbalance in the Republic of the Sudan—with reference to desertification in Darfur*, Bayreuth.

8. Darfur has a single rainy season, approximately from June to September. It starts earlier and ends later in the wetter south-west with a relatively shorter season in the drier north and north-east. About 200 mm of rain is sufficient to grow a single cereal crop of millet on sandy soils, and to sustain grass cover for camels and goats. This defines the northern edge of permanent settlements.⁸ In the wetter areas of southern and central Darfur, where annual rainfall is typically 400 mm or more, sorghum can be grown as well as millet, and the grasses are sufficient to sustain cattle. The highlands of the Jebel Marra massif, which rise to 3,000 metres, are cool and have higher rainfall.

9. The people of Darfur have mixed and adaptable livelihoods.⁹ Up to today, most Darfurians have sustained themselves through a combination of farming and livestock keeping.¹⁰ There are numerous localized combinations of these, according to conditions of soils, groundwater, vegetation, and rainfall.¹¹

Livelihoods

10. Farming is of four major kinds. First and most widespread is rainfed cultivation by smallholder farmers, mostly of bullrush millet on sandy soils (known as *qoz*). Secondary crops include groundnuts and sesame. Seeds are planted by hand, using a hoe or digging stick, shortly after the first rains. In some of the wetter areas of South Darfur, sorghum can also be cultivated. It has higher yields but Darfurians prefer the smoother taste of millet. Farmers must assiduously weed the fields to allow the crops to flourish, and the availability of family and hired labourers in the middle part of the rainy season is the main constraint on achieving a healthy yield. As the crops mature, the fields must also be guarded against birds and other wildlife, though with deforestation the wildlife numbers are now much reduced. Harvesting is done from September to December. As population numbers have increased, sandy soils have been repeatedly farmed without fallow periods and cultivation has expanded into less fertile areas. Both these cause yields to decline. In these areas, villagers also tap a specific species of thorn tree for gum Arabic.

11. Second is cultivation in the clay soils along alluvial valleys, known as *wadis*. None of Darfur's rivers flow all year round. This is a combination of rainfed, flood retreat and small-scale irrigation, using either hand pumps or diesel-powered pumps. This kind of farming is

⁸ Tubiana, M-J., and J. Tubiana, 1977. *The Zaghawa from an Ecological Perspective*. Balkema, Rotterdam.

⁹ Young, H., et al., 2005. *Darfur – Livelihoods under Siege*, Feinstein International Center, Tufts, Medford.

¹⁰ Adams, M.E., 1976. 'An Agricultural Development Plan for Southern Darfur,' Economic and Social Research Council, Bulletin no. 31, London; Hansohm, D., 1985, 'New Approach to Agricultural Development in Southern Darfur: Element of an evaluation of the Jebel Marra Rural Development Project,' HTS, Zalingei; Morton, J. 1994, *The Poverty of Nations: The Aid Dilemma at the Heart of Africa*, British Academic Press, London.

¹¹ Save the Children UK, Darfur Food Information System, 2004. 'Food economy profiles, North Darfur,' Sudan. El Fasher (series of 6 reports.)

found mostly in central and western Darfur. It is much more productive than farming on the *qoz* and allows for a much greater variety of crops, including vegetables and tobacco.

12. Third is the farming in the highlands of Jebel Marra. In peaceful days farmers grew an abundance of crops including wheat, vegetables and fruit, on terraced hillsides, orchards and irrigated gardens.

13. Last is semi-mechanized agriculture by commercial farmers using machines to clear land, plough and harvest, along with daily labourers for weeding and other tasks. Much of Darfur's cropland is suitable for this kind of commercial farming that dominates the landscape in much of eastern and central Sudan. However, the distance to markets and the lack of transport infrastructure has meant that such farms have rarely been profitable in Darfur. Large integrated rural development projects established in the 1970s, including the Jebel Marra Rural Development Project and the Western Savanna Development Corporation, focused on enhancing the productivity of smallholder farms.¹²

14. Darfur's nomadic livestock herders are either classed as camel herders (*abbala*) or cattle herders (*baggara*) with the former dominating in the drier northern parts and the latter in the south.¹³ Most herders also keep sheep and goats, often comprising the largest number of animals overall. Camel herders must migrate seasonally over long distances to find forage and water for their animals, some of them moving annually from the desert edge deep into the savanna and sometimes as far as the forests of the Central African Republic. Cattle herders move their animals for the same reasons but over shorter distances. Some of them, especially the Rizeigat of south-eastern Darfur, move their herds across the boundary to Bahr al-Ghazal, now part of South Sudan. Usually, the organization of herding is done on the basis of lineage and clan units among the pastoralist groups. Some migrate as entire families, while others have villages in which women, children and the elderly stay all the year round, while young men are responsible for the camel and cattle as they move over long distances. Increasingly, animal herds are no longer owned by families but by wealthy individuals, who hire herdsmen to look after them.

15. At various times in history, the government has tried to map and regulate seasonal migration, creating corridors (known as *massar*) along with nomadic herds can move (see *map 4* for a general picture of these). Such regulation has worked better in theory than in practice. The migration corridors have often not suited the needs or preferences of herders, especially as animal numbers have expanded and water and grass have become scarce along the corridors, leading to disputes and sometimes armed clashes among different

¹² Adams, *op. cit.*; Morton, *op. cit.*

¹³ Wilson, R. T., and S. E. Clarke, 1976-77, 'Studies on the Livestock of Southern Darfur, Sudan,' *Tropical Animal Health and Production*, 8-9. (Series of 4 papers).

groups of herders. The expansion of farming areas has reduced pastures and cut migration routes. As grazing land became scarce, herders also began fencing 'wind enclosures' — pastures reserved as private grazing land, to exclude others from bring their animals there, leading to frictions.

16. The distinction between settled farmer and nomadic livestock herder is not clear-cut. Livelihoods are on a spectrum, with most pastoralists also cultivating small farms, and all farmers except the poorest owning some livestock. Poor pastoralists seek out farmland to supplement their income from their animals.

17. Until the 1970s, Darfur was well-known for its self-sufficiency in clothing, footwear, household items and the various tools and other equipment needed for farming and herding. These traditions remain though much reduced. The leather workers of Western Darfur are still famous for their shoes and saddles.

18. Darfur has long possessed a small but vibrant trading community. In the past it has traded across the Sahara, exporting camels along the 'forty days road' to Egypt along with luxury items such as ostrich feathers and ivory. In modern times Darfur's major trade earnings have come from cattle, cash crops such as groundnuts, sesame and tobacco, and gum Arabic, recently overtaken by gold. The biggest constraint on trade has been the lack of infrastructure, which combine with vast distances to make travel slow and expensive. There are few all-weather roads which means that travel from the eastern to the western parts of Darfur can take days, with vehicles regularly having to be dug out of mud or sand. An all-weather road connecting al-Fashir to Khartoum was long promised but remained a mirage as late as the 2000s. A single track railway was constructed to Nyala in 1960 but has often been unreliable.

19. Historically, artisanal mining in Darfur was confined to copper mining in the eponymous Hofrat al-Nahas ('copper mines') close to Kafia Kingi in the far south and salt mining in the al-Atrun oasis in the far northern desert. Oil companies criss-crossed the south-east of Darfur in search of oil in the 1970s. The region is adjacent to the oil-bearing strata of neighbouring Kordofan including Abyei. No commercially viable oil reserves were reported. Gold was discovered in Darfur in the 2000s and the pace at which prospectors found lucrative seams near the surface picked up after 2011, with Sudan's biggest and most profitable gold mining at Jebel Amir, near Kebkabiya, sparking both a gold rush and a violent conflict to control the area.

20. Darfurians have also diversified their livelihoods. In the colonial era, Darfur served as a labour reserve for parts of central Sudan, especially the vast irrigated Gezira scheme (then and now the largest irrigated farm in the world using a single water source) where

there was a large unmet demand for semi-skilled farm labour. Because of the distances involved, most migrants travelled east to live there for several years, intending to save enough money to return home as a relatively wealthy man. Many of course never returned so that there are substantial communities of Darfurian-origin people in central and eastern Sudan. After the railway reached Nyala, seasonal labour migration became feasible. In the 1970s with the oil boom in the Gulf and Libya, Darfurians also sought work abroad, and remittances began to become a substantial contribution to the economy. Darfur's proximity to Libya and long-standing trade connections made that an attractive destination for migrants. However, the volatile political relationship between Libya and Sudan has meant that migration has been intermittent and sometimes hazardous.

Poverty and Inequality

21. Darfur is not only poor but it is the poorest region of northern Sudan, vying with parts of southern Sudan for the bottom spot on indices for wellbeing. At independence in 1956, Darfur had just three hospitals, with 5.7 beds per 100,000 people, the lowest in Sudan and a fraction of those in the central and northern regions.¹⁴ It never caught up. Shortly before the outbreak of war in the early 2000s, on every indicator of health, nutrition and child survival, the Darfur states (especially Western Darfur and Southern Darfur) ranked the lowest across northern Sudan, alongside the states of Southern Kordofan and Blue Nile which had been conflict-affected since the 1980s.¹⁵ Educational provision was perhaps even worse. Truly tiny numbers of Darfurians provided with secondary education during the colonial period: one in 1934, two in 1936.¹⁶ The first girl's school was opened in 1939. Of the 23 government intermediate schools nationwide in 1951, just one was in Darfur. The numbers never caught up (see below). Analysis of government and private sector investment data from the 1970s to 2002 similarly show that Darfur lagged far behind.¹⁷ Indeed the pattern of private sector investment was that businessmen from northern Sudan made profits in western Sudan and invested those proceeds in Khartoum.¹⁸

22. A compilation of these data, with particular attention paid to the unequal allocation of senior government positions, formed the basis of the *Black Book: Imbalance of Power and*

¹⁴ O'Fahey, R.S., 2007. *Darfur's Sorrow: A history of destruction and genocide*, Cambridge, p. 171.

¹⁵ Ministry of Health, Republic of Sudan, 2006. 'Sudan Harmonized Household Health Survey.' Khartoum.

¹⁶ O'Fahey, *op. cit.*, *Darfur's Sorrow*, pp. 134-5.

¹⁷ Mohamed, A. A., 2007. 'Darfur: Socio-economic and Political Causes,' in C. Rosquit (ed.), *Mapping Darfur*. NAI/Life and Peace Institute/ABF, Stockholm & Uppsala; Badmus, I. A., 2011. 'Contesting Exclusion: Uneven Development and the Genesis of the Sudan's Darfur War.' *Journal of Alternative Perspectives in the Social Sciences*, 3.3, 880-912.

¹⁸ Mahmoud, F. B., 1984. *The Sudanese Bourgeoisie: Vanguard of development?* Khartoum.

Wealth in Sudan.¹⁹ This was a samizdat publication produced in May 2000 by a group calling itself ‘The Seekers of Truth and Justice.’ They were Islamists who had joined the GoS and become disillusioned, and who went on to become the leaders of the Justice and Equality Movement (JEM).²⁰ A 2002 supplement to the *Black Book* contained over 200 tables illustrating the imbalance in senior government positions, infrastructure and services. Not only was Darfur the poorest region of northern Sudan, but the leading economic strategists in the government made it clear that the official strategy was to focus on the central axis between Dongola (northern), Sennar (Blue Nile) and al-Obaid (Kordofan), the so-called ‘Hamdi Triangle’.²¹ The JEM critique echoed that of the founder and first leader of the Sudan People’s Liberation Movement (SPLM), John Garang, who saw the gross inequalities in the distribution of wealth and power in Sudan as the rationale for the SPLM’s armed struggle.²² While Garang envisioned a revolutionary transformation of the structure of Sudan’s political economy, the JEM leaders sought the more limited goal of a fairer reallocation of government positions and spending.

23. A summary of the *Black Book*’s data for the places of origin of ministers in every national government from 1954-99 shows the dramatic imbalance. The western region includes both Kordofan and Darfur. The data for service provision is drawn from the government’s own statistical bureau and can be considered reliable. The major significance of the *Black Book* is that it made Sudanese perception of this unfairness into a political issue within northern Sudanese public opinion.

Table 1: Summary of Black Book data, ministerial positions

Region	Population	1954-64	1964-69	1969-85	1985-89	1989-99
Eastern	11.8%	1	2	4	3	6
Northern	5.4%	58	55	79	76	120
Central	26.5%	2	5	19	20	18
Southern	23.7%	12	14	9	20	30
Western	32.6%	0	5	4	27	28

Source: Al-Tom, *op cit.*, pp. 240-5.

¹⁹ Al-Tom, A. O., 2011. *Darfur, JEM and the Khalil Ibrahim Story, With a complete copy of The Black Book: Imbalance of Power and Wealth in Sudan*, Red Sea Press, Trenton NJ. Note that the English translation has some significant differences of nuance from original Arabic text. See: Bolton, C. 2010. ‘Transcribing Tyranny: Darfur’s Black Book and the Language of Resistance,’ MA Thesis, New York University, Dept. of Near Eastern Studies.

²⁰ Flint, J., and A. de Waal, 2008. *Darfur: A new history of a long war*, Zed, London, pp. 16-18.

²¹ So-named for the then Minister of Finance, Abd al-Rahim Hamdi. Kamal El-Din, A., 2007. ‘Islam and Islamism in Darfur,’ in A. de Waal (ed.) *War in Darfur and the Search for Peace*, Harvard Univ. Press. Cambridge MA, pp. 104-5.

²² Khalid M., (ed.) 1987. *John Garang Speaks*, London.

Table 2: Inequalities in education and health, 1999-2000

<i>Region</i>	Primary school enrollment	Secondary school enrollment	Hospital beds per 100,000 people	Medical doctors per 100,000 people
Khartoum	76.8%	35.1%	111	46
Eastern	40.5%	13.9%	81.3	8.4
Northern	87.8%	36.2%	151	13.4
Central	54.7%	16.2%	73.5	8.1
Southern	21.2%	3.2%	68	2.8
Kordofan	39.7%	11.9%	62.7	3.9
Darfur	30.6%	11.3%	24.7	1.9

Source: Al-Tom, op cit., pp. 339-43.

24. The internal tax base in Darfur is low and the administration depends on transfers from Khartoum. The World Bank's *Public Expenditure Review*, conducted in 2006-07 but reviewing data for previous years, found that budgetary transfers from the central government to state governments were low, at approximately 2 percent of GDP in 2000-02, with Western and Southern Darfur the lowest recipients, and Northern Darfur ranking only slightly higher.²³ The World Bank also found that Darfur's states had the weakest budget 'credibility': due to lack of staff and administrative resources they were least able to programme budgeted funds appropriately.²⁴ The pattern was that most state budgets were actually spent on salaries, and whenever funds were scarce (which was usual), services and development were shortchanged. The national development budget was allocated overwhelmingly to dams on the River Nile and infrastructural development in and around Khartoum.

25. Within Darfur there are also inequities. The areas around al-Fashir, Nyala and al-Da'ien are relatively better provided than the rest of the region, with Western Darfur consistently ranking the worst on all indicators. Nomadic groups are typically less able to access education and health than farmers. Representatives of Arab nomadic groups voice the grievance that their marginalization is often overlooked, especially by foreigners.

26. Before the 2003 conflict, Darfur was the least urbanized of northern Sudan's regions, with about 18 percent of the population resident in a handful of major urban centres (Nyala, al-Fashir, al-Geneina, al-Da'ien and Zalingei). Urban livelihoods were a modest contribution to the economy. In this respect, Darfur lagged well behind other regions of northern Sudan, which were approximately 40 percent urbanized. Most Sudanese cities also came to host large numbers of displaced people, chiefly fleeing the wars in southern Sudan, the Nuba Mountains and Blue Nile, and also seeking safety from the widespread insecurity and local conflicts in Darfur that had become prevalent since

²³ World Bank. 2007. 'Sudan: Public Expenditure Review, Synthesis Report.' Washington, DC., pp. 50-1.

²⁴ World Bank, *op. cit.*, pp. 61-2.

approximately 1987. Darfurian cities hosted displaced people from southern Sudan and from the Darfurian conflict zones. Aid programmes to assist these people were modest, but many did nonetheless receive food aid that supplemented what they could garner from wage labour and precarious income earning at the fringes of the economy. A pattern of three-cornered livelihoods emerged in which households relied partly on farming, partly on urban-based income, and partly on food aid.²⁵

27. During the conflict of 2003-05, Darfur went through accelerated and traumatic urbanization, with as much as a third of the population displaced to vast new camps on the outskirts of major cities. The urban populations themselves swelled. The pattern of three-cornered livelihoods became far more common.

Drought and Climate Change

28. Long-term drying out and increased variation in rainfall, along with deforestation and land degradation due to over-farming, in turn associated with expanding human and animal populations, have caused a long-term decline in the productivity of farming in northern parts of Darfur.²⁶ The region has therefore seen a long-term pattern of migration to more productive areas further south. This was first noted as a major feature of the region during the drought of the early 1970s and was pronounced in the 1980s.²⁷ This migration brought with it social tensions as groups from the desert edge moved to towns and villages further south. The Zaghawa people of north-western Darfur were especially proactive in relocating communities and changing their livelihoods, including moving into trade, while Arab nomads showed considerably less adaptability.²⁸

29. Darfur has always suffered cycles of drier and wetter phases including occasional acute droughts which have led to widespread hunger. These fluctuations become more pronounced over the last forty years. The general trend has been towards lower rainfall but this has been marked by extreme volatility in weather patterns, with occasional very wet years and localized floods as well as very dry periods. There is controversy over the extent to which climate change has contributed to the war.²⁹ Undoubtedly it has stressed livelihoods and increased tensions among communities.

²⁵ Young, H., and K. Jacobsen, 2013. 'No Way Back? Adaptation and Urbanization of IDP Livelihoods in the Darfur Region of Sudan.' *Development and Change*, 44.1, 125-45.

²⁶ Ibrahim, *op. cit.*; Al Mangouri, H. A., 2006. 'Combating Desertification,' in M. King and M. A. Osman (eds), *Environmental Degradation as a Cause of Conflict in Darfur*, University of Peace, Addis Ababa.

²⁷ De Waal, A., 1989, *Famine that Kills: Darfur, Sudan, 1984-1985*. Clarendon, Oxford.

²⁸ Tubiana, J., 2021, 'Land of Thirst: Climate migration in Darfur,' *The Baffler*, November.

<https://thebaffler.com/salvos/land-of-thirst-tubiana>

²⁹ Faris, J. 2007. 'The Real Roots of Darfur,' *Atlantic Monthly*; Kevane M., and L. Gray, 2008. 'Darfur: Rainfall and conflict,' *Environmental Research Letters*, 3.3.

Who are the Darfurians?

History of Darfur

30. Darfur means land or abode of the Fur. This name dates back to the founding of the Sultanate of the Keira dynasty of the Fur by Sultan Suleiman Solong in the 17th century, though there were predecessor kingdoms identified with the Daju and Tunjur peoples. Dar Fur's first capitals were in the northern reaches of the Jebel Marra massif, moving to the city of al-Fashir in 1770, where it has remained ever since. In its early years, the Fur sultanate was an African kingdom comparable to others in the belt of savanna and mountains running from the Atlantic Ocean, along the southern edge of the Sahara, to the Nile Valley and the Ethiopian mountains.³⁰ Its ruler was in theory an absolute despot but in practice ruled through delegating authority to subordinates who ruled their respective fiefdoms with considerable autonomy, save when they were hosting the sultan, his retinue and army. The sultanate was a military power whose armies at times reached as far as the Nile and conducted independent trade across the Sahara with Egypt. The Fur Sultan exchanged correspondence to Napoleon Bonaparte when the French army conquered Egypt.

31. Islam came peacefully to Dar Fur through missionaries and scholars, arriving in the 14th century. Almost all Darfurians are Muslims, mostly followers of Sufi sects, especially the Tijaniyya sect which was founded in Morocco and has spiritual centres in Senegal and Nigeria. Scholars of Islam describe Darfurian practices as tranquil, tolerant and popular; rigorous in instructing the young in the tenets of the faith and lax in practicing them.³¹ To this day, religious teachers run elementary Islamic schools (*khalwa*) in which young students learn the Quran and religious teachings. The peoples of Darfur have a longstanding reputation for Islamic piety.

32. For the Sultan of Dar Fur, adopting Islam meant that he could transform an African kingdom into a sultanate connected with the Islamic world. When Sultan Suleiman Solong converted to Islam, so did his court, and Islam became a matter of political authority as well as societal faith and practice. With Islam came literacy and a legal code shared with powerful polities across the Sahara and beyond, that could regulate trade and diplomacy. The Fur Sultanate was bilingual in that the Fur language was spoken in court but the Arabic language was used for documentation, law and foreign relations.³²

³⁰ O'Fahey R. S. *op. cit.*, *State and Society*.

³¹ Kamal El-Din, A., 2007. 'Islam and Islamism in Darfur,' in A. de Waal (ed.) *War in Darfur and the Search for Peace*, Harvard Univ. Press. Cambridge MA.

³² O'Fahey, *op. cit.*, *State and Society*.

33. In the 17th and early 18th centuries, the Fur Sultanate expanded slowly, absorbing peoples living on its margins (who adopted the Fur language and customs as well as converting to Islam). As the Sultanate increased its power and territory in the late 18th and early 19th century, its ruler became suzerain over diverse peoples including nomadic tribes, who could not be assimilated in this way. Instead, Dar Fur was a multi-ethnic indigenous empire, with an expanding periphery where local chiefs and warlords paid tribute to the ruler.

34. Following the conquest of much of Sudan by the Egyptian Khedive, Mohamed Ali, in 1821, Dar Fur faced its most powerful adversary in the Turko-Egyptian empire on the Nile. This was an empire built on plunder, including slaving. In 1874, one of its most powerful freebooters, Zubeir Rahma 'Pasha', fought and defeated the army of the Fur Sultan. Zubeir appointed himself governor of Darfur, now ostensibly a province of the Ottoman Empire. He was recalled to Cairo from where the Khedive did not permit him to return.

