

A Bitter Harvest and Grounds for Reform:  
the Nuba Mountains, Conflicted Land and Transitional Sudan

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Within 'liberal peace' narratives there is a conventional wisdom regarding both 'road maps' for peace processes, and the intrinsic value of elections for the legitimization and consolidation of governance. As such, many viewed the Sudan elections of April 2010 with intense interest and concern. A referendum now looms as reality for the future of Sudan, within a given timetable for decision on separation for an independent South.

This paper will re-visit Comprehensive Peace Agreement provisions and current developments, in that the South has benefited from implementation in practical de facto autonomy whereas measures for the transitional areas (Southern Kordofan, Blue Nile and Abyei) and national-level reform are well behind. It will look particularly at the need for untangling access, use and ownership claims (local, traditional, regional, national and international/corporate levels) regarding land use and tenure; and why dialogue and action on the same are needed to clarify ways of working and living in the new-post referendum Sudan. While anticipating additional complications through Sudan's place in the ongoing global land grab, it will differentiate between land 'governance' and land 'sovereignty' when pointing to specific processes needed for reform and violence prevention.

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*'What we want is for these political parties to inform all the foreign government representative entities (i.e. embassies etc.) International agencies (including the UN) and by a public announcement in at least one of the local daily newspapers, that in case they have any powers once the current regime changes then they are no longer bound by any agreements concerning land or its use that has been agreed upon by any foreign (public or private entity) and the current government of Sudan or any of its agencies (this applies to land and agencies in the North and South of the country). The message to state clearly is that any such agreements not in the interest of the country or its people will be deemed to be null and void.'*

Private email message to JL from Sudanese businessman July 2009

## Southern Kordofan: Background

### *Election delay*

A month before the 2010 polls opened, the National Elections Commission (NEC) partially postponed elections in South Kordofan State, citing agreement between the National Congress Party (NCP) and the Sudanese Peoples' Liberation Movement (SPLM). Unresolved concerns arising from the census and voter registration were problematic. The delay in South Kordofan applied only to the elections for the governor and to the local assembly, while the national presidency and legislative elections were meant to proceed in the State as scheduled, on April 10. By mid-April it was reported that 3 polling stations had been attacked in South Kordofan, with a group called the Sudan Liberation Army Front claiming responsibility.

In a statement to Radio Miraya, the field commander of the group, Abu Baker Mohammed Kadu, spoke of the attacks. In an interview with Radio Miraya, the Chairman of the Sudan Liberation Army Front, Juma Al Wakeil, said that his front did not recognize the current elections because war is still raging in Darfur and South Kordofan. The point was made that both regions are not represented in the central government. He blasted the government for siphoning oil from these areas for other states like Khartoum and Port Sudan, leaving only oil tragedies in return. Wakeil further said, that the world must know that his front is a revolutionary force and will continue to fight the system, regardless of the elections.' (1) Underlying the issue of oil is the very land from which it is drilled ... huge swathes of it in a belt of agriculturally fertile territory which has been leased, sold, and accessed for profit-making purposes over the heads of the local populations.

This incident (and others variously reported and/or denied in the area) is representative of severe fault lines which remain in the contested transition areas. Southern Kordofan and Blue Nile do not have a clear future provided by the CPA. Instead of a referendum, these states were granted 'popular consultations', through which their state legislatures can reassess their political arrangements under the CPA, and theoretically open them up for renegotiation. Although each state has substantial NCP/SPLM power-sharing arrangements, including rotating governors, Southern Kordofan in particular remains at risk. According to provisions in national law passed in December 2009, popular consultation will be done through elected members of the state legislative assembly. How and whether this will happen leaves many questions about whether the process will adequately address grievances that could lead to new conflict before or after 2011.

## *Background to status and territorial issues in Southern Kordofan*

From 1985 to 2002, the Nuba Mountains (2) were a major front line in the war between the Government of Sudan (GoS) and the Sudan People's Liberation Movement/Army (SPLM/A). Situated in the culturally diverse 'transition zone' between the 'Arab' north and 'African' south of Sudan with territory rich in natural resources and mineral deposits, the Nuba Mountains host complex conflicts around political, economic, religious, cultural and social identity issues. Hostilities were ended by a cease-fire agreement (CFA) in January 2002 in advance of a political settlement reached in two protocols signed by the GoS and the SPLM/A in May and December 2004, which became part of the CPA.

The 2002 Machakos Protocol used 1956 independence boundaries for border demarcation between northern and southern Sudan. This boundary excluded Abyei, the Nuba Mountains and Southern Blue Nile (now known as Blue Nile) State from the South in spite of their having been predominantly administered by the SPLM/A. Subsequently, two additional protocols adopted at Naivasha, Kenya, addressed the Three Areas and were later incorporated into the CPA. Abyei was provided with an interim administration status, with a later vote at the time of the referendum in the South on its final status. Since then there has been renewed violence and a boundaries commission which went to the Permanent Court of Arbitration in The Hague. A ruling there awarded control of oil fields in the region of Abyei to the Sudanese government, but defines the region's boundaries in a way that is politically beneficial to the south.