35. Less than a decade later, a movement of Islamic renewal arose in Sudan. Its foundational moment was when Abdullahi Mohamed Torshein al-Ta'aishi, a mendicant of west African origin who had settled among the Darfurian Arab Ta'aisha tribe, hailed Mohamed Ahmad, a boat-builder from Dongola on the Nile, as *al-Mahdi* or 'Expected One.' Mohamed al-Mahdi and his *Khalifa* (deputy) Abdullahi mobilized an army drawn from across northern Sudan, but with a preponderance from Darfur and Kordofan, to wage a *jihad* against the Turko-Egyptian rulers and their European facilitators and mercenaries. They captured Khartoum in 1885 and established an Islamic state headquartered in Umdurman. After al-Mahdi's death a few months later, the Khalifa Abdullahi became the ruler of the Mahdist state. To consolidate his rule, the Khalifa demanded that his most loyal followers from Darfur, notably from his own Ta'aisha tribe, move *en masse* to Umdurman.³³ The people of riverain Sudan recall this as a time of oppression. There are neighbourhoods in Umdurman that are still identified as Darfurian to this day. The *Mahdiyya* was defeated and overthrown by a British army in 1898.

36. The imperial invasion was justified as a 'reconquest' on behalf of the Egyptian king, and what followed was a *de jure* colonial anomaly, an Anglo-Egyptian Condominium. Meanwhile a Fur prince, Ali Dinar, escaped and re-established the Dar Fur sultanate. Preoccupied elsewhere, the Condominium authorities left Sultan Ali Dinar to his own devices until 1916, when British officers mounted a campaign that defeated his army, killed the Sultan, and incorporated Darfur into the British Empire on 1 January 1917.

³³ Holt, P. M., 1958. *The Mahdist State in the Sudan*, Clarendon, Oxford.

Peoples of Darfur

37. Darfur is named for the Fur people. While they are the largest ethnic group in the region, they are estimated to number about 27 percent of the population. (The last census that collected ethnic and linguistic data was conducted in 1955 so all subsequent numbers are extrapolations and approximations.) During the era of the Sultanate, Fur expansion took the form of existing settled communities 'becoming Fur' by accepting the suzerainty of the Fur kings and adopting the Fur language and customs. The term 'Fertit' in the Fur language refers to the people living to their south who are subject to subjugation and enslavement.³⁴ It is probable that the Fur language absorbed many features of the indigenous languages of those people, giving rise to a challenge for linguists to classify it.³⁵

38. The Fur people inhabit the massif of Jebel Marra and its foothills, and the rich alluvial valleys to the south and west. This includes the most fertile farming areas in the region. Fur farmers' skill at growing a wide range of crops is widely acclaimed. More prosperous Fur farmers invested their wealth in cattle, to the extent that some of them even joined migratory Arab groups, 'becoming Arab' in culture and lifestyle.³⁶ Note that the 'Arab' culture and practices they adopted were those of the local cattle herders, which were different in many ways from those of the peoples of the Nile and the administrative and educated elites of modern Sudan (of which more, below).

39. According to different definitions, there are between thirty and ninety ethnic groups or tribes in Darfur. Other groups in Darfur have comparable ways of life. The Tunjur people, who live in the range of hills that stretches north from Jebel Marra, are considered historically close to the Fur and in fact the first centralized Sultanic kingdom in the region was headed by the Tunjur. Further to the north are the Zaghawa and Meidob, semi-nomadic camel herding people who also controlled the ancient trade routes across the Sahara. To the east and west are groups including the Berti, Birgid, Daju, Masalit, Tama, and Gimir. To the south are the assemblage of groups, collectively known as Fertit, who also inhabit adjoining areas of South Sudan and Central African Republic. The Fertit are in fact constituted of numerous small groups living across this vast swathe of forest. The area was subject to intense slave raiding in the 19th century, and the peoples who survived this onslaught were described as akin to the scattered remnants of a routed army.³⁷ After the

³⁴ O'Fahey, R. S., 1982, 'Fur and Fertit: The history of a frontier,' in J. Mack and P. Robertshaw (eds.) *Culture History in the Southern Sudan: Archeology, linguistics, ethnohistory*. British Institute in Eastern Africa, Nairobi.

³⁵ Beaton, A.C., 1948, 'The Fur,' *Sudan Notes and Records*, 29, 1-39. Jernudd, B., 1968. 'Linguistic Integration and National Development: A case study of the Jebel Marra area,' in J. A. Fishman, C. A. Ferguson and J. Das Gupta (eds.) *Language Problems of Developing Countries*, Wiley, New York.

³⁶ Haaland, G. 1972, 'Nomadism as an Economic Career among Sedentaries of the Sudan Savanna Belt,' in I. Cunnison and W. James (eds.) *Essays in Sudan Ethnography*, Hurst, London.

³⁷ Santandrea, S., 1964. *A Tribal History of the Western Bahr al Ghazal*, Nigrizia, Bologna.

Fur, the largest of these groups are the Masalit (about 12 percent) and Zaghawa (about 9 percent). (See *map 3* for the major ethnic territories as designated by the colonial authorities.)

40. Darfur's Arabs comprise about 35 percent of the population, though figures are especially contested because of recent migrations. Darfur's Arabs are Africans in the sense that their ancestors have lived in the African continent for many generations. The labels 'Arab' and 'African' as currently applied to individuals in Darfur do not correspond with skin colour, although the term *zurqa* ('black', literally 'blue') is commonly used for non-Arabs.. There has been extensive intermarriage among different peoples over many generations so that many Darfurian Arabs (especially from the *Baggara* tribes) are very dark, and a significant proportion of non-Arabs are paler. While some individuals and families can be said to possess distinctively 'African' or 'Arab' features, for most, such physical attributes do not provide a basis on which identity can be ascribed.

41. Darfur's Arabs fall into three main categories. The first two categories are rural people who are mainly livestock herders. They have a system of social organization known to social anthropologists as a segmentary lineage system. It possesses a simple, elegant logic. It is patrilineal, with identity defined through the male line. A man has his given name, followed by his father's, grandfather's, great grandfather's, etc., back to the founder of the lineage and even beyond. Some lineages trace their lineage to the Prophet Mohamed. The more recent generations are a matter of historical record, the earlier ones include elisions and fictions. Arab identity in Darfur is defined by this lineage, rather than by language or culture.³⁸ Within a lineage system such as this, an individuals can in principle identify with their brethren at any level, but in the vernacular and in anthropological texts it is conventional to speak about sub-clans, clans, and tribes. A 'tribe' (*qabila*) in this sense is not an ethnic group identified by language or culture, but a unit of social organization defined by ancestry.³⁹ It is a form of social organization well-suited to mobile pastoralism and armed operations, with a clear hierarchy of authority and bonds of solidarity among members of units.

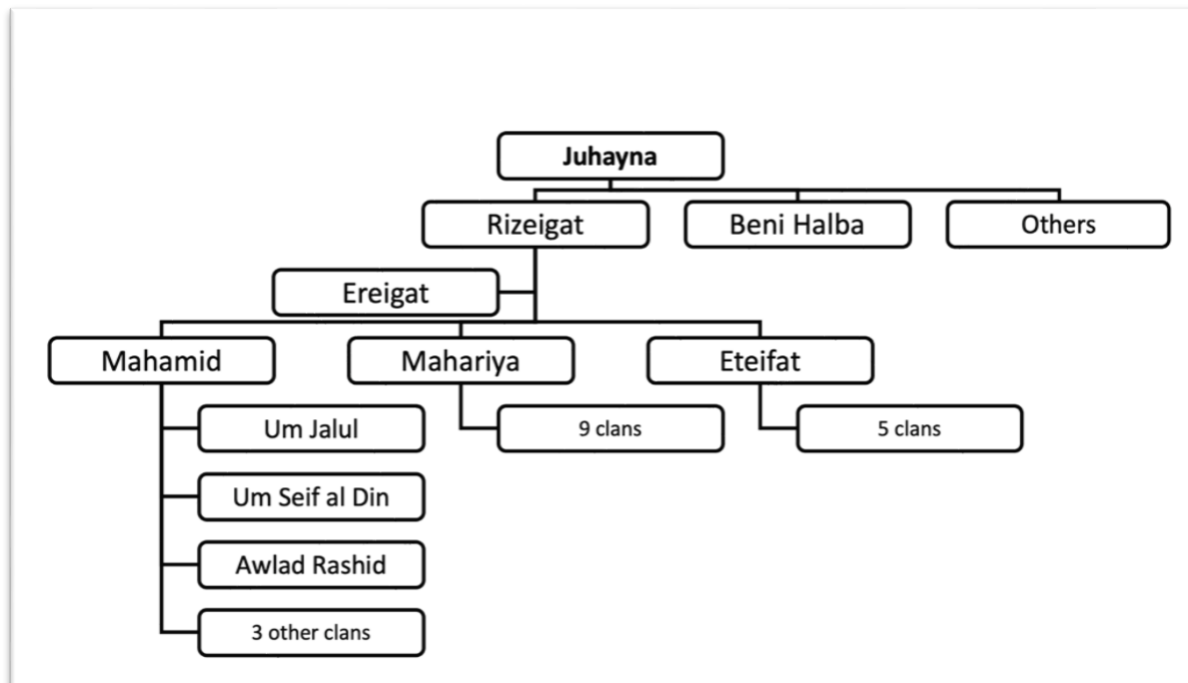
42. In the northern belt the Arabs are camel herders, known as *Abbala*, and in the southern belt they are cattle herders known as *Baggara*. The groups share distant genealogies, and some of the major Arab 'tribes' such as Rizeigat and Beni Halba include

³⁸ Tubiana, J. 2007. 'Darfur: A war for land?' in A. de Waal (ed.) *War in Darfur and the Search for Peace*, Harvard Univ. Press. Cambridge MA.

³⁹ Variations of this system are found among many pastoralist peoples across the Sahelian belt of Africa and in the Horn of Africa and Arabian peninsula, including South Sudanese groups such as the Nuer and Dinka and (in perhaps its purest version) among the dominant clans of Somalia. Confusingly, *qabila* is used also to mean 'tribe' in the sense of distinct ethnic group, for non-Arab groups such as the Fur or Masalit.

both *Abbala* and *Baggara* branches, which have had separate tribal authorities for a century or longer.

Figure 1: Simplified genealogical chart of the *Abbala* Arabs of Darfur



Source: Author.

43. The third category of 'Arabs' is a diverse group that includes traders, scholars and jurists, and administrators. The term *Jellaba* is used in the vernacular to refer to traders from the Nile Valley, both the itinerant small traders who ranged across Darfur and beyond running small shops and organizing the sale of locally-produced commodities to the Nile Valley, and the more prosperous merchants who followed as markets became established. The word *Jellaba* is also used generically for members of the riverain peoples of northern Sudan whose elites have dominated the Sudanese state since independence.

44. In the vernacular, the term 'Arab' in Darfur, as in Sudan more generally, has two different normative connotations. On the one hand, it refers to people associated with the culture of the Egypt, the Levant and the Arabian peninsula, and by extension the northern reaches of the Nile in Sudan, that is, people associated with the cosmopolitan civilization of the Arab world. On the other hand, it is used to refer to nomadic peoples who are considered coarse and uneducated.

45. A final significant group of peoples in Darfur trace their origin to West Africa. The majority of these are Hausa speakers and are known in Sudan as Fellata, but they also include the Kineen (an Amazigh group, related to the Tuareg) and others. The followers of

the defeated Sultan of Sokoto in Nigeria migrated to Sudan in the early 1900s. Subsequent west-east migration has consisted groups in search of land to settle and pastures to graze, some of it was migration to the labour-hungry farming schemes of the Gezira (encouraged by the colonial authorities) and some of it took the age-old form of pilgrimage to Mekka. For centuries, devout Muslims from West Africa, especially from what is now northern Nigeria, walked across the savannas with the intention of fulfilling one of the obligations of their faith, namely participating in the *Hajj*. The hardships and costs of the migration were such that many migrants settled *en route*, while still maintaining a final objective of reaching the Holy City, if not in their own lifetimes, then passing on the mission to their children. Characterized by pious poverty (scrupulously saving whatever funds they have for the next stage of their journey), these people have been described as ‘permanent pilgrims.’⁴⁰ Many of these people were only granted Sudanese citizenship in the 1980s and 1990s.

46. The boundary between Sudan and Chad was determined by Anglo-French treaty and delineated in the 1920s. The border divides many ethnic groups. About one third of the Masalit are Chadian citizens. The Zaghawa (including the Bideyat, sometimes considered a separate tribal entity) are a cross-border tribe and many Zaghawa feel equal attachment to both countries, regardless of their place of birth. This factor became particularly significant after Idriss Déby Itno, a Bideyat, became Chadian head of state in 1990, and his kinsmen took powerful positions in government and military.

47. Since the independence of South Sudan in 2011, most of the boundary between Darfur and South Sudan is contested. In the far south-west, Kafia Kingi is a territory administered by Sudan as part of Darfur but claimed by South Sudan. In the far south-east, a strip of land fourteen miles across, south of the river known to Darfurians as the Bahr al-Arab and to South Sudanese as the River Kiir, is also in dispute.⁴¹

‘African’ and ‘Arab’ Identities in Sudan and Darfur

48. For a century, the Sudanese primarily defined their identities around a north-south axis. The ‘north’ was culturally and politically oriented towards Egypt and the Arab world while, the south has identified with Africa. In Sudanese national debates, ‘Arab’ and ‘African’ were seen as alternative and opposite identities.⁴² The legacy of slavery is still

⁴⁰ Birks, J. 1978. *Across the Savanna to Mecca: The overland pilgrimage route from West Africa*. Hurst, London.

⁴¹ Johnson, D., 2010. *When Boundaries Become Borders: The impact of boundary making in southern Sudan’s frontier zones*, Rift Valley Institute, Nairobi.

⁴² There is a vast literature on this. Selected sources include: Deng, F. 1995, *War of Visions: Conflict of Identities in Sudan*, Brookings, Washington DC; Hasan, Y.F. (ed.) 1971, *Sudan in Africa*, Khartoum; Jok, J. M., 2001, *War and Slavery in Sudan*, University of Pennsylvania Press, Philadelphia; Lesch, A. M. 1999, *Sudan: Contested National Identities*, Indiana University Press, Bloomington, IN.

imprinted in Sudanese culture with various denigrating names used for South Sudanese and people of dark complexion. On the occasions when southerners or Nuba army officers tried to seize power their attempts were routinely labelled as 'racist coup attempts,' while prevailing political attitudes that assumed it was natural for lighter-skinned northerners to rule were not characterized as 'racist.'⁴³ This systemic and everyday racism is an issue with which Sudanese continue to grapple. The north-south polarization culminated in the overwhelming vote of southern Sudanese for secession in January 2011, leading to the establishment of the Republic of South Sudan six months later, seceding from Sudan.

49. In Darfur, by contrast, 'Arab' and 'African' were more complex identities. The idea that 'African' might be an opposite to 'Arab' is a recent one among Darfurians.⁴⁴ The process of cultural change, in which people adopted styles of dress and behaviour in line with the dominant values and practices of the riverain Sudanese, was ongoing from independence onwards.⁴⁵ This process was called, variously, 'Arabization' and 'Sudanization.' For non-Arab groups such as the Masalit and Fur, this process involved abandoning their native languages, styles of dress, food preferences and adherence to some customary rituals and practices. 'Becoming Sudanese' or 'becoming Arab' in this sense was therefore an expensive proposition, open only to the more prosperous. The same process of cultural change was also underway among the nomadic Arab peoples of Darfur, whose traditional culture and practices remained distinct from those of the dominant socio-economic strata of Khartoum and the Nile Valley. In this context, the term 'African' did not have the same meaning for local social or political relations as in other parts of Sudan. This changed in the 1980s, as some of Darfur's Arabs became associated with Sudanese, Libyan and other transnational political agendas of promoting Arab identity, which accentuated and polarized racial attitudes. Meanwhile, some of Darfur's non-Arabs aligned themselves with the opposition to these projects, including joining with the Sudan People's Liberation Movement and Army (SPLM/A) headed by Colonel John Garang de Mabior.

Gender

50. Darfurian society today is universally patrilineal and patriarchal. Darfurians trace descent and identity in the male line and men are the masters of the household and hold almost all positions of public authority. Islamic law is almost universal in civil cases. Personal morality is deeply conservative. Polygamy remains common. Girls and women have little autonomy over whom they marry, that decision being taken by senior males in

⁴³ Abdel Salam, A. H., 2000. 'Race Relations, Ethnicity and Human Rights,' in A. H. Abdel Salam and A. de Waal (eds.) *The Phoenix State: Civil Society and the Future of Sudan*, Red Sea Press, Trenton NJ.

⁴⁴ De Waal, A., 2005, 'Who are the Darfurians?', *African Affairs*, 104, 181-205.

⁴⁵ Doornbos, P. 1988, 'On Becoming Sudanese,' in T. Barnett and A. Abdelkarim (eds.), *Sudan: State, Capital and Transformation*, Croom Helm, London.

the family. Brideprice is paid by the groom and his family to the bride's family. Women have few opportunities for redress in the case of abuse by their husbands and few rights in divorce. Excepting the youngest infants, the children of a divorced women will remain in the husband's household.

51. It was not always thus. Berti, Fur and Masalit cultures have the imprints of previous eras in which society may have been matrilineal, and women enjoyed more authority and freedom than in recent times. Customary Fur and Masalit land tenure and farming practices allowed women to own and cultivate land in their own right.⁴⁶ Women's rights were whittled away as administrative hierarchies became formalized, Islamic law penetrated the region, colonial officers (all male) codified customary law and awarded male chiefs all the powers of magistrates, and the process of 'becoming Sudanese' included restricting women's public activities and adopting female circumcision.⁴⁷ Darfur's Arabs have long been exemplary cases of patrilineal and patriarchal social systems. The Islamist government in the 1990s adopted programmes such as 'return to the roots' and 'the comprehensive call to God,' aimed at inculcating their vision of traditional values, which in the case of Darfur were partly ideological inventions based on invented customs. The first female chief in modern times was appointed in 2011, a member of an aristocratic Fur family.

52. Male labour migration to central Sudan meant that in the post-colonial period, many parts of rural Darfur had extreme imbalances between the numbers of adult women and men. Prior to the coming of mobile phones in the 2000s, many men had in effect vanished, and their families lived in the hope of receiving some cash remitted through a relative, or their ultimate return after some years of profitable work. Women were compelled to find ways to cope without male breadwinners. The Islamist project of promoting what the government saw as Islamic values restricted the opportunities of women to engage in activities such as brewing beer and even selling tea. The socio-economic crisis in Darfur was gendered,⁴⁸ and the armed conflict and violence against civilians during 2003-05 were even more markedly so. Meanwhile, the militarized and patriarchal values promoted by successive governments, especially accentuated in times of war, pushed men into identities constructed around power and violence.⁴⁹

⁴⁶ Barth, F., 1967. 'Economic spheres in Darfur,' in R. Firth (ed.), *Themes in Economic Anthropology*, Tavistock, New York, Tully, D., 1983. 'The Decision to Migrate in Sudan,' *Cultural Survival Quarterly Magazine*, December. Holy, L., 1982. 'Gender and Ritual in an Islamic Society: The Berti of Darfur,' *Man*, 23. 469-483.

⁴⁷ Doornbos, *op. cit.* Abusharaf, R. M., 1999. 'Unmasking Tradition: A Sudanese anthropologist confronts "female circumcision" and its terrible tenacity,' *The Sciences*, March/April

⁴⁸ Willemse, K., 2007. *One Foot in Heaven: Narratives on Gender and Islam in Darfur, West-Sudan*, Brill, Leiden.

⁴⁹ Abusharaf, R.M., 2006. 'Competing masculinities: Probing political disputes as acts of violence against women from Southern Sudan and Darfur.' *Human Rights Review*, 7.2, 59-74.

Administration and Land Rights in Darfur

53. Darfur's statutory administrative structures and land laws both exist in a grey zone, in which the formal institutions do not function in practice, while customary ones have been adapted to circumstance but without clear authority. The notion of a *dar* or tribal territory is simultaneously highly contentious in Sudanese law and widely accepted among the people of Darfur, albeit with changing and ambiguous meanings.⁵⁰ To understand contemporary administrative systems and land tenure, it is important to delve into history, because elements from each historical era remain relevant today, in part because Darfurian people use these histories to justify current claims.

Administrative Systems

54. An abiding reality of all forms of administration in Darfur is distance. The region is huge and communication is poor. Local officials have great discretion because they cannot be adequately supervised. By the same token, they can rarely call upon the power of the state, and so villagers and nomads have long enjoyed much greater autonomy than law and regulation might indicate.

55. The Fur sultans divided their territory into four provinces, corresponding to the points of the compass, each headed by a governor appointed by the sultan (with different titles, the best-known being *dimangawi* and *magdum*).⁵¹ The members of a middle rank of administrative chiefs, responsible for justice and tax collection, were known as *shartay* (pl. *sharati*). The third and lowest administrative tier was village chiefs. The Turko-Egyptian system of government in Sudan formalized the position of district administrative chief known as the *'omda*, based on a model established in Egypt. This was introduced to Dar Fur after 1874 following the first conquest of the sultanate but was never properly established by the time of the Mahdist takeover of the region nine years later. The Mahdist system of rule (1885-98) adapted this with its own Islamic and military titles. Sultan Ali Dinar (ruled 1898-1916) reintroduced the old system.⁵² At the time the Anglo-Egyptian condominium established its government on 1 January 1917, local government was chaotic. *Ad hoc* alliances empowered those tribal chiefs (such as the *Baggara* Rizeigat) who had sided with the British. The Sultanate of Dar Masalit held out unconquered for a further six years until

⁵⁰ Rünger, M. 1987, *Land Law and Land Use Control in Western Sudan: The case of Darfur*, Ithaca, Exeter; Tubiana, J., *op. cit.*

⁵¹ Abdul-Jalil, M. A. A. Mohamed and A. Yousuf, 2007. 'Native Administration and Local Governance in Darfur: past and future.' In A. de Waal (ed.) *War in Darfur and the Search for Peace*, Harvard Univ. Press. Cambridge MA.; O'Fahey, *op. cit.*, *State and Society*.

⁵² O'Fahey, R. S., 2016. *Darfur and the British: A sourcebook*, Hurst, London.

the Sultan signed a treaty with the Condominium authorities,⁵³ which under his successors' (improbable) interpretation allowed the Sultanate the right of self-determination.

56. While remaining in theory an Anglo-Egyptian Condominium, in practice the administration of Sudan was a British affair, especially so after the expulsion of Egyptian members of the political service and military following the 1923-24 uprising in Khartoum. The British system of administering the Sudanese peripheries has been called 'local government on the cheap.'⁵⁴ Chiefs were awarded executive and judicial authority over specified territories and their residents. The system had three tiers, a modest reconfiguration of the sultanic system. The paramount chief (variously titled) had jurisdiction over a tribal territory or *dar*. He held this position by virtue of being descendant of the first settler or the designated agent of the sovereign, rather than on behalf of the tribe, and was expected to represent all the residents of the area.⁵⁵ The '*omda* (variously titled) was the local administrative head and tax collector. At the level of the village, authority resides in a *sheikh*. The *sheikh* of a nomadic group is the head of the most senior lineage.

57. The British preferred to coopt the men who already held local power into their system, provided they were loyal and capable. This minimized disruption, borrowed customary legitimacy, and minimized cost. Existing titles such as *shartay* were kept with their powers made equivalent to the standardized district chief '*omda*. Other titles, including *magdum* and *dimingawi* (old Fur offices), *fursha* (a senior Masalit chief), *nazir* (head of an Arab tribe), along with *sultan*, *mek* and *melik*, were also retained in splendid profusion for paramount chiefs, which combined nominal equivalency of rank alongside local particularities of customary authority. These chiefs enjoyed the paraphernalia of copper drums, robes, and ceremonial swords, sometimes augmented by British imperial titles for the highest-ranking. The interchangeability of titles is summed up by the anthropologist Ladislav Holy's description of the 'sovereign' of the Berti in 1970: 'His official title was *amir* during the Mahdist period; the British administration changed it to *nazir* and later *shartai*; but the Berti continue to call him by his traditional title, *melek* (the king). The genealogy of the present sovereign contains ten generations going back to Al-Haj Muhammad Yambar, legendary ancestor of the tribe, and a further twenty five names back to Hasan, son of Fatima Zahra, daughter of the Prophet Muhammad.'⁵⁶

⁵³ Kapteijns, L. 1982, *Mahdist Faith and Sudanic Tradition: A history of Dar Masalit 1870-1930*, Univ. of Amsterdam.

⁵⁴ Howell, J. 1974, *Local Government and Politics in the Sudan*, Khartoum University Press, Khartoum.

⁵⁵ Morton, J. 2011. 'How to govern Darfur?', Working Paper. University of Durham, Institute for Middle Eastern and Islamic Studies, Durham, p. 27.

⁵⁶ Holy, L., 1974. *Neighbours and Kinsmen: A study of the Berti people of Darfur*, Hurst, London, pp. 116-117.

58. Despite the religious connotations of the title, and the spiritual authority it might imply, *sheikh* is a secular position. The village *sheikh* runs the local court, serving as magistrate for minor offenses, adjudicates disputes (many of which concern land) according to customary and Islamic law (sometimes with eccentric interpretations), collects taxes which are remitted to higher authorities, and is paid a modest stipend by the local government. He is normally responsible for allocating land to incomers and negotiating the terms on which herders may transit the village. In his role as magistrate, a chief would seek to attract cases to his court, partly to augment his reputation but also because of the court fees and share of fines that would accrue to him. Especially among nomads, people would travel long distances to bring their cases to the court of a chief with a reputation for fair and swift justice. *Sheikh* Hilal Mohamed Abdalla of the Mahamid Rizeigat increased his stature across Darfur because of such a reputation.

59. The real authority of chiefs was strictly circumscribed: they served at the pleasure of the colonial district officer. Some of those officers, such as the renowned Wilfrid Thesiger who served in Kutum appeared to be living out Orientalist dreams. Many were explicit in designing their government around a racial hierarchy which placed Arabs at the top and former slaves at the bottom, with groups such as the Fur in between. The long-serving Civil Secretary Sir Harold MacMichael was notable among these.⁵⁷ However, all were thoroughly pragmatic. On the principles of economy, security and stability, the colonial authorities invariably selected men who already had good standing and proven loyalty. The powers of the native administrators were formalized in a series of ordinances between 1922 and 1932.

60. The limits of chiefly power were also circumscribed by public opinion. A chief of whatever rank who gained a reputation for oppression or excessive corruption would run afoul of public opinion and risk having his edicts ignored, or his people might abandon him to find a more popular or effective chief elsewhere or set up a separate new settlement entirely.⁵⁸ The foundational stories of many villages tell of a group of people escaping an oppressive chief to forge their own path. Especially among nomadic groups it was not uncommon for a lineage to break away from an overbearing *sheikh* or *nazir*, and find a more amenable court at which to settle their disputes. What James Morton calls 'voting with the feet'⁵⁹ was once common but has become less viable as empty land has become scarce and the administrative systems have become more rigorous. However, the ethos that requires a chief to be responsive to the demands of his constituents remains.

⁵⁷ H. A. MacMichael, *A History of the Arabs in Sudan, and some account of the people who preceded them and of the tribes inhabiting Dárfūr*, Two vols. Cambridge University Press, 1922.

⁵⁸ Holy, *op. cit*; Morton, *op. cit*. 'How to Govern Darfur?'

⁵⁹ Morton, *op. cit*, 'How to Govern Darfur?'

61. The position of *agid* ('commander', pl. *ugada*) is sometimes intertwined with, and sometimes distinct from, that of administrative chief. Historically, the *agid* was a war leader, often the same person as the *sheikh*, *shartai* or *nazir*. The warmaking role was not included in the formalized colonial era statutes regulating tribal chiefs. In the peaceable times of the late colonial and early independence periods, the *agid* of a village or district had the diminished responsibility for organizing collective activities such as traditional work parties (*nafirs*) for collective projects such as digging wells alongside mobilizing young men to form an armed posse to pursue and reclaim stolen livestock. In the 1980s, as armed conflict returned, the role of the *agid* was revived to organize self-defence units among the Fur.⁶⁰ Among the Arabs, the convergence of lineage structure with administrative authority and the organization of herding and raiding meant that the position of *agid* and *sheikh* was often functionally the same, or the *agid* would be a younger relative or representative of the chief. The *agid al-ugada* is the coordinator of lower level commanders. In all cases these are functional posts not specified in law, with authority derived from an invocation of tradition (often interpreted loosely) combined with the demands of immediate circumstance and the demonstrated abilities of the individual chosen.

62. Custom is that positions in the Native Administration hierarchy are preferentially passed from father to son, but a retiring office holder and subordinate chiefs (or, for village *sheikhs*, influential men in the village) have discretion over whether the eldest son of the incumbent has suitable character. Chiefs were acutely aware that their power rested on consent and that failure to command respect would diminish their stature and even lead to their removal. Chieftaincy is also subject to approval by government authorities, though the process of removing a chief is rarely implemented. The government of Pres. al-Bashir tried more systematically than its predecessors to bind Native Administrators into government and party structures (see paragraphs 106-109). It also developed new mechanisms such as the tribal consultative council (*shura*) which serves as an urban or elite forum in which the most prominent members of a tribe work together to represent their interests within the metropolitan political sphere.

Land Tenure

63. The Native Administration system is intimately bound up with the land rights system, and the two have evolved together. Land rights in Darfur are complicated. Notably, the system known as *hakura* has changed its meaning over the years. The term *hakura* (pl.

⁶⁰ Tubiana, J., V. Tanner and M. A. Abdul-Jalil, 2012. 'Traditional Authorities' Peacemaking Role in Darfur, p Peaceworks no. 38., U.S. Institute for Peace, Washington DC, p. 31.

hawakir) was initially a grant of land by the sultan made to an individual.⁶¹ The grant could take the form of an estate to be worked by slaves or authority over a larger area, authorizing its holder to collect taxes from the residents or, in the case of nomadic and semi-nomadic tribes, from the livestock owners and any subject communities within their domains, such as settlements of slaves and former slaves. Most often, those individuals were notables such as customary chiefs or military leaders who had power and high standing in the locality in question.

64. The British sought to tidy up what they saw as a messy settlement pattern in which many groups were scattered over wide areas (see *map 3*.) For example, the Beni Hussein Arabs were gathered in one location near Kebkabiya which became *Dar* Beni Hussein. The British abolished slavery, impoverishing the owners of previously lucrative slave-worked estates, which meant that the historic conceptualization of a *hakura* as a kind of feudal estate lapsed. The men who possessed administrative *hawakir* became tribal chiefs, and government-appointed chiefs whose predecessors did not possess sultanic grants, took on the administrative privileges and duties of such *hakura*-owners. As free land for new agricultural settlement or for nomadic grazing became scarce and the opportunities thereby declined for dissatisfied tribespeople to exercise their 'exit option' and find new places free from obligations to existing chiefs, the systems of land jurisdiction and tribal identities hardened. By such means, a system akin to tribal land ownership became *de facto*, blessed with a much-adapted imprimatur of customary legitimacy. And over time, a system of land administration based on a tribal authority came to be a charter for mono-ethnic territories.⁶²

65. Some nomadic groups benefitted from the colonial era land dispensation and others did not. The large *Baggara* Arab tribes of the southern belt—Ta'aisha, Beni Halba, Habbaniya and Rizeigat—were all awarded a tribal territory (*dar*) and with it a paramount chief and tribal court. Some pastoralist groups in northern Darfur were also given a similar jurisdiction, for example the (non-Arab) Meidob and Zaghawa and the (Arab) Zayadiyya and Beni Hussein. However, many other herding groups were either too small, too scattered, too mobile, or too recently arrived to be awarded such status. This was especially the case in western and central Darfur where the tribal map resembled a chequerboard, with farmers occupying one set of squares and nomads moving through the others, with small settlements (*damras*) which served as administrative centres and lower-level courts. Among the Arab groups were the Bani Mansour, Hutiya, Misiriya (distant cousins of the powerful tribe in Kordofan), Ta'alba, and Tarjam.⁶³ The status of these smaller and more

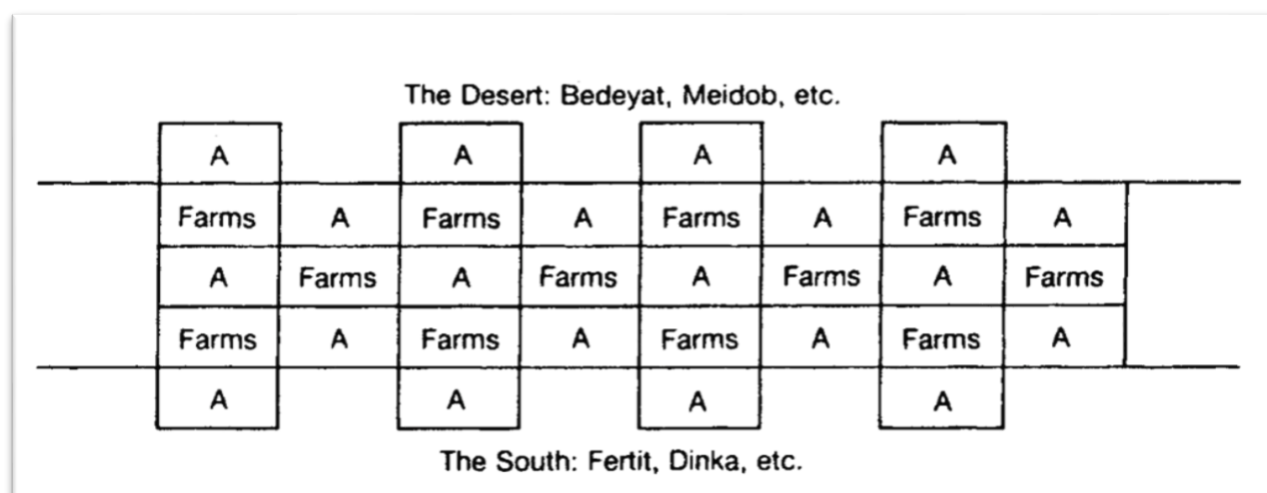
⁶¹ O'Fahey, R. S., and M. A. Abu Salim, with J. and M-J. Tubiana 1983, *Land in Dar Fur*, Cambridge University Press, Cambridge.

⁶² Tubiana, *op. cit.*, p. 91.

⁶³ Tubiana, *op. cit.*, p. 77.

mobile herding groups was more precarious and the likelihood of friction between them and neighbouring villagers all the greater. These groups that lacked a defined territory also had a weaker position in the administrative hierarchy, because their chiefs were subordinate to senior chiefs belonging to a different ethnic group (usually Fur or Masalit). These nomadic groups were often disgruntled because they were obliged to take their disputes and complaints to courts presided over by the chiefs of other tribes. Meanwhile, the nature of the overlapping land rights meant that it is in practice impossible to draw a definitive tribal map.

Figure 2: The 'moral geography' of Darfur, according to *Sheikh Hilal Mohamed Abdala*



Note: 'A' refers to areas of pasture available to Arab pastoralists. Source: de Waal, 'Who are the Darfurians?' *op. cit.*, p. 190.

66. Two substantial nomadic groups were notably disadvantaged: the northern Rizeigat and Salamat. The northern camel-herding Rizeigat consisted of a number of clans, including Mahamid, Mahariya and Ereigat. The colonial authorities proposed that they agree on a single *nazir* (paramount chief) to represent them, with the implication that this would also enable them to make a claim for a territory. (Note the absence of any such territory marked on *map 3*; the location would straddle the *dars* allocated to Berti and Zaghawa.) Despite a succession of meetings, beginning in 1925, the different sections of the tribe were unable to agree on a candidate.⁶⁴ Later on, in the 1980s, they were awarded a nomadic 'locality', known as *al-Waha* ('oasis'), but this arrangement fell short of a demarcated territory.⁶⁵ The northern Rizeigat, along with other desert-edge camel-herders, also faced the problem that livestock migration corridors (*massars*) were poorly regulated and had uncertain standing

⁶⁴ Flint and de Waal, *op. cit.*, pp. 40-43

⁶⁵ Abdul-Jalil, Mohamed and Yousuf, *op. cit.*, p. 59.

in the *hakura* and *dar* systems.⁶⁶ Maps of livestock *massars* (such as *map 4*) should therefore be seen as indicative, not authoritative.

67. The Salamat of south-western Darfur faced a different predicament. The headquarters of the tribe was at Umm al-Teiman in Goz Beida in Chad, but significant numbers of its members migrated to Darfur over the decades. They were awarded their first '*omda*' in 1974. Three Chadian chiefs were appointed as '*omdas*' in Wadi Saleh district of Western (now Central) Darfur, and six in Southern Darfur. They were denied a *nazir*, and members of the tribe strongly advocated for what they claimed to be an anomaly to be corrected, knowing that any land grant would come at the expense of the existing tribal authorities, mostly Fur.⁶⁷

Inter-communal Conflicts and Conflict Resolution

68. Inter-communal conflicts have long occurred in Darfur. They occur between pastoralist groups, between sedentary farming groups, and between pastoralists and farmers. Each has its own particular set of factors, but access to land and water, and competing claims of jurisdiction over territory (and hence positions in the hierarchy of administrative chieftaincy), is the most common cause.

69. The customary mode of conflict resolution is known as *judiya*. This can operate at any level from small-scale interpersonal disputes up to major inter-tribal conflicts (known as *musallaha*, 'reconciliation'), although in the latter case the role of government means that the normal operation of *judiya* shades into political matters. It has been summarized by Jérôme Tubiana, Victor Tanner and Musa Abdul-Jalil in these terms: '*Judiya* is the main term for traditional justice and reconciliation mechanisms in Darfur. The term is derived from *jud*, which translates to generosity or magnanimity in Arabic. The *judiya* process is facilitated by *ajawid* (sing. *ajwad*). The central tenet is that of a consensual mediation that brings together a commonly acceptable outcome for the parties. Problems are not solved by punishment, but by a common acceptance of social ties.'

70. Although the *ajawid* may be chiefs, they serve in an individual capacity. The qualities of a good *ajwad* are: age, neutrality, respectability, and a civil demeanour.⁶⁹ The *ajawid* assess the claims made by either side and propose a solution based on restorative justice. They assess the claims and counter-claims of the original *casus belli*. In colonial and post-

⁶⁶ During the 2005-06 peace talks in Abuja, Nigeria, the SLM and JEM delegates refused to discuss migration corridors under the agenda item of land rights.

⁶⁷ Haggar, A. 2007, 'Origins and Organization of the Janjawiid in Darfur,' in A. de Waal, (ed.) *War in Darfur and the Search for Peace*, Harvard Univ. Press, Cambridge MA, pp. 118-19.

⁶⁸ Tubiana, Tanner and Abdul-Jalil, *op. cit.*, p. 37.

⁶⁹ Tubiana, Tanner and Abdul-Jalil, *op. cit.*, p. 59.

colonial times, matters such as the boundaries of tribal territories or the appointment of senior administrative chiefs from a particular group fall outside the jurisdiction of the *ajawid* and can only be referred to the government for resolution.⁷⁰ Disputes over water reservoirs and deep bore holes that provide scarce water in arid areas also usually require government investment if they are to be resolved. The second task for the *ajawid*, and the one over which they exercise customary jurisdiction, is settling claims of harms inflicted during the conflict and achieving harmonious coexistence between the parties. A core principle is the payment of compensation, or bloodmoney, known as *diya*, for deaths and physical injuries to persons. Compensation for livestock and other damage inflicted (*ta'wid*) is also calculated along with expenses for items such as medical bills and the costs of the mediation itself. The compensation is calculated collectively, with the balance collected from all members of the paying group and paid to the recipient group.

71. This system has a significant role not only in resolving conflicts but also in shaping who fights and how. Members are bound together by the knowledge that should one of them be killed, their families will receive compensation. By the same token, a homicide committed in the course of such a conflict will be subject to the principle of collective responsibility, with all members of the group contributing to compensate the family of the victim. The parties to the conflict thereby organize themselves in anticipation of the post-conflict settlement process, and in turn that shapes the nature of the ethnic group that is constituted by the fighting. As the Darfurians pithily say, 'conflict defines origins'.⁷¹ Although the government authorities and the family of a homicide victim have the right to take the case to a government court, all recognize that resolving inter-communal conflicts requires a hybrid of customary methods and government backing. Many conflicts become intractable or escalate when the government is seen to be taking sides in support of one party.

72. *Judiya* is separate from inter-tribal reconciliation (*musallaha*), though the adaptation of both systems over time has led to a blurring of the distinction. Tribal reconciliation conferences were held regularly in post-colonial days. The great majority of them were convened to resolve disputes occasioned by clashes over access to water and

⁷⁰ Abdul-Jalil, M. 1984, 'The Dynamics of Ethnic Identification in Northern Darfur, Sudan: A Situational Approach', *The Sudan: Ethnicity and National Cohesion (Bayreuth African Studies Series)*, Bayreuth University Press, Bayreuth; Abdul-Jalil, M. 1985, 'From Native Courts to People's Local Courts: The Politics of Judicial Administration in Sudan', *Verfassung Und Recht in Uebersee (Law and Politics in Africa, Asia and Latin America)*, 18. 2, 139-152.

⁷¹ Abdul-Jalil, M., *op. cit.* 'Dynamics of ethnic identification'.

pasture, or livestock raiding.⁷² In the 1990s, non-Arab groups repeatedly complained that the government was favouring Arabs in these disputes and dispute resolution mechanisms.

73. Progressively minded governments in Khartoum have seen the Native Administration as a relic of the past and a holdover from colonial rule. In the 1950s, the administrative and judicial components of the chiefs' roles were separated and the principle of a professional nationwide civil service was introduced. The Native Administration system was formally abolished in 1965 and again in 1971. Each time, however, it was weakened but still remained in practice. In 1984, the Darfur regional government formally reinstated Native Administration. Unlike salaried civil servants, *sheikhs* resided in their villages or travelled with their nomadic kin and knew the details of local life. They could not so easily be replaced. Often, the officers of the newly-established rural councils were the same men who had held positions in the Native Administration, now wielding powers they did not fully understand. The weakening of the Native Administration system was not matched by the strengthening of an alternative. Local government was under-resourced, its status undermined by repeated reforms, and its offices were politicized. These factors all contributed to conflict.⁷³

74. As successive governments mobilized tribal militia to fight against the SPLA during the civil war, tribal chiefs also became *de facto* military commanders or mobilizers of militia. The government of Pres. al-Bashir convened two conferences in the early 1990s with the intent of reforming and Islamizing the Native Administration system.⁷⁴ Not all of the recommendations were implemented. However, chiefs gained police powers including the right to employ armed guards. This represented a militarization (or perhaps re-militarization) of the Native Administration, as the chiefs' guards could become the nucleus of a militia, and the role of *agid* was fused within the new military-Islamic title *amir* ('prince'). In the war zone of Southern Kordofan in 1992-93, *amirs* were tasked with mobilizing for *jihad*, and given vehicles, weapons, and powers including arbitrary detention.⁷⁵

The Organization of Civil Wars in Sudan since 1983

75. Sudan's protracted civil wars have been fought over decades without military solutions. The wars arise from deep-rooted tensions combined with recurrent political

⁷² Harir, Sharif 1994, "'Arab Belt' versus 'African Belt,' Ethno-Political Conflict in Darfur and the Regional Cultural Factors,' in S. Harir and T. Tvedt (eds.), *Short-Cut to Decay: The Case of the Sudan*, Scandinavian Institute for African Studies, Uppsala, p. 169.