The Protocol on the Resolution of the Conflict in Southern Kordofan and Blue Nile States allows only for 'popular consultation' on future status issues. South Kordofan is subject to special arrangements under the CPA for political, administrative, economic and social provisions. These include:

- establishment of a State Land Commission,
- special provisions for security and education,
- a right to raise external resources,
- and the 'popular consultation' (undefined) for the local population.

Since the signing of the CPA in 2005, two administrative systems have existed in Southern Kordofan – one for the GoS-administered areas, and one for the SPLM-administered areas. A joint government has been established at state level, with rotating governorships, but administration of government and SPLM-controlled areas are separate. There are two education policies (two languages, two systems), parallel judicial, security and local government structures. Joint Integrated Units that were to form a precedent for a new national army have been problematic, with SAF and SPLA forces remaining separate. Police forces are also separate.

The much needed State Land Commission, tasked with reviewing existing land leases and contracts has not been established. According to the Nuba Mountains Protocol, a State Land Commission should have been established "to review existing land leases and contracts and examine the criteria for the present, land allocations and recommend to the State authority the introduction of such necessary changes, including restitution of land rights or compensation." (3)

With the Three Areas Protocol offering such differing pathways for South Kordofan, Blue Nile and Abyei, providing for popular consultations for the first two and a referendum for Abyei to determine future status -- the interests of North and South continue to play out in the three areas.

## Sudan and the Global Land Grab

Southern Kordofan is a geo-political intersecting point between North and South Sudan. Being both a cross-roads and a battleground has left South Kordofan's population dislocated and divided, vulnerable through distrust between and within population groups, including the Nuba communities themselves who fought on both sides in the war. Long standing tensions over land, water and political representation have not been resolved since the signing of the CPA. Whereas oil was once seen as a positive injection of resources to bring warring parties to the table in the name of shared gain, reserves will not continue forever and profit re-distribution has been a thorny issue.

Land purchase and foreign direct investment or buy-in is not new, but several things about the current trend are strikingly different. One is its scale. 'A big land deal used to be around 100,000 hectares (240,000 acres). Now the largest ones are many times that. In Sudan, South Korea has signed deals for 690,000 hectares, as reported by *the Economist* who quote an official in Sudan as saying that his country will set aside for Arab governments roughly a fifth of cultivated land in Africa's largest country, traditionally known as the breadbasket of the Arab world. (4)

The Sudanese government has leased 1.5 million hectares of prime farmland to the Gulf States, Egypt and South Korea for 99 years. Paradoxically, Sudan is also the world's largest recipient of foreign aid, with 5.6 million of its citizens dependent on food deliveries. (5)

Press coverage of the first Sudanese-Sino forum on agriculture cooperation emphasized that economic relations between Sudan and China would focus in future on developing agriculture. An official at Sudan's agriculture ministry was quoted in 2009 saying that investment in farming in his country by Arab states would rise almost tenfold from \$700m in 2007 to a forecast \$7.5 billion this year (2010). This represents 50% of investment in the country, whereas in 2007, agricultural investment was a mere 3% of the total. (6)

Investors offer benefits: machinery, seeds, marketing and export, sometimes schools, clinics and roads. But they do this amid the uncertainties and layered governance and entitlement strands which stand to either be consolidated or to unravel completely when Sudan's referendum is expected to take place next year. As the recent EUISS report points out, land resources and pastoralist issues, closely linked to water management, are a long-term challenge for policy and peace makers, as elsewhere in Africa. 'The purchase of extensive terrains by foreign powers such as Saudi Arabia, the United Arab Emirates, Egypt or South Korea also means that these powers will have a vested interest in some form of stability in Sudan to be able to use these lands.' (7) How that 'stability' is defined and secured is of grave concern. Land tenure, food security and natural resource management are bound up with questions of identity, compensation and reward, justice and reconciliation.

### *Land Tenure in Sudan*

As documented by Pantuliano, there is no unified land tenure legal framework across Sudan. (8) In the North, despite the fact that official land law has undergone transformations under successive governments, the legislation is essentially founded on colonial land laws. Customary land rights are generally not recognized by the government and statutory legislation has traditionally been used to bypass local customs by the state or for private interests in rural areas. Government laws concerning land tenure have been rooted in the principle that unregistered land is assumed to be owned by the government unless the contrary is proven (as introduced by British colonial administration).

Subsequent legislation on land introduced in the 1970s and 1980s (particularly the Unregistered Land Act of 1970 and the Civil Transaction Act of 1984) further strengthened the prerogative of the state and has allowed elites close to government to acquire land at the expense of rural people. Expropriations were common particularly in South Kordofan (namely in the Nuba Mountains area), where traditional farmers and pastoralists in the 1970s saw their land assimilated into mechanized farming schemes or simply registered in someone else's name. This early land grab led to massive displacement, absentee landlordism and no local returns-- and was a main reason that in the late 1980s people in South Kordofan mobilized to join the SPLM insurgency in the South. Similar displacements occurred in the 1990s, particularly in oil concession areas such as Unity State (see above). Land issues are also at the heart of conflicts in Eastern Sudan and Darfur.