⁷³ Morton, J. 2004, 'Conflict in Darfur: A Different Perspective', A Resource Paper for HTSPE Limited.

⁷⁴ Tubiana, Tanner and Abdul-Jalil, *op. cit.*, pp. 13-14.

⁷⁵ Salih, M. A. M., and S. Harir, 1994, 'Tribal Militias: The genesis of national disintegration,' in S. Harir and T. Tvedt (eds.), *Short-Cut to Decay: The Case of the Sudan*, Scandinavian Institute for African Studies, Uppsala.

crises. The way in which wars are organized reflects the politics, society and economic relations of the country. In a variation on the well-known maxim of the historian Charles Tilly,⁷⁶ state and society make wars, while those wars make the state and society. The manner in which the Government of Sudan (GoS) constitutes its forces to fight wars shows how government functions in Sudan, and that manner of governing in turn is a factor in sparking more conflict.

76. One of the prominent features of Sudan's civil wars is the proliferation of GoS forces. The GoS has made widespread use of irregular forces, including tribal militia, other auxiliary forces, rebel groups that have been won around to the government cause. The GoS also has a security sector in which its main pillars have overlapping functions. In addition to the Sudan Armed Forces (SAF), the National Intelligence and Security Service (NISS) and the gendarmerie under the Ministry of Interior, have military capabilities. The result is a confusing web of lines of military mobilization, command and control, which has arisen partly by design and partly through *ad hoc* response to military emergency.

Causes of Insurgencies

77. The causes of insurrection in Sudan consist of combinations of the following:
- a. Local grievances against the central government, especially over the alienation of farmland and grazing, combined with unequal access to services including health, education, and development, and pervasive sense of discrimination based on ethnic identity.⁷⁷ This occurred especially in the Nuba Mountains, Blue Nile, southern Sudan, and among the Beja of eastern Sudan.
 - b. Defection or mutiny of absorbed army units or disaffected army officers. This initiated the civil wars in southern Sudan in 1955 (Torit mutiny) and 1983 (Bor mutiny)⁷⁸ and is a secondary feature of most conflicts.
 - c. Members of the political elite driven out of power by repression or irreconcilable political differences. This initiated the conflict between the government and the Ansar (Mahdist) and Islamist forces in 1970.⁷⁹

⁷⁶ Tilly, C., 1985. 'War Making and State Making as Organized Crime.' In P. Evans, D. Rueschemeyer and T. Skocpol (eds.) *Bringing the State Back In*. Cambridge.

⁷⁷ Daly, M. W., 1993, 'Broken Bridge and Empty Basket: The political and economic background of the Sudanese civil war,' in M. W. Daly and A. A. Sikainga (eds.) *Civil War in the Sudan*, British Academic Press, London; Komey, G. K. 2010, *Land, Governance and Conflict: The Nuba of Sudan*, James Currey, Oxford.

⁷⁸ Johnson, D., and G. Prunier, 1993, 'The Foundation and Expansion of the Sudan People's Liberation Army,' in M. W. Daly and A. A. Sikainga (eds.) *Civil War in the Sudan*, British Academic Press, London.

⁷⁹ Waskey, A. J., 2009. 'Sudan: Aba Island rebellion, 1970,' in I. Ness (ed.) *The International Encyclopedia of Revolution and Protest*, Cambridge.

- d. Local disputes over provincial administration, land rights or other issues, which escalate either because of partisan involvement or mismanagement by the central government.
- e. Armed resistance by local communities in response to depredations of militia.⁸⁰ This is an element in all conflicts, part of the cycle of escalation.

78. Some insurgencies begin with an explicitly ethnic agenda, aiming to protect group rights and remedy historical injustices. Others adopt national political programmes for transforming the politics and economic relations of the country. In all cases, as the conflicts progress, the insurgents organize themselves chiefly around ethnicity and tribe. Even when the political leaders of the movement are ethnically diverse, each armed unit on the ground is usually organized according to its specific local community or tribal affiliation. This happens partly in response to the ethnic or tribal organization of counter-insurgency, in a self-reinforcing cycle in which political agendas become tribalized.

79. Sudan's insurgents commonly seek assistance from neighbouring states, among them Eritrea, Ethiopia, Uganda, Chad and Libya. (See below paragraphs 97-100 for more details regarding the spillover of the Chadian civil war.) Each of these countries, on account of its political differences with Sudan, has provided safe locations for bases and training camps, arms and other supplies, and political support. Kenya has been a neutral location in which opposition leaders can meet. The Central African Republic and the Democratic Republic of Congo have provided ungoverned borderlands in which rebels can hide.

Patterns of Mortality due to War and Humanitarian Crisis

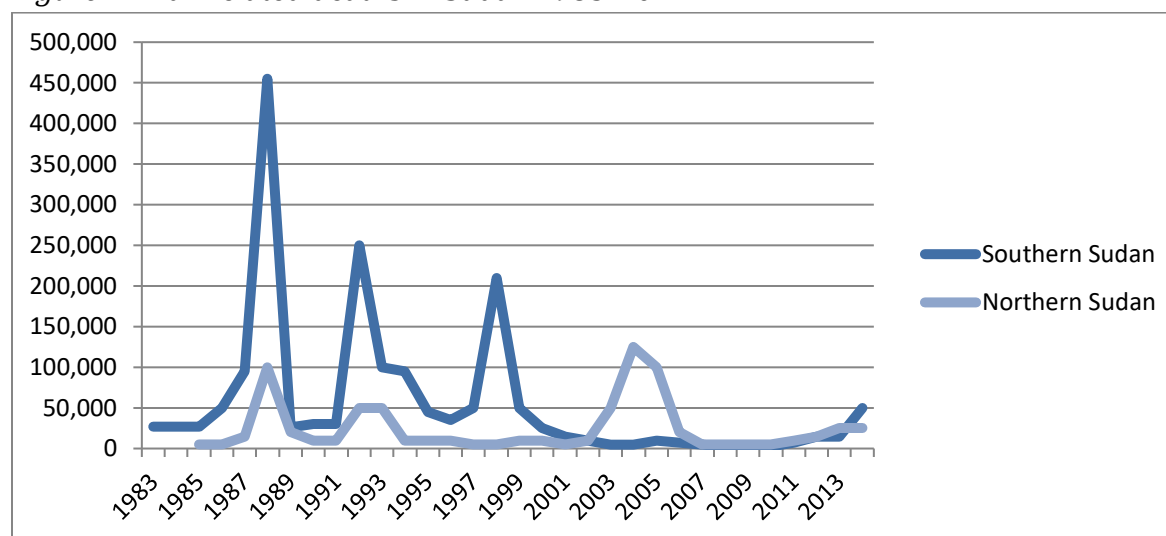
80. Sudan was at war in the two decades following 1983. The war was fought primarily in southern Sudan and the borderlands of the north. The numbers of dead from violence, hunger and disease can only be estimated with a very low level of precision, but certainly run into the hundreds of thousands, with famine-related mortality outranking killings in battle and massacre.⁸¹ Over time, estimates of deaths follow a wave pattern. The peaks represent the impact of major offensives by the belligerents, chiefly Sudan Armed Forces (SAF) and militia, causing humanitarian disaster. The troughs represent longer periods in which violence was endemic and deprivation chronic, but battles and forced displacement and acute hunger were less common. In each case, a slightly different configuration of regular and irregular armed forces was involved. The Sudanese war's distinctive pattern of violations against civilians, including killing, torture, rape, enslavement, forcible

⁸⁰ Salih and Harir, *op. cit.*

⁸¹ Burr, M. 1998. *Quantifying Genocide in Southern Sudan and the Nuba Mountains*. Washington, DC: Committee of Refugees.

recruitment and use of child soldiers, forced displacement, pillage, and starvation crimes⁸² arises from the way in which the belligerent forces were mobilized and deployed.

Figure 3: War-related deaths in Sudan 1983-2014



Sources: Burr; Guha-Sapir and Degomme.⁸³

81. In the figure above, the first three peaks were primarily due to intense fighting in southern Sudan with the lower fatality line for northern Sudan referring to southern Kordofan. The fourth peak is Darfur in 2003-05. Each of these peaks is significant not only because of the grave human cost, but each occasion of a major escalation in fighting represented a slightly different configuration of the armed formations on either side, following a consistent pattern of how rebellion and counter-insurgency were organized, respectively.

- a. The first peak occurred during 1987-89. This represents the result of the first major 'militia war' against the SPLA. The insurgents were the SPLA, organized as a large scale insurgent army which had at that time won the support of its major internal rival within southern Sudan, known as 'Anyanya 2.' The government forces consisted of SAF, several southern militia opposed to the SPLA (*e.g.* Fertit militia and Bul Nuer militia) and the *Murahaleen* Baggara Arab militia. The militia ran their own operations, using in part arms and equipment provided by the army, and on occasions the regular and irregular forces mounted joint

⁸² Destruction, removal or rendering useless objects indispensable to the survival of the civilian population.

⁸³ Burr, M. *op. cit.*; Guha-Sapir, D. and O. Degomme. 2005. *Darfur: Counting the Deaths: Mortality estimates from multiple survey data*. Brussels: CRED, May; Guha-Sapir, D. and O. Degomme. 2005. *Darfur: Counting the Deaths (2): What are the trends?* Brussels: CRED, December. Note that the quality of demographic data collection improves over time which may partly explain why more recent estimates (*e.g.* for Darfur) are lower than earlier ones.

- operations. They massively raided Dinka communities in Bahr al Ghazal causing displacement and famine, while military operations and scorched earth tactics by both sides among the Nuer of Upper Nile had similar effects. Starvation was used as weapon explicitly by both sides.⁸⁴
- b. In 1991-93 the pattern was different. The SPLA had split into factions that were fighting one another in the central parts of southern Sudan, creating a 'hunger triangle' of intense civilian starvation. The GoS intelligence services armed the 'Nasir faction' of the SPLA that was fighting against the 'Torit faction' or SPLM-mainstream, headed by Garang. The government also mobilized new forces, known as *Mujahideen* or Popular Defence Forces (PDF), to fight in the south. High-school graduates, civil servants and others were pressed into military service alongside conscripts and volunteers. Some of these were trained and supported by the Islamists' own institutions, parallel to the state.⁸⁵ In the Nuba Mountains, a combination of SAF, tribal militia regularized as PDF, and *mujahideen* also serving as PDF, mounted a campaign labelled as *jihad*.⁸⁶ During these years, the *Baggara* Arab militia were less involved in attacks across the internal boundary into southern Sudan. In the wake of the devastation of the late 1980s, and in recognition of the scale and import of that devastation by both sides, several tribal leaders from the *Baggara* had reached out to their Dinka counterparts and established co-existence treaties.⁸⁷
 - c. During 1997-98, a different configuration of belligerent forces caused the devastation, this time principally in Bahr al-Ghazal and Upper Nile in southern Sudan. A major driver of this destruction was a military campaign by a renegade SPLA commander, Kerubino Kuanyin, who had aligned himself with the GoS, in which his forces looted and burned civilian settlements. The other element was a campaign by SAF and southern allied forces, at this time regularized as the South Sudan Defence Force (SSDF) to control the areas of Upper Nile where oil deposits had been identified twenty years earlier, in order for oil extraction to begin. This involved mass displacement of local Nuer communities. These two campaigns caused famine.⁸⁸

⁸⁴ Keen, D. 1994. *The Benefits of Famine: A political economy of famine and relief in southwestern Sudan, 1983-1989*, Princeton; Duffield, M. 2001, *Global Governance and the New Wars*, Zed, London. John Garang himself said, 'garrison towns in the South are famine-stricken and are real disaster areas, and this is good; our military strategy is working.' See; Khalid M., *op. cit.*, p. 71.

⁸⁵ African Rights, 1997. *Food and Power in Sudan: A critique of humanitarianism*, London. pp. 262-292.

⁸⁶ African Rights, 1995. *Facing Genocide: The Nuba of Sudan*, London.

⁸⁷ Bradbury, M., J. Ryle, M. Medley and K. Sansculotte-Greenidge, 2006. *Local Peace Processes in Sudan: A baseline study*, Rift Valley Institute, Nairobi.

⁸⁸ Deng, L. B., 2010. 'Social capital and civil war: The Dinka communities in Sudan's civil war,' *African Affairs*, 109. 435, 231-250; Human Rights Watch, 1999. *Famine in Sudan, 1998: The human rights causes*, New York.

Evolving Organization of GoS Counter-insurgency

82. A general guiding principle of military organization is clarity and centralization in command structure. It will be clear from the above that the Sudanese security sector has struggled to achieve this and to the contrary, Sudanese leaders have encouraged a proliferation of paramilitary and security forces, partly in response to military and political exigencies. Members of the high command of SAF have been uncomfortable with this and on a number of occasions senior officers have raised serious objections. One such occasion was in February 1989 when the chiefs of staff wrote a memorandum to Prime Minister Sadiq al-Mahdi on the issue. A second was in 2002 when the former Chief of Staff of SAF, General Ibrahim Suleiman, warned of the consequences of using tribal militia in Darfur (see paragraph 91). A third was in 2013 when the chief of staff refused for SAF to take command responsibility for the Rapid Support Force (a paramilitary force created by formalizing *Janjaweed* brigades). Despite such misgivings of senior SAF officers, perceived military necessity and decisions by the highest political authority have driven the Sudanese military and security sector relentlessly in the direction of a sprawling assemblage of different armed units. There are three logics to this.

83. One is ‘coup-proofing’: a leader seeks to avoid the over-concentration of security/military power in a single institution, fearing that the leaders of that institution will be well-placed to overthrow him in a coup. This commonly leads to a powerful security force and/or a presidential guard. Sudan has had the former (under Pres. al-Bashir, the National Intelligence and Security Service (NISS)) but not the latter. The Sudanese case had the additional element that the Islamists did not fully trust the army and consequently built their own security networks and institutions as a counterweight. There were several Islamist security agencies or branches of agencies. After one of these was implicated in the 1995 assassination attempt against Egyptian President Husni Mubarak, which led to an international and regional coalition to isolate Sudan, Pres. al-Bashir centralized the intelligence services under a single agency, NISS. This meant that the director of NISS, Salah Abdalla ‘Gosh’, became very powerful. Under his direction, NISS had several functions: intelligence gathering; serving as the security wing of the ruling party; and external security.

84. Many senior members of the National Congress Party (NCP) were reportedly also associates of NISS, among them Vice President Ali Osman Taha. As the Islamic movement split in 1999, NISS remained loyal to the executive under Pres. al-Bashir and was particularly concerned with monitoring the activities of the dissident Islamists including those who became members of JEM. One of the repercussions of the loss of many of the Darfurian Islamists—some to the armed opposition, others to a position of being uninvolved—was that NISS also lost its eyes and ears among the non-Arab Darfurians.

During the period 2000-03, NISS was active in establishing closer links to Darfurian Arab groups, partly in order to compensate for this setback. Vice Pres. Taha was in regular contact with Musa Hilal and NISS reportedly assisted in the upgrading of Hilal's Mahamid militia to become a semi-official force, with badges and uniforms as well as weaponry. The researcher Philip Roessler has attributed the large-scale ethnically-targeted violence of 2003-04 in part to the fact that the security services no longer possessed the precise intelligence that would have enabled them to target individuals, and so they resorted to indiscriminately targeting entire communities.⁸⁹

85. A second logic for the proliferation of state-sponsored armed groups is economy of expenditure in war-fighting, or 'counter-insurgency on the cheap.'⁹⁰ Since Sudan's debt crisis of 1978, the state has often been unable to pay for armed forces of the size and capacity required for large-scale counterinsurgency operations. To solve this problem, successive governments since Pres. Jaafar Nimeiri have turned to tribal militia which remunerate themselves through what they can pillage while also taking the opportunity to pursue their own local interests or settle scores.⁹¹

86. Local police forces, which are often recruited from particular ethnic groups, are also utilized as paramilitaries in ethnicized counter-insurgency. This was witnessed in the southern capital of Juba and the Nuba Mountains. The federal police authorities also established its own gendarmerie known as the Central Reserve Police, initially for urban riot control, but deployed as a combat force. A different twist on this phenomenon was observed during fighting and massacres between a Fertit militia, *Jesh al-Salam* (pro-government) and Dinka militia including police (pro-SPLA) in the town of Wau in 1986.⁹² After 1989, the GoS also organized police forces with an Islamist bent, known as the 'Popular Police.'

87. At times, the GoS has encouraged officers in SAF to turn to local businessmen to finance military operations, with the result that some operations also serve the commercial interests of those businessmen, and the officers themselves become businessmen. Some elements of the war, such as sieges, operations in areas with substantial hardwood forests, and military posts on the borders where illicit trade was pursued, provided lucrative opportunities for merchant-officer partnerships to turn a profit.⁹³ There are cases in which commanders on opposing sides have cooperated in war-related profiteering.

⁸⁹ Roessler, P. 2017. *Ethnic Politics and Civil War in Africa: The logic of the coup-civil war trap*, Cambridge.

⁹⁰ De Waal, A., 2004, 'Counter-insurgency on the cheap,' *London Review of Books*, 26.15, June.

⁹¹ Salih and Harir, *op. cit.*; de Waal, *op. cit.* 'Some comments.'

⁹² Anonymous, 'Sudan's Secret Slaughter,' mimeo, 1987; Africa Watch, *op. cit.*, pp. 100-101.

⁹³ African Rights, *op. cit. Food and Power*, pp. 250-1.

88. The militia strategy and the commercialization of the military are seen most acutely when the government faces an urgent military threat in a remote area and cannot quickly deploy regular forces. This was the case for the mobilization of the *Baggara* militias in southern Kordofan and southern Darfur in 1985-89 and for the response to the Darfur insurgency in 2003-05. The result is a spiral of militarization.

- a. Stage one is *ad hoc* accelerated mobilization, driven by fiery rhetoric and appeals to deeply-held values of faith, race and nation, exaggerated for the purpose of motivating combatants. Many who join have rudimentary training provided by retired army officers or policemen, or a few weeks' drill in training camps, or have experience in tribal raids or bandit gangs.
- b. The state of emergency, both in decree and in psychology, creates an 'ethics-free zone' in which the forces are encouraged to do what they deem necessary, and not report back.⁹⁴ At these times, the chain of command may appear loose or incoherent, because officers (some with formal rank, some without) from different security organs and military units work together in an *ad hoc* manner. In the wars in southern Sudan and the Nuba Mountains, it was not uncommon to see regular units of SAF coordinating with southern militia, Arab militia and other units in operations. The discipline and allegiance of many of these units was then uncertain and they might fail to coordinate, turn to banditry or looting or even fight against one another (this became a major problem in Darfur in 2007-09).
- c. The next stage in the cycle is bringing the irregular forces under formal control by providing them with salaries, uniforms and ranks. This was the rationale for formalizing the *Murahaleen* militia of the Arab *Baggara* nomads as units of the PDF in 1989 and bringing diverse southern tribal militia together as the South Sudan Defence Force in 1996. This was also the rationale for the Border Intelligence Brigade (see below) and in 2013 the Rapid Support Force.
- d. In theory, such regularization should permit a programme of disarmament, demobilization and reintegration of former combatants, but in practice the military payroll simply expands each time.

89. In the early years of Pres. al-Bashir's government (approximately 1990-94), the Islamists organized mass mobilization of *Mujahideen* as units of the PDF. The PDF was diverse including high school graduates and civil servants doing compulsory military service, volunteers from the ranks of the Islamist movement, conscripted youth, and tribal militias. As part of the formalization of the militias, tribal chiefs were given military titles (*amir al mujahideen*) and rewarded with vehicles, military training for their personal

⁹⁴ Global Rights Compliance and World Peace Foundation, 2019. 'Accountability for Starvation Crimes: South Sudan,' Accountability for Starvation: Testing the Limits of the Law, Policy Brief no. 2, June, The Hague.

guards, and various privileges. These campaigns were marked by numerous violations against civilians.

90. The delegation of military operations to tribal militia means that counter-insurgency becomes fused with inter-communal conflict. This has a minor tactical advantage for the government's public relations, because it can deny responsibility for abuses, attributing the problems to inter-tribal fighting. Despite the best efforts of the GoS spokespeople, diplomats and friendly journalists,⁹⁵ these attempts to explain conflicts have not been persuasive to Sudanese or internationally. There is, however, an element of truth in the claim, insofar as the disguise of the militia strategy as tribal conflict is a self-fulfilling prophecy: it exacerbates inter-communal violence and creates new conflicts where they did not exist before.

91. This cycle was already underway in Darfur prior to 2003. The Mahamid Arab militia commanded by Musa Hilal, which had been active from 1987 as an irregular force, was armed, expanded and regularized. Its new status was the Border Intelligence Brigade (the name was chosen by its sponsor in Khartoum, NISS, which was responsible for borders and intelligence). The likely consequence of setting in train the spiral of militarization was recognized by Governor Suleiman who in August 2002 ordered that Hilal be arrested along with two other 'troublemakers' and sent to prison in Port Sudan (much to the chagrin of his predecessor as governor, Gen. Abdalla Safi al-Nur and also, reportedly, Vice President Taha).⁹⁶ Suleiman warned of the 'terrible' repercussions of using tribal militia.⁹⁷ Any senior official in the GoS, familiar with the record of successive rounds of the militia strategy since 1985, would have concurred on the likely consequence of embarking on the same strategy in Darfur.

92. The third element in the proliferation of parallel armed formations is as an instrument of proxy war against neighbouring states. Sudan has faced cross-border military threats from every single one of its neighbours, both direct and through proxies.⁹⁸ Because rebels normally seek outside assistance, Sudan also seeks its own proxies in those countries, in a cycle of reciprocal destabilization.