Before the onset of violent conflict in the Nuba Mountains, the diverse Nuba people were fully aware only of their clan affiliations. They neither perceived themselves as a Nuba nation nor actively sought to be one. Their relations with their Arab neighbours, the *Hawazma* and *Misiriya*, were tolerable. They exchanged goods and services, and intermarriage was an acceptable practice especially among Arabs and Muslim Nuba. At the beginning of the conflict, many Nuba even sided with the government, because they perceived the conflict to be a political discord, rather than an ethnic or economic strife. (9)

As early as the 1970's however, the Sudanese government had allocated parcels of land for the implementation of mechanized farming, as part of a national programme to revive agriculture in the Nuba Mountains and Blue Nile State financed in part by the World Bank. In testimony recorded by Suliman on the spread of mechanized farming during the 1970s, a civil servant recalled how those who were powerful and well connected seized land, resulting in a nightmare of enclosure for locals:

*The government just demarcates land, regardless of the realities of the area; they do not care if there are villages in this land or not. In the area of Habila, in the Nuba Mountains, mechanized farms have circled many villages.*

*There is no more land for the Nuba; no land for farming and no land for the animals to graze. The Nuba are squeezed and have to choose between two options: either leave the area to work for the government as soldiers, or become workers in a mechanized farming scheme. (10)*

Southern Kordofan has over 12.6 million hectares suitable for cultivation, which accounts for 10% of the total arable land in Sudan. (11) Despite the extensive arable land, land ownership among the local communities is on a small scale ranging between 5 – 21 feddans (1 feddan = 4200 square metres).

Historically land among the local communities was communally owned (tribal lands) and was divided into three land-types (12):

- Individual – for household cultivation purposes
- Communal - meant for cultivation and grazing.
- Forestlands/vacant land

Land ownership among the local communities is family oriented and where previously it was acquired through cultivation, at present acquisition is mostly through inheritance or purchase. (13) This can also extend to informal exchange.

Current land ownership is fragmented with households owning more than one parcel of land. Pantuliano notes that while the majority of the population are small-scale agro-pastoralists, mechanised farming schemes occupy more than half of the plains. (14) Large-scale farms are to be

found within the government sponsored commercial farming schemes, where over 3 million feddans were appropriated by the government. (15) These large-scale farms are mainly owned by absentee Jellaba (originally the Sudanese Arab urban trading class) landlords, who were allocated most of the land. In addition, large areas of indigenous Nuba tribal lands have been allocated to private investors since the Investment and Ownership Act in 1990, which has deprived the rural people of the right to their land. This Act resulted in dislodgement of indigenous people from their homeland as well as sealing off nomadic corridors, pastures and water points. Further displacement is occurring because of oil exploration, which resulted in clearance of large areas along the pipeline, which transverses the Nuba Mountains in the middle.

### *Land and Oil*

Through contracts with international companies, highways are built and electricity provided for oil companies, while local populations are reduced to observers of transit operations taking oil northeast to Port Sudan. Illegal logging is fairly straightforward, with truck drivers claiming to be from Unity state travelling through South Kordofan, to avoid state tax. Both environmental destruction and the building of roads affect pastoralist and farming behaviours—people cannot sustain mobility patterns based on century old understandings and tolerance, even interdependency. Oil companies have started providing water to a few schools, built a clinic or two and came out with a slogan on 'Development and local support' after militias and youth movements began blocking roads as protest against the companies. This is also in response to incidents such as the 2008 kidnapping of nine Chinese oil workers in Southern Kordofan. (16) There is now a rapidly growing threat to the region and its fertile land through 'global land grab', external purchase of land which will grow food for people elsewhere, providing the price is right and the contracts agreed. In a region where 'land grab' has already done damage (see below) this reality poses new ethical, administrative and political dilemmas.

Douglas Johnson describes how the oil was turned into a curse rather a blessing for the local communities in the Nuba Mountains and southern Sudan. He documents how exploitation was made possible by clearing the oilfields of their civilian population through the activities of the Sudanese armed forces and the Baggara (nomadic cattle-herders) militias from Southern Kordofan, and then securing the areas through alliance with the Nuer break-away factions of the SPLA. 'Once installed, the Sudanese military has used the oil company roads and airfields to attack civilian settlements within a widening security radius.' (17) Guma Kunda Komey argues that abuse most connected to oil development in Sudan since the early of the 1980s has been forcible displacement—by military means—of tens, perhaps of hundreds thousands of local communities in order to obtain land for the international oil companies. He records human rights violations and resultant legal responses from the local communities, against both government and the oil companies in the region.

One relatively recent event attests to this. Following the CPA, some Nuba communities attempted to sue the Government of Sudan and the involved oil companies. One of such court cases which are still in the process is the one filled by two elites from the area, on behalf of ninety eight (98) local farmer households, against the Consortium (the involved oil companies) in al-Dalenj Court. These farmer households are demanding a fair compensation for the loss they incurred since 1995 as a result of oil pipe line that destroyed their livelihoods including farming and grazing lands and settlements. Although it is likely that these affected local communities will not win the case under the present land laws that do not recognize customary land rights, the case demonstrates beyond doubt that oil investment in the region is central to series of gross human rights violations and a disrupting factor for the socioeconomic livelihoods of the local communities in the region. (18)

## Internal Competition

The transitional areas remain fragile in part because they are so closely connected to national-level dynamics, southern dynamics, and Darfur. They are fraught with unfinished business regarding implementation of relevant CPA protocols, and also suffer internal, localized competition.

Within the Nuba Mountains, conflict over land between agro-pastoralists and transhumant pastoralists has been a recurrent issue which has been compounded further by declining resources due to land degradation and the effects of climate change. In the Nuba Mountains region, land is the main source of livelihood. Nuba communities are dependent on land for fuel wood, timber for building, medicine and food. With their dependence on land for sustenance, competition over resources (land, water, and grazing land) is inevitable. This compounded by declining resources caused by degradation and over exploitation of land means that natural resources will continue to be a cause of conflict. The delicate balance of the regions ecosystem was badly affected by the 21 year Civil War, with wanton destruction of forestlands propagated by both sides, the Government of Sudan (GoS) and the Sudan's People Liberation Movement/Army (SPLM/A), this deterioration of the environment is made more critical by the real threat of climate change and the desertification process.

While the signing of the CPA in 2005 heralded a new beginning for the people of Sudan, the same cannot be said for the environment. The reconstruction of destroyed infrastructure has meant that huge forestlands have been cleared to pave the way for roads, airports and settlements without due regard for the environment and the assessment of the impact of these developments on the environment. The return of formerly internally displaced persons (IDPs) to their former lands has further strained the resource base (especially land) and an already fragile ecosystem.

This has resulted in reduced forest cover and extensive soil erosion, which has severely affected agricultural productivity and food security in terms of poor yields. This wear and tear on the land alongside climate change will have a spill over effect on the livelihoods of the Nuba people and is more than likely to exacerbate resource-based conflicts. Conflict inherently means instability not just within the affected state but those states bordering the said state through influx of refugees, proliferation of arms, etc. Given the porous nature of most borders more so within Africa, conflicts have tended to have a domino effect meaning that whole regions could easily be destabilized if the conflict is left unchecked.

Conflict within the Nuba Mountains is not based on ethnicity but is based more on livelihoods and the need for land to sustain the communities. The conflicts are between agro-pastoralist and nomads, nomads versus large-scale mechanised farms etc. The underlying causes of these conflicts (internal and inter-state) are related to land resources. These include but are not limited to:

- Competition over natural resources (land, pasture, water & oil)
- Land Policies (disconnect between government policies and customary land laws)
- In-equitable resource distribution (specifically land and oil revenues)

Encroachment and appropriation of former rangelands by the government sponsored mechanised schemes (as above) means a legacy of displacement for local communities and adversely affected pastoral patterns further reducing the available grazing land for transhumant pastoralists and agro-pastoralists. This has fuelled animosity between the sedentary agro-pastoralist and the nomads who are primarily of Arab origin. In the past, sedentary pastoralists grazed their livestock in demarcated communal rangelands, which were managed by tribal leaders/elders. These rangelands along with the

demarcated stock routes have since diminished with the introduction of mechanised farms and the implementation of the Unregistered Land Act by the government in 1970. Reduced pastureland has become a source of conflict between the two groups, with local communities perceiving transhumant herders as the cause of rangeland degradation. (19) This is supported by the large numbers of livestock herds owned by the transhumant pastoralists.

Displaced local communities were also forced to encroach on former rangelands and forestlands for cultivation thus reducing available grazing lands for pastoralists. This has created animosity towards the Jellaba landlords, who benefited from the government large-scale schemes. The absence of alternative sources of livelihoods for the communities' has further heightened tension over available land resources and communities living around water-points and common grazing lands are vulnerable to attacks.

In Sudan, resource-based conflicts are likely to intensify driven by declining resources and increased desertification. This is evident with the migration of camel herders from the Northern Kordofan to the Nuba Mountains. This migration has heightened tension among local communities over the scarce resources and fuelled animosity towards the government for its lacklustre response to land issues. While land was a catalyst of the 21-year civil war, the issues of contention were based more on land tenure than declining resources. The propagation of pro-northern policies and appropriation of tribal lands was at the heart of the North-South animosity. In the Nuba Mountains, the current causes of conflict are related to access to pasturelands and water points. Reduced and poor pasturelands due to over-grazing and poor rainfall have resulted in competition over declining resources especially during the dry seasons. Consequently, this competition often results in armed conflict between communities (e.g. the Birgid-Maalia conflict). The conflicts exacerbate degradation in these areas as communities destroy resources as they often occur within rangelands and around watering points. While the Comprehensive Peace Agreement in 2005 made provisions for redressing the inherent failings of current land tenure policies, the issue of land degradation, declining resources and increasing populations as potential causes of conflict are yet to be addressed.