- a. Egypt and Sudan have a disputed boundary in the Halaib Triangle which has occasioned military confrontation.

⁹⁵ The most cogently argued and well-documented publication taking this line is Hoile, D. 2005. *Darfur in Perspective*. European-Sudanese Public Affairs Council, London.

⁹⁶ Flint and de Waal, *op. cit.*, p. 117.

⁹⁷ Flint and de Waal, *op. cit.*, p. 123.

⁹⁸ de Waal, A. 2004. "The Politics of Destabilization in the Horn, 1989-2001." In A. de Waal (ed.) *Islamism and Its Enemies in the Horn of Africa*, Hurst, London; Twagiramungu, N., A. Duursma, M. Berhe, and A. de Waal, A. 2019. 'Re-describing transnational conflict in Africa.' *Journal of Modern African Studies*, 57.3, 377-391.

- b. Eritrea and Sudan have been engaged in intermittent mutual destabilization since shortly after Eritrean independence in 1993. Eritrea supported the Beja Congress/Eastern Front, the SPLA, and the Darfur insurgents.
- c. Ethiopia and Sudan have a long history of supporting insurgencies in one another's territory, providing rebel groups with rear bases, and on occasion deploying those rebels against internal threats.
- d. Kenya and Sudan (now South Sudan) have a disputed border area, the Ilelmi Triangle, which has been the locus of armed banditry, but not inter-state armed clashes.
- e. Uganda and Sudan were engaged in mutual destabilization with Sudan supporting the Lord's Resistance Army in the 1990s and early 2000s. Uganda later hosted Darfurian rebels.
- f. The Democratic Republic of Congo (from 1971-97, Zaire) and Sudan have alternated cooperation, confrontation, and failing to govern their borderlands so that these became the location of non-state armed actors.
- g. The ungoverned borderlands of Central African Republic have been the location in which Sudanese armed opposition (including SPLA and JEM) have staged incursions into Sudan.
- h. Chad and Sudan have been engaged in reciprocal destabilization at times. Darfur was the rear base for Chadian opposition forces at key times. From 1991-2003, Chad and Sudan had a security pact, respected by both sides. As the Darfur war unfolded, this broke down and by 2005, the Chadian government was a belligerent in an extended war.
- i. Libya and Sudan were in a state of mutual suspicion and intermittent outright hostility during the years when Col. Gaddafi was in power (1969-2011).

93. In every single case except Kenya, the Sudanese government has actively supported or facilitated at least one armed opposition group. Under Pres. al-Bashir, the NISS was responsible for coordinating these activities as part of its external security portfolio. In the case of Darfur in the early 2000s, NISS was monitoring armed groups that could serve as potential proxies in the case of a breakdown in relations with Chad.⁹⁹ Those forces included several that became part of the *Janjaweed* phenomenon in 2003-04, namely the 'Peace Forces' (*Quwat al Salaam*), the *Um Bakha* irregular forces, and the *Um Kwak* attacker forces. When that breakdown duly occurred in 2004-05, NISS began to provide weapons, training and intelligence to proxy forces that in due course escalated their military actions inside Chad, culminating in attacks on the capital N'djaména in 2006 and 2008.

⁹⁹ Marchal 2007, *op. cit.*

94. The overall picture of the organization of the GoS security sector prior to the outbreak of the war in Darfur was therefore one of multiple centres of command within the security establishment, and widespread militia-ization of provincial governance, security and counter-insurgency. At the centre were the SAF, SAF Military Intelligence (sometimes operating quasi-independently), NISS, and the Ministry of Interior; in the provinces there was a multitude of paramilitaries, militia, and former rebels fighting under formal or informal contract with the government.

The Causes of Armed Conflict in Darfur

95. In the 1980s, Darfur was adjacent to two active war zones. It received refugees, armed groups, and weapons from each. This was a crucial factor in turning local dispute and political grievance into intense armed conflict.

Spillover from the War in Southern Sudan

96. In the southern Sudanese town of Bor, army units mutinied in 1983, and shortly afterwards formed the SPLA. This gained support (among others) of the Dinka people of Bahr al Ghazal and Abyei district, disputed between Bahr al-Ghazal and Kordofan, and many Nuba in southern Kordofan. In response, the GoS armed the Arab tribes in the borderlands, especially the *Baggara* Misseriya (Southern Kordofan) and *Baggara* Rizeigat (Southern Darfur).¹⁰⁰ This militia policy was initiated in 1985 by the Transitional Military Council led by Gen. Abd al-Rahman Suwar al-Dahab and was continued under the parliamentary government of Prime Minister Sadiq al-Mahdi. A number of militia commanders were former Islamist and sectarian opposition fighters who had returned to Sudan in 1976-77 and had been disappointed because they were not given the opportunity to integrate into the armed forces, but were instead given modest assistance to become farmers.¹⁰¹ The militia were known locally as *Murahaleen* ('nomads') and were responsible for widespread violations of human rights,¹⁰² including a massacre of displaced southern civilians in al-Da'ien in 1987.¹⁰³ The Sadiq al-Mahdi government proposed formalizing the militia as a paramilitary force known as the Popular Defence Force (PDF), a move that was opposed in parliament and by the SAF high command. Following the June 1989 National Salvation Revolution, in which members of the armed forces led by Brigadier Omar al-

¹⁰⁰ Salih and Harir, *op. cit.*, de Waal, A. 1993. 'Some Comments on Militias in the Contemporary Sudan,' in M. Daly and A. Sikainga (eds.) *Civil War in the Sudan*, British Academic Press, London.

¹⁰¹ De Waal, *op. cit.*, 'Some Comments on Militias.'

¹⁰² Amnesty International, 1989. 'Sudan: Human rights violations in the context of civil war', London; Africa Watch, 1990. '*Denying the Honor of Living*', *Sudan: A human rights disaster*, London; Mawson, A. 1991. 'Murahaleen Raids on the Dinka 1985-89,' *Disasters* 15.2: 137-149.

¹⁰³ Mahmoud, U., and S. Baldo, 1987. 'Al Diein Massacre and Slavery in the Sudan,' mimeo, Khartoum.

Bashir overthrew the parliamentary government, the new military government passed the Popular Defence Force act.

Spillover from the Wars in Chad

97. The second armed conflict that spilled over into Darfur was the long-running civil war in Chad, internationalized through the direct military intervention of Libya.¹⁰⁴ At independence in 1960, the government of Chad was dominated by members of the country's small political elite from the southern, mostly Christian, part of the country. A group of Muslim politicians, meeting in the Darfurian town of Nyala in 1966, formed the Front for the National Liberation of Chad (FROLINAT). This ignited a rebellion in which Sudan was engaged from the outset, and a 'thirty years war' involving the three countries.¹⁰⁵ The Libyan government of Colonel Muammar Gaddafi had a territorial claim on the Aouzou Strip in northern Chad, which it militarily occupied in 1973. It followed this up with support to northern Chadian armed factions and an attempted annexation of the country. In turn this led to a proxy war in which France and the U.S., along with Sudan, backed anti-Libyan groups.

98. Libya hosted a range of armed opposition groups from across Africa during this period. At different times, the volatile Libyan leader formed a transnational 'Islamic Legion' and 'Arab Gathering'.¹⁰⁶ He proposed unifying Libya with its neighbours. Some Darfurians argue that Gaddafi's training camps incubated ideologies of Arab supremacism that penetrated Chadian politics and then came to influence the Darfurian Arabs too. Most FROLINAT splinter groups had some connection with the Libyan international brigades. Ahmat Acyl Agbash was a commander in the Islamic Legion before forming his own group in Chad, the Conseil Démocratique Révolutionnaire (CDR). Sudanese also trekked to these camps. From a bloody repression of the Muslim Brothers and the Ansar, the followers of Mahdi, by President Nimeiri in 1970, Sudanese Islamists and sectarians formed an opposition National Front which responded to Gaddafi's invitation and set up a military base in Libya. In 1976 the National Front staged an armed invasion of Sudan, reaching Omdurman before it was beaten back.

99. Darfur was the staging post for successive invasions of Chad by Hissène Habré and Idriss Déby while the unpoliced deserts of the far north were also a route in which Libyan arms reached pro-Libyan groups. It was only a matter of time before Darfur itself became

¹⁰⁴ Marchal, R., 2007. 'The Unseen Regional Implications of the Crisis in Darfur,' in A. de Waal (ed.) *War in Darfur and the Search for Peace*, Harvard Univ. Press. Cambridge MA.

¹⁰⁵ Collins, R., and J. M. Burr. 1999, *Africa's Thirty Years War: Libya, Chad and the Sudan 1963-1993*, Westview Press, Boulder CO.

¹⁰⁶ Haggar, A. 2007, 'Origins and Organization of the Janjawiid in Darfur,' in A. de Waal, (ed.) *War in Darfur and the Search for Peace*, Harvard Univ. Press, Cambridge MA.

embroiled in the conflict. This happened in 1987. The CDR, headed by Acheikh Ibn Oumar after the accidental death of Ahmat Acyl, was defeated by Chadian and French forces and retreated to Darfur. Its first base was a refugee camp in south-west Darfur known as Anjikoti. It then relocated to near Kutum in northern Darfur, pursued by Chadian troops and French special forces. One reason for the new base was proximity to Libyan arms supply routes across the desert. Here, Ibn Oumar made an alliance with the Mahamid clan of the northern Rizeigat, headed by Musa Hilal, who had recently become *sheikh* of the clan on the incapacitation of his father. The first occasion on which the word *Janjaweed* came into common parlance in Darfur was in reference to these Chadian militia.¹⁰⁷

100. In addition to this specific military encounter, groups of nomadic Arabs from Chad continued a historic process of eastward migration, settling in Darfur in larger numbers. This phenomenon had been ongoing for several centuries but increased in the 1980s due to general insecurity in Chad and hostility towards the Chadian Arab communities by the government of Pres. Habré (in power 1982-90). The lawlessness in Chad meant that many fighters and commanders considered war as their profession and provided their skills on a quasi-mercenary basis.¹⁰⁸ Good relations between Pres. Déby and Pres. al-Bashir, after the former took power in 1990, helped open the border between Chad and Sudan, and migration eastwards of nomadic groups continued.

Local Factors Contributing to Conflict

101. Darfur's deprivation within Sudan was long a cause of discontent and opposition. From independence onwards, Darfurian politicians organized constituencies, sometimes tribally-specific but commonly bringing together leaders from different ethnic groups, to mobilize the region's demographic weight. Among those politicians, Ahmed Diraige is the most prominent. From the 1960s to the 1980s he organized within successive parliamentary and one-party systems on behalf of Darfur. He was appointed governor of Darfur in 1981 but resigned two years later in protest against the government's neglect of Darfur's needs during the drought that was leading to famine. Diraige went into exile and founded the opposition Sudan Federal Democratic Alliance (SFDA). Although Diraige sympathized with the SLM/A he remained apart from them. His deputy in the SFDA, Sharif Harir, became more actively engaged in mobilization and (among other things) was influential in helping the SLM and JEM delegates during peace negotiations.

¹⁰⁷ Flint and de Waal, *op. cit.*, pp. 54-55.

¹⁰⁸ Debos, M. 2011. 'Living by the Gun in Chad: Armed violence as a practical occupation,' *Journal of Modern African Studies*, 49.3, 409-28.

102. Darfur society faced a high level of social stress. The famine of 1984-85 caused a great deal of impoverishment and distress migration.¹⁰⁹ Destitute nomads sought land to cultivate and sought other livelihoods that might enable them to rebuild what they considered a socially acceptable livelihood.¹¹⁰ Impoverished villagers from the drought-stricken north migrated south. The concurrent macro-economic crisis and collapse in funding for essential services meant that health and education provision became non-existent outside the main towns. Water pumps and reservoirs were not maintained. Agricultural extension services withered. Local government employees were not paid for months at a time and the civil service disappeared from rural areas. The police had to beg for fuel from merchants and NGOs to conduct basic patrols, and their rusty old rifles were no match for the automatic weapons in the hands of bandits and militiamen.¹¹¹

Darfur's Early Wars 1987-99

103. Darfur's first war raged in 1987-89. It was sparked by the intersection of the Chadian civil war spillover, Libyan countermoves using Darfur as its springboard, the collapse of administration including policing in Darfur, and intercommunal tensions over land. It became a war between Arab tribes and Fur of unprecedented scale. Twenty-seven Arab tribes formed a military alliance. The Fur *agids* organized self-defence groups. The government of Sadiq al-Mahdi convened an inter-tribal conference, co-chaired by the governor of Darfur and the sultan of the Masalit. This was making stuttering progress at the time of when al-Mahdi was overthrown and was completed in the first week of the new military government of Pres. al-Bashir. A formula for compensation was agreed. However, this was an attempt to apply customary methods to an atypical inter-ethnic conflict. The root causes of the conflict—all the factors enumerated above—were not addressed in the conference, let alone resolved.¹¹² The conference resolution is the first and only time in which an official GoS document mentions the word '*Janjaweed*' to refer to a specific group, in this case the *Abbala* Arab militia.

104. Darfur's second war took the form of a brief incursion by the SPLA. Many non-Arab Darfurians sympathized with the SPLA rebellion and saw their position within Sudan as comparable to that of the southerners, and more particularly the Nuba of Southern Kordofan and 'African' people in Blue Nile. The SPLA actively sought to recruit from Darfur.

¹⁰⁹ De Waal, A., *Famine That Kills: Darfur, Sudan, 1984-1985*, Clarendon Press, Oxford; Helen Young *et al*, 2005. 'Darfur: Livelihoods Under Siege,' Feinstein International Center, Tufts, Medford MA.

¹¹⁰ Helen Young *et al*, 2009. 'Livelihoods, Power, and Choice: The Vulnerability of the Northern Rizaygat, Darfur, Sudan, Feinstein International Center, Tufts, Medford MA.

¹¹¹ Morton, *op. cit.*, *Poverty of Nations*.

¹¹² Harir, S. 1994, "Arab Belt" versus "African Belt," *Ethno-Political Conflict in Darfur and the Regional Cultural Factors*, in S. Harir and T. Tvedt (eds.), *Short-Cut to Decay: The Case of the Sudan*, Scandinavian Institute for African Studies, Uppsala.

Among those who joined its ranks were Darfurians from migrant labour communities in eastern Sudan and those who had close ties with the Nuba. Abd al-Aziz al-Hilu, of mixed Darfurian and southern Kordofan parentage, was one of them. Another Darfurian, Daud Bolad, joined the SPLA through a very different route. A leading student Islamist, Bolad became disillusioned with the Islamist project and moved to the other extreme of Sudanese politics, building a clandestine political network that he intended to activate in support of an incursion by the SPLA. In 1991, an SPLA operation under the military command of al-Hilu with Bolad as the political leader, crossed into Darfur. It was defeated by the armed militia of the Beni Halba, known as *fursan* ('horsemen' or 'cavalry'). Bolad was captured and never seen alive again. Al-Hilu escaped with a small group of SPLA fighters and made his way back to southern Sudan.¹¹³

105. During the decade of the 1990s, Darfur was restive. There were numerous local disputes over water and grazing, and both the adapted customary methods and the formal governmental mechanisms for resolving the conflicts were inadequate, and when agreements to pay compensation were reached, often the payment was not enforced. The lethality of these disputes was increased exponentially by ready availability of small arms, smuggled into Darfur from the conflict zones next door. In the 1980s, there was a Darfurian saying, referring to the Kalashnikov automatic rifle, the AK47: 'The Kalash brings cash; without a Kalash you're trash.' The sheer killing power of modern weaponry, and their availability on the market, contributed to a social change whereby young men were no longer dependent upon their elders for organisation of raiding, and traditional social mechanisms such as the payment of *diya* for homicide could no longer keep pace with the number of fatalities.

Administrative Reform and Conflict

106. In 1994, the government initiated a reform of the administrative system across Sudan, notably creating a new structure of federal states. In Darfur this took the form of dividing the single region into three states (see *map 5*). The new boundaries corresponded fairly closely to three of the four old, Sultanate era provinces (Northern Darfur State encompassed the old eastern province as well.) Three elements of the new arrangements were particularly contentious.

107. First, the new measures Islamized the Native Administration system and granted chiefs new security authority. They also simplified and standardized the hitherto complex and flexible system. For example, the old system of territorial jurisdiction meant that the paramount chief of an area, despite having a tribal affiliation, was obliged to adjudicate

¹¹³ Flint and de Waal, *op. cit.*, p. 25

impartially among all the residents of that area including those with transitory rights such as nomads. Thus the *magdum* of Dar Diima (the pre-1916 province roughly coterminous with Southern Darfur) was customarily an ethnic Fur, but he served as a non-ethnic commissioner presiding over multiple junior chiefs of different tribes. This was now changed: jurisdiction over land, administration of courts, and other administrative duties were streamlined and tribalized. The Fur *magdum* became the paramount chief only of the Fur within the historic domain of Dar Diima. The other groups, many of them Arab tribes, all gained status and could make territorial claims, which in due course they did.

108. Second, the reform split the Fur among the three new states, and they became minorities in Northern and Southern Darfur, and a small majority in Western Darfur, which they shared with the Masalit. This is widely seen as an effort by the leading Darfuri Islamist in the government, Ali al-Haj Mohamed to break up the Fur bloc so as to be able to promote his own candidates for office, playing divide and rule. Some tribes, such as the Berti, were well-organized in Sudanese-style electoral engineering, creating constituencies that would increase their representation in parliament. Many Darfurians argue that the reform was also intended to empower the Arab bloc. In specific areas this was the case but across the region as a whole, the Arabs remained under-represented in parliament.

Table 3. Representation of Darfur MPs in National Assembly by tribe, 2005

	Northern Darfur	Southern Darfur	Western Darfur	Total
Fur	3	5	10	18
Arab	1	15	1	17
Berti	6	-	-	6
Masalit	-	1	5	6
Zaghawa	3	2	-	5
Others	3	5	2	10
Total	16	28	18	62

Source: Young *et al.*, *op. cit.*, 'Livelihoods under siege,' p. 31.

109. The final and more immediately inflammatory component of the reorganization was a radical change in the structure of the chieftaincies in the westernmost district, Dar Masalit. Since incorporation in 1923, the most senior position in the Native Administration was the Sultan of the Masalit, a hereditary position. This was radically altered.¹¹⁴ Eight new chieftaincies were created and awarded to Arab groups, outnumbering the five existing Masalit senior *furshas*. They were entitled *amir*. Moreover, the thirteen senior chiefs—eight Arab and five Masalit—formed an electoral college which would select the sultan for a seven year term. It was a formula that appeared to be designed to ensure an Arab takeover of the Native Administration with obvious implications for control over land.¹¹⁵ Fighting

¹¹⁴ See Tubiana, Tanner and Abdul-Jalil, *op. cit.*, pp. 17-18.

¹¹⁵ Haggag, *op. cit.* p 117; Flint and de Waal, *op. cit.* pp 56-63.

immediately erupted. It was quelled but erupted again in 1999, dampened by a show of force by Pres. al-Bashir's representative, General Mohamed al-Dabi. While the immediate issues of ending the fighting and paying compensation were settled, the principal grievance on the Masalit side—the new administrative structure—was left unresolved.

Ideologies: Arab Supremacism and Islamism

110. During this period there were indications of an Arab alliance that included Darfurian Arab leaders, their counterparts in Chad, and groups in Khartoum and Libya. In 1987 a group of prominent Arab Darfurians wrote an open letter to Prime Minister Sadiq al-Mahdi pressing the government to support the Arab cause in Darfur. It is not clear whether the letter had any impact on government policy, but it marks a growing attempt to mobilize Darfurian Arabs around a common agenda. Shortly afterwards a document known as 'Qoreish 1' was issued by Arab individuals, apparently Chadian but with links to Libya and Sudan. No verified copy of the document has been published. Its existence is deduced from references in a second manifesto by the same group, released in 1998 or 1999. What is notable about 'Qoreish 2' is that it clearly sets the Saharan or Juhayna Arabs apart from the Arabs of the Nile, accusing the latter of various shortcomings, notably failing to support the project of Arab domination of Chad and Darfur. It is a strange document, which primarily indicates that some wild ideas about reconfiguring the national map of the region were being entertained on the extremist fringe.¹¹⁶ More substantial is the existence of the 'Coordination Council of the Arab Congress' which toured parts of Darfur in November 2003 to consolidate efforts for Arab leaders to work together to control local administrations.¹¹⁷

111. In the late 1990s, the government of Pres. al-Bashir and his NCP formed a big tent in which Islamists of various stripes, conservative Sudanese nationalists, and Arab supremacists co-existed. The differences among these groupings, and indeed within each one, were as significant as their common agenda of political survival in an unfriendly regional and international context. Pres. al-Bashir grew particularly skilled at managing the rivalries among the leaders of these groups, but he did not always succeed. Crucial differences came sharply into focus when Pres. al-Bashir and the *sheikh* of the Sudanese Islamists, Hasan al-Turabi, fell out.

112. This split was a key factor contributing to the war. Sudan's Islamists had long wrestled with the question of whether the movement should align itself with the Arab world and its cultural values, or whether it should seek an 'African' Islamism. In the 19th

¹¹⁶ Haggar, *op. cit.*, pp. 130-3.

¹¹⁷ Haggar, *op. cit.*, pp. 133-7.

century, the Mahdi had turned to Sudan's western provinces after being shunned by the riverain peoples and had mobilized an army of the faithful from Darfur and Kordofan to storm Khartoum. Al-Turabi considered doing something similar, mobilizing a dominant electoral constituency from the conservative rural people of those regions. This meant making Islamism truly colour-blind. One of al-Turabi's most senior lieutenants in this project was Ali al-Haj. A member of the Bornu tribe that originates in west Africa, Ali al-Haj was the architect of the Islamist project in Darfur. He was later to join the dissident wing of the Islamic movement.