## The Centrality of Land and Ways Forward

The inability of government policies on land ownership and management to cope with the demand for agricultural land and pasture continues to be a source of conflict. The decrease of pasturelands and decreased productivity of land under cultivation will further exacerbate the situation.

Sudan's land policies are derived from four major acts, which are outdated and not applicable to the current situation. The most important of these acts are the Unregistered Land Act (1970) which returned all unregistered land to the government and the People's Local Government Act (1971) which abolished the native administration system. In 1990, the Sudan government introduced a new Act based on Islamic understanding of public utility. This Act says land is owned by God or 'Land belongs to God and Government acts as a trustee'. Successive national governments of Sudan have not resolved the issue of land ownership, which affects the indigenous people of Sudan. There is a feeling that most of these policies favour northern elites to the detriment of the rural farming communities who are dependent on land.

While provisions were made in the CPA for the constitution of Land Commissions to resolve the questions of land tenure and usage, the provision largely ignores customary land-tenure systems vesting authority on land usage and exercise of rights in the national and state governments (CPA,

2005). Sudan's current multi-tiered governance system further complicates land legislation as each state can legislate its' own policies alongside the national land policies. These varied and distinct systems are often at odds thus rendering implementation difficult and as such, their role in the utilisation and conservation of natural resources is ineffective. Diverse stakeholders include the governors of South Kordofan and Blue Nile and State government officials; persons or corporate bodies with large-scale agricultural investments; organizations that represent their interests, such as the General Farmers' Union or Federation of Private Agricultural Companies; the Ministries of Agriculture and other; rural peasant settled cultivators and Traditional Leaders; the Federation of Pastoralists and pastoral leaders. On the ground there is little trust in the State and its Institutions.

The communities of the Nuba Mountains have historically revered traditional systems of governance in all areas of their lives. The traditional leaders play a key role in the communal lives and are vested with the authority to manage resources for the community and resolve conflicts. The leaders who include chiefs, elders and *Kujurs* (priests/rainmakers) are well versed in the customs and traditions of the communities and are the community's knowledge resource base. The *Kujurs* were for example feared for the curse they could invoke on one and his kin for defying the authority of the elders or for destroying sacred or protected lands.

Traditional leaders were responsible for the management of communal resources which negated the misuse of land by any one individual and thus reduced instances of degradation. Demarcation of rangelands and stock routes for transhumant pastoralists was also their remit, and was a key element in pre-empting conflicts over resources and encouraging peaceful coexistence between communities. Offences were investigated (whether intentional, accidental, clan or individual) and peaceful solutions sought instead of engaging in warfare. Peaceful solutions included the payment of a blood money (fine) e.g. a herd of cattle, or a hand in marriage thus fostering trust and closer ties between communities. These mechanisms encouraged harmonious relations and consequently spurred development through trade between communities.

In the past decades the role and authority of the traditional leaders in land and conflict issues has been greatly undermined by the central government. This is apparent with the imposition of the Unregistered Land Act and People's Local Government Act which impacted negatively on the performance of tribal chiefs in solving land disputes. The power of tribal chiefs was also greatly reduced during the war as military tribunals were commissioned to replace customary courts. (20) While traditional systems of governance have been dismantled, in many cases the authority of traditional leaders is still widely heeded by the local communities and can be harnessed in resolving conflicts. This was evident in the yearly Traditional Leaders Forum, instituted to discuss issues affecting communities and also to enhance the capacities of local leaders in conflict resolution. Traditional Leaders face contemporary challenges among them communications and the need to change attitudes on gender, while remaining a living link with peoples who are otherwise in danger of marginalisation and lack of voice.

Inter-ethnic and resource-based conflicts have long term socio-economic repercussions. The loss of lives, livelihoods and displacement of people resulting from such conflicts perpetuates bitter enmity between future generations. This animosity deflects any meaningful development and is likely to result in inter-territorial war and consequently fragmenting the state.

The Nuba communities and the communities of the Sudan are not inherently conflictual, but have democratic roots in their indigenous societal structure which should be used to develop and maintain peaceful negotiations among its diverse peoples. Local conflict resolution initiatives have shown that the communities are willing to resolve their differences but there is a need for the government to

actively engage itself in addressing the underlying causes of the conflicts to pre-empt the escalation of these feuds from evolving into full-scale war or into genocide as is the case in Darfur.

At present there are insufficient legal or procedural mechanisms to protect local rights and take account of local interests, livelihoods and welfare. Processes to negotiate land access are ad hoc and exploited. The lack of transparency and of checks and balances in contract negotiations creates conditions of insecurity locally and is conducive to corruption nationally.