113. Many Darfurians embraced the Islamists' 'African' turn. In due course they were disappointed. Ten years after the National Salvation Revolution of 1989, it appeared that nothing substantial had changed. Not only were Darfurians 'too black for the Islamist project' but the Islamist government was also, it appeared, playing racial politics in Darfur itself, favouring Arabs over non-Arabs, even though the latter had been loyal Islamists.¹¹⁸ The split in the Islamist movement in 1999 pitted al-Turabi against al-Bashir. It was a power struggle and a contest over whether al-Turabi's vision of radical Islamist transformation would prevail against al-Bashir's more conventional nationalist authoritarianism. The particular issue on which the contest came to a head was whether state governors should be directly elected by their constituents (al-Turabi's position) or appointed by the president (al-Bashir's). Darfuri Islamists mostly sided with al-Turabi, with the split taking on Darfur *versus* Khartoum and non-Arab *versus* Arab dimensions. The authors of the *Black Book* took up arms in rebellion, forming JEM. Al-Turabi stayed in Khartoum, detained and then released. He founded an alternative party, the Popular Congress Party, to challenge the ruling NCP. Al-Turabi's position on the Darfur war was a study in ambiguity.¹¹⁹

Beginnings of the Rebellion

114. The final element in the build-up to war was the formation of the Sudan Liberation Movement and Army (SLM/A). This began as an underground political movement to promote Darfur's position within Sudan, with a vision and programme that echoed the manifesto of the SPLM. After the defeat of the SPLA expeditionary force with Bolad and al-Hilu, those who believed in this agenda went back to clandestine mobilization among students, disaffected communities in Darfur, and sympathizers in Chad. They sympathized with the SPLM/A but were organizationally separate. Among them was Abd al-Wahid al-Nur and three close friends: Babikir Mohamed Abdalla, Ahmad Abd al-Shafi, and Hafiz

¹¹⁸ Al-Tom, A. O., 2006. 'Darfur People: Too black for the Arab-Islamic project of Sudan,' *Irish Journal of Anthropology*, 9.1, 12-18.

¹¹⁹ Berridge, W. J. 2017. *Hasan al-Turabi: Islamist Politics and Democracy in Sudan*, Cambridge. pp. 285-7.

Yousif. Three were Fur and Hafiz was an Arab.¹²⁰ They made contact with the leaders of the Fur self-defence groups (*ugada*) that had been formed at the time of the 1987-89 war and began providing them with arms. In 2001, following a clash between Zaghawa and Arab herders, Zaghawa also began to join the group, among them a noted military commander, Abdalla Abakir. Meetings held in Boodkay in Jebel Marra in early 2002 were the first and only occasion on which leaders of the Fur and Zaghawa wings of the rebellion were able to discuss their political goals and strategies at length.¹²¹ Relations between the different elements were fraught and did not improve. While Abd al-Wahid insisted that the enemy was the government, some of the Zaghawa saw the enemy as the Arab tribes in Darfur. At that time the rebels called themselves the Darfur Liberation Front (DLF). The DLF leaders sought help from Pres. Déby, who refused, fearing that a war in Darfur would entangle his country.

115. The DLF leaders also made contact with the SPLM/A, which was continuing to wage war in southern Sudan at the same time as negotiating with the GoS towards a peace agreement. Arms supplies from the SPLA to the DLF bases began. In January 2003, Abd al-Shafi and Abdalla met the SPLM leader John Garang in Nairobi. Shortly afterwards, the DLF was renamed the SLM/A and it issued a 'Political Statement' (usually referred to as a manifesto) on 16 March 2003. It demands a secular, decentralized state with the right of self-determination as a basis for 'viable' unity and calls for the 'restructuring of power and an equal and equitable distribution of both power and wealth in all their dimensions.' The manifesto says: 'Religion belongs to the individual and the state belongs to all of us.' It made a special effort to include reference to the Arabs: 'The Arab tribes and groups are an integral and indivisible component of Darfur social fabric who have been equally marginalized and deprived of their rights to development and genuine political participation.... The real interests of the Arab tribes of Darfur are with the SLM/A and Darfur, not with the various oppressive and transient governments of Khartoum.'¹²² Hafiz Yousif, then the SLM's clandestine representative in Khartoum, was in regular with contact with Musa Hilal to try to persuade him to cooperate with the rebellion. His efforts failed due to clashes between the Zaghawa and Arabs.

116. Pres. Déby and Pres. al-Bashir had a security pact dating back to the time at which Déby seized power in 1990 with Sudanese backing. Déby is an ethnic Bideyat, a group considered either part of the Zaghawa tribe or a close cousin. Many of his closest political allies and military commanders were Zaghawa and had affinities with their kinsmen in JEM and the SLA and they began supplying them with arms. Many Masalit leaders in Chad also

¹²⁰ Flint, J. 2007. 'Darfur's Armed Movements,' in A. de Waal, (ed.) *War in Darfur and the Search for Peace*, Harvard Univ. Press, Cambridge MA.

¹²¹ Flint and de Waal, *op. cit.*, pp. 95-6; Flint, *op. cit.*, pp. 145-6.

¹²² Flint, *op. cit.*, pp. 160-1.

sympathized with the Darfur rebellion, although in this case they either had little influence with Pres. Déby or were actively opposed to him. As the tensions increased, Déby's neutral position became more and more difficult.

117. Although JEM and SLM/A arose from very different ideological backgrounds, they made common cause in Darfur. Garang and al-Turabi had surprised their respective followers by agreeing a Memorandum of Understanding in Geneva in 2001, implying a reconciliation among former foes to face a common adversary. It does not appear that the two leaders collaborated to engineer or support the Darfur rebellion, but their readiness to agree on a common front gave a charter to their followers to construct a real alliance.

The Belligerents in Darfur and the Course of the Conflict 2003-04

118. The belligerent forces in Darfur in 2003-04 were not static, well-formed groups. Rather, both rebel and government forces comprised fast-developing formations of existing, new, and re-purposed groups. Among the insurgents were commanders and fighters who had served in other wars (in Chad, southern Sudan and inside Darfur itself). Those in command in Khartoum had a familiar set of practices for accelerated military mobilization, which they were adapting to the particular demands of Darfur.

Organization of the Rebellion

119. During 2001-02, the conflict in Darfur deepened and there were attempts to resolve it. Fighting between the nascent rebellion, at that time still without a name, and Arab groups and SAF increased. The rebels' main base was in the highlands of Jebel Marra, among Fur communities and in terrain suited for guerrillas to defend against conventional forces. The rebels also had bases in Zaghawa territory in the far north, where they could obtain supplies from their kinsmen in Chad and had an airstrip where the SPLA could fly in ammunition. A third epicentre of rebellion was also developing in the Masalit areas on the border with Chad. Recognizing the potential for escalation, there were efforts by tribal authorities and by Governor Suleiman to defuse the conflict with negotiations. They organized a delegation that met with the rebel leadership. The governor ordered the arrest of three Arab militia leaders, including Hilal. Most analysts concur with the consensus among the Darfurian opposition that the peace efforts were undermined by the Arab lobby in Darfur and within the government.¹²³ However, it should also be noted that resolving a complex conflict such as this would have required a concerted and sustained set of negotiations, involving the external parties with a stake in either escalating or resolving the conflict (Chad and the SPLM/A) and the local initiatives of 2002 were not commensurate.

¹²³ Flint and de Waal, *op. cit.*, p. 86.

120. In February 2003, the rebels staged an attack on the small town of Golo in Jebel Marra, overrunning a police station and capturing weapons. The SLM/A announced itself that month and published its manifesto. It was quickly followed by JEM declaring rebellion and publishing its own manifesto. At this point, the rebel forces were a mixture of village defence militias that had emerged during the previous fifteen years of turmoil and mobile units using Landcruisers in the Chadian style of desert warfare. While the Jebel Marra forces were almost entirely ethnic Fur and identified with the SLA, the forces in northern Darfur were principally Zaghawa but also included members of other ethnic groups and were a mixture of SLA and JEM. At this time, the two rebel groups were working together and were *de facto* indistinguishable in their operations. The key military commander of the SLA at that time was Abdalla Abaker (Zaghawa).

121. In April, from a base at Ain Siro in the northern foothills of the central mountain range, a unit of SLA and JEM forces staged a surprise attack on the government airbase in al-Fashir. Five military planes and two helicopter gunships were destroyed on the ground and an air force general was taken captive. This was the single biggest loss suffered by the airforce in its history and was a shock to SAF and the government. A major government response was unavoidable.

122. Over the following year, the movements' forces expanded rapidly. Their numbers were swelled by volunteers who were enthused by the spectacular victories of the rebels and by men whose communities had been attacked by their adversaries. Local PDF units and police deserted their posts and joined. In May and June 2003, the SAF commanders in al-Fashir distributed arms to PDF units, for self-defence and to join the counter-insurgency, but many of the non-Arab PDF (*e.g.* Tunjur, Berti and Birgid) promptly defected to the rebels. The fast-moving military situation combined with the difficulties of communication over vast distances meant that the rebel forces were united by sentiment and a sense of overwhelming emergency rather than by a command and control structure that matched their size and capacity. Training, political orientation and even creating military hierarchy and awarding ranks were done locally and in an improvised manner. Logistics and supply were not developed. Control over the Chadian border roads and the airstrips were in the hands of local commanders who often prioritized their own units' demands for weapons, vehicles and ammunition. Fighters were not supplied through a central quartermaster. This was a recipe for poor discipline and the rebels took what they needed from the communities, either by consent or by force. By the end of 2003, observers estimated that the SLA could field about 6,000-7,000 men and JEM nearly 1,000.¹²⁴

¹²⁴ Flint, *op. cit.*

123. Splits quickly emerged. The first was in June 2004, when the former general commander of JEM fighting forces, Colonel Gibril Abd al-Karim 'Tek', created the National Movement for Reform and Development (NRMD). The breakaway faction consisted mostly of the Kobera clan of the Wagi Zaghawa. The mainstream component of JEM fought them on the battlefield and also used its financial resources to incentivize support.¹²⁵ Within the SLM/A tension between Abd al-Wahid al-Nur and Minni Minawi also deepened, taking on (in part) an ethnic division between Fur and Zaghawa. Further fragmentation was to follow, arising from the weakness of the SLM/A but also encouraged by the GoS.

Organization of the Counter-insurgency

124. The April 2003 attack on al-Fashir air force base was a shock to SAF in several respects. First, it was a humiliation. Second, it was an indication that the Darfur rebels were more capable than they had appreciated. Third, the rebels were using military tactics drawn from the Chadian desert wars for which SAF was wholly unprepared. While the al-Fashir raid was the best-known, in a series of engagements over the following three months, the Landcruiser-mounted SLA and JEM fighters literally ran rings around the slow-moving SAF units. According to unpublished UN and U.S. State Department reports, the rebels won 34 of 38 encounters in the April-July period.¹²⁶ The SAF command also realized that it was unsighted on the allegiances of communities in the zone between al-Fashir and Kutum, because they had not had any forewarning of the rebels' military movements, and their first distribution of arms to PDF units in this area was followed by significant defections of those units to join the rebels.

125. The GoS was particularly alarmed by the Darfur insurgency because of what is feared was a uniquely dangerous intersection of hostile forces. The Islamist element represented by JEM was powerful not only within Darfur but also had supporters in Khartoum and likely sympathisers within the NCP and GoS itself. The SLM/A had links with the SPLM/A in southern Sudan. These two ideologically opposed opposition groups had earlier signalled that they were prepared to work together when al-Turabi met with Garang in 2001. Pres. al-Bashir and Vice Pres. Taha were angry with Garang that, at a time when the peace process for southern Sudan appeared to be maturing, he was arming and supporting a new rebellion in Darfur.

126. In consequence, the GoS organized a counter-insurgency that brought together all the components of the military and security sector with the intent of crushing the Darfur rebellion as quickly and decisively as possible, including with a dramatic show of forceful resolve. The counter-insurgency involved SAF (including Military Intelligence), the airforce,

¹²⁵ Flint and de Waal, *op. cit.*, p. 114.

¹²⁶ Flint and de Waal, *op. cit.*, p. 122.

NISS and the police forces (Sudan Police Service, Popular Police and Central Reserve Police). Each in turn had its established proxies and its networks for contacting and mobilizing new irregular forces. The biggest proxy force available was the militia of Hilal which had been semi-formalized as the Border Intelligence Brigade (popularly known as 'border guards'). Others were mobilized on an *ad hoc* basis, different Arab clans forming brigades also known as *Janjaweed*. A key requirement for the GoS was coordinating among these different forces, which required individuals who had good knowledge of a very complex military ecosystem. Ahmad Haroun was one such person who played this role.

127. The GoS released Hilal from prison and returned him to Darfur to lead his forces in June. It was a gamble, because Hilal was also in contact with Abd al-Wahid al-Nur and was considering negotiating a pact of some kind. This did not transpire, in part because of aggressive actions against Arab *damras* and killing of Arab camel traders by SLA and JEM forces which antagonized the Arabs. Instead, Hilal organized aggressive armed operations.

128. Hilal had established his base at Misteriha some years earlier. Immediately following his return to Darfur, it was upgraded and a second camp added. The different forces present with their affiliations and lines of command illustrate the complexity of the organization of the war.¹²⁷ The Border Intelligence Brigade reported in theory to NISS but worked closely with SAF. They were provided with uniforms, weapons, and pay. Within them was a unit commanded by Hilal himself known as the 'Swift and Fearsome Force.' A PDF unit at Misteriha reported to SAF, its members provided with uniforms, ammunition and rations, but no pay. In addition, there were *mustanfareen* ('reserves') who had been recruited and given uniforms but little or no training, and no pay. In the second camp, a unit from the Central Reserve Police reported to the Ministry of the Interior. Hilal boasted that he took his orders directly from Khartoum.

129. Across Darfur, the militia were organized as brigades, but this was a fluid arrangement as substantial numbers were being recruited every month. Recruitment was done mainly by appealing to chiefs to provide young men from their communities, with the result that new units were forged on a tribal basis. Some units were rejected because of their non-Arab tribal identity, including hundreds of Masalit. The Islamist element of previous counter-insurgencies was muted because so many of Darfur's Islamists were unsympathetic to the government and an appeal to *jihad* would have been unconvincing. The mobilization was much more *ad hoc*. The phenomenon of the GoS releasing convicted criminals, usually the leaders of bandit gangs, and putting them in command of militia units, was widely reported at the time.¹²⁸

¹²⁷ Flint and de Waal, *op. cit.*, pp. 127-8.

¹²⁸ Human Rights Watch, 2004. *Darfur Destroyed: Ethnic Cleansing by Government and Militia Forces in Western Sudan*, New York, May, pp. 47-8.

130. The term *Janjaweed* came into general parlance at this time. As noted above, it was one of a range of terms used to describe Arab militia (others were *Murahaleen* and *Fursan*, and the term *Bashmarga*, adapted from the Kurdish forces in Iraq, was also used). The GoS preferred to say that *Janjaweed* referred to outlaws and bandits. The non-Arab population of Darfur used it to refer primarily to Hilal's militia and their brethren who originated in Chad, and increasingly to all active Arab militia. When the United Nations Security Council adopted resolution 1556 on 30 July 2004, demanding that the GoS disarm the *Janjaweed* militias immediately, it provided no definition of the *Janjaweed*, though its use of the plural form indicated an awareness that there were multiple militias.

Three Offensives 2003-05

131. The GoS forces mounted three large-scale offensives during the height of the war. They covered large areas of Darfur affecting large populations (*map 6*). They were similar in tactics but had different objectives.

132. The first offensive was carried out during June-August 2003 and focused on northern Darfur, with a secondary set of attacks in central/western Darfur. In some areas, such as parts of Dar Masalit, there was little fighting and the conflict took the form of an armed land grab. The major military focus was on the northern areas because this was where the SLA and JEM mobile forces were located, which were the main threat. Fighting and destruction of villages took place in the northern foothills of the Jebel Marra range and across much of the Zaghawa lands. During the rainy season, movement of vehicles in these areas was easier than to the south and west, where large seasonal *wadis* were in flood which hampered movement.

133. At the height of this offensive it became clear to humanitarian workers that a major crisis of hunger and displacement was imminent and USAID began the slow process of mobilizing assistance and setting up the logistics to transport it to Darfur. This early investment in humanitarian response was crucial to saving lives six months later, when the aid began arriving at scale.

134. As the offensive drew to a close, with both sides temporarily exhausted, Pres. Déby of Chad stepped in to mediate. Two meetings in Abeché, Chad, in October failed to achieve a ceasefire but the groundwork was set for negotiations to resume six months later. Déby also made an agreement with the GoS to continue joint border monitoring.

135. The second major offensive was launched in December 2003 and continued until March 2004. One major focus of this was western Darfur, especially the triangle between

Kas (north-west of Nyala), al-Geneina and Mukjar (close to the meeting point of Sudan, Chad and Central African Republic). The military target was Sindu, which was a major SLA base where Abd al-Wahid al-Nur was located at the time.¹²⁹ This is also where a large population of ethnic Fur lives. An operation in nearby Dar Masalit succeeded in killing the most renowned Masalit SLA commander, Adam Bazooka. Another set of operations in northern Darfur scattered the SLA forces in the semi-desert areas north of Jebel Marra. The SLA commander of that sector, Abdalla Abakir, was wounded and subsequently died.

136. This offensive concluded in March with the SLA and JEM scattered. Pres. al-Bashir declared 'victory' and the GoS was ready to re-enter negotiations. The leaders in Khartoum feared that the war was jeopardizing the peace talks with the SPLM/A and the atrocities and humanitarian disaster were damaging GoS hopes of normalizing relations with the U.S. and Europe. Peace talks resumed in N'djaména with the African Union stepping in as co-mediator alongside Chad, and the U.S. playing a major role in pressing for an agreement. Negotiations took the form of proximity talks under pressure with the mediators shuttling between the parties. A Humanitarian Ceasefire Agreement was signed on 8 April. This provided for an end to hostilities, humanitarian access to the affected populations, and an African Union ceasefire monitoring mission (AMIS). Unfortunately, the N'djaména Humanitarian Ceasefire Agreement exists in two versions. The mediators presented a text first to the SLM/A and JEM, which signed. When the text was presented to the GoS negotiator, he refused to sign unless an additional clause were inserted specifying that the armed forces of the rebel movements should be encamped. The mediators added this line by hand and he signed.¹³⁰

137. In the aftermath of the N'djaména agreement, Darfur was briefly calmer, and humanitarian access markedly improved. The AMIS monitors were slow to deploy and were few in number but their presence reassured the population and signalled to the GoS that there were international eyes and ears on the ground.

138. The SLA and JEM forces did not encamp as demanded by the GoS. Instead, they regrouped and began military operations in parts of Darfur that had hitherto been unaffected by the conflict, mostly in Southern Darfur. In turn this led to a third offensive by GoS forces. This covered a wider area than the previous two campaigns and caused a comparable level of displacement. However, the number of fatalities during this period was much lower than in the first two offensives. The reasons for this decline the lethality of attacks are not clear. A possible reason is that the presence of AU monitors and

¹²⁹ Flint and de Waal, *op. cit.*, p. 98.

¹³⁰ A copy of the document including the handwritten amendment can be seen in the World Peace Foundation, Sudan Peace Archive: <https://dl.tufts.edu/pdfviewer/rj430g466/f1881z347>

international humanitarian personnel and journalists meant that GoS forces exercised some restraint.

139. The third offensive drew to a close in January 2005. As before, the forces on both sides were exhausted and while the GoS had inflicted serious defeats on the SLA and JEM, it had not won a decisive victory. That month, the GoS and SPLM/A signed the Comprehensive Peace Agreement (CPA) in Nairobi, which set in train a complex process of radical restructuring of Sudan. The SPLM Chairman Garang was scheduled to become First Vice President in July 2005. He promised to make the resolution of the Darfur conflict one of his priorities and, given his high standing with the SLM/A, was expected to be persuasive. Meanwhile the International Commission of Inquiry on Darfur, headed by Judge Antonio Cassese, submitted its report to the UN in January.¹³¹ The CPA also provided for a peace support operation, the United Nations Mission in Sudan (UNMIS). The UN Security Council was scheduled to meet on these matters. Due to the complexity of the issues before it, the UN Security Council had three separate meetings on Sudan in the space of a few weeks: on the CPA and UNMIS, on Darfur peace and humanitarian issues, and on the ICID report and the referral of the situation in Darfur to the ICC.

Neutral Forces

140. Many groups and individuals in Darfur sought to remain uninvolved or to try to find a peaceful resolution of the conflict. For the purposes of understanding how the conflict unfolded on the ground, the most important of these are the *Baggara* Arab tribes of Southern Darfur.

141. The Beni Halba of Idd al Fursan were adjacent to the insurgent areas and had mobilized a militia (*fursan*) against the SPLA in 1991. In 2003-04, the tribe was divided, with some seeking to stay neutral while others organized militia to fight the insurgents. A similar pattern was seen among the Ta'aisha and Habbaniya, with the latter mobilizing only when their homeland became the locus of SLA incursions in mid-2004.

142. The main tribal leader who resisted GoS efforts to join the militia war was *Nazir* Saeed Madibu of the *Baggara* Rizeigat of Southern Darfur. Drawing on his experience of the negative consequences of the Rizeigat role in the *Murahaleen* in the 1980s, Madibbu sought to keep his tribe neutral. The GoS tried, and partly succeeded, in undermining *Nazir* Madibu's authority, and in creating a new Rizeigat militia to fight alongside SAF against the SLA when the latter expanded into Southern Darfur in mid-2004. This force was led by

¹³¹ United Nations 2005, 'Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, Pursuant to Security Council Resolution 1564 of 18 September 2004,' United Nations Press, New York.

Abdalla Ali Masar (one of the signatories of the 1987 'Arab Letter') and Abd al-Hamid Musa Kasha.

Impact on the Civilian Population

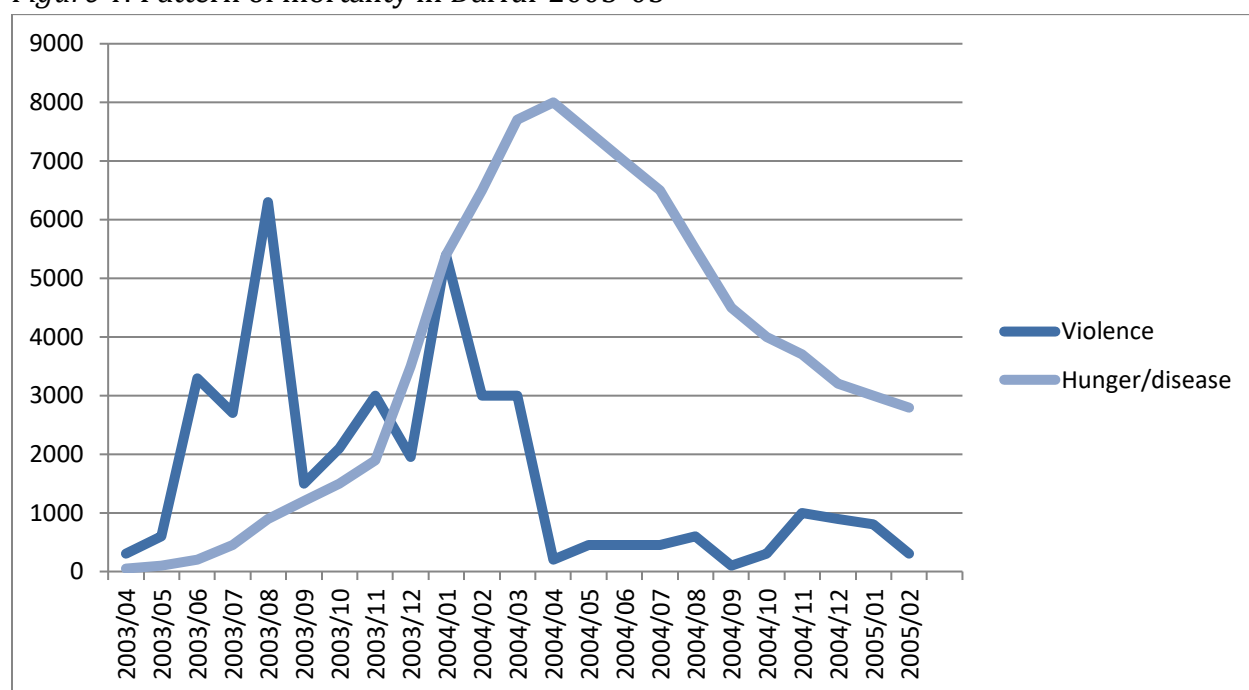
143. The impact of the methods of insurgency and counter-insurgency was foreseeable. Responding to descriptions in the western media that depicted the conflict and atrocities as 'Rwanda in slow motion,' John Ryle, a veteran analyst of Sudanese affairs, wrote that it would be more correct to see it as 'southern Sudan speeded up.'¹³² As with prior large-scale military campaigns in Sudan, the Darfur conflict followed the pattern of counter-insurgency that used irregular militia whose leaders fused their own agendas (vendettas, pillage, land seizure) with those of the government, targeted violence against the civilian communities suspected to support the rebels, and forced from their homes very large numbers of people who became refugees or internally displaced persons (IDPs). The numbers of civilian casualties considerably exceeded combatant casualties. The total killed in direct violence was soon surpassed by the death toll from hunger and disease, whether through deliberate use of starvation as a weapon of war or through the reckless pursuit of military actions that had famine as a foreseeable outcome.

Mortality

144. Mortality among combatants and civilians in Darfur followed two overlapping patterns, consistent with experience from the previous twenty years of civil war in Sudan. Deaths from violence had immediate spikes, both fatalities of civilians and combatants, during the period of the intense offensives. This was followed by a sharp drop immediately after the signing of the N'djaména agreement, with lower levels continuing thereafter (still far above normal peacetime levels). Deaths from hunger and disease had a slower and more relentless climb, peaking around April-June 2004, and falling away more slowly. These fatalities were mostly young children; almost all of them were vulnerable civilians and not combatants. Compared to other cases of war-related excess deaths in Sudan over the course of the civil wars, the humanitarian crisis in Darfur was brought more quickly and effectively under control. This is a credit to Sudanese and international humanitarian agencies for their professionalism and courage, and also to international donors (primarily the U.S.) for mobilizing a timely response in late 2003, before the crisis hit the international headlines. The complicated logistics of providing aid to Darfur are such that decisions to provide assistance yield practical results only many months later. The logistical difficulties were compounded by bureaucratic obstacles imposed by the GoS.

¹³² Ryle, J., 2004. 'Disaster in Darfur,' *New York Review of Books*, 12 August.

Figure 4: Pattern of mortality in Darfur 2003-05



Source: Derived from data in Guha-Sapir and Degomme, *op. cit.*

145. No definitive figures for the numbers of people who died as a result of the war are available. There was neither a general population register nor any listing of the deceased. Estimates for numbers of dead are derived from various sources, including (most reliably) health and nutrition surveys undertaken by humanitarian agencies. The data for combat deaths are weak and unreliable. Data for fatalities due to direct violence against civilians are compiled from witness testimonies and NGO and UN survey reports. Relief agencies have developed sophisticated methods for estimating mortality due to hunger and disease in humanitarian emergencies and a review of their survey results provides strong indications of that toll. In such crises, the majority of those who perish from hunger and disease are children under five. The U.S. Department of State estimated that between 98,000-181,000 people died from all causes between March 2003 and January 2005.¹³³ Other estimates ranged as high as 400,000 dead.

146. The most comprehensive assessment of the available data was undertaken by the U.S. General Accountability Office (GAO).¹³⁴ The GAO convened a group of 12 experts in epidemiology, demography, statistics and the Darfur crisis to review of all available surveys

¹³³ U.S. State Department, 2005. 'Sudan: Death toll in Darfur,' Fact Sheet, Washington DC, 25 March. See also, Phelan, M., 2005, 'Method 2', in Guha-Sapir and Degomme, *op. cit.*

¹³⁴ General Accountability Office. 2006. *Darfur Crisis: Death estimates demonstrate severity of crisis, but their accuracy and credibility could be enhanced.* Washington, DC: Report GAO-07-24, GAO, November. I was asked to be a member of the review panel but was unable to join them. I agree with their conclusions.

including reviews of surveys. They found that none of the estimates had a high level of accuracy and all had methodological shortcomings. The experts found that the most robust review of data was the work of the Centre for Research on the Epidemiology of Disasters (CRED), published in two reports in May and December 2005.¹³⁵ Based principally on an analysis of 30 mortality surveys, the CRED analysis indicated that 134,000 excess deaths occurred during September 2003-January 2005 and a further 36,000 during February-July 2005. The breakdown was approximately 35,000 killed in direct violence and 135,000 who perished from hunger and disease. The balance of opinion in the GAO expert panel was that the estimate in CRED's first paper erred on the low side and that in the second paper it was 'about right.'¹³⁶

147. The GAO experts found most other death toll estimates to be 'too high,' with the exception of the U.S. State Department, whose lower-end estimate of 98,000 was 'too low' while opinions on the higher end estimate of 181,000 were divided.¹³⁷ An investigation by the group Bloodhound¹³⁸ consisted of an exhaustive analysis of open source material on violent attacks. It attributed 97 percent of the reported attacks on villages to GoS and Janjaweed forces and 3 percent to rebels (a suspiciously low number, see below). It estimated that 76 percent of attacks on villages caused civilian casualties. Bloodhound's total estimate for fatalities from direct violence (up to September 2005) was 57,000-128,000, which is considerably higher than the GAO and CRED median figures. Unfortunately, this estimate was not included in the GAO review because the report was published after the GAO experts' meeting.

148. All the mortality surveys suffer from the shortcoming that Arab nomadic populations were either under-represented in the samples or not surveyed at all. Very few international humanitarian agencies, human rights organizations, or journalists were present among Arab communities. For example, more than eight attacks on the *damras* of Arab nomadic communities between February and May 2003 do not appear in the records noted above and were reported only in summary detail some years later, in 2007.¹³⁹ Abuses committed by the northern units of the SLA in late 2003 and early 2004 were also documented only later. These included the elimination of rivals who challenged Minawi's rise, along with killings of Arab herders and traders and prisoners of war.¹⁴⁰ There is

¹³⁵ Guha-Sapir, D., and O. Degomme. 2005. *Darfur: Counting the Deaths: Mortality estimates from multiple survey data*. Brussels: CRED, May; Guha-Sapir, D., and O. Degomme. 2005. *Darfur: Counting the Deaths (2): What are the trends?* Brussels: CRED, December.

¹³⁶ GAO, *op. cit.*, p. 20.

¹³⁷ GAO, *op. cit.*, pp. 20-1.

¹³⁸ Höfer Petersen, A., and L-T. Tullin, 2006. *The Scorched Earth of Darfur: Patterns in Death and Destruction Reported by the People of Darfur. January 2001-September 2005*, Copenhagen.

¹³⁹ Flint and de Waal, *op. cit.*, p. 124.

¹⁴⁰ Flint, *op. cit.*, pp. 155-9; Flint and de Waal, *op. cit.*, pp. 135-141.

reason to suppose that the death count attributable to the rebels has been significantly under-estimated.

149. The vast majority of those who perished from hunger and disease did so as the foreseeable outcome of the campaigns of pillage, destruction of objects indispensable for survival and forced displacement. On a few occasions, the GoS forces appear to have deliberately imposed a starvation siege with the intent of inflicting hunger in such an extreme manner as to cause mass starvation unto death. One such occasion was in Kailak, Southern Darfur, in April 2004.¹⁴¹ A UN team that visited the village found death rates 41 times higher than the 'emergency' threshold, with children under five suffering mortality elevated by a factor of 147. The team described how the destruction of essential foodstuffs had been followed by the systematic prevention of humanitarian aid getting in to Kailak and people getting out. After a strong intervention by the UN, the starving residents were permitted to leave for IDP camps.

150. Such extreme cases were, fortunately, unusual. During the 2003 and early 2004, humanitarian access was limited, by a combination of active fighting, government obstruction, and lack of aid resources. After the April ceasefire, humanitarian access improved vastly. As the humanitarian operation expanded, overall mortality rates in the population fell to pre-war levels, which meant that the population size continued to grow. As the conflict continued, insecurity and various forms of official obstruction impeded the size and effectiveness of the aid programme once again.

Sexual Violence

151. The death toll is only a partial indicator of the human cost of the conflict. Reports indicate that sexual violence was widespread. Women and girls were raped, often in brutal and humiliating ways, including gang rape and rape in front of family members. These violations were reportedly perpetrated mostly by members of irregular GoS forces against civilians during armed operations and in their immediate aftermath.¹⁴² Women and girls in IDP camps were also vulnerable to rape and abduction when they left the camp to collect firewood or undertake other essential activities to provide for their families. Sexual violence by rebel forces is less reported, probably on account of a combination of lower prevalence and under-reporting. The extent of rape is impossible to quantify. Survivors of rape are faced with a high level of trauma and fear of stigmatization and ostracization,

¹⁴¹ De Waal, A., 2008. 'On Famine Crimes and Tragedies,' *The Lancet*, 371, 1 November, 1538-9.

¹⁴² Gingerich, T., and J. Leaning, 2004. 'The Use of Rape as a Weapon of War in the Conflict in Darfur, Sudan,' Program on Humanitarian Crises and Human Rights, Harvard, Boston; Amnesty International, 2004. 'Sudan: Darfur: Rape as a weapon of war: sexual violence and its consequences,' 18 July, London.

much of it regrettably justified, and efforts to extend support to survivors were subject to intense GoS scrutiny and intimidation.

152. While many cases of sexual violence consisted of weaponized rape in the context of a war with very strong ethnic dimensions, for many women and girls the experience of the war period as a whole was one of oppression and violence inflicted by men, irrespective of ethnic or tribal identity. Some feminist scholars have rejected both the narratives of the GoS and its opponents, including the Save Darfur Coalition, for reducing women to the status of victims in an ethno-political war, and underplaying the way in which hegemonic patriarchies disempowered women.¹⁴³

153. Sexual violence against men and boys is under-reported to an even greater degree. However, all those who study the phenomenon agree that it has occurred.¹⁴⁴

Forced Displacement

154. Forced displacement was both the foreseeable outcome of the conflict and also a central war aim of at least some of the belligerents. Darfur's war was in part a war for land, fought by groups seeking to dispossess others.¹⁴⁵

155. More than 2 million people in Darfur were forcibly displaced due to the conflict between April 2003 and January 2005, either becoming refugees in Chad (over 200,000 in 2003-04) or seeking safety in vast camps for IDPs that grew up around the major cities and towns (1.85 million by January 2005). The destruction of villages continued thereafter as the conflict spread to new areas (see *map 7*).

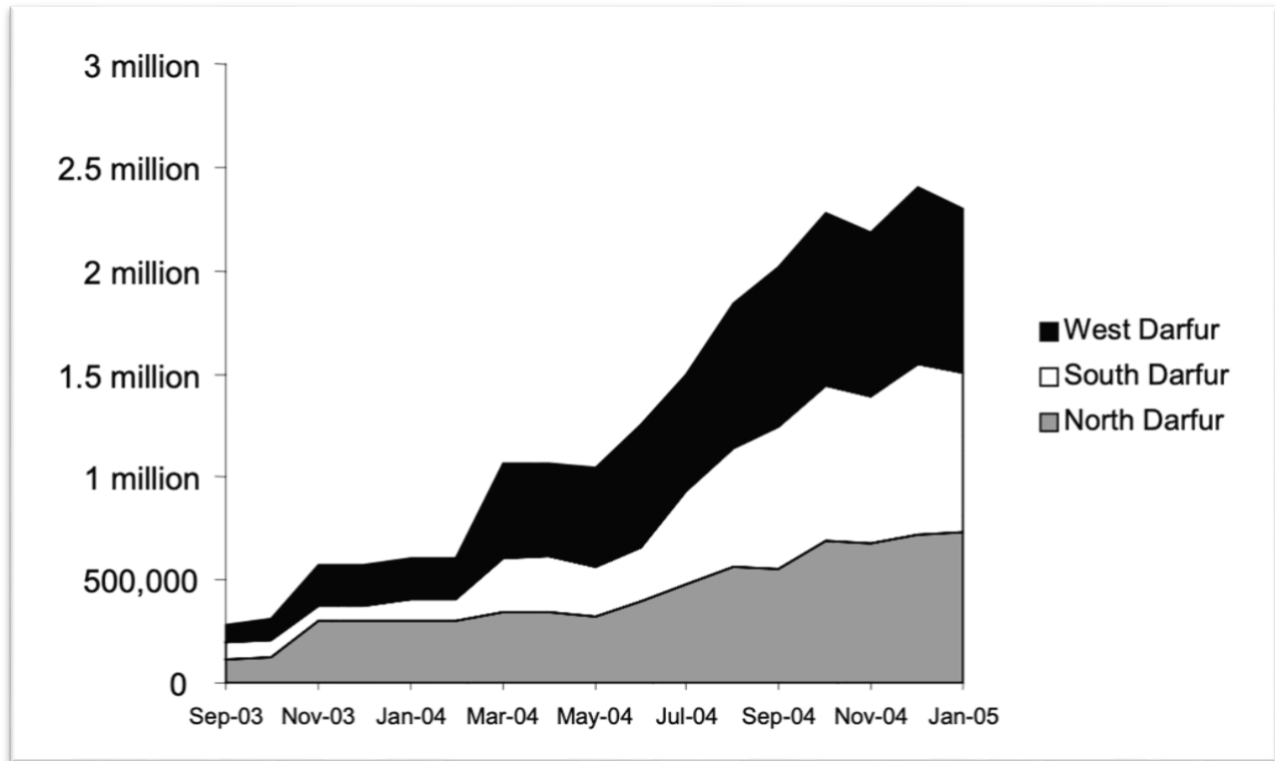
156. The attacks on villages were marked by large-scale destruction of property and pillage. Villages were burned. The possessions of villagers were destroyed or pillaged, with looting organized in an increasingly systematic manner. Livestock were stolen. In many cases the vacated farmland was occupied, initially by livestock herds but also in some cases members of the Arab tribal groups arrived to settle there, either beginning to cultivate themselves or permitting the former villagers to return as temporary share-croppers on the farms they previously owned themselves. To date there have been no large-scale returns: the displacement is taking on an air of permanence.

¹⁴³ Fadlalla, A. M. 2008. 'The Neoliberalization of Compassion: Darfur and the Mediation of American Faith, Fear and Terror,' in J. Collins, M. di Leonardo, and B. Williams, (eds.), *New Landscapes of Inequality: Neoliberalism and the Erosion of Democracy in America*. SAR press, Santa Fe.

¹⁴⁴ Banwell, S., 2020. 'Glocalisation Masculinities and Violence(s) Against Men and Boys in Darfur,' in. S. Banwell (ed.) *Gender and the Violence(s) of War and Armed Conflict: More Dangerous to Be a Woman?* Emerald, Bingley.

¹⁴⁵ Tubiana, *op. cit.*, 'Darfur: A war for land?'

Figure 5: Conflict affected population (September 2003-January 2005)



Source: Guha-Sapir and Degomme, *op. cit.*, p. 20.

Anarchy and Societal Collapse

157. The conflict dismantled much of the existing local administration. Many tribal chiefs were displaced and became refugees or IDPs. There was an administrative vacuum in rural areas. Among the groups that formed militia, the tribal authorities were either overshadowed by the militia commanders or became militarized themselves. The army and official security forces became overwhelmed by the sheer numbers and military capacity of the militia, and indeed the rise of Gen. Mohamed ‘Hemedti’ Hamdan Dagolo, the commander of the Rapid Support Forces, to become a key powerbroker in Khartoum is a direct consequence of the war. In the camps, new authorities emerged from among militant youths and those who controlled the allocation of plots for tents and distributions of food. People were in shock and trauma. Darfurians described the situation as *fawda* (‘anarchy’) and characterized this as no less serious than the large-scale massacres that had preceded it.¹⁴⁶

¹⁴⁶ Fadul, A-J., and V. Tanner. 2007. ‘Darfur After Abuja: A view from the ground.’ In A. de Waal (ed.) *War in Darfur and the Search for Peace*, Harvard University Press, Cambridge MA.

158. The pattern of violence changed from two grand coalitions fighting against one another in the hope of a definitive victory, to a generalized pattern of lawlessness and, in the words of the Joint Special Representative of the UN and AU, Rodolphe Adada, ‘a conflict of all against all.’¹⁴⁷ The forces that had been mobilized for the massive counter-insurgency were too large, sprawling, and autonomous to be under strict GoS control. Within a few years, the militia and armed tribes were fighting one another, and in some cases units of the diverse GoS array of forces also clashed. In 2008-09, the single largest loss of life in Darfur occurred among members of Arab tribes, armed by the government in 2003-06, who were fighting one another over land and other issues.¹⁴⁸ The armed movements also fragmented. There was something akin to an open market for specialists in violence who could operate on their own behalf or rent their services to whoever was ready to pay. The GoS effort to control this political-military market consumed its budget and energy, and ultimately contributed to the fall of Pres. al-Bashir himself.

159. Darfur was utterly changed. Swathes of countryside were emptied. The cities swelled, with IDP camps becoming vast settlements that took on the appearance of permanence. Traditional livelihoods, ways of life, inter-communal relations, and people’s sense of themselves, were destroyed and had to be reconstructed anew. The outcome of the war and atrocious violence was not something wanted by either side in the conflict, let alone the people of Darfur who had so little say in their fate, but was entirely foreseeable.

Signed



Alex de Waal
1 February 2022

(Incorporating minor corrections presented and accepted in Court, 6-8 April 2022)

¹⁴⁷ United Nations Security Council Press Release, 2009. ‘Darfur Today is a Conflict of All Against All’, Security Council Told in Briefing by Head of Joint African Union-United Nations Operation,’ United Nations, Department of Public Information, SC/9644, 27 April.

¹⁴⁸ De Waal, A., C. Hazlett, C. Davenport, and J. Kennedy. 2014. “The epidemiology of lethal violence in Darfur: Using micro-data to explore complex patterns of ongoing armed conflict,” *Social Science and Medicine* 120:368-377.