Ownership requirements as per legal titles and deeds are moreover at odds with the relationship of local farming and pastoral communities with their land—the land they use and need, but have not historically treated as commodity. Thus, insecure use rights on state-owned land induces vulnerability; and alienation results from inaccessible registration procedures, vaguely defined productive use requirements, legislative gaps, and compensation needs regarding loss of crops, trees and soil – all undermining the position of local people. Governance mechanisms and legal provision are of course important. But food security itself and sense of place and heritage deem localized land sovereignty a need as well. Who speaks for the land of South Kordofan and how?

This study has underlying implications for the state and policy makers involved in conflict resolution and resource management as well as the communities of the Nuba Mountains and organizations working in the region. Present conflicts are related to failures in land policy, and also to change in individual and group relationships to land. An erosion of traditional land management systems, imported farming techniques and the politicisation of ethnicity has led to increasing demands for exclusive land rights. Without effective response and improved policy from national and state government, these trends greatly increase the risk of escalating resource conflicts. Regarding Popular Consultations for Southern Kordofan and Blue Nile, technical committees have begun planning. It is commissions to be created from newly-elected state assemblies which will undertake the actual consultations. Postponed state-level election issues in Southern Kordofan must first be addressed, before this state's commission can be formed.

## Conclusion

Land use and tenure security are linked to land/environmental management and consequently land degradation. There is a strong disconnect between contemporary land tenure and conservation policies and customary law and traditional practices. This disconnect, and the failure of existing policies to address environmental degradation implies a need for integrated land-management approaches. This would integrate indigenous knowledge systems with modern techniques to redress degradation and resolve land related conflicts.

While Sudan currently has over 150 Acts, Orders and related regulations governing environmental issues, (21) the inability of the government to implement the policies renders them ineffective and there is need to formulate and enforce environmental policies based on best-known practices (indigenous and modern) in the utilization and management of natural resources. The majority of the respondents in 2008-2009 research by Lazim Sulimen were of the opinion that local leaders (elders, traditional leaders, chiefs, and *kujurs*) were best placed to manage resources and mitigate in resource-based conflicts. (22)

A bottom-up approach has a higher chance of succeeding as the community members will tend to adapt policies and conservation measures they helped develop. Communities in the Nuba Mountains

look up to the traditional system of governance, thus involving traditional leaders in policy decision-making will ensure ownership and implementation of policies. Communities should be encouraged to practice sustainable land-use through the utilisation of indigenous techniques knowledge, which can be integrated with modern techniques. More sustainable management of lands would reduce environmental pressures such as conservation tillage i.e. reduced or no tillage is the key to sustainable arable land management as it protects the soil resources, increases the efficiency of water use and of special importance in semi-arid areas reduces the effects of droughts. (23) Involvement of agricultural extension officers should also be explored to educate local communities on good practices and the consequences of land degradation.

There is a real threat of extinction of local indigenous knowledge and techniques and as such there is a need to document indigenous land management and resource management techniques in the region which can be integrated with modern scientific knowledge for the benefit of the communities. Communities should be encouraged to document their knowledge and techniques which will encourage them to participate in conserving and managing their resources.

It has been said that debates on land policy are conventionally more interested in 'things', not social relations: papers, title deeds, and so on, even when these simplified property categorizations *do not actually conform* to existing realities: e.g. declaring as 'empty' a public forest despite the historical presence of communities therein. (24) Conventional land reform discourse avoids complex existing land-based social relations and relies heavily on official standard censuses and data on land property relations. Land reform's starting point is the same state-centric standard records and property categorizations. As a result, frustration remains among the very occupants of the land itself.

In their recent study on the politics of global land grab, Borras and Franco argue for a shift to bottom-up approaches and for the shift to understanding the need for land sovereignty. (25) They also point out that of the key debates around land issues today and in the future will be around a Code of Conduct (CoC) for land-grabbing. The proposed CoC-framed response to the global land grab is not framed in a way which questions the fundamental roots of land-grabbing, i.e., the existing industrial pattern of food and energy production and consumption. They argue that a CoC-framed response to land-grabbing is likely to facilitate, not block, further land-grabbing. Certainly, in the case of Sudan, there are specific and overlapping contexts to be considered with care.

There are diverse factors behind tension and instability in Southern Kordofan, among them severe social and political fractures over land use and affiliation or tenure. This paper has not addressed the future of the Misseriya, continued Abyei uncertainties; or specific problems of integration between SPLM and NCP administrations in the State. There are internal divisions within the Nuba and uncertainties around the future of SPLM/A-Nuba if the South secedes. Land reform policy itself is contested, multi-layered, and ongoing simultaneously at different levels in different regions. Across this however are common issues: the viability of traditional and customary land rights; the need for legal backing for community land rights, compensation and restitution; land commission roles; reform of land use planning, the use of alternative or informal dispute mechanisms where viable, and balancing profitable large-scale mechanization with both environmental needs and small scale localized production for food security.