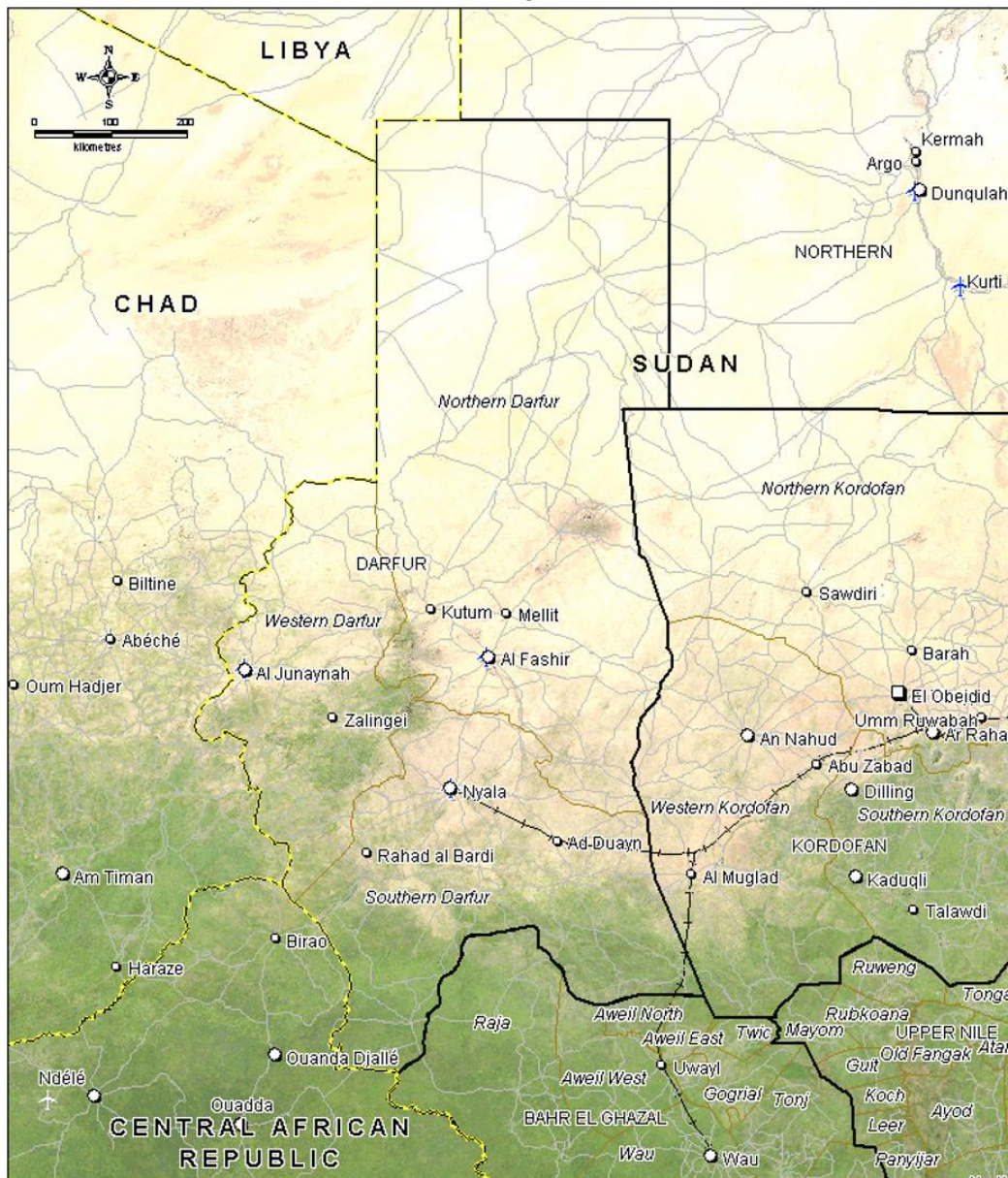
Appendix: Maps

Map 1: Sudan in 2004



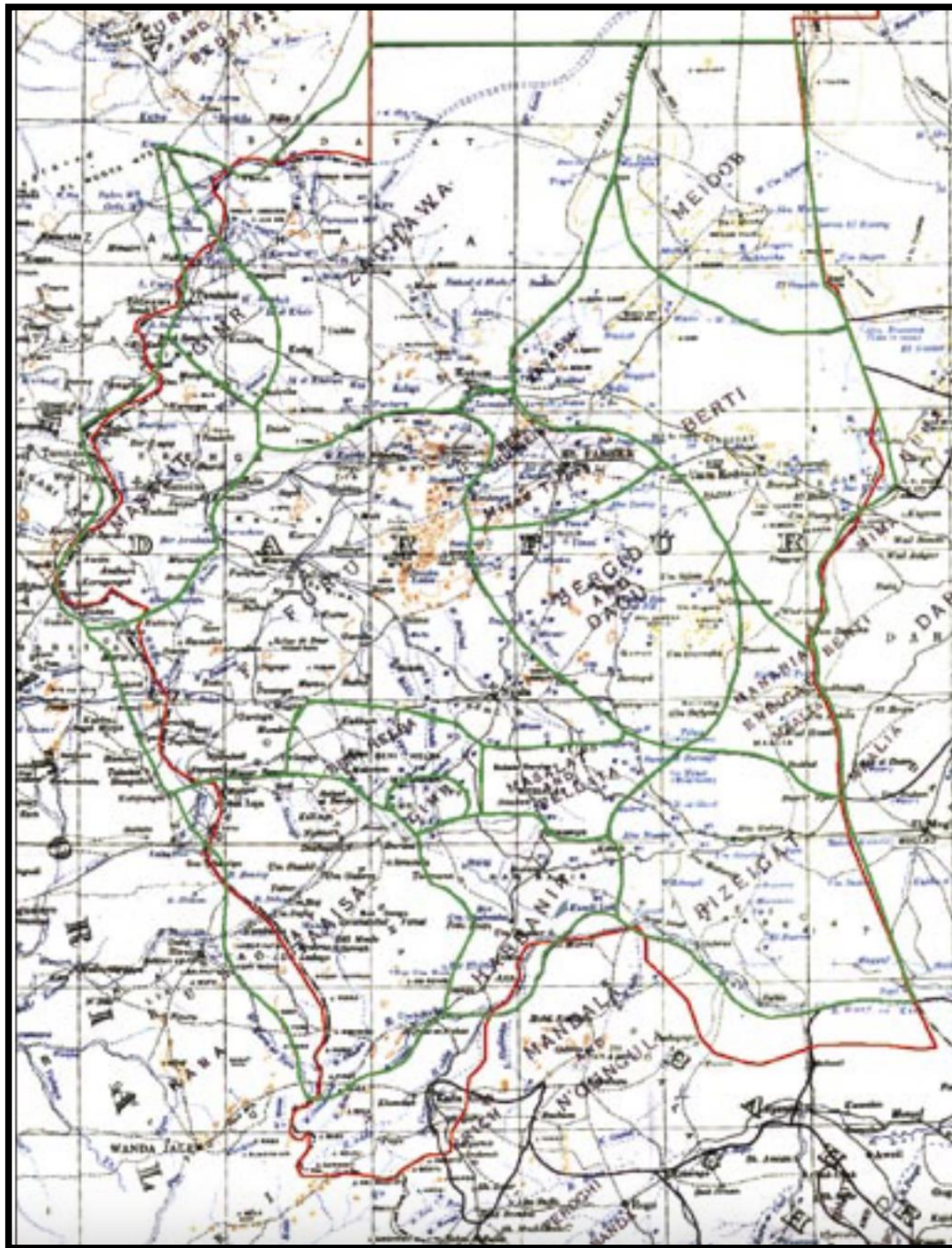
Source: United Nations

Map 2: Satellite image of Darfur showing vegetation



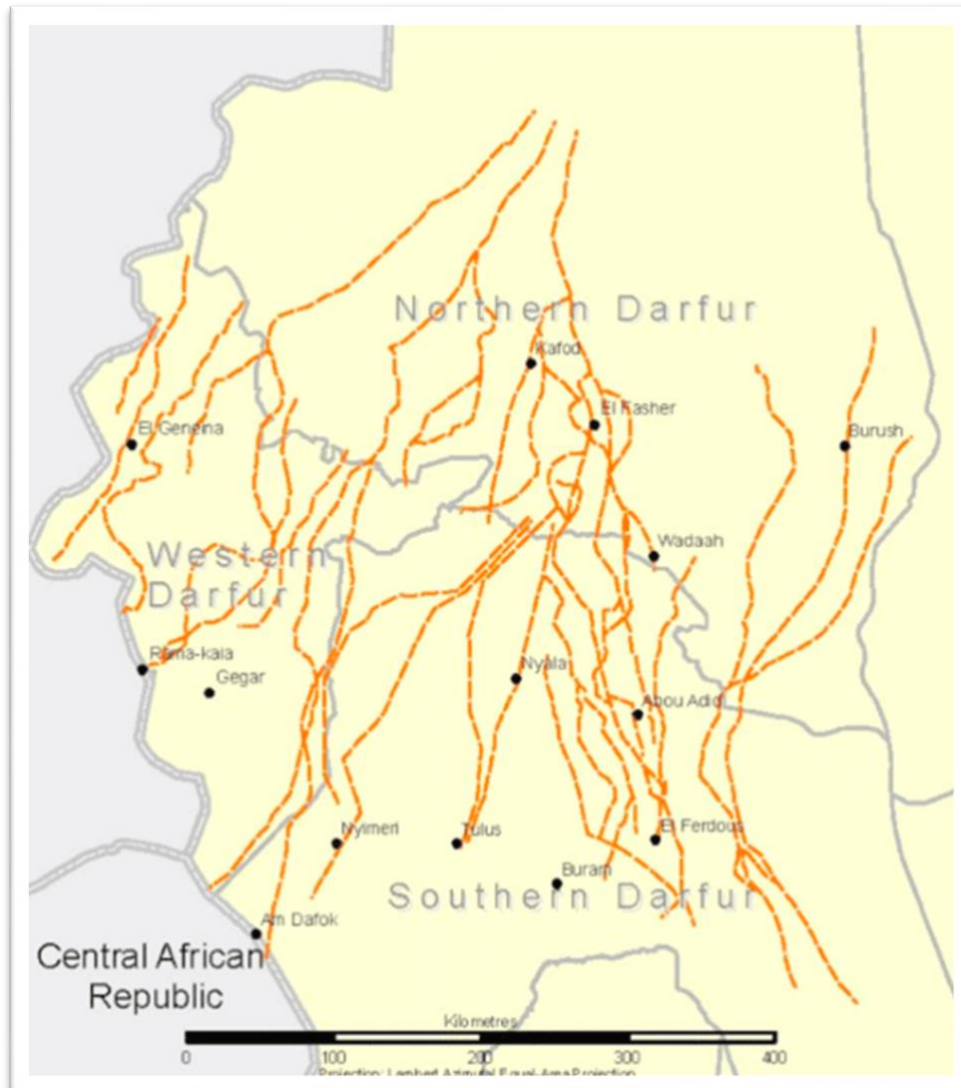
Source: United Nations (UNOSAT)

Map 3: Tribal *dars* in the colonial era



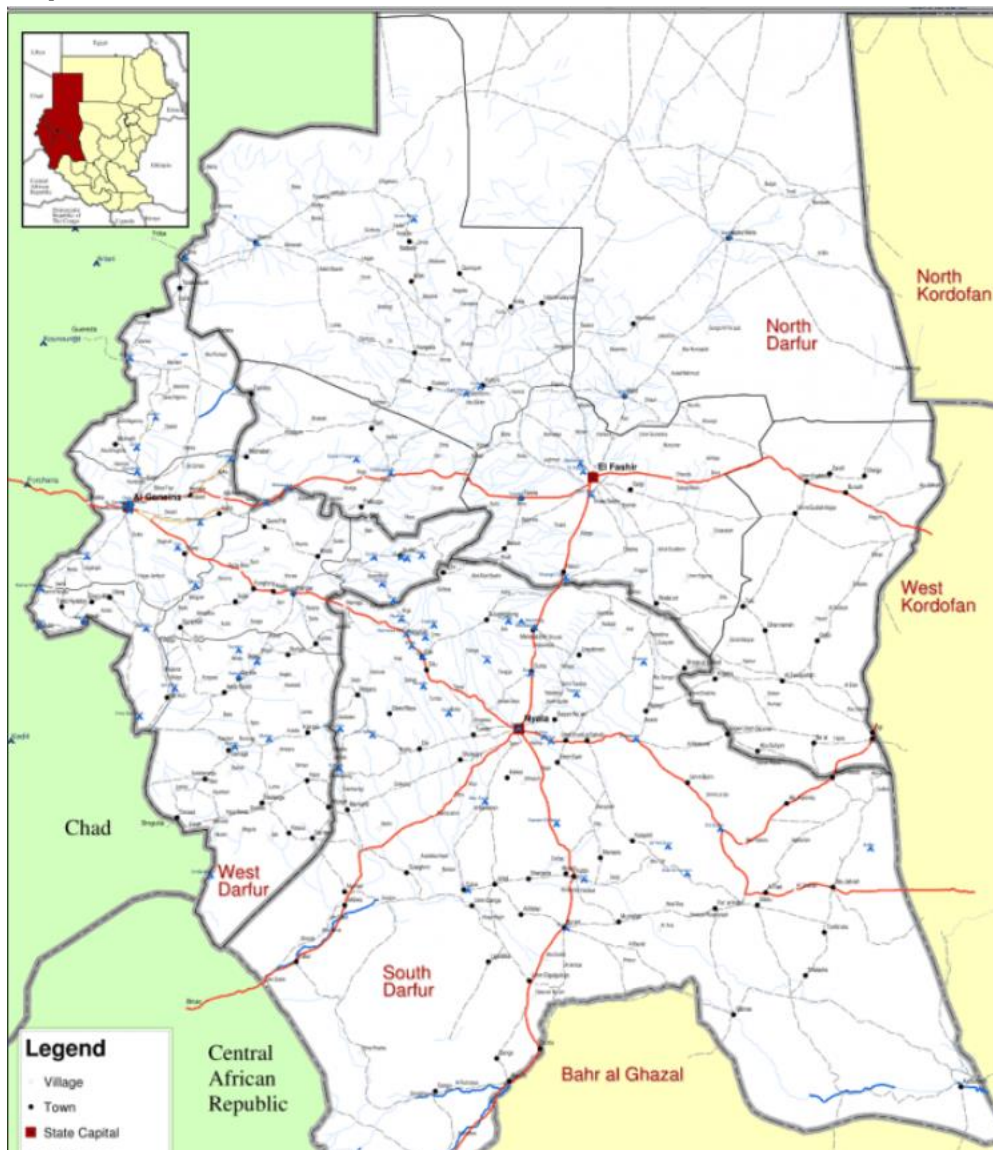
Source: 1928 map of tribal areas of Darfur, in Young et al., *op. cit.*, 'Livelihoods under siege,' p. 14.

Map 4: Camel herding migration routes



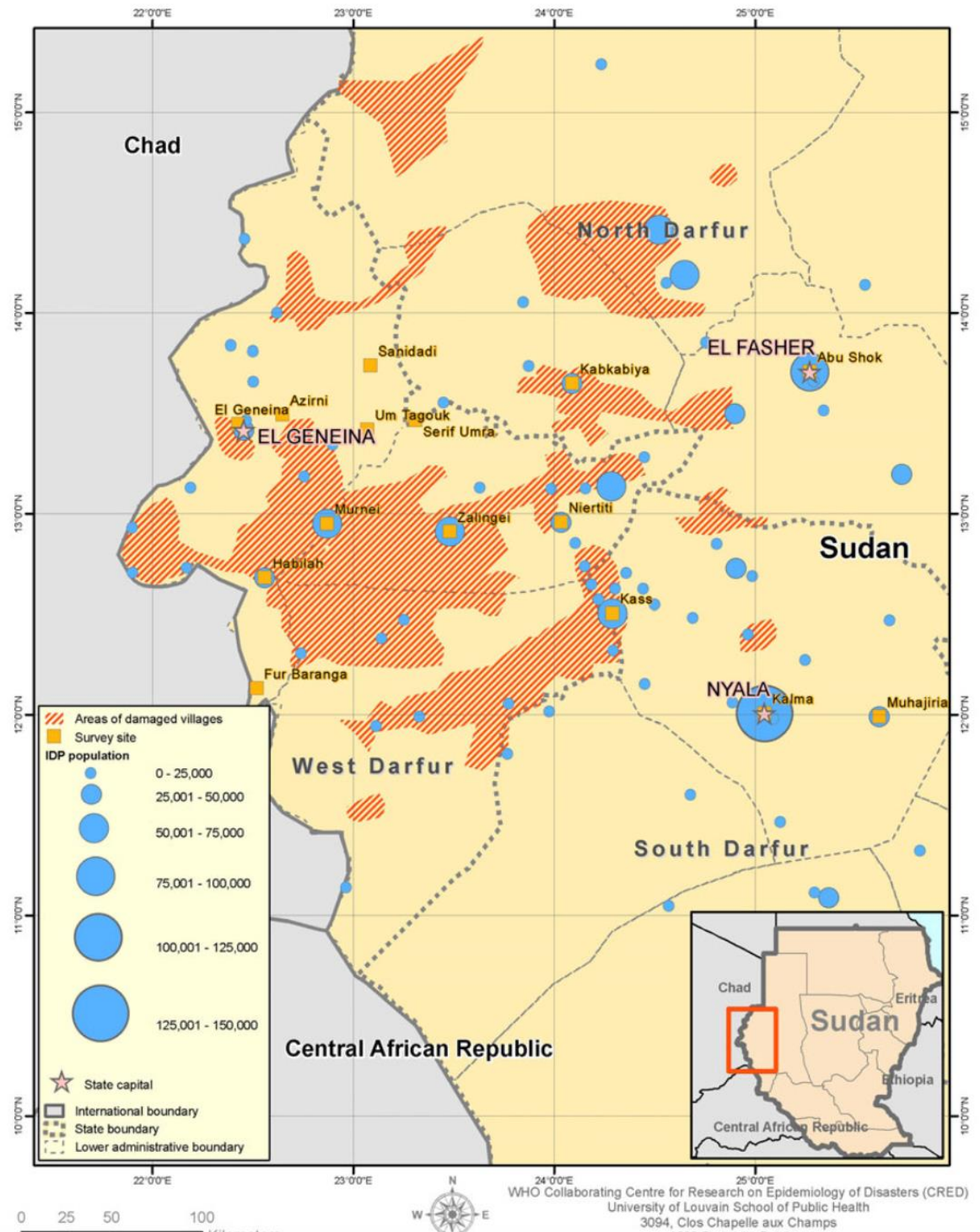
Source: UN Environment Programme/Habitat International Coalition, Sudan.

Map 5: Darfur States, 2004.



Source: United Nations Office for the Coordination of Humanitarian Affairs, 2004.

Map 6: Conflict-affected areas and IDP locations (March 2005)

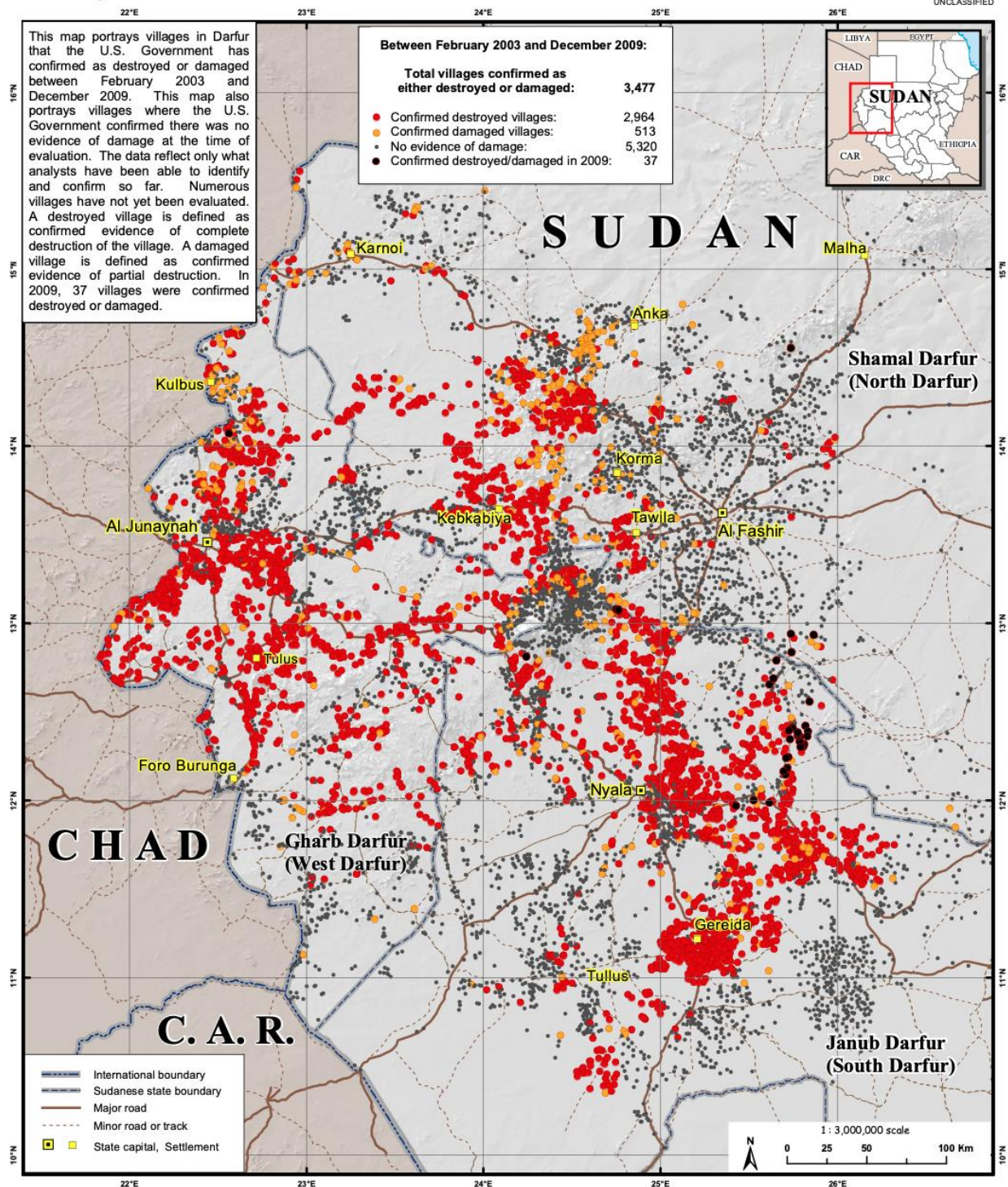


Source: Guha-Sapir and Degomme, *op. cit.*, p. 17.

Map 7: Damaged and Destroyed Villages

Darfur, Sudan:
Confirmed Damaged and Destroyed Villages,
February 2003 - December 2009

UNCLASSIFIED



Names and boundary representation are not necessarily authoritative.

Source data: Destroyed and damaged villages: U.S. Government.

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