In theory, popular consultations could offer avenues for expression and the addressing of concerns, providing a peaceful outlet for grievances and political demands. This potential exercise in agenda-setting is not yet on course. Land, food and the environment will be high on any eventual list. Clear and easily understandable information on land acquisitions and agricultural investments, and the means by which the rural poor may reclaim their stake and participate or 'grow' their own self-sufficiency or enterprises are vital.

## Recommendations

- An agreed and implemented process of formation of a Southern Kordofan Land Commission as mandated by the CPA, with outlined terms of engagement which are inclusive, deliberative and transparent, would help reduce some of the heightened confusion and politicisation of land conflicts.
- Without effective national policy or coordination, potentially incompatible land reform programmes are progressing within Southern Kordofan. Support should be given to demonstrable alignment of intent, principles and action planning – from central government through to regional and local levels.
- A moratorium on mechanised farming in the interest of balance with local needs and production would go a long way in reducing mistrust.
- Projects on the demarcation of pastoralist migration routes, carried out by the Ministry of Agriculture, international agencies and NGOs, could be better conducted with effective coordination, and an agreed focal point for the coordination of pastoralist livelihoods programming.
- There is a need for the government to work with traditional leadership who are representative of the communities to resolve and mitigate conflicts and manage resources. Inclusive, participatory approaches are possible if sufficient trust can be built among parties.
- Compatible integration of traditional land-tenure systems and governance institutions with state legislation is needed for the long term well-being of local populations; this can be subject to review and would benefit from participative design.
- Collective registration of community lands can be an effective tool for protecting local land rights vis-à-vis incoming investors, as well as giving a basis for new enterprises and restoring land use.
- There is a need to establish recognised judicial process which can address land tenure issues, compensate communities for appropriated land and restore rightful ownership to the displaced communities. This will go a long way in establishing a foundation of trust between the communities and the government.
- Communities should be encouraged to document their knowledge and techniques which will encourage them to participate in conserving and managing their resources. Establishing a research and resource centre for use by the local communities would promote knowledge sharing, sustain indigenous knowledge and ultimately foster inter-ethnic dialogue between the communities of the Nuba Mountains.

## Notes

- 1) ([sudanwatch.blogspot.com/2010/.../south-kordofan-attack-on-3-polling.html](http://sudanwatch.blogspot.com/2010/.../south-kordofan-attack-on-3-polling.html) – Cached)
- 2) Nuba is the collective name given to more than fifty distinct ethno-linguistic groups who, over several centuries, have settled in and around an area of granite massifs known as the Nuba Mountains.
- 3) Article 9.6, *Protocol between the Government of Sudan and the Sudan People's Liberation Movement on the Resolution of Conflict in Southern Kordofan/Nuba Mountains and Blue Nile*, Naivasha, Kenya, 26th May 2004.
- 4) Buying farmland abroad: Outsourcing's third wave, the Economist May 21st 2009
- 5) 'The New Colonialism' by Horand Knaup and Juliane von Mittelstaedt, Der Spiegel 30 July 2009 [www.spiegel.de/international/world/0,1518,639224,00.html](http://www.spiegel.de/international/world/0,1518,639224,00.html); See also Cotula, L., Vermeulen, S., Leonard, R. and Keeley, J., 2009, *Land Grab or Development Opportunity? Agricultural Investment and International Land Deals in Africa*, IIED/FAO/IFAD, London/Rome. For copies, contact IIED (Email: [newbooks@iied.org](mailto:newbooks@iied.org)), IIED Order No: 12561IIED
- Lack of data disaggregated by year prevents a trends analysis for Sudan in the above report. It points out that large-scale land acquisitions are not new, particularly with regard to investment from Gulf countries. The Arab Organisation for Agricultural Development (AOAD), based in Khartoum, was created in 1970 for the purpose of identifying and developing links among Arab countries, and coordinating agriculture-related activities among members. Its Director-General recently said he believed that Arab nations had the potential to feed themselves through international land acquisitions, saying "I am convinced that if there is a real interest and seriousness by investors in the farming sector, then the whole Arab World needs of cereal, sugar, fodder and other essential foodstuffs could be met by Sudan alone" (Kawach, N., 'Arab Nations Urged to Set up Strategic Cereal Stock', *Emirates Business* 24/7, 4 February, 2009 p.47)
- 6) <http://www.esai.org/myESAI/viewtopic.php?t=13411&sid;> and [http://www.economist.com/world/international/displayStory.cfm?story\\_id=13692889](http://www.economist.com/world/international/displayStory.cfm?story_id=13692889)
- 7) 'Post-2011 scenarios in Sudan: What role for the EU? Ed. Damien Helly, November 2009 ISS Report No. 6 European Union Institute for Security Studies, p.6
- 8) Sara Pantuliano (2010) 'Uncharted territory: land, conflict and humanitarian action', 'The Land Question: Sudan's Peace Nemesis' (2007) [www.internal-displacement.org/](http://www.internal-displacement.org/). See also Sara Pantuliano, (2010) 'Uncharted territory: land, conflict and humanitarian action' <http://www.odi.org.uk/resources/download/4409.pdf>
- 9) See extensive documentation and writing by Mohamed Suliman, Institute for African Alternatives, [www.ifaanet.org/](http://www.ifaanet.org/)
- 10) 'Sudan: Rich farms, conflict and climate change' Integrated Regional Information Networks (IRIN), *Sudan: Rich farms, conflict and climate change*, 22 May 2008, available at: <http://www.unhcr.org/refworld/docid/4836929b26.html>  
See also [www.unhcr.org/.../topic,45a5fb512,45a5fba52,4836929b26,0.html](http://www.unhcr.org/.../topic,45a5fb512,45a5fba52,4836929b26,0.html)
- 11) UNDP (2006) *Pastoral Production Systems in South Kordofan (Study 2)*. Khartoum: UNDP.

- 12) Komey, Guma Kunda. (2008) *The Denied Land Rights of the Indigenous Peoples and their Endangered Livelihood and Survival: The Case of the Nuba of Sudan*. Ethnic and Racial Studies 1 – 18. Routledge, Taylor & Francis
- 13) See Harragin, S. (2003) *Nuba Mountains Land and Natural Resources Study Report*. Missouri: University of Missouri.
- 14) Pantuliano, S. (2007) *The Land Question: Sudan's Peace Nemesis*. Briefing Paper Prepared for the Social Science Research Council. London: Overseas Development Institute.
- 15) UNU. (1985) *Natural Resources and Rural Development in Arid Lands: Case Studies from Sudan*. United Nations University Press.
- 16) 'Sudan's Southern Kordofan: The Next Darfur?' International Crisis (21 October 2008) report:
- 17) Johnson, D. H. 2006. *The Root Causes of Sudan's Civil Wars (Updated to Peace Agreement)*. Oxford: James Currey, p. 163
- 18) Guma Kunda Komey, 'Communal Land Rights, Identities and Conflicts in Sudan: The Nuba Question', p. 14. Paper presented at—The Human Rights Dimensions of Land in the Middle East and North Africa. MENA Land Forum Founding Conference, Cairo, 10–12 May 2009 Organized by Housing and Land Rights Network – Habitat International Coalition; Available at <http://www.hic-mena.org/documents/Land%20Forum%20in%20MENA%20Report%20-%20Final%20EN.pdf>
- 19) See Suliman, M. (1999) *Resource Access, Identity and Armed conflict in the Nuba Mountains*. 1<sup>st</sup> ed. London: A division of Cambridge Academic Press, and Komey, Guma Kunda. (2008) *The Denied Land Rights of the Indigenous Peoples and their Endangered Livelihood and Survival: The Case of the Nuba of Sudan*. Ethnic and Racial Studies 1 – 18. Routledge, Taylor & Francis.
- 20) Akechak, J. and Vandewint, C., (2004) *A Study of Customary Law in Contemporary Southern Sudan*. Report. Juba: World Vision. Note: South Sudan now has its own land commission, see: [www.gurtong.org/.../gov/goss\\_commissions\\_institutions.asp](http://www.gurtong.org/.../gov/goss_commissions_institutions.asp)
- 21) El Moghraby 2006 , USAID Report on the Sudan Transitional Environment Program ([pdf.usaid.gov/pdf\\_docs/PDAACL235.pdf](http://pdf.usaid.gov/pdf_docs/PDAACL235.pdf))
- 22) El-Lazim Suleiman El-Basha May 2009 'Adapting indigenous knowledge and techniques in the effective management of land in the Nuba Mountains, Sudan.' MSc. Dissertation , Glasgow Caledonian University, UK
- 23) FAO/RAPA. (1999) *The Collection and Analysis of Land Degradation Data*. RAPA Publication. Bangkok: FAO/RAPA.
- 24) Anna Tsing, quoted in S.M. Borras Jr. And Jennifer Franco, (2010) 'Towards a Broader View of the Politics of Land Grab: Rethinking Land Issues, Reframing Resistance' Initiatives in Critical Agrarian Studies (ICAS), Land Deal Politics Initiative and Transnational Institute. Published as part of TNI's Global Land Grab Debate. Find out more on TNI's Agrarian Justice work at <http://www.tni.org/work-area/agrarian-justice>
- 25) S.M. Borras Jr. And Jennifer Franco, (2010) 'Towards a Broader View of the Politics of Land Grab: Rethinking Land Issues, Reframing Resistance' Initiatives in Critical Agrarian Studies (ICAS), Land Deal Politics Initiative and Transnational Institute. Published as part of TNI's Global Land Grab Debate. Find out more on TNI's Agrarian Justice work at <http://www.tni.org/work-area/agrarian-justice>

